



Transitional Justice and DDR: The Case of El Salvador

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Transitional Justice and DDR Project

This research project examines the relationship between disarmament, demobilization and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at the ICTJ. For more, visit www.ictj.org/en/research/projects/ddr/index.html.

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Introduction: Democratization, the Peace Process and Transitional Justice in El Salvador in the Late Twentieth Century

The transition from war to peace in El Salvador took place within the country's overall process of democratization, which had been unfolding since the 1980s. The democratization effort sought to solve the problem of access to state power, which was one of the essential causes of the war,¹ by establishing an open and participatory political system in which the various political groupings could compete, and by contributing to the establishment of elections as the sole legitimate means of ascending to state power.²

The end of the conflict depended crucially on the possibility of turning the guerrilla army into a political party. This required wide-ranging political and institutional reform aimed at demilitarizing society and strengthening the country's democratic institutional framework. The peace negotiations, therefore, revolved around two basic issues: the democratization and demilitarization of society, and the incorporation of the guerrilla forces into the legal political system. Commitments on these two issues were set forth in several agreements entered into from 1990 to 1992, which culminated in the peace accords signed in January 1992 by the Government of El Salvador (GOES) and the guerrilla groups that had come together in the Frente Martí Liberation Front [*Frente Farabundo Martí para la Liberación Nacional*] (FMLN) to put an end to twelve years of civil war in which approximately 80,000 people were killed.

More specifically, the political reform set forth in the peace accords included a wide range of measures, among them: (1) doing away with the repressive apparatus of the state (paramilitary groups, Civil Defense, National Guard, National Police, Treasury Police); (2) reforming and vetting the armed forces; (3) building a new National Civilian Police (*Policía Nacional Civil*); (4) establishing a Public Security Academy (*Academia de Seguridad Pública*); (5) doing away with the National Intelligence Directorate (*Dirección Nacional de Inteligencia*) and establishing a government intelligence agency independent of the army and directly under the president of the republic; (6)

approving a series of constitutional and judicial reforms; and (7) reforming the electoral system, which included establishing the Supreme Electoral Tribunal; recognizing the right of political parties to exercise review over the preparation, organization, publication and updating of the voter rolls; and legalizing the FMLN as a political party and guaranteeing its civil, political and institutional rights.

By examining the conditions in the peace accord, one can deduce that in the Salvadoran case there was a close and complex relationship between peacemaking and democratization, which in turn had a significant impact on the nature, scope and limitations of disarmament, demobilization and reintegration (DDR) and transitional justice processes, and largely determined the kinds of connections and disjunctures that took place between the two. In the case of El Salvador, the DDR and transitional justice initiatives were connected by the timetable for the implementation of the peace accords. Progress in DDR was dependent on the implementation of the political reform, which included important measures related to transitional justice. The Salvadoran experience is interesting insofar as one can analyze the limitations and potential of a peacemaking process that directly ties DDR to transitional justice.

This essay seeks to provide an overall evaluation of DDR and transitional justice in El Salvador, and to study the connections and disjunctures between the two processes. To that end, the report has been divided into three parts. The first section analyzes the process of DDR, emphasizing its main characteristics, scope and limitations. The second section includes a general evaluation of the process of transitional justice. Finally, the third section presents an analysis of the relationships between DDR and transitional justice in the Salvadoran case, and the main conclusions and recommendations.

Disarmament, Demobilization and Reintegration: A Retrospective Evaluation

DDR in the Peace Accords

The El Salvador Peace Accords, signed on January 16, 1992, included a chapter on the cessation of the armed conflict (CAC), a process that was defined as “irreversible, short, dynamic, and of pre-determined duration, that must be applied throughout the territory of El Salvador.”³ The CAC was to begin February 1, 1992 (the so-called D-day), and would end on October 31, 1992. It included a complex timetable for implementation that linked reintegration of the former FMLN combatants into civilian life with the institutional reform measures that the GOES had undertaken to facilitate that process.⁴ This synchronization in the timetable for implementation is a characteristic particular to El Salvador that reflects the political and military strength of the FMLN. The FMLN was not willing to demobilize and dismantle its military structure without simultaneously realizing all of the measures in the peace accords that were seen as fundamental for the security of its members and for their full incorporation into the political system.

The CAC had four parts: (1) the cease-fire; (2) the separation of forces; (3) the end of the military structure of the FMLN and the reincorporation of its members, within a legal framework, into the country's civil, political and institutional life; and (4) United Nations verification of those activities.⁵ To facilitate implementation of the accords, a joint working group was formed, made up of the Chief of Military Observers of the United Nations Observer Mission in El Salvador (ONUSAL), as chairperson, and one representative from each of the parties.

In contrast to the disarmament and demobilization, which received considerable attention during the peace negotiations and were detailed in the signed agreements,⁶ the reintegration of ex-combatants, with the notable exception of the Land Transfer Program [*Programa de Transferencia de Tierras*] (PTT),⁷ did not receive much attention. In fact, the peace accords included only a general reference to the parties hammering out plans for reintegration and national reconstruction. In effect, chapter V of the peace accords notes that the GOES would submit to the FMLN, within thirty days of the signing of the cessation of armed confrontation, the National Reconstruction Plan [*Plan de Reconstrucción Nacional*] (PRN). The PRN, written by the GOES, was supposed to integrate the recommendations and suggestions of the FMLN (and other sectors of Salvadoran society), so that the plan would reflect “the country's collective wishes.”⁸

Under the agreement, the PRN would have as its main objectives the development of areas affected by the war; attention for the most immediate needs of the population hardest hit by the conflict and of the ex-combatants on both sides; and the reconstruction of the infrastructure that had been damaged. In regard to the reintegration of ex-combatants, the PRN indicated that “in the context of the corresponding national programmes, measures shall be taken to facilitate the reintegration of FMLN into the country's civil, institutional and political life, including scholarship, employment and pension programmes, housing programmes and programmes for starting up new businesses.”⁹ In order to ensure the financing of the plan, the agreement provided for the creation of a National Reconstruction Fund, which would be supported by the United Nations Development Programme (UNDP).¹⁰ Given its importance in terms of the links between DDR and transitional justice, it is worth noting that the PRN called for typical measures of reparation (and therefore of transitional justice). For example, the PRN stated that there should be “programmes for the war-disabled and the relatives of victims among the civilian population.”¹¹

Implementation of DDR and Its Main Results

The Process of Disarmament and Demobilization

As the political scientist Charles T. Call has shown, the transition from war to peace in El Salvador is viewed by many as among the most successful cases of implementing peace agreements in the post-Cold War period.¹² This is due, in part, to the fact that after the peace accords, the cease-fire agreed to by the GOES and the FMLN was never broken, that the guerrilla forces were demobilized and

transformed into a political party in less than one year (from February to December 1992),¹³ that the FMLN quickly became the second leading political-electoral force in the country,¹⁴ that in a period of approximately two years notable progress in the demilitarization of Salvadoran society was achieved, and that throughout the process there were very few political assassinations.¹⁵

These accomplishments, however, were not achieved without difficulties. The original timetable included in the CAC was changed twice, as the FMLN delayed the demobilization of its forces in protest over the GOES's failure to follow through on other commitments included in the peace accords. In both adjustments, the implementation of certain commitments had to be postponed until after October 31, 1992. These commitments included the distribution of land in the former conflict zones, which initially was to have been concluded by the end of July, and the establishment of the National Public Security Academy, scheduled for May 1.

Moreover, on September 30, 1992, the FMLN suspended the demobilization of its forces for a third time until a new date was proposed for the transfer of lands, as well as other aspects of the accords that were running behind schedule. On October 13, the UN secretary-general submitted a proposal to resolve the land question, which was accepted by the FMLN and the government on October 15 and 16, respectively.¹⁶ Given the delays, on October 23, the secretary-general proposed a new target date to the parties, December 15, 1992, for the military structure of the FMLN to be completely dismantled. The FMLN accepted the proposal on the condition that it was also accepted by the government. The government, however, reserved its position on some aspects of the proposal and suspended the restructuring, reduction and demobilization of the armed forces.

