

## Peace Mission Strategy and Domestic Actors: UN Mediation, Verification and Institution-building in El Salvador

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The UN's effort to end the civil war in El Salvador is among its most successful to date. While this success was achieved under propitious conditions that are not likely to be repeated anywhere else, there are a number of lessons from the El Salvador experience that can be applied elsewhere. The central challenge in El Salvador, as in other cases, was to influence the behaviour of autonomous domestic actors. Our review of interactions between the UN mission and domestic actors in El Salvador suggests the following lessons: the UN was able to enhance its leverage by combining its three main roles – mediation, verification and institution-building – in strategic and mutually-reinforcing ways; an important part of the UN's leverage derived from its ability to confer international political legitimacy on domestic actors; the UN enhanced its leverage through principled action, even when this meant going against bargains that domestic parties themselves were willing to accept; and one of the mission's greatest assets was its flexibility to respond to unexpected opportunities and to carry out important, unanticipated roles when domestic actors defaulted at crucial moments in the peace process.

At a January 1995 press conference, former United Nations Secretary-General Boutros Boutros-Ghali remarked: 'One cannot underestimate the fact that the United Nations has been able to solve the problems in Cambodia, in El Salvador, in Mozambique and now perhaps in Angola'.<sup>1</sup> This somewhat triumphant claim reflects the confidence of many UN officials and observers that despite setbacks in Somalia and Bosnia, the UN has proved itself capable of contributing to the resolution of internal conflicts. Of the UN's internal peacemaking efforts since the end of the Cold War, its work in El Salvador stands out as the most unambiguously successful. The UN helped negotiate and verify a complex set of peace agreements between the Salvadorean government and the Farabundo Martí National Liberation Front (FMLN); the accords produced a ceasefire that was never violated, disarmament of the guerrillas and downsizing of government military forces, significant reforms to the Salvadorean state and

political system, and a peaceful election in which the full spectrum of political ideologies were represented. This success was facilitated by many favourable domestic and international circumstances that are unlikely to be repeated elsewhere.<sup>2</sup> But there are important lessons to be learned from the Salvadorean peace process that probably do have application in other, more difficult efforts to resolve internal conflicts.

The core challenge facing the UN in El Salvador, as in any situation of intra-state conflict resolution, was how to influence the behaviour of autonomous domestic actors. Salvadorean actors sometimes refused to fulfil their commitments under the accords, withheld information, and even actively lied to the UN. New state agencies sometimes refused UN offers of technical assistance, even when that assistance would have made it easier for the agencies to do their work and comply with their obligations under the accords. Notwithstanding such problems, however, domestic actors cooperated with the UN to a sometimes surprising degree, and repeatedly invited the UN to participate in and evaluate matters that were outside its original mandate. The question becomes, then, what accounts for these fluctuations in domestic cooperation with the UN, and how was the UN able to influence these choices?

Domestic actors' highest priority was, of course, to pursue their domestic political interests. They also needed services that the UN could provide, and therefore had incentives to cooperate with the world body. A crucial enabling condition for UN influence in El Salvador was the fact that both sides really wanted and needed to end the civil war. Because of their deep distrust of one another, and because that distrust extended to the military rank and file and political constituents of both sides, they were simply unable to end the conflict without the involvement of an impartial outsider to provide some assurance that the terms agreed to would actually be implemented. This need for outside help continued after the ceasefire began because there was still a risk that the process could break down.

Both the government and the FMLN, for different reasons, needed international political legitimation that the UN was in a position to provide. They both also needed financial resources to implement institutional reforms, land transfers and reconstruction projects. While the UN did not directly hold the purse-strings on international donations, it was in a position to certify or decertify the good faith and democratic vocation of the Salvadorean protagonists, and thereby to influence the prospects for major international funding. In addition to these general sources of leverage, particular government agencies sometimes found that they needed UN technical assistance to function effectively and were therefore willing to accept the inconvenience of close UN supervision.

At any given point along the way, domestic actors weighed the potential

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benefits of cooperating against domestic political incentives to cheat on their agreements or distance themselves from the UN. Often the UN had no way of influencing these choices. But the history of interactions between the UN and domestic actors between 1990 and 1996 shows that through its own actions and through collaboration with other international actors, the UN sometimes succeeded in shifting the incentives facing domestic actors. It also demonstrated sufficient flexibility and creativity to take advantage of short-lived domestic political opportunities when they arose.

The key to optimizing its influence in Salvadorean affairs lay in the UN's ability to combine three main roles – mediation, verification and institution-building – in strategic and mutually reinforcing ways. Although there was a progression in the UN's work from mediation, to verification, to institution-building, these three functions overlapped throughout the peace process. There were always potential contradictions between these different roles, but more often than not the combination of functions increased the UN's ability to shape outcomes.

From the outset, the UN's role as mediator was predicated on the expectation that a UN mission would verify the agreements once they were signed. In July 1991, while the negotiations, and the fighting, continued, the UN Observer Mission in El Salvador (ONUSAL) deployed to El Salvador and began verifying human rights conditions. This naturally raised questions about whether the UN's responsibility to report critically on government human rights abuses would undermine the image of impartiality it needed to function effectively as mediator, or whether its verification work would be subordinated to the exigencies of mediation. In practice, the presence of UN observers in the field, and their dampening effect on human rights abuses and military operations by both sides, lent greater credibility to the UN and generally facilitated progress at the negotiating table. After the accords were signed in January 1992, the UN's primary role shifted to verification as it deployed a large, multi-disciplinary mission to monitor the many dimensions of the peace accords. Yet mediation remained important during this phase, as the mission and visiting high-level UN officials from New York repeatedly stepped in to mediate and even arbitrate disputes between the two sides about how to implement various elements of the accords. Since ongoing UN mediation was essential to prevent a breakdown of the process, the Salvadorean government tolerated the fact that it consistently bore the brunt of UN criticism regarding violations of the peace accords. Following the final demobilization of the FMLN, and especially after the completion of the 1994 elections, the mission's attention shifted to helping to build new or reformed state institutions. Some state agencies resisted UN help, but on a number of occasions criticism from the UN-as-verifier gave the heads of

government agencies incentives to grant the UN-as-institution-builder the access it needed to begin work.