After intense diplomatic efforts by the UN, the parties agreed to new commitments aimed at officially ending the armed conflict on December 15, including the commitment of President Alfredo Cristiani to carry out the recommendations of the Ad Hoc Commission in their entirety with regard to vetting the armed forces.¹⁷ On December 23, 1992, the secretary-general informed the Security Council that the armed conflict between the Government of El Salvador and the FMLN had officially ended on December 15, to keep with the adjustments to the timetable agreed upon when the peace accords were finalized.¹⁸ This event was preceded the previous afternoon by the legalization of the FMLN as a political party.

During the period of the CAC, the FMLN concentrated its troops in fifteen regions indicated in the peace accords, which hosted sixty-eight groups of combatants in anticipation of the formal demobilization. According to the first revision of the timetable for implementation, the initial contingent of 20 percent of the FMLN forces were demobilized on June 30, 1992, two months after the date stipulated in the official timetable.¹⁹ It is important to underscore, however, that ONUSAL considered the number of arms delivered in that demobilization very low, which the FMLN attributed to the fact that this first contingent included mainly support personnel who were normally unarmed.²⁰ A second contingent equivalent to another 20 percent of FMLN forces demobilized on September 24, 1992, after the second change to the timetable on August 19, 1992. The third contingent of 20 percent demobilized on October 30 and 31, 1992, and the demobilization of the

fourth contingent was begun on November 20, 1992. The remaining forces demobilized on December 15, 1992. As for the FMLN's weapons deposited at the places of concentration, the process of destroying them culminated on February 11, 1993, while the destruction of those deposited outside of El Salvador was completed on April 1, 1993.

ONUSAL reported a total of 8,552 FMLN forces demobilized, 3,285 (38 percent) of whom were women, while 1,500 to 1,600 (about 18 percent) were under eighteen years of age (105 were youths ages eleven to fifteen years). During the period of concentration, the combatants were given emergency attention, such as temporary housing, food, provisions and medical care, under the coordination of the UNDP and with international cooperation funds. According to the final figures provided by ONUSAL in 1994, the total number of demobilized members of the FMLN came to 15,009, as follows: 8,552 combatants, 2,474 wounded noncombatants, and 3,983 political cadres. There were 4,492 women, accounting for approximately 30 percent of all the forces (Table 1).

Table 1²¹
El Salvador:
Demobilized Forces of the FMLN

Category	Women	%	Men	%	Total	%
Combatants	2,485	29.1	6,067	70.9	8,552	100.0
Wounded noncombatants	549	22.2	1,925	77.8	2,474	100.0
Political personnel	1,458	36.6	2,525	63.4	3,983	100.0
Total	4,492	29.9	10,517	70.1	15,009	100.0

In regard to the demobilization of the Armed Forces of El Salvador [*Fuerza Armada de El Salvador*] (FAES), the agreements provided for a 50.2 percent reduction, including demobilization of the five elite army units known as Rapid Deployment Infantry Brigades [*Batallones de Infantería de Reacción Inmediata*] (BIRIs). The reduction was to begin on February 1, 1992, and was to conclude in January 1994. The FAES recognized 63,175 members in its ranks (security agencies plus military troops), and agreed to reduce this by 50.2 percent (31,000) by the end of March 1993, though it was scheduled for January 1994.

The demobilization of the FAES formally began on March 2, 1992, when the GOES announced the dissolution of the National Guard and the Treasury Police, which at the time had been part of the FAES. This dissolution was merely formal, for the organizational structures of the two police corps

were not dismantled. The presence and pressure of ONUSAL was needed for these institutions to actually be dissolved three months later, in June 1992.

The next phase, from July to December 1992, consisted of dissolving some of the BIRIs. By late December 1992, the FAES decided to accelerate the process of reducing the infantry battalions and complete it ahead of schedule. As a result, the demobilization of fifteen battalions, which was to have taken place throughout 1993, occurred in January 1993. The last BIRIs were demobilized on February 6, 1993; the overall process of reducing the FAES was completed on March 31, 1993.²² The FAES reported that 2,100 troops were demobilized with the dissolution of the BIRIs, which were in addition to another 19,500 demobilized regular troops. In summary, it is estimated that some 40,000 persons were demobilized from both forces, although this figure is significantly higher with the dissolution of the former security forces, such as the National Guard, Treasury Police and National Police.

It should be noted that a large number of persons demobilized from the FMLN and FAES subsequently became part of the new National Civilian Police [*Policía Nacional Civil*] (PNC). In effect, the peace accords provided for their incorporation so long as demobilized individuals met the requirements for entrance to the National Public Security Academy (ANSP), but no quotas or limits were set for the two sides. Nonetheless, in subsequent agreements it was decided that each of the two demobilized forces could account for up to 20 percent of the members of the PNC.

The disarmament process went into crisis in May 1993, when an illegal stockpile of weapons belonging to the FMLN was discovered in Nicaragua.²³ The FMLN's acknowledgment that it had had large quantities of arms both inside and outside El Salvador²⁴ revealed a major violation of the peace accords. Members of right-wing sectors of the country brought demands before the Electoral Tribunal to strip the former insurgents of their status as a political party. The crisis was surmounted when the FMLN informed ONUSAL of all the remaining clandestine stockpiles²⁵ and agreed to destroy their contents no later than August 4, 1993.

The complete process of destroying the FMLN's arms ended on August 18, 1993, and included two phases: the first, which covered the period prior to the accidental explosion of the illegal stockpile in Managua on May 23, 1993, and the second, the period after that explosion. In all, 10,230 weapons were identified and destroyed (9,851 individual arms and 379 supporting devices), 4,032,606 bullets, 140 rockets, 9,228 grenades, 5,107 kilograms of explosives, 63 units of communications equipment and 74 surface-to-air missiles. The FMLN identified 128 clandestine stockpiles: 109 in El Salvador, 14 in Nicaragua and 5 in Honduras.²⁶

After the report from the UN Security Council that the remaining weapons deposits declared by the FMLN had been verified and destroyed by ONUSAL, the Supreme Electoral Tribunal dismissed the action filed against the FMLN. This made it possible for the FMLN to keep its status as a legally recognized political party.

The Reintegration Process

Unlike the disarmament and demobilization processes that were largely successful, the reintegration process faced serious problems in its design and implementation, which stood in the way of compliance with the timetables established in the peace accords, and which afterward had a negative impact on the process of peacemaking and democratization in El Salvador. While the reinsertion and political reintegration of the FMLN was highly successful, the same cannot be said of the political insertion of the former combatants of the FAES, nor of the reintegration of former combatants from both sides into communities.

In large measure, this has to do with the way reintegration unfolded. As indicated, that process was set forth in the more general context of postwar reconstruction, through implementation of the National Reconstruction Plan (PRN), which was designed as a five-year project (1992–1996) in the 115 poorest municipalities of the country. Its general objectives were to facilitate the reintegration of former combatants and *tenedores* (landholders),²⁷ to improve the conditions in areas impacted by the war, to rebuild damaged infrastructure, and to foster greater citizen participation in the reconstruction efforts. The Secretariat of National Reconstruction (SRN), established to implement the PRN, set up offices in all fourteen departments in the country. At one point, it had a staff of nearly 400 people.