Our examination of events in El Salvador also suggests that the UN can sometimes extend the powers associated with verification, and its influence over events, by taking principled stands rather than acceding to pragmatism, even when this means going against bargains that domestic parties themselves are willing to accept. In El Salvador, the UN refused to accept deals struck by the government and the FMLN regarding a purge of the military officer corps and incorporation of former military personnel into a new civilian police force. In both cases, the UN stuck to its position over a period of several months and eventually obtained positive results.<sup>3</sup>

Given the limited extent to which the UN can influence the choices of domestic actors even when it uses its own leverage in an optimal way, the Salvadorean experience suggests that it is important for a mission to engage in carefully-chosen, constructive 'mission creep' to exploit unexpected opportunities to do effective verification or institution-building work. It may also need the flexibility to become directly involved in carrying out crucial functions that would normally be the responsibility of the state, if domestic agencies prove unwilling or unable to do their jobs, if criticism and offers of help prove ineffective, and if failure to intervene seems likely to jeopardize the overall peace process. In 1993 and early 1994, the UN intervened heavily to salvage the voter registration process in El Salvador, participating directly in work that was rightly the responsibility of the domestic voter registration bureaucracy. In doing so, the mission helped avoid a serious threat to the legitimacy of the 1994 elections and thereby helped ensure the continuity of the peace process at a crucial juncture.

The balance of this article will explore these propositions with reference to key interactions between the UN and domestic actors in El Salvador. We begin with a brief overview of domestic and international incentives that shaped and limited the willingness of the Salvadorean protagonists to make peace, fulfil their obligations, and cooperate with the UN. Then we examine the interactions between the UN's mediation and verification roles, noting points of both synergy and contradiction. We then examine the UN's institution-building role and its interactions with UN verification work. We conclude by distilling lessons from the El Salvador experience that may be applicable elsewhere.

### Domestic and International Conditions for Peace

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 interested in peace and capable of making it happen.<sup>4</sup> Space constraints prohibit a full discussion of the background to the peace process here, so the following are only the most salient factors. The November 1989 FMLN offensive was a turning-point for both sides. The FMLN found that their popular support in urban areas was insufficient for an insurrection. This left no alternative but ongoing attrition and economic sabotage, and virtually no chance of military victory. The changing international climate also signalled FMLN leaders that they would probably accomplish more at the bargaining table than on the battlefield. For the government, the ability of the FMLN to bring the war to the capital city confirmed that nine years of counterinsurgency campaigns had failed to suppress the rebels. The newly elected government of Alfredo Cristiani, representing the business-oriented National Republican Alliance (ARENA) party, considered ongoing war and economic sabotage unacceptable. Cristiani had political space to pursue a negotiated settlement in part because structural changes in the economy had undermined the most conservative business groups and reinforced moderates.<sup>5</sup> In December 1989, both the government and the FMLN separately approached the UN and requested assistance in negotiating peace.

In the many rounds of negotiation that followed, the two sides produced agreements on extensive verification powers for the UN; human rights guarantees; constitutional reforms; a Truth Commission to investigate past acts of violence; an *ad hoc* commission that would identify officers to be purged from the military; creation of a new civilian police force; and formation of a domestic Commission for the Consolidation of Peace (COPAZ) to verify the accords.

As the negotiations proceeded from January 1990 to January 1992, the UN played an increasingly prominent role. For example, the entire human rights accord was written by UN human rights expert Pedro Nikken (drawing on several 'brainstorming' sessions of experts from the UN and international NGOs) and signed with virtually no modification by the parties.<sup>6</sup> The UN proposed the human rights agreement to help maintain momentum despite a stalemate on military reform and other issues. Following this breakthrough, the UN began preparing working papers that compiled the key proposals of both sides, and many of these were eventually incorporated into the accords with minor changes.

This active role as formulator of accords subsequently helped put the UN in a stronger position as verifier: having written much of the language of the accords, UN officials became 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' fulfilment of their obligations; to regulate movements of military forces by both sides; to monitor the old National Police until the new *Policia Nacional Civil* (PNC) was fully deployed; 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; to certify the status of weapons belonging to the FMLN guerrillas; and to verify implementation of recommendations made by the Truth Commission. A subsequent invitation from the government in early 1993 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.<sup>7</sup>

These verification powers were backed by the UN's ability to influence the degree of international financial support for the peace process. One of the incentives for the government to agree to extensive reforms was the promise of substantial international funding. As verifier of the accords, the UN was in a position to give, or withhold, its seal of approval. This was, of course, an indirect and fairly blunt instrument, and one that the UN could use only with caution.<sup>8</sup> The mission did have unilateral control over some resources, including mission personnel and the mission's good offices for conflict mediation, and could use these to pressure the parties for compliance. Because most reconstruction funds came from bilateral donors – even though some were channelled through the UN Development Programme (UNDP) – the UN mission, as such, did not have the ability to impose finer-grained conditionality on most assistance. One result of this was that the mission sometimes had relatively little purchase on the conduct of specific state agencies, unless it could raise the political profile of the issues at stake and bring them to the attention of top-echelon authorities.

These sources of leverage were often not sufficient to outweigh the domestic political interests of the parties. Both the FMLN and ARENA undertook significant risks in agreeing to the accords. The FMLN gave up most of its historical socio-economic demands, and would have little to offer former combatants and supporters. ARENA had sacrificed core interests of its allies in the armed forces, creating risks of military insubordination and internal division within ARENA itself. These concerns led to some of the most serious crises in the implementation of the accords. The rebels delayed their demobilization during 1992, and, more significantly, hid thousands of weapons, including anti-aircraft missiles. A major cache was discovered in May 1993, leading to a political crisis for the FMLN and a second round of disarmament under intense pressure from the UN. The government, for its part, violated a series of agreements regarding

demobilization of the old security forces, delayed the development of the new civilian police and transferred ineligible military personnel into the new force, and delayed for several months the required purge of officers from the military.

### Mediation and Verification

#### *Impartiality and Principle*

As the foregoing discussion suggests, 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 to how often the UN could declare accord violations to be a threat to the process: frequent alarmist warnings about the risk of destabilizing the process could either inure the parties to such warnings, or actually undermine their confidence in the process, with unpredictable consequences.

This verification dilemma was compounded by tensions between the UN's duty to verify stringently and its need to maintain an image of impartiality. The accords required the government to undertake many significant measures in the first several months of the ceasefire in 1992. Delays ensued, in part because of slow foreign donor flows and an overly ambitious timetable, and in part because of genuine resistance on the part of the government. ONUSAL found itself obliged to criticize the government more than the FMLN, a situation that could have jeopardized its relationship with the government.<sup>9</sup> Yet throughout the tense months of 1992, ONUSAL was able to deflect government hostility because of the indispensable role it played in mediating ongoing disagreements between the two sides. At several points UN mediation rescued the Salvadorean parties from dangerous impasses capable of derailing the entire process. UN mediation of disputes over delays and irregularities yielded agreements on 'recalendarizations' of the accords in June and August of 1992. These pacts clarified and reaffirmed the parties' commitments, and set revised timetables. UN binding arbitration broke a particularly dangerous impasse over land transfers, and this and other agreements permitted rescheduling of the final demobilization of the FMLN to 15 December 1992.