The first draft of the PRN was ready in September 1992, three months after the first demobilization of the FMLN. However, contrary to stipulations set out in the peace accords, the proposal did not incorporate the demands of the FMLN, nor was there any participation of the beneficiaries.²⁸ In light of these circumstances, the United States Agency for International Development (USAID) and the UNDP intervened to amend the PRN so as to incorporate the demands of the FMLN and the FAES, particularly the demand that the reinsertion programs should also be channeled through those international organizations and national nongovernmental organizations (NGOs). The FMLN organized its members into nongovernmental organizations, which participated in carrying out the PRN. The GOES was reluctant to support them because it did not want to strengthen the FMLN politically. The most important of these organizations was the January 16 Foundation (*Fundación 16 de Enero*), which played an important role as a counterpart to the government, with very little institutional support from the SRN or government donors. Other FMLN institutions that participated actively in the process of implementing the PRN were the Land Commission (*Comisión de Tierras*), the Reconstruction Commission (*Comisión de Reconstrucción*), and the Association of War-Disabled [*Asociación de Lisiados*] (ASALDIG).

In the case of the FAES ex-combatants, the plan according to which the FAES was going to represent its former combatants institutionally failed, resulting in the formation of several interest-group organizations, such as the Association of War-Disabled FAES [*Asociación de Lisiados de las FAES*] (ALFAES), and the Association of FAES Ex-Combatants [*Asociación de Ex-combatientes de las FAES*] (ADEFSAES), which were not recognized as counterparts of the PRN. It was precisely these

last organizations that led the most radical expressions of discontent in the postwar phase with the failure to carry out the reinsertion programs.

The objective of the PRN was to benefit 40,000 demobilized persons, 120,000 displaced families, 26,000 repatriated persons, and 800,000 residents of the former conflict zones. To attain this goal, an institutional framework was designed in which the programs and projects of the PRN would be carried out through public-sector institutions and local governments, NGOs and community associations. In addition, in order to ensure the participation of the beneficiary populations and the social consensus-building around the PRN, consideration was given to holding expanded town meetings (*cabildos abiertos*).²⁹ Nonetheless, in practice social participation was very limited and the PRN was implemented mainly by government institutions, even though those programs managed by the UNDP and other international agencies worked with the NGOs.³⁰

The PRN was designed to be carried out in three phases. The first was the emergency phase, implemented during the cease-fire, which lasted from February 1 to December 15, 1992, and whose purpose was to address the immediate and urgent needs for food, health care, education and provisional shelter. The second phase, the contingency phase, began with the first demobilization of former FMLN combatants on July 1, 1992, and ended June 30, 1993, and included the legal documentation of ex-fighters, distribution of basic goods, tools, and agricultural equipment and training for those who opted for reinsertion in agriculture, industry and services. Most of the activities in these two phases were implemented by nongovernmental institutions, including the University of El Salvador and international agencies associated with the UN;³¹ the financial resources were provided by the international community, in particular the United States through USAID.³² The third phase, to be carried out in the medium term, was aimed at making possible permanent reinsertion into productive life for the ex-combatants of the FMLN and the FAES, and included programs for land transfers, farm loans, technical assistance and housing, as well as services for the war-wounded.³³

The main reinsertion programs implemented in the context of the PRN were aimed at achieving the productive reinsertion of the demobilized into different economic sectors, especially in agriculture, due to the profile of the potential beneficiaries, who were themselves of peasant origin. Agricultural reinsertion, scholarship reinsertion, reinsertion of the leaders and mid-level cadres of the FMLN, services for the war-wounded and services for minors in the FMLN were among the roster of programs within the productive reinsertion rubric for former combatants in El Salvador.

Agricultural Reinsertion Program

This program included services to prepare demobilized members of the FMLN, FAES, and *tenedores* for an agricultural vocation, offering them an opportunity to have access to land, credit, technical assistance, training and a set of agricultural tools. Subsequently, basic shelter and latrines were included in agricultural packages, to make it easier for the beneficiaries to cultivate the agricultural plots. In addition, some of the beneficiaries obtained permanent housing, financed by

the German government, the European Economic Community and the progressive housing program run jointly by SRN and the UNDP.

This program included the following components. First was the Land Transfer Program (PTT), which legalized tenure of agricultural land, as demanded by the beneficiaries. According to the peace accords, the lands subject to transfer would be: (1) state-owned agricultural lands that did not constitute forest reserves; (2) lands in excess of the constitutional limit of 245 hectares that had not been affected by the agrarian reform;³⁴ and (3) those voluntarily offered for sale through the Land Bank. Those benefiting from this agricultural reinsertion would also benefit from the agrarian reform, with preference given to ex-combatants on either side, of peasant origin, with an agricultural vocation who did not own land. The size of the plots would be determined based on their availability and the number of qualified beneficiaries, and it was determined that payment would be at market prices and on the same credit terms as accorded the beneficiaries of the agrarian reform.

In addition, the agreement provided that the land tenure situation in conflict zones would be respected until there was a satisfactory legal resolution as to the definitive tenure regime. If the lawful property owner did not want to sell, the GOES would seek to resettle peasants or farmers on other land available for that purpose, seeking to ensure they were in the same regions. It was also agreed that the FMLN would submit a land inventory thirty days after the accords were signed, and a six-month period was established from the signing of the cease-fire to definitively legalize the tenure regime for those lands. The objective was to reestablish the institutional framework for the land tenure regime in the former conflict zones. In practice, however, this was extremely complicated because of the legal implications and the excessive zeal with which the legal aspects of the process were addressed.

In effect, the six months established for complying with the agreements on the PTT lapsed without any progress. Indeed, by mid-September 1992, not a single plot of land had been legally transferred, and in early October 1992, the inventory submitted by the FMLN had not been verified. This was just six weeks before the deadline for demobilizing the last military units of the FMLN. In the face of this impasse, the UN secretary-general made a proposal based on consultations with the special envoy and the recommendations of ONUSAL and a joint Food and Agriculture Organization/International Monetary Fund/World Bank mission. The proposal involved the following: (1) the amount of land to be adjudicated would take into account the quality of the land (from 1.4 to 4.6 hectares);³⁵ (2) the potential beneficiaries numbered no more than 47,500 (7,500 ex-combatants of the FMLN, 15,000 ex-combatants of the FAES and 25,000 tenedores); (3) the adjudication of state-owned lands would be to individuals or associations; (4) the payment conditions would be the same as those accorded to the beneficiaries of the agrarian reform (at thirty years, 6 percent interest, and a four-year grace period); and (5) the total land required was set at 122,500 to 165,900 hectares, respectively, based on an average of 3.5 hectares per beneficiary and would cost between US\$105 million and US\$143 million. Three phases were defined in the secretary-general's proposal: the first was from October 1992 to January 1993 and would benefit 15,400 persons (7,500 ex-combatants of the FMLN and 7,900 tenedores); the second phase, from

February to April 1993, was to benefit 4,000 persons; and the third phase, from May 1993 on, would benefit the rest (28,100 persons).³⁶

The amount of land transferred did in fact range from 1.4 to 4.6 hectares per person, depending on soil quality, and each beneficiary had financing available for up to ¢30,000 (approximately US\$3,428). As of March 1997, the beneficiaries of the PTT numbered 35,390 (5,365 from FMLN, 8,016 from the FAES and 22,009 tenedores).

The second facet of the agricultural reinsertion program was agricultural credits. The beneficiaries of the PTT were given the opportunity to obtain agricultural loans. The ex-combatants were given up to ¢15,580 (approximately US\$1,780) on preferential terms, at an interest of 14 percent annually, and five years to repay it, including a one-year grace period. The loans available to the tenedores were for up to ¢8,000 (US\$914), at the prevailing market rates, and a one-year term. There were also second-time loans, given only to the demobilized members of the FAES and the ex-combatants of the FMLN, who had already received the first loan and were up-to-date in their payments. These loans were for up to ¢8,000 (US\$914) per beneficiary, for one year, and at market interest. As of April 1996, this program had benefited 24,560 persons (6,242 from the FMLN, 6,754 from the FAES and 11,564 tenedores).