UN mediation suddenly became less salient once the FMLN was demobilized. At this point, the government had already achieved its primary goal in the peace process and was considerably less threatened by the

FMLN. At the same time, the end of the ceasefire 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 15 December 1992 after President Cristiani promised that he would comply with the commission's recommendations by 1 January 1993. During the first week of January, it became clear that Cristiani had broken his pledge, apparently because some of the senior officers in question refused to leave their posts.

In this context, the FMLN, now militarily demobilized and politically weakened, began a set of negotiations with the government in which it attempted to exploit its two main remaining points of leverage: the government's loss of international approval because of non-compliance with the Ad Hoc Commission's recommendations; and the FMLN's retention of some of its surface-to-air missiles. The FMLN and government negotiated two agreements, on 22 December 1992 and 4 February 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 very limited training. In the second, the FMLN agreed to a delay in the resignation of certain top-level army officers.<sup>10</sup> For these concessions, the FMLN received a package of training, stipends and credits for 600 former mid-level guerrilla commanders, plus transfer of certain desirable plots of land to FMLN beneficiaries.<sup>11</sup> Both agreements had lasting negative consequences: the SIU and UEA transfers harmed the development of the PNC, and the prolonged tenure of hardline military leadership slowed military reforms and contributed to neglect of social programmes for demobilized soldiers.<sup>12</sup>

These unfortunate deals were struck without UN mediation and without UN approval. The UN, as the principled defender of the Ad-Hoc Commission's recommendations, was unwilling to compromise.<sup>13</sup> In effect, by being more insistent than the parties themselves on sticking to the terms of specific accords, the UN temporarily marginalized itself. Yet by incurring short-term costs, the UN gained greater leverage in the long run. To agree to mediate these talks would probably not have affected the outcome – both parties had strong incentives to make these deals – and UN involvement would certainly have undercut the UN's moral authority as a principled actor.

Over the next two years, UN purism helped to rescue the new civilian police from the disastrous impact of the transfer of the SIU and UEA. Contrary to the terms of the 22 December agreement, minimal screening and effectively no retraining 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.<sup>14</sup> 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 the 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 (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 then resigned from the force. This forced the police and the academy to develop new investigatory capacity from scratch, but it eliminated a serious internal threat to the integrity of the PNC. It was, on balance, a very positive development.

With its principled stand on these issues, ONUSAL demonstrated that the UN can, under certain circumstances, successfully counteract ill-advised concessions by the parties. The UN's scrupulous stance on these issues signalled to the Salvadorean parties that the UN considered the quality of implementation of the police reforms to be an important litmus test for the overall health of the peace process. When backed by increased cooperation between ONUSAL and bilateral donors, this pressure contributed to subsequent invitations by two successive Salvadorean presidents for ONUSAL to play a greater role in evaluating the implementation of police reforms. The door opened for a more active UN verification role on the police with the 19 May 1994, 'work programme', in which the government and the FMLN asked ONUSAL to carry out a substantial evaluation of the PNC and ANSP efforts to date. Over a year later, the new Calderón Sol administration invited the successor mission, MINUSAL, to provide it with a follow-up comprehensive evaluation of the new public security institutions.<sup>15</sup> It appears that these achievements resulted in part from increased coordination between the UN missions and international donors, particularly the US Justice Department's International Criminal Investigation Technical Assistance Program (ICITAP), who used their economic leverage to reinforce the UN's private criticism and pressure for access to detailed information about the PNC. Unfortunately, this cooperation came late in the process: had a comparable level of

coordination between ONUSAL and donors developed earlier in the mission, it is possible that ONUSAL might have had earlier access to conduct detailed evaluation of the PNC.<sup>16</sup> The timing and circumstances of these breakthroughs also illustrate how the UN's broad ability to shape international opinion could influence the choices of domestic actors at moments when conflicting domestic concerns receded. The 22 May agreement took place shortly before President Cristiani's departure from office, at a moment when his international reputation had become somewhat frayed by accumulated problems with the peace process. He therefore had incentives to make concessions on public security issues to consolidate a favourable standing with the UN before leaving office. With the elections finished and ARENA's hegemonic political position well established, Cristiani could afford to take such steps because he no longer needed to worry about offending ARENA's more conservative and nationalistic constituents. Moreover, incoming President Calderón Sol needed to refurbish his negative international reputation (he was initially seen as both very right wing and somewhat ineffectual), and therefore also had incentives to make concessions to the UN's concerns about the police.

#### *Untruth and Consequences*

The UN often lacked any independent way of obtaining information to verify aspects of the accords. On key issues, it depended on the candour of the parties, who sometimes had other concerns that appeared, at the time, to outweigh the risks of lying to the UN or excluding it from opportunities to verify their activities. As it turned out, however, in the two most egregious cases in which the parties gave false information to the UN or prevented it from doing verification work, the negative political consequences for the parties actually increased the UN's leverage in the long run.

From the outset, ONUSAL doubted the accuracy of the FMLN's weapons inventory. Information from other sources, including the Salvadorean and United States governments, suggested that the FMLN had more and newer weapons than appeared in the 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. The mission lacked the investigative and intelligence apparatus to discover FMLN weapons dumps independently. 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 might effectively bring the peace process to a halt. The mission pressed the FMLN on this issue and the guerrillas added more weapons to their inventory, but suspicions remained. Faced with

threats by the Salvadorean Supreme Electoral tribunal to refuse legal status to the FMLN as a political party, and unwilling to further delay the formal demobilization of FMLN forces (already two months late), the mission certified the FMLN's disarmament on 14 December 1992 and hoped for the best.

On 23 May 1993, an explosion at an automobile repair shop at Santa Rosa, a barrio of Managua, Nicaragua, revealed a major arms cache that included small arms, explosives and surface-to-air missiles. Documents in the cache pointed to the Popular Liberation Forces (FPL), one of the five FMLN factions. The Santa Rosa cache, plus five others in Nicaragua, contained sufficient small arms to rearm the core forces of the FPL. All together, the caches of the FPL and other factions were equivalent to 30 per cent to the FMLN's official weapons inventory.<sup>17</sup> The timing of the explosion was fortuitous: had large numbers of weapons been discovered several months later during the electoral campaign, it might have disrupted the political incorporation of the FMLN and undermined the peace process. If a large cache had been found earlier, in 1992 when tensions ran high, it could have broken the ceasefire or frozen military demobilizations by both sides. Ironically, the exposure of the FMLN's deceit strengthened the position of the UN. President Cristiani asked the UN to declare in abeyance its certification of the FMLN's disarmament, potentially a first step towards cancelling the FMLN's status as a political party, as demanded by prominent ARENA party leaders. The UN declined to do this, but the Security Council termed the caches the 'most serious violation to date of the commitments assumed under the Peace Accords'. The FMLN, faced with potentially catastrophic international and domestic political liabilities, cooperated fully with ONUSAL in revealing and destroying its remaining weapons caches. The net result of this sequence of events was very thorough disarmament and only a temporary disruption of the peace process. This fortunate outcome should not obscure the fact that the UN ran an enormous risk by certifying the FMLN's dubious inventory.

The government's reinsertion programmes for ex-soldiers presented a different sort of challenge for ONUSAL. Although the mission was supposed to verify the programmes for ex-combatants, in practice the government denied ONUSAL access to information about what programmes 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.<sup>18</sup> In fact, government programmes 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.

The former soldiers eventually resorted to occupying the legislative assembly building and other government buildings. After the first such action, at the end of 1993, in which the ex-soldiers took all three branches of government hostage, the government agreed to offer severance pay to the first of some 18,000 demobilized soldiers.<sup>19</sup> This gave positive reinforcement to extra-parliamentary tactics. Further delays and often unfair exclusions of some soldiers from programmes 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 chief Enrique Ter Horst (1994-95) mediated between the government and former soldiers during two very tense occupations of the legislative assembly. Other ONUSAL officials did ongoing mediation to defuse subsequent clashes. In the process, the mission gained considerable political capital with the government, which in turn helped ONUSAL and MINUSAL to take a very firm line with the government on a variety of issues during the second half of 1994 and through 1995.<sup>20</sup> Thus the government's difficulties with its own ex-combatants gave the mission a renewed source of leverage. In retrospect, had the mission demanded opportunities to evaluate the government's ex-combatant programmes from the outset, it might have headed off or moderated these crises, but this is a difficult judgement to make: the government – specifically, the armed forces – might simply have rejected such demands.

### Boundaries of Verification

Its mandate to verify a complex set of political agreements provided the UN with opportunities to promote political change by communicating its findings directly to the population and by pressuring public institutions to perform in accordance with international norms. But these opportunities also raised questions about what limits to set on its intervention in the public sphere. This section will examine three verification-related activities: the use and dissemination of information from its human rights investigations, public promotion of the peace accords, and direct assistance with voter registration.

ONUSAL failed to make full use of its mandate under the San José accords to widely disseminate its findings through the public media, to educate the public about human rights, and to clearly explain its own role. 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, they would have been of little value to the public as they were written in a formal legal style inaccessible to most Salvadoreans. Human rights education efforts were underfunded and grossly inadequate to address the general ignorance of the Salvadorean population regarding their own rights, the responsibilities of their own government, and what kinds of actions they could reasonably expect from ONUSAL. ONUSAL seldom held press conferences on human rights conditions or cases, and when it did, these were not always particularly informative.<sup>21</sup> 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-Sayan, but this fell short of a comprehensive strategy of public information.

ONUSAL's reticence to make frequent public declarations on specific human rights cases was a significant missed opportunity. By broadly publicizing its findings, the mission could have conveyed to Salvadoreans a clearer sense of international and domestic criteria for human rights, and clarified a number of cases that initially appeared to be politically motivated but which proved otherwise upon further investigation. Had it clarified such cases, the mission might have increased public confidence in the early phases of the peace process and might also have had greater impact when it reported on other cases that were, in fact, political in nature.

One of the reasons for the mission's cautious approach to publicizing cases was methodological. Based on past human rights reporting by NGOs, the Human Rights Division initially expected that political motivations would be obvious in the majority of human rights cases. They found instead that few violations showed clear political motivation. This 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 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 a special UN/government investigative group formed after the murders of prominent FMLN leaders in late 1993.<sup>22</sup>

When cases of politically-motivated violence did occur, more aggressive investigations and use of information sometimes placed greater pressure on the police and judiciary to treat such incidents more seriously. For example, when ONUSAL investigators found a witness who could link a member of the Criminal Investigations Division of the PNC to the assassination of prominent FMLN commander Francisco Velis, they were able to use this information to pressure the police and the courts to act. Yet this case also

reveals the limitations of such a strategy: delays and leaks by Salvadorean authorities allowed the suspect to escape to the United States. He was later extradited and awaits trial. Only time will tell whether ONUSAL's intervention in this case served as a precedent for local institutions. This kind of action will be effective in the long run only if the corresponding national institutions choose to act upon the information provided.

Through the other areas of the mission's work, there were also tensions between the mission's 'high politics' relationship with the government and its contribution to public education about the content and implementation of the accords. During the early part of the mission, there was a tendency to maintain a degree of hermeticism around 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. The mission's effort at secrecy was understandable in 1992, when tensions ran high and the closed-door negotiations were often delicate exercises that risked alienating key constituencies on both sides, but it was less justifiable after the FMLN was demobilized. Under Augusto Ramírez Ocampo, the second chief of mission (1993-94), the mission made numerous positive pronouncements of progress in the peace accords that not only contradicted reality, but also undercut the position of those within ONUSAL (as well as in the FMLN) pushing for more rigorous compliance. Later in the process, by initiative of the last chief of mission, Enrique Ter Horst (1994-95), ONUSAL/MINUSAL began to make agreements between the parties, as well as its own weekly informational bulletin on the accords, more public. 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 to this greater openness; perhaps it could have been done somewhat earlier.

While the short-term demands of maintaining working relations with both parties are quite compelling, one of the potentially 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 poll taken in late 1995 by the University of Central America, 76 per cent of Salvadoreans expressed agreement with the statement that

'What El Salvador needs is a strong, determined man to impose order', a view that seems to reflect startlingly little appreciation for the institutional reforms accomplished under the peace accords. Large majorities express little confidence in their elected officials, political parties and state institutions.<sup>23</sup> Although we cannot be certain, it seems possible that a policy by ONUSAL of sharing information more freely with the general population might have counteracted such cynicism, at least to a degree, and might have pressured domestic political actors, by example, to adopt greater transparency themselves.

Public confidence would probably have been even weaker were it not for ONUSAL's intervention to salvage the voter registration process leading up to the 1994 elections. 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.<sup>24</sup> The Supreme Electoral Tribunal (TSE) appeared to be making only symbolic efforts to improve the process, despite US aid withholding and significant and sometimes terse diplomatic exhortations from the UN and other international actors. 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. The parties still controlled the TSE and had strong internal reasons not to want to expand the pool of eligible opposition voters. Faced with complete intransigence at a crucial juncture, ONUSAL decided to invest the greater part of its human and physical resources to speed up the registration process. ONUSAL observers worked alongside TSE employees, drove them to work, and provided important logistical, communications and even photocopying services. In the process, ONUSAL staff became almost appendices of the TSE itself.<sup>25</sup> The mission's ability to take on this kind of labour-intensive work was enhanced by the fortuitous availability of more than 200 police observers who were underemployed as a result of the suspension of ONUSAL's work with the PNC (see below).