The third aspect of this program was agricultural technical assistance, which was provided for all legally transferred properties and to all beneficiaries engaged in some agricultural activity. That assistance was provided to the beneficiaries of the PTT in two stages by different organizations: the first by the UNDP, through several NGOs of the FMLN, and the second through the *Centro Nacional de Tecnificación Agrícola* (CENTA). During the 1994–95 agricultural cycle the CENTA provided agricultural technical assistance on 418 properties (covering 11,204 hectares) to 1,007 beneficiaries of the PTT, including former FMLN and FAES members, and tenedores (1,280 of whom were women).

Program of Reinsertion in Industry and Services

This program consisted of three projects: technical vocational training and business administration, credit for starting up a microenterprise, and technical assistance for established microenterprises. The program began with training in business administration and technical vocational training for six months, during which the beneficiaries were covered up to the amount of ¢810 (US\$92.57) monthly, in addition to receiving training in the area of their vocation. Subsequently, they were given the opportunity to obtain a loan for up to ¢20,000 (US\$2,285), at interest of 14 percent, to be repaid in five years, with a one-year grace period. Technical assistance was also provided for the establishment, organization and development of microenterprises, and all the beneficiaries of the loans were given technical advisory services for designing the projects that were to be financed. The beneficiaries who had developed projects were given technical assistance and training during the installation and start-up of the microenterprise. A total of 1,685 ex-combatants of the FMLN and

3,097 from the FAES participated in the trainings; of these, 1,328 from the FMLN and 2,885 from the FAES completed them, resulting in 4,213 beneficiaries qualified to receive the loan. By November 30, 1995, the final date for former combatants of the FMLN to have access to credit, a total of 1,113 ex-combatants of the FMLN were given loans. In the case of the FAES, the final date for access was June 30, 1995; 1,867 demobilized persons were given loans.

Scholarship Reinsertion Program

This program involved providing scholarships to the former combatants of the FMLN and FAES who wanted to continue their secondary school, vocational or university education. The scholarships offered beneficiaries the opportunity to attend the schools of their choice, in addition to covering living expenses (equivalent to a minimum salary), transportation expenses, school supplies, and study materials during the period of their study. The former combatants who opted for this program were given the opportunity to begin with a high school equivalency program provided by the universities. In 1996, some aspects of the program were modified so as to give the scholarship recipients opportunities to successfully complete their studies. With this measure, the period for scholarship recipients was extended by a year and a half; as a result of this change, they all regained their scholarships. A 10 percent annual increase was authorized in the transportation and school supplies lines of the scholarships. Graduation expenses were repaid for up to ₡5,000 (US\$571.42) for all scholarship recipients at the university level, and a group of new scholarship recipients was incorporated to replace those who lost the scholarship due to poor performance. As of 1997, 699 ex-combatants of the FMLN and 441 from the FAES had benefited from this program.

Program for Reinsertion of 600 Leaders and Mid-level Commanders

This program involved providing services to 600 leaders and mid-level commanders of the FMLN through a systematic process of training in vocational and managerial areas, advisory services on the design of a business project, loans, and technical assistance during the start-up phase of the project. The program was designed for three categories of beneficiaries—A, B and C—based on their political level as indicated by the FMLN. Within category A, 138 beneficiaries were selected and received scholarships during their training period, at a monthly cost ranging from ₡2,400 (US\$274.28) to ₡3,500 (US\$400), and access to credit for up to ₡50,000 (US\$5,714.28); within category B, some 179 beneficiaries were chosen for scholarships during their training period, for a monthly amount ranging from ₡1,075 (US\$122.86) to ₡2,100 (US\$240), and access to credit for up to ₡40,000 (US\$4,571.43); and finally, 283 category C beneficiaries were selected for scholarships during their training period of ₡900 (US\$102.86) to ₡1,075 (US\$122.86), and access to credit for up to ₡30,000 (US\$3,428.57).

The program also included a housing component, which was handled through a credit line established in the Social Housing Fund [*Fondo Social para la Vivienda*] (FSV) for ₡30 million (US\$3.43 million). That line of credit would cover the purchase, expansion or reconstruction of

housing. In addition, through the National Popular Housing Fund [*Fondo Nacional de Vivienda Popular*] (FONAVIPO) services, beneficiaries of this program who did not apply to the FSV obtained an economic contribution of ¢13,860 (US\$1,584) for their housing. The program ended in August 1995; nonetheless, technical assistance continued to be provided to the beneficiaries until December 1995.

Program for Reinsertion of the National Police

The beneficiaries of this program were grouped in three areas: industry and services, which included training in technical-vocational skills and business administration, and access to credit and technical assistance for establishing their microenterprises; agriculture, which included agricultural training, agricultural equipment and access to farm loans, as well as incorporation in the Land Transfer Program; and the program of scholarships for high school, vocational and university studies. The program was carried out in two groups and served a total of 6,688 beneficiaries.

Program of Services for the War-Wounded

As a result of the mandate given by the peace accords to the Peace Commission [*la Comision de Paz*] (COPAZ), in December 1992, the Legislative Assembly promulgated Legislative Decree No. 416, called the “Law to Benefit Persons Wounded and Disabled as a Result of the Armed Conflict,” which established the Fund for the Protection of Persons Wounded and Disabled as a Result of the Armed Conflict [*Fondo de Protección a Lisiados y Discapacitados a Consecuencia del Conflicto Armado*] as the institution entrusted with monitoring implementation of the law.³⁷

The law grants three types of benefits: economic, in-kind and services. The economic benefits include the following categories: (1) a one-time economic compensation, consisting of one payment to the beneficiary in a sum of money, actuarially determined, that corresponds to the pension that can be granted or its equivalent in movable or real property; (2) periodic benefits consisting of pensions paid monthly to the beneficiaries on a temporary basis, for life, or until eighteen years of age; and (3) additional benefits based on circumstances that merit assistance to the beneficiary or family member, to help him or her obtain employment, become rehabilitated or some similar purpose, or in case of death. The law establishes that those beneficiaries determined to have a 60 percent to 100 percent disability will have the right to an additional benefit to enable them to cover special needs stemming from medical treatment and rehabilitation, including a certain amount per diem to cover their travel expenses for the necessary medical services.

These benefits also consist of prosthetic and orthotic devices, orthopedic apparatuses, pharmaceuticals, or other products given to the beneficiaries as a contribution by the state toward attaining the objectives of this law.

The service benefits are all those measures that entail providing assistance—medical, dental, surgical, hospital, clinical laboratory and mental health services, on an individual or community basis—aimed

at preserving and reestablishing the health and capacity of beneficiaries regarding all problems that are a direct consequence of the injury or incapacity suffered in the war.

The following are the beneficiaries of the foregoing benefits: (1) former combatants of the FAES and the FMLN wounded or disabled as a direct result of the armed conflict; (2) wounded or disabled persons who provided logistical, administrative, training or other similar services in the FAES or the FMLN; (3) the children under eighteen years of age, elderly parents, and children and parents of any age who, as a result of disability, depended economically on combatants of the FAES or the FMLN who died as a direct consequence of the conflict;³⁸ and (4) civilians wounded or disabled as a result of the armed conflict.

According to official figures, the GOES's contribution to the Fund for Protection from April 1995 to 2006 was US\$158 million, and the institution's budget for 2006 came to US\$14.5 million. According to these same sources, the total population of beneficiaries served from April 1995 to 2006 amounts to 30,577 persons, including 7,124 orphaned minors (6,783 children under eighteen years of age of deceased combatants, eighty-one disabled children of deceased combatants, and 260 children of war-wounded who died while being beneficiaries of the Fund).³⁹

Program to Provide Services to Minors in the FMLN

This program was established to facilitate the reinsertion in education or technical training of the minors who demobilized from the FMLN who were between fifteen and sixteen years of age as of January 16, 1992, and who, pursuant to the complementary agreement between the GOES and the FMLN, did not have access to the land program. Some 152 minors were identified for incorporation into the educational centers, and ninety-seven for technical training programs supported by the German cooperation agency GTZ. Efforts were made by the Ministry of Education to ensure that ex-combatant minors were accorded priority for enrollment in public schools, facilitating their admission, giving them priority for distribution of basic school supplies and a food supplement consisting of twenty pounds of beans, ten pounds of rice, and five pounds of milk, and exempting them from school fees.⁴⁰ Individuals entering the GTZ-supported training programs were also given a food supplement. The SRN final report indicates that of the 152 minors enrolled in education classes, only nine entered the schools and only one completed his studies.