Without a doubt, ONUSAL went beyond its verification mandate in offering such assistance. Some elements of 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 first-round elections could have been a fiasco of sufficient magnitude to seriously undermine the process as a whole.

ONUSAL's direct participation in the TSE's work might have created a conflict of interest causing the mission to soften its verification of the TSE. But there is little evidence of this. The reports of the Electoral Division were worded diplomatically, but were nevertheless accurate analyses of the problems of the TSE. ONUSAL's private correspondence with the TSE was quite forceful and blunt, to no avail.<sup>26</sup> There is little reason to believe that any intensity or form of criticism would have moved the TSE. In this context, direct action may have been the only option.<sup>27</sup> The main flaw in ONUSAL's verification work was a poorly-designed methodology on election day that prevented a systematic assessment of irregularities. None the less, subsequent analyses have not uncovered sufficient distortions in the process to have significantly changed the electoral outcome, except in a few municipalities.<sup>28</sup>

A less-noted but very important verification measure by ONUSAL was its quick count on election day, which indicated that ARENA was just short of winning a first-round victory. Armed with this information, the mission convinced ARENA leaders not to proclaim victory, even though ARENA's own exit polls showed it had won handily and ONUSAL's estimates were statistically inconclusive.<sup>29</sup> The FMLN, whose own exit polls showed ARENA several points shy of a majority, were prepared to meet an ARENA victory announcement with mass street protests against presumed fraud. ONUSAL's success in heading off a premature ARENA announcement of victory may well have prevented election night violence.<sup>30</sup>

### Institution-building

#### Access

The UN experts who helped write the San José agreements did not include an explicit mandate for the UN to help strengthen state institutions related to human rights protection (police, courts, human rights ombudsman). The only exception was a vague mention of the need for the UN to lend support to judicial authorities. This lacuna in ONUSAL's mandate reflected the fact that the UN 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. In part because of this lack of a mandate, ONUSAL initially neglected institutional strengthening until mission officials began to think ahead to the mission's departure and realized that verification activities alone would not have a lasting impact unless accompanied by corollary changes in permanent state institutions.



By the time institution-building efforts did get under way, many of them were too late to be fully effective. For example, human rights training courses for judges, prosecutors and police were initiated well into the mission, allowing insufficient time for training and follow-up.<sup>31</sup> Notwithstanding these shortcomings, 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 Ombudsman for Human Rights, *Procuraduría para la Defensa de los Derechos Humanos* (PDH).

Delays in institution-building were not exclusively the result of a lack of foresight by the mission: 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. The mission could not implement assistance 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 stance towards ONUSAL assistance. For example, the PNC was initially 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; and the Supreme Court leadership 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 force was not yet ready to move into operation in former conflict zones where the guerrillas had demobilized, yet many residents would have viewed incursions by the old National Police into such areas as very threatening. As an interim solution, civilian police academy cadets (known as the Auxiliary Transitory Police (PATs), after one month of training, were deployed to patrol these areas under the direct supervision of ONUSAL police personnel, who also provided daily instruction in police techniques. The parties agreed to this potentially very intrusive UN role because ONUSAL had already established itself as a credible, impartial force; no one else could fill this role until the new PNC was ready to deploy; and the PATs had very limited police powers so that ONUSAL's role did not technically violate sovereignty. ONUSAL's role in directing the PATs was viewed as successful by both parties.

The peace accords provided the ONUSAL civilian police contingent with a very broad mandate to facilitate the transition to a new police force. The PAT experience paved the way for a field training programme for the National Civilian Police in which ONUSAL police observers provided technical and logistical support to the PNC itself once it began to deploy in February 1993. This effort, though not well planned and coordinated, produced positive results for as long as it lasted. ONUSAL police monitored the activities of the newly-deployed PNC agents, providing on-the-spot technical advice and training, while at the same time filing periodic reports to the PNC and Academy authorities. As one close observer noted, this programme '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.<sup>32</sup> This programme was widely seen as beneficial to the inexperienced new police force and was an important supplement to bilateral efforts such as the US ICITAP programme, which was working with both the PNC and the police academy (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 before the end of Cristiani's term in May 1994. By the time the way was cleared for restoration of a close working relationship with ONUSAL, the mission's police division was rapidly downsizing and no longer had the capability to provide significant hands-on assistance to the rapidly growing PNC.

A second successful effort of institutional strengthening, albeit a very belated one, involved the Human Rights Ombudsman's office. In 1994, just months before the Ombudsman'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 began to be verified jointly by the two bodies. This direct collaboration between international and national entities provided a permanent seminar on how to do human rights investigations, and was arguably the most effective tool ONUSAL could offer for the strengthening of the Ombudsman's office. However, despite its success and acceptance by the newly-elected (and widely-respected) Ombudswoman Victoria de Avilés in March 1995, the programme was discontinued as ONUSAL made its transition to MINUSAL, in large part due to inadequate follow-up and infighting between UNDP and MINUSAL.<sup>33</sup>

Given the apparently positive achievements of ONUSAL in working, even very briefly, with the PDH, the two-year delay in developing institutional-strengthening programmes 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 should obviously 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 a probably misguided 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 re-election 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 PDH and the PNC, the problem with the judiciary was the desire of well-positioned 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 authoritarian grip over the judicial apparatus.<sup>34</sup> Gutiérrez Castro questioned the validity of ONUSAL's verification mandate for the judiciary. The fact that a new court was not elected until 1994 was thus an unfortunate fact over which ONUSAL exercised no control.<sup>35</sup> The new court – more pluralistic, and much 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 the reform of the judicial system.

ONUSAL also accomplished little institution-building among local human rights NGOs. In fact, relations between ONUSAL and local NGOs were consistently strained, in part because ONUSAL failed to communicate openly with the NGO community. For example, on some occasions it did not provide local NGOs with advance copies of its reports, even when those reports implied criticism of NGOs' own reporting. This further reinforced the suspicion with which Salvadorean NGOs viewed the mission. They charged that ONUSAL's human rights work was compromised by high-level political considerations, and particularly criticized the mission's unwillingness to condemn presumed government abuses with the level of belligerence that had characterized their own human rights denunciations

during the conflict.<sup>36</sup> The antagonism felt by some NGOs towards ONUSAL was due to a number of factors, including the NGOs' sense of displacement from a terrain which they had occupied for over a decade (probably an unavoidable consequence of an outside verification force) as well as their reaction against the fact that their own judgements about human rights cases (which during the war were often highly politicized) were under scrutiny by a more professional and credible authority.

Amidst the mutual recriminations, the mission may have missed an opportunity to help some NGOs improve their investigative and reporting capabilities. But it is unclear whether greater efforts by ONUSAL would have resulted in increased possibilities for institutional strengthening of some of the most prominent NGOs. ONUSAL was not in a position during its relatively short existence to remedy historical shortcomings such as the lack of trained legal professionals, or problems of corruption and political factionalism. While it could offer technical assistance, ONUSAL could not remake the organic political structure of organizations with over a decade of history.<sup>37</sup> The key question that future missions must answer is: which NGOs deserve to be strengthened, and what criteria should apply in determining under what conditions the UN should actively seek to assist NGOs?

#### *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: the mission must balance the supportive approach required for institutional strengthening with the negative, watchdog approach needed for verification. At times, criticism from the UN in its verification role may pressure government officials to grant the UN access to carry out institution-building projects. But criticism can just as easily create hostility and jeopardize the mission's ability to engage in institution-building efforts. The mission must make difficult political judgements regarding when criticism is likely to be effective and when counterproductive.

The case of the PNC illustrates this dilemma. Some have alleged that ONUSAL was too slow to adequately monitor and publicly criticize abuses by the PNC. One ONUSAL observer claimed that the mission was afraid that criticizing the PNC would play into the hands of the PNC's enemies and therefore withheld real criticisms until the August 1994 human rights report.<sup>38</sup> Yet it is unclear whether stronger criticism could have been effective until the highest levels of the Salvadorean government invited close ONUSAL scrutiny of the PNC. After all, ONUSAL's private expressions of reservations about the appointment of PNC deputy director Oscar Peña Durán were sufficient to trigger his suspension of ONUSAL's

institution-building efforts in October 1993.<sup>39</sup> Peña's orders to PNC officials to steer clear of ONUSAL also made the mission's verification tasks more difficult, although low-profile cooperation continued between some PNC delegations and ONUSAL regional and sub-regional offices.<sup>40</sup> Not surprisingly, the mission judged that strong public criticism would be counterproductive during Peña's period in office. None the less, private expressions by the UN to the government of concern about the PNC contributed to raising the political importance attached to PNC development. This pressure, along with aid conditionality imposed by bilateral donors in coordination with the UN and changes in President Cristiani's domestic political circumstances after the elections, contributed to the government's decisions to request Peña's resignation and to agree to significantly more intrusive ONUSAL oversight of the PNC and ANSP under the terms of the 19 May 1994 'work programme'. While this agreement did not provide specifically for hands-on institution-building measures by the UN, the binding recommendations issued subsequently by ONUSAL went far beyond the verification of human rights abuses and into the realm of structural, institutional reforms needed in both institutions.

Observers have also accused ONUSAL of muting its verification responsibilities in deference to its institution-building goals with respect to the Human Rights Ombudsman. As with the police, this reluctance to criticize the Ombudsman's office stemmed in part from the political judgement that UN criticism of such a key institution could play into the hands of the Ombudsman's enemies. Yet the mission actively encouraged other, complementary avenues of criticizing the office (namely the reports of UN Independent Expert Pedro Nikken). Earlier public signals of disapproval from ONUSAL might have pushed the Ombudsman to open up his institution sooner to ONUSAL, especially if combined with offers to provide assistance in improving his office's performance.

### Lessons

One of the UN's main sources of influence in El Salvador was its ability to convey international political legitimacy. Both sides in the Salvadorean conflict were strongly motivated to rehabilitate their international images. For the government, a positive international reputation was essential to its prospects for attracting significant international assistance for reconstruction, as well as foreign investment that would be crucial to El Salvador's economic recovery. The ARENA government had been motivated to seek peace in the first place by the need to begin economic recovery, and the party's economic plans depended heavily on foreign investment and expansion of exports. For the FMLN, international political

recognition was important to its prospects for political success at home, as well as for its confidence that the peace accords would move forwards after its military demobilization. By 1992, the UN became the authoritative representative of world opinion regarding El Salvador: its success in brokering the peace accords increased the UN's stature; no bilateral or regional actors could claim comparable impartiality; the UN's reputation in the region was favourable; and the UN had explicit sanction to evaluate the implementation of the peace accords. Although the UN did not directly control significant financial resources, the UN's assessments of the peace process and its approval, or disapproval, of the conduct of the Salvadorean parties could influence the financial fortunes of the Salvadorean government, the political credibility of the FMLN, and the economic prospects of the country as a whole. As a result, the main Salvadorean actors needed to at least consider the UN's opinions, and in some instances had strong incentives to actively seek UN approval, providing the mission with sometimes surprising opportunities to influence the course of events. One measure of the UN's normative authority is the fact that when the Salvadorean parties lied to the UN, the result was usually to increase the UN's leverage in the long run. International embarrassment provided strong incentives for subsequent cooperation, as in the case of the FMLN's retention of weapons.

The kind of leverage that derives from the UN's ability to grant or withhold international political legitimacy is felt most directly by the principals at the table. Bureaucratic agents or constituents of the principals may be much less concerned about their international images. The principals may not have enough control, or may not be sufficiently motivated, to compel them to cooperate with the UN. Thus we see directors of state agencies refusing to allow the UN to verify their activities, neglecting their duties and rejecting international assistance. We also see military officers who were required to be purged instead demanding to remain in their posts until they could retire with their self-ascribed honour intact. The UN is most likely to overcome this kind of resistance by subordinates of the negotiating parties if it succeeds in convincing top-level officials who are concerned about international opinion that the performance of particular agencies on particular issues will be an important basis for the UN's overall assessment of the process. Such a strategy appears to have worked with respect to the PNC; however, the largely successful resistance by the judiciary and the electoral bureaucracy point to its limitations. The UN's normative authority is not confined to the parties at the table. Throughout the peace process, the UN mission enjoyed a strong degree of public support and credibility. Notwithstanding some elite criticism of the mission as *vacaciones unidas*, the mission was generally

seen by the population as fair, efficient and trustworthy. This contrasted sharply with the public's generally negative assessment of national institutions. Such strong public acceptance (which the UN has not always enjoyed elsewhere) presented an opportunity to directly influence and educate the population. ONUSAL did not make best use of this opportunity, particularly in the area of human rights reporting and education. Future missions should not allow concerns about their high-level diplomatic relationship with the parties to interfere with their ability to communicate directly and truthfully with the population, in a format that is accessible and clear to most citizens.

A central lesson from the UN's work in El Salvador is that combining mediation, verification and institution-building creates challenges for the UN, but also enhances the UN's leverage with respect to domestic actors. Domestic actors are most likely to cooperate when the UN (or an agency cooperating with the UN) offers them a service they consider essential, and this is more likely when the UN plays a more comprehensive set of roles (or enjoys the close cooperation of other international actors). For example, UN mediation is more likely to be successful when backed by verification. The prospect of impartial verification allows the domestic parties some confidence that any bargain they reach will be implemented, and enables them to negotiate towards terms that are actually acceptable to them rather than exaggerating their demands as a hedge against uncertainty.<sup>41</sup> Once agreements are signed, dependence of both parties on UN verification gives the UN greater leverage for mediating remaining disputes over issues not fully resolved in the accords. One illustration of this strong position was the UN's binding arbitration of the 1992 dispute over land redistribution. But verification, in turn, inevitably requires the UN to criticize domestic parties, which can lead to alienation and resistance on their part. These negative effects can be ameliorated if criticism is paired with useful offers of assistance such as ongoing mediation of issues that emerge during implementation, or help with institution-building tasks.