Through the GTZ-supported programs, services were provided to twenty-five minors who had not been considered in this program, in the department of Chalatenango. In addition, a project was negotiated with the European community that facilitated technical training for minors from the central and eastern regions, which began on October 1, 2005.

Although there is no reliable information on the total number of beneficiaries of the various programs described above, or on their real impact in terms of reinsertion and reincorporation,⁴¹ the few evaluations available suggest that the results were mixed. First, there is wide consensus that the most successful program, in political terms, was the reinsertion of 600 leaders and mid-level

commanders of the FMLN. The implementation of this program helped maintain stability and provided assurances to the mid-level leadership of the FMLN, on whose conduct the success of the demobilization and disarmament process largely depended. It is important to note that this program was not accepted by the government until February 1993, when the GOES and the FMLN reached an agreement that included concessions by both parties.⁴² According to Joaquín Villalobos, the highest-level leader of the *Ejército Revolucionario del Pueblo* (ERP), one of the five organizations that made up the FMLN, the program for leaders and mid-level commanders cost US\$9 million, provided by USAID, and was the result of negotiations between the ERP and President Cristiani in February 1993. The program included the following points: (1) the gradual vetting of the army (over one year, and the list with the names of the officers involved would not be published);⁴³ (2) the transfer to former guerrilla combatants of a large number of coffee and sugar cane farms, class “A” lands, and properties along the coast suitable for tourism, salt production and shrimp production;⁴⁴ (3) the approval of a general amnesty, simultaneous with the publication of the report of the Truth Commission, to forestall legal consequences;⁴⁵ (4) the destruction of the guerrillas’ weaponry, including the surface-to-air missiles; and (5) approval of the law that allowed the leaders of the FMLN to have personal security paid by the state affiliated with the new National Civilian Police, a measure that was not included in the original accords.⁴⁶

Second, the training and vocational assistance programs, while they benefited a large number of persons, did not have a significant impact on the productive reinsertion of the beneficiaries, for, among other reasons, they were not designed to take into account the real needs of the beneficiaries, nor did they incorporate the characteristics of the local economies. For example, according to an evaluation of the programs financed by USAID, the courses faced several obstacles to efficient planning and implementation. The main obstacles included the following: (1) the persistence of violence made it impossible for the PRN to reach the conflict zones to interview potential beneficiaries and get to know the local economy; (2) once the conflict ended, it was still not possible to carry out the interviews, due to the major pressures to begin the courses; (3) the FMLN and the FAES opposed interviews of individual combatants, and insisted on handling the courses through the existing command structures; (4) the former combatants were assigned to the courses by their leaders, without consideration being given to their specific characteristics; and (5) the courses included basic administrative techniques, without considering that a large share of the combatants were illiterate.⁴⁷

Third, the Agricultural Reinsertion Program, the largest from the standpoint of productive integration, and the fundamental one from the perspective of the FMLN, faced serious problems of implementation that significantly reduced its impact. In particular, the PTT was plagued by serious delays,⁴⁸ which, in addition to standing in the way of attaining the goals proposed by the United Nations in October 1993 of benefiting 47,500 persons, also led to delays in implementing the credit and technical assistance program once the lands were delivered.

In addition, due to the way the PTT was designed—that is, giving credit to beneficiaries so that they could purchase land—it drove beneficiaries into debt, which had a negative impact on their

possibilities of productive reinsertion and reincorporation.⁴⁹ It is important to note that the agricultural reinsertion programs had little impact since they were carried out in a sector (agriculture) that had been suffering a profound structural crisis since the late 1970s, which translated into, among other things, low rates of return.

Table 2⁵⁰
El Salvador:
Total Properties Deeded to the Beneficiaries of the PTT
(as of January 2000)

Type	No. of properties	Area in Manzanas	No. of beneficiaries	Millions of colones
Private	3,187	120,691	30,496	812.3 (US\$92.8)
State	118	26,971.83	5,593	111.2 (US\$12.7)
Totals	3,305	147,662	36,089	923.5 (US\$105.5)

Fourth, the program of Attention to the War-Wounded was never implemented in the time frames provided for by the accords, which caused and continues to cause serious political problems. Indeed, in response to the regular failure by the Salvadoran government to follow through on its commitments, the organizations of the FMLN and the FAES war-wounded staged public protests that endangered the country's political stability.⁵¹ It was only after those pressures that the government began to distribute some benefits, such as paying pensions. As Management Systems International (MSI) has indicated (1996), some pensions were paid for some of the disabled (based on the 1994 minimum wage of ¢1,050), but no action was taken until 1996 to carry out the commitments to the next of kin of those who died in the conflict. The agency responsible for those payments, the Fund for Protection of the War-Wounded, received only a small part of the funds needed to carry out the commitments contracted by the GOES.⁵² The problems continue to this day. The war-wounded complain that the GOES continues to violate the law, that the pensions are too low, and that they do not receive comprehensive medical care.⁵³

In general, the reinsertion programs failed to consider the specific needs of women and child combatants. Women participated to a significant extent in the war, particularly in the FMLN, where they accounted for approximately 30 percent of the guerrilla forces.⁵⁴ While they were included in the original lists of troops, and therefore entered the DDR programs, they have faced

discrimination in other stages, such as access to land and credit at the local level. In addition, the design of the reinsertion programs did not fully take into account the differences between the situation of men and the situation of women, particularly the needs of women heads of households. Indeed, in research carried out by MSI in 1996, the women reported having more problems obtaining assistance for productive activities than the men,⁵⁵ which contributed to the women being the least successfully inserted, and those with the greatest problems in relation to productive activities.⁵⁶ Finally, it is important to underscore that while there was information broken down by gender in some results indicators, it was inconsistent. There is no evidence that this data was used to actively provide assistance in the form of management programs, or to provide assistance appropriate to the women so as to improve outcomes. Indeed, that information was subsequently eliminated from the GOES's reports.

Despite the importance of child soldiers on both sides of the conflict,⁵⁷ minors were excluded from the peace accords and from the demobilization and reintegration programs.⁵⁸ While the reintegration program was designed without age stipulations, the government argued that a legal technicality prohibited transferring lands to persons less than eighteen years of age under the PTT (the GOES insisted that the peace accords benefited citizens, which meant persons eighteen and over). This was accepted despite the proposal of the United Nations that the beneficiaries should include those who are sixteen and over. In addition, while ONUSAL provided identification papers to the demobilized, one had to show a national ID card to be able to take title to land. This created an administrative requirement that child soldiers could not satisfy.

After contentious debates and difficult negotiations, new legislation was adopted to allow the former combatants of the FMLN ages sixteen to eighteen years at the time of the peace accords to apply for a land transfer (supplemental agreement of February 1993). Those who were fifteen and sixteen years old at the time of the peace accords would receive support in the form of special education or vocational training. Nonetheless, no measure was included for those under fifteen, or for those who were sixteen years old who were not interested in the land transfer option.

Toward a General Assessment of the DDR Process in El Salvador

The preceding sections make it possible to render a general analysis of the DDR process in El Salvador. First, the Salvadoran experience shows that there is not a direct or linear relationship among the different components of DDR. Indeed, in the Salvadoran case, and due to the way in which implementation of the peace accords was negotiated, the demobilization, disarmament and political reintegration of the FMLN took place *simultaneously*, since the reincorporation of the former combatants into civilian life began even before the formal disarmament.

Second, and related to the previous point, the case of El Salvador shows that demobilization and disarmament of former combatants can take place without successful reintegration into civilian life

and economic activity. In the Salvadoran case, those programs ended *long after* the demobilization, disarmament and political reintegration of the FMLN had successfully taken place. Such is the case of the Land Transfer Program, which did not conclude until 1996; the program for the 600 leaders and mid-level commanders of the FMLN, which began in early 1993 and ended in 1995; and the Program for Attention to the War-Wounded, which to this day has not been fully implemented.

The aforementioned characteristics of DDR in El Salvador have to do, first, with the deeply held belief on the part of the peace accords signatories that the path of war would lead nowhere, and that therefore it was fundamental to ensure that DDR was successful, despite all the problems that were encountered.⁵⁹ In addition, they are related to the pressing need on the part of all the actors involved in the Salvadoran conflict (including the international actors) to seek, by all possible means, the political incorporation of the FMLN into the country's political system, since such reinsertion was the fundamental condition for ensuring the successful transition from war to peace and for consolidating the democratic process. They are also related to the committed participation of the United Nations as guarantor and verifier of the peace commitments, which facilitated the successful demobilization. Finally, they are related to the political and financial support of the United States, which, through USAID, financed the lion's share of the priority programs for reinsertion and reincorporation.

Third, the Salvadoran experience clearly shows the importance of the leadership of the various armed groups in maintaining political control over their former combatants during the period of implementation of DDR. In the Salvadoran case, that control was achieved through two mechanisms. The first was the maintenance of the chain of command by the General Command of the FMLN, which led its rank and file to their political reincorporation. The second was the creation of an institutional framework linked to the FMLN that supported and organized the former combatants in the negotiations of the reinsertion and reincorporation programs, as well as their implementation. The most important of those organizations was the January 16 Foundation, which worked closely with the leadership of the former combatants. Both mechanisms were key to maintaining the unity of the FMLN, and for the members of the FMLN to make the transition from guerrilla fighters to activists in the future political party.

This finding is at odds with the view of some authors who believe that peace requires breaking down the command and control structures that operate over the combatants in order to make it more difficult for them to return to an organized armed rebellion, and to reform the armed forces or establish new armed forces that act in the national interest.⁶⁰ Actually, the Salvadoran case (similar to the Colombian case, albeit in a different context⁶¹) shows that keeping the command structure of the demobilized forces intact facilitates the transition from war to peace.

Fourth, the Salvadoran case shows that a fundamental factor for ensuring the transition from war to peace is the program targeted for the leaders and mid-level commanders of the former combatants. There is a solid consensus that the Program for Attention to 600 Leaders and Mid-level Commanders of the FMLN was critical for these individuals to accept reinsertion into the country's

political and civilian life. This finding is important since it signals the need to take into account the needs of those serving in those capacities from the very outset of the DDR process.

Fifth, the Salvadoran experience clearly points to the need to address the former combatants of the government forces from the very beginning of the DDR process. Otherwise, given their numbers and experience with arms, they are potentially destabilizing agents who could have a negative impact on the processes of peacemaking and democratization. Indeed, the most serious disturbances in El Salvador during the peacemaking process were led by the former combatants of the FAES, who complained that they were not treated the same as the former combatants of the FMLN, and with respect to whom all the promises made were systematically broken.

Sixth, DDR in El Salvador shows that to ensure the success of the programs for reinsertion and productive reincorporation of former combatants, one must take into account, in their design, the specific needs of the potential beneficiaries, as well as the limitations and potential of the economic sectors where the reinsertion is to take place. As I have argued elsewhere,⁶² the Salvadoran experience shows that it is not possible to carry out successful reintegration based solely on reinsertion programs as such. Indeed, a big problem in El Salvador was that an effort was made to reinsert the population in the agricultural sector, which was undergoing a profound structural crisis, and in activities that were simply not profitable. Therefore, if reinsertion programs are to have any chance of success, it is necessary, in addition to designing and implementing sound programs, to insert ex-combatants into profitable economic sectors.

Finally, and related to the previous point, the Salvadoran experience illustrates the importance of clearly defining what is understood by reinsertion and reintegration. As MSI has indicated, the design of the PRN did not include a clear definition of those concepts, which made it difficult to perform serious evaluations of the real impact of the programs implemented.⁶³ According to that source, the reinsertion programs were aimed at ensuring peacemaking during the transition, and therefore did not have specific development targets for their beneficiaries or for the communities that were to receive the former combatants.⁶⁴

The Process of Transitional Justice in El Salvador: A Preliminary Assessment

Transitional Justice in the Peace Accords

As already indicated, the strategic objective of the Salvadoran Peace Accords was consolidating the democratic process, and thus focused on implementing political reforms aimed at demilitarizing the society and at strengthening the democratic institutional framework. For this reason, the accords included commitments related to some aspects of what is known today as transitional justice.⁶⁵ Of special note, first, is the creation of the Truth Commission, which was to be made up of three persons designated by the UN secretary-general, and whose principal mandate was to investigate

“serious acts of violence that have occurred since 1980 and whose impact on society urgently requires that the public should know the truth.”⁶⁶ The Commission’s charge also included “recommending the legal, political or administrative measures which can be inferred from the results of the investigation,” which could include “measures to prevent the repetition of such acts, and initiatives to promote national reconciliation.”⁶⁷

Second is the agreement on the process of vetting the armed forces, which, according to the commitments, should take place “within the framework of the peace process and with a view to the supreme objective of national reconciliation, based on evaluation of all members of the armed forces by an ad hoc Commission.”⁶⁸ That commission was to study the human rights record of some 2,000 army officers and make the pertinent recommendations.⁶⁹ Along these same lines, a commitment was made to clarify and overcome any indications of impunity in the case of FAES officers, “especially in those cases where respect for human rights has been compromised.”⁷⁰ To that end, the agreement noted that “the Parties refer the consideration and resolution of this point to the Truth Commission.”⁷¹

Third is the adoption “of legislative or other measures needed to guarantee former FMLN combatants the full exercise of their civil and political rights, with a view to their reintegration, within a framework of full legality, into the civil, political, and institutional life of the country.”⁷² As we will see below, implementation of this commitment presupposed the application of a general amnesty law.

Fourth is the reform of the security forces, which entailed creating a new National Civilian Police (PNC), which was to have a new doctrine and take charge of maintaining order and public security, and would be under the direction of civilian authorities. It also involved dissolving the former security forces, particularly the National Guard and the Treasury Police, which were historically responsible for most human rights violations. In addition, the accords included dismantling the National Intelligence Directorate (*Dirección Nacional de Inteligencia*) and establishing a new State Intelligence Agency [*Organismo de Inteligencia del Estado*] (OIE), subordinated to the civilian authorities and under the direct authority of the president of the republic. In addition, the BIRIs were dissolved, and it was established that civilians could be appointed defense minister.

Fifth is the (limited) reform of the judicial system, consisting, first, of a reform of the National Judicial Council (*Consejo Nacional de la Judicatura*) to ensure “its independence from the organs of the State and from political parties.” It was also stipulated that the membership of the Council would “as far as possible, include not only judges but also sectors of society not directly connected with the administration of justice.”⁷³ Finally, the reform involved strengthening the Judicial Training School, establishing the Office of the Human Rights Ombudsperson (*Procuraduría Nacional para la Defensa de los Derechos Humanos*) and increasing the budget of the judicial branch to 6 percent of the national budget.