Obviously there are inherent tensions in what mediation, verification and institution-building tasks require of a mission. At times, compromises will be necessary: the mission may need to mute its criticism of one or both of the parties during delicate negotiations in which the UN is serving as mediator. The mission may also need to limit its use of publicity for the same reasons. But the UN should not tie its own hands unnecessarily. Caution in the use of criticism and public information should not continue beyond moments when such circumspection is actually necessary, and institution-building work should not lead missions to become so solicitous of state agencies as to withhold needed criticism.

Both the verification and institution-building roles were best served

when the mission could synchronize its criticism and offers to help. This was easier to accomplish when the mission itself had sufficient resources to offer assistance without having to coordinate with other actors. ONUSAL's human rights division, for example, had the personnel and capacity to offer considerable assistance to the Human Rights Ombudsman's Office. Where verification and institution-building were carried out by different international actors, agreement on political objectives was sometimes more difficult to achieve. When the mission and donors agreed on goals, and when donors imposed conditionality in support of the mission, the result was enhanced the leverage for both.

Institution-building proved to be a challenge for the mission. Relatively little planning had been devoted to institution-building questions, contributing to delays in initiating such roles. Once begun, virtually all of this work was planned on the wing, with consequent disorganization, inconsistency across different regional offices, and sub-optimal use of resources. Personnel whose primary tasks had been verification often found themselves carrying out training or doing other work well outside their original job descriptions (and sometimes outside their competence). ONUSAL police observers, for instance, began as monitors of the old National Police, then became field trainers for the new PNC, and later helped the Supreme Electoral Tribunal register voters.<sup>42</sup> For the most part, mission personnel adapted to these demands, but the mission's effectiveness in these tasks could have been enhanced by greater prior planning, as well as selection of personnel who had greater experience in training, in institution-building work and in the coordination of such work. Future missions should either prepare from the outset for institution-building roles, or develop a much closer system of collaboration with UNDP. In Guatemala, the lessons of El Salvador have led to a stronger role for UNDP and greater efforts to coordinate between the development agency and the peace mission, MINUGUA. Serious questions remain, however, about the ability of a bureaucratic development agency such as UNDP to impose the kind of political conditionality that was required in El Salvador to keep projects such as the PNC on track.<sup>43</sup>

A final lesson from the Salvadorean experience is that the UN can make important additional contributions, and gain added influence over events, through principled action. While the UN consistently supported pragmatic agreements between the two parties to adjust the timetable for implementation of the accords, it refused to sanction agreements by the two parties that undercut elements of the peace accords that the UN considered vital to the integrity of the peace. ONUSAL refused, for example, to participate in FMLN/government negotiations to transfer existing investigations units into the new police and to delay in purging the military.

This decision made it possible for the mission to insist, two years later in 1994, that members of the old investigations units be fully retrained at the civilian police academy, a stance that eventually led to their resignation and elimination of a serious threat to the integrity of the new police force. This episode demonstrates that the UN need not be limited by the policies of the parties themselves and can contribute to a significantly better outcome by maintaining its own standards.

#### ACKNOWLEDGEMENTS

Research for this paper was conducted in El Salvador, Washington DC and New York in 1992-96. Field work was financed by a grant from the United States Institute for Peace. Supplementary funding came from the Gene Gallegos Regents' Lectureship of the University of New Mexico. All opinions expressed herein are exclusively those of the authors. Many of our informants for this study, including UN officials, requested that their remarks remain anonymous.

#### NOTES

1. Transcript of press conference held at UN Headquarters 5 Jan. 1995 on the release of 'Supplement to An Agenda for Peace'.
2. Domestic war weariness and economic problems gave both the government and the FMLN guerrillas strong incentives to reach an early negotiated solution. These incentives were reinforced by changes in the international environment. The timing of the Salvadorean peace process was particularly fortuitous: coming at the beginning of the post-Cold War euphoria, the Salvadorean process benefited from greater international donor generosity than would have been likely a few years later. The United Nations was also in a particularly strong position in El Salvador because of the absence of other credibly impartial international actors and because of its own positive track record in the region.
3. This strategy is only likely to be effective where the domestic parties are concerned about their international images, which is, of course, not always the case.
4. William I. Zartman, 'Ripening Conflict, Ripe Moment, Formula and Mediation', in Diane B. Bendabmane and John W. McDonald, Jr (eds), *Perspectives on Negotiation: Four Case Studies and Interpretations*, Washington DC: Foreign Service Institute, US Department of State, 1986, pp.205-27. For a more detailed discussion of domestic conditions for peace, see David Holiday and William Stanley, 'Under the Best of Circumstances: ONUSAL and the Challenges of Verification and Institution-Building in El Salvador', in Tommie Sue Montgomery (ed.), *Peacemaking and Democratization in the Hemisphere: Multilateral Missions, Volume 1*, Coral Gables, Fla: North-South Center Press, University of Miami, 1997.
5. Elizabeth Wood, 'Economic Structure, Agrarian Elites, and Democracy: The Anomalous Case of El Salvador', paper presented at the Latin American Studies Association conference, Washington DC, 27-30 Sept. 1995.
6. Lawyers' Committee for Human Rights, *Improving History: A Critical Evaluation of the United Nations Observer Mission in El Salvador*, New York: Lawyers' Committee of Human Rights, 1995, p.6; interview with former FMLN coordinator Shafick Handal, July 1995.
7. As we will explain in detail below, ONUSAL's access to such verification and institution-building roles with the PNC was discontinuous and troubled.
8. Some Salvadorean observers claimed that the UN's own deep involvement in the entire process made it reluctant to reach negative judgements.