Implementing Transitional Justice in El Salvador

Albeit with great difficulties and in some cases notable delays, most of the peace commitments related to aspects of transitional justice were carried out in the years following the signing of the January 1992 peace accords (Table 3). The impetus was that these measures were consistent with a substantial part of the political reform, without which the FMLN was not willing to lay down its arms or join the political system.⁷⁴

Due to its importance in terms of transitional justice, it is worth underscoring the compliance (although tardy) with the recommendations of the Ad Hoc Commission, which, according to Jack Spence, was the first large-scale screening carried out and officially approved by civilians of the human rights record of the officials of a Latin American army.⁷⁵ From May to September 1992, the Ad Hoc Commission submitted its report after having studied 232 files (10 percent of the officer corps) of high-level officers (generals, colonels, lieutenant-colonels), where it was recommended that 103 of them be removed, including the High Command of the FAES. Despite this large-scale report and data collection, the GOES and FAES did not take up the vetting process suggested by the Ad Hoc Commission. As of October 1992, the recommendation had yet to be carried out; in a reworking of the initial agreement, the GOES and the FMLN agreed they would have to be discharged or transferred by January 1993.⁷⁶

Other relevant institutional measures implemented were the reform of the functions and doctrine of the army, the creation of a new National Civilian Police, the National Public Security Academy, and the Office of the Human Rights Ombudsperson (*Procuraduría Nacional para la Defensa de los Derechos Humanos*). In addition, the Law on the National Judicial Council was amended. Finally, the Legislative Assembly adopted the Law on Reconciliation on January 23, 1992, which granted amnesty for those political offenses stipulated in the regular legislation, with the exception being that of crimes falling within the purview of the Truth Commission or crimes committed by persons already convicted in a court of law. This law benefited the ex-combatants of the FMLN, who, as a result, were able to exercise their political rights with no restrictions whatsoever.

The final report of the Truth Commission made a significant contribution toward attaining the goal of determining truth, as it included emblematic studies of human rights violations and identified, by first and last names, several of the persons responsible for those acts. Indeed, the Commission received more than 22,000 reports of “grave acts of violence” (*actos graves de violencia*) that occurred at some time from January 1980 to July 1991, but it focused on thirty-two cases chosen to illustrate different types of violent acts, which were classified as acts of violence committed by state agents; massacres of campesinos by the armed forces; assassinations committed by death squads; acts of violence committed by the FMLN; and assassinations of judges. The Truth Commission found that 95 percent of these acts of violence had been committed by the government’s military forces, the security forces, and the death squads, mainly against civilians. The FMLN was responsible for the

remaining 5 percent of the cases of violence, which included an assassination campaign directed against approximately thirty mayors of cities and villages.⁷⁷

Nonetheless, the GOES was reluctant to carry out the recommendations of the Truth Commission. In keeping with its mandate, the Commission recommended measures aimed at national reconciliation, including the creation of a special fund to provide adequate material compensation to the victims of the violence.⁷⁸ With respect to moral reparation, the Truth Commission recommended that a national monument be built in San Salvador with the names of all identified victims of the conflict; that the dignity of the victims and the serious crimes committed against them be recognized; and that a national holiday be established to remember the victims of the conflict and to affirm national reconciliation. Finally, and so that Salvadoran society might be able to analyze the Commission's report in detail, it was recommended that a Truth and Reconciliation Forum be created that would include the participation of representative sectors of the country.⁷⁹

As indicated elsewhere,⁸⁰ while publication of the report had a major political impact nationally and internationally, most of its recommendations, especially those related to reparations, were never carried out, even though they were *binding* on the parties to the peace accords.⁸¹ The GOES not only failed to carry out most of the recommendations in the Truth Commission report, but five days after its publication, at the urging of President Cristiani, the Legislative Assembly passed a general amnesty law covering persons implicated in the violations and abuses committed during the war.⁸² As noted above, this measure was part of the agreement between the GOES and the FMLN signed in February 1993.

In the years since the report was published, the GOES has partially implemented some of the institutional measures suggested by the Truth Commission, though the spirit and contents of the Commission's original proposal were not always respected. For example, on April 29, 1994, the Legislative Assembly adopted several amendments to the constitution regarding the judiciary, including decentralizing some of the functions of the Supreme Court of Justice and protection for individual rights.⁸³

Given its importance for transitional justice, it is worth noting that after a series of arbitrary executions in 1993, the GOES, in the face of pressure brought to bear by the UN, accepted implementing the Commission's recommendation to carry out an investigation into politically motivated illegal groups. Accordingly, on December 8, 1993, a Joint Group was established, made up of two independent representatives designated by the president of the republic, the National Human Rights Ombudsperson, and the Director of the ONUSAL's Human Rights Division, with the principal mandate "to help the Government carry out the recommendation of the Truth Commission that an in-depth investigation be undertaken into illegal armed groups."⁸⁴

The report was released in July 1994 under the auspices of a new government. The report indicated that "serious evidence of the existence of illegal armed groups, that operate clandestinely, and with extensive logistical, economic, and political capacity" had been found.⁸⁵ Among its main

recommendations was that a special unit for investigating the illegal groups and vetting the judicial system be created within the PNC, including the designation of special judges to hear the cases of the type of crime being investigated. Nonetheless, those recommendations met the same fate as those of the Truth Commission: they were ignored or implemented formally more than in reality, and one year later the report was forgotten and the practice of kidnapping resurged.⁸⁶

Table 3⁸⁷
El Salvador:
Compliance with Commitments Related to Transitional Justice

Date	Commitment	Observations
January 23, 1992	The Legislative Assembly passed the Law on National Reconciliation.	This law made it possible for the FMLN leadership to join the country's political and civilian life.
February 20, 1992	The Legislative Assembly issued the decree establishing the <i>Procuraduría Nacional para la Defensa de los Derechos Humanos</i> .	
May 19, 1992	The Ad Hoc Commission, responsible for recommending measures for vetting the FAES, began its work.	According to the original timetable, the Commission was to be installed on May 15.
September 1, 1992	Start-up of the National Public Security Academy's activities.	Start-up had been scheduled for May 1, 1992.
September 22, 1992	The Ad Hoc Commission delivered its report to President Cristiani and the UN secretary-general.	According to the original timetable, the report was to have been delivered on August 15.
December 11, 1992	The Legislative Assembly issued the decree on the New Law on the National Judicial Council.	According to the original timetable, the law was to have been approved on May 1, 1992.

Late October 1992	With UN mediation, the GOES and the FMLN entered into the agreement to officially end the armed conflict on December 15. That agreement included the willingness of President Cristiani to carry out the recommendation of the Ad Hoc Commission to vet the armed forces.	The GOES did not carry out its promises to vet the FAES by December 31, 1992. In early January 1993, the United Nations reported that the treaty had been violated with respect to fifteen of the officers who were on the list, including the minister and vice-minister of defense. These officers announced their retirement in March, just a few days before publication of the Truth Commission report. The commitment was carried out in its totality by June 30, 1993, when the last officer included in the report of the Ad Hoc Commission completed his thirty years of service and retired via normal military procedures.
February 1, 1993	Start-up of operations of the National Civilian Police.	
February 1993	Beginning of the first deployment of the National Civilian Police in Chalatenango.	The deployment throughout the national territory was not completed until early 1994, which represented a major delay with respect to the original timetable.
July 13, 1992	The Truth Commission began its work.	According to the peace accords, the Commission had six months to do its work.
March 15, 1993	The Truth Commission presented its final report.	The report was harshly attacked by the right-wing sectors and by high-level

		government officials.
March 20, 1993	The Legislative Assembly approved the Law on General Amnesty, which covered persons implicated in the violations and abuses committed during the war.	The law foreclosed any trials against those principally responsible for the human rights violations that took place during the conflict, on the part of both the former guerrilla forces and the armed forces, and was the result of a negotiation between the FMLN and the GOES.

Overall Assessment of the Process of Transitional Justice

Based on the analysis in the preceding section, one can deduce that the process of transitional justice in El Salvador has had two clearly identifiable stages. In the first, which corresponds to the period of DDR, some aspects of transitional justice included in the peace agreements were implemented. In the second, which corresponds to the period subsequent to the Truth Commission report, a considerable number of the transitional justice measures were not implemented, including those related to reparations and justice.

The main reason for this is the different political contexts of these two stages. In the first, transitional justice benefited from a correlation of forces highly favorable to implementing the peace accords. These factors included, among other things, the design of a timetable for implementing the peace commitments that was synchronized with the demobilization of the FMLN and the GOES implementing its commitments to political and institutional reform, including the transitional justice measures. As we saw in the previous section, it was precisely this link between DDR and political reform that made possible (albeit with delays) effective implementation of the main measures related to transitional justice, with the notable exception of those related to prosecutions.

In the second stage, on the contrary, the climate of political forces changed and became unfavorable for implementing the transitional justice measures. At this point the FMLN was demobilized, disarmed and reintegrated into the national political system, which meant it had a diminished influence over implementation of the peace commitments in general.⁸⁸ Moreover, the recommendations included in the Truth Commission report did not come out of the direct negotiations between the parties to the peace accords, and therefore did not benefit from the positive political and military correlation of forces at the time of the agreements.⁸⁹ In addition, in this second

phase other Salvadoran political actors came to have a more prominent role, such as the Legislative Assembly, which was controlled by the right-wing parties, and they were not interested in justice measures being carried out.

The case of El Salvador (like other experiences internationally) clearly illustrates the political difficulties transitional justice faces, especially as related to prosecutions, due to the shared interest of the different parties to the conflict to ensure as much impunity as possible. In this respect, the Salvadoran case is exemplary, since each side obtained impunity through the implementation of amnesty laws, which they secretly negotiated with one another. In this sense, the Salvadoran case clearly reflects the serious obstacles justice faces in transitions from war to peace.

Relations between DDR and Transitional Justice: Lessons from the Salvadoran Experience

More than seventeen years have elapsed since the signing of the peace accords that brought an end to the Salvadoran conflict. This provides an opportunity to analyze, in historical perspective, the interplay between the processes of DDR and transitional justice. Timing is precisely one of the main factors that must be considered when it comes to analyzing the possibility of finding common ground between these two processes, as well as identifying where they may be at odds with one another. In the Salvadoran case, the implementation of DDR and certain aspects of transitional justice coincided, which made it possible for those processes to interact in a specific manner.

In effect, the strong political commitment of the main actors to end the conflict and to take advantage of the peace accords so as to consolidate the process of democratization, together with the political-military strength of the FMLN, set a scene in which the design and implementation of DDR was explicitly tied to the implementation of measures to democratize and demilitarize the country. This link was established in the timetable for implementing the accords; the FMLN's commitment to demobilize and disarm was based on implementation, by the GOES, of other commitments that the FMLN considered fundamental, such as the political and institutional reform, and the vetting of the armed forces. In this context, a positive relationship was established between DDR and transitional justice that made possible progress in the objectives of both processes, at least in the short term. One of the most important lessons to be drawn from the Salvadoran experience is that to the extent possible, it is fundamental to define a timetable for implementing DDR that links that process to the implementation of transitional justice measures, so as to take advantage of the favorable alignment of political forces that may exist in transitions from war to peace.

This positive relationship between DDR and transitional justice did not work, however, in the arena of prosecutions, since both the GOES and the FMLN wanted to maximize their impunity. Accordingly, they negotiated, in secret, respective amnesties that benefited them, without which the insurgents would not have been willing to demobilize, and without which the military forces would

not have been willing to be downsized and converted. Prosecutions and reparations were never assigned a high priority in the political agenda of the transition from war to peace, since they were not deemed to be determinant for the success of the processes of peacemaking and democratization. These processes were always viewed with suspicion by the GOES and the FMLN; by those who had to sign the peace agreement, who were afraid that the truth being exposed, justice being applied, and benefits being distributed to the victims would adversely affect their particular alliances and interests, have a major destabilizing effect on the peace process and consequently pose a risk to the consolidation of democratic government.

From the abovementioned evidence, one can draw another lesson from the Salvadoran experience, in that there is always a significant level of conflict between DDR and transitional justice in the area of criminal accountability, since the parties to the conflict are not willing to demobilize and disarm without first ensuring themselves the maximum amount of impunity. This undermines the possibilities of getting justice or truth in transitions from war to peace.

At the same time, the successful implementation of DDR shows that there is a positive and desirable link between DDR and transitional justice. Effective implementation of DDR helps bring about a climate of stability and political security favorable for implementing transitional justice. In effect, and given that DDR and some aspects of transitional justice were synchronized in the timetable for implementing the peace accords, the demobilization and disarmament of the FMLN helped bring about a climate of political stability that favored implementation of the institutional reforms related to transitional justice.

In addition, the Salvadoran case also shows that it is desirable and possible to include some aspects of transitional justice in the design of DDR, particularly in relation to reintegrating ex-combatants. Among the programs for the reinsertion of former combatants was the Program for Attention to the War-Wounded and Disabled, which included measures of reparation, such as economic compensation and medical and psychological services. Unfortunately, the GOES did not carry out this commitment, and squandered a valuable opportunity to advance the process of reparation and national reconciliation. Indeed, the breach of this commitment gave rise to the most serious political instability in the whole process of achieving peace, and no doubt contributed to the increase in crime, at least in the years immediately following the signing of the peace agreement.

In more general terms, the Salvadoran experience indicates that the relationships between DDR and transitional justice are influenced by the overall context in which those processes unfold, and that it is therefore fundamental to make a realistic reading of the context to increase the possibilities of success, as well as to avoid frustrations and disappointments. In effect, in the case of El Salvador, DDR and transitional justice took place in the overall context of the complex interrelationship between democratization and peacemaking. This was in part due to the fact that from the standpoint of the main actors in the Salvadoran peace process, DDR and some dimensions of transitional justice played a key role in the process of El Salvador's democratization. Indeed, DDR was assigned a central role due to the fact that there was a strong consensus between the signatories

to the peace agreement that its effective implementation was an essential condition not only to ensure the success of the transition from war to peace but also to attain the full integration of the FMLN into the political system, which in turn was fundamental for achieving the objective of democratic consolidation. To this end, both the Salvadoran and international actors made every effort necessary for DDR to be successful, at least in the short term. This also happened with some aspects of transitional justice, such as the vetting of the FAES and some institutional reforms, which were considered fundamental for demilitarizing society and for strengthening the democratic institutional framework.

Based on this evidence, it is clear that in the Salvadoran case there was a genuine political will on the part of the peace accord signatories to end the war and believe in electoral democracy as the only legitimate means of ascending to power. This fundamental characteristic of the Salvadoran process explains the success of the demobilization, since neither of the two sides wanted the process to fail. Unfortunately, there was also a solid consensus between the two main actors in the war that a broad process of transitional justice could negatively affect their interests and those of their main allies. Therefore, the same correlation of forces that explains the success of the DDR process also explains the limited advances in the area of transitional justice.

Finally, and associated with the previous point, the Salvadoran experience appears to indicate that the best strategy for establishing a positive association between DDR and transitional justice is to look to the future, and not to the past, which is achieved by building a bridge that connects ending the war to building the peace. In El Salvador, that bridge was constituted by the process of democratization, which forced the actors in the war to become promoters of peace. In the absence of this kind of orientation to the future, DDR inevitably appears dissociated from transitional justice, since the protagonists of war seek to make the most of the present, while hiding their past.

¹ At this time there is a wide-ranging consensus that the existence of a closed and repressive political regime was one of the main factors leading to the war in El Salvador.

² Elections began to be held in 1982. While they were initially part of the Salvadoran and U.S. governments' counterinsurgency plans, they gradually gained credibility and legitimacy, making it possible to incorporate the unarmed left into that process.

³ Peace Accords of El Salvador, chap. VII.

⁴ United Nations, *The United Nations and El Salvador 1990–1995*, United Nations Blue Books Series, vol. IV (New York: United Nations, Dept. of