9. For a general discussion of this issue, see Marrack Goulding, 'The Evolution of United Nations Peacekeeping', *International Affairs*, Vol.69, No.3, 1993, p.458. Regarding tensions between the human rights verification and diplomatic roles of the UN, see Human Rights Watch - Americas, 'Peace and Human Rights: Successes and Shortcomings of the UN Observer Mission in El Salvador (ONUSAL)', Vol.4, No.8, 2 Sept. 1992, and the El Salvador chapter of *The Lost Agenda: Human Rights and United Nations Field Operations*, New York: Human Rights Watch, June 1993.
10. 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 30 June 1993. Interview with UN official, May 1995.
11. 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 USAID and UN officials, July 1993. This negotiation was extremely divisive within the FMLN; although they managed to maintain publicly a unified posture, it helped sow the seeds of the later split. See *Blue Book*, Doc. 84. The UN's strong stand 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.
12. 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 Defence 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.
13. The ONUSAL chief of mission was present during some of the negotiations but did not function as a mediator. Interview, UN official, May 1995.
14. A few week-long training programmes were offered, but attendance was not mandatory and most UEA and SIU agents did not bother.
15. Two documents were provided to the government, on 15 July 1994 and 28 September 1995.
16. See Gino Costa, 'Police Reform in El Salvador', paper presented at conference entitled 'The International Community and Police Reform in Central America and Haiti', Washington DC, 3-4 Nov. 1994; see also William Stanley, *Protectors or Perpetrators? The Institutional Crisis of the Salvadorean Civilian Police*, Washington, DC and Cambridge, MA: Washington Office on Latin America and Hemisphere Initiatives, Jan. 1996.
17. Interview with UN official, Jan. 1997.
18. Interview with UN official, July 1993.
19. Interviews with leaders of the Association of Demobilized Soldiers of the Salvadorean Armed Forces, ADEFAES, June 1995.
20. Interview with ONUSAL official, April 1995.
21. Human Rights Watch (n.9 above); Lawyers' Committee (n.6 above), p.67.
22. 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*, Doc. 113, p.568-74.
23. IUDOP press release.
24. Madalene O'Donnell, Jack Spence and George Vickers, *El Salvador Elections 1994: The Voter Registration Tangle*, Cambridge, MA: Hemisphere Initiatives, July 1993; Madalene O'Donnell, *El Salvador Elections 1994: Voter Registration Progress and the Tasks Ahead*, Cambridge, MA: Hemisphere Initiatives, Nov. 1993.
25. Some ONUSAL officials referred to these tasks derisively as 'ant work'. See Tommie Sue Montgomery, 'Good Observers, Bad Leaders, and Ugly Politics: Observing Elections in El Salvador', paper presented at conference on Peacemaking and Democratization in the Hemisphere: Multilateral Approaches, North-South Center, Miami, Fla., 11-13 Apr. 1996, p.26.
26. Interviews with UN officials, Jan. 1997.
27. Some observers have suggested that the UN made a strategic error in failing to call on the TSE to create a completely new electoral registry, using a series of mass voter registration days similar to the four consecutive Sunday registration drives used to prepare for the 1990

- Nicaraguan elections. Starting from scratch might have reduced the ability of the TSE to stonewall. The UN did not push for such an approach because of the costs and logistical difficulties involved. Interviews with UN election-monitoring officials, Jan. 1997.
28. See Jack Spence, David Dye and George Vickers with Garth David Cheff, Carol Lynne D'Arcangelis and Ken Ward, *El Salvador's Elections of the Century: Results, Recommendations, Analysis*, Cambridge, MA: Hemisphere Initiatives, July 1994. 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.
  29. ONUSAL's estimates showed ARENA within three-quarters of a percentage point of victory, but had a sampling error of two per cent. The mission convinced the ARENA leadership that their own polls might be biased upward by more thorough data collection in areas where the party was best organized. Once the votes were counted, ONUSAL's quick count estimate proved accurate within a few tenths of a percentage point. Interview with UN official, Jan. 1997.
  30. Interview with ONUSAL official, Sept. 1994.
  31. Lawyers' Committee (n.6 above), pp.93-118.
  32. Gino Costa, 'The UN and Reform of the Police in El Salvador', *International Peacekeeping*, Vol.2, No.3, Autumn 1995, p.377.
  33. Interviews with UN officials, May and July 1995.
  34. The accords produced no immediate reforms to 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 directly controlled by the Supreme Court, an institutional feature that many international observers have criticized.
  35. As Ian Johnstone has pointed out, if the Supreme court had resigned in 1993 as recommended by the UN Truth Commission, the new court would have been elected by the incumbent legislature in which the FMLN was not represented. Although the continuation in office of the existing court prevented substantial efforts by the mission to assist the judiciary, in the end it may have been better that the new court was selected by the more pluralistic new legislature, where ARENA had to compromise significantly to obtain a qualified majority in support of judicial appointments. See Ian Johnstone, *Rights and Reconciliation: UN Strategies in El Salvador*, Boulder, Col: Lynne Rienner/International Peace Academy, 1995, p.68.
  36. See Lawyers' Committee (n.6 above).
  37. 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), *NGOs, The UN & Global Governance*, Boulder Col: Lynne Rienner, 1996, especially the concluding chapter by the editors.
  38. Lawyers' Committee (n.6 above), p.37.
  39. ONUSAL had opposed the appointment of former Army Captain 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 new deputy PNC director was also 'accustomed to command' and particularly hostile to outside interference and criticism. Interview with UN official, Aug. 1993.
  40. Interviews with ONUSAL and PNC officials, Oct. 1993.
  41. See William Stanley, 'What Difference Can the United Nations Make? The UN and Democratic Transitions in Central America', paper presented at the American Political Science Association meetings, 29-31 Aug. 1996, San Francisco.
  42. The ONUSAL police division deliberately recruited lower-ranking officers for many posts because it was assumed that most of the division's work would entail routine field verification and accompaniment work. Some of them were not the best suited for the training and *de facto* supervision of PNC police agents taken on by the mission in 1993. Higher-

ranking police officers with more supervisory and training experience would have been more effective in these roles. Interview with UN official, Oct. 1996.

43. According to interviews with UNDP officials in El Salvador, the UNDP's bureaucratic procedures are often poorly adapted to imposing political conditionality on project funds. Bilateral donors in El Salvador, particularly the United States after the end of hostilities, showed greater manoeuvrability in using both balance-of-payments and project funds to influence the behaviour of specific Salvadorean government institutions such as the TSE and the PNC. Yet coordination between ONUSAL and bilateral agencies, as well as among the bilaterals themselves, proved difficult. See Patricia Weiss Fagen, 'El Salvador: Lessons in Peace Consolidation', in Tom Farer (ed.), *Beyond Sovereignty: Collectively Defending Democracy in the Americas*, Baltimore: Johns Hopkins University Press, 1996, pp.213-37. To its credit, a major UNDP-sponsored study on the Salvadorean peace process advocates 'peace conditionality', meaning efforts by international donors across the board to use aid leverage to encourage general spending patterns by governments consistent with national reconciliation, democratization and reduction of social tensions. The kind of conditionality we are speaking of is narrower: that is, the fine-grained calibration of project funds and services to influence how specific institutions are managed during crucial phases of development or reform. See James K. Boyce *et al.*, *Adjustment Toward Peace: Economic Policy and Post-war Reconstruction in El Salvador*, San Salvador: United Nations Development Programme, May 1995, pp.83-91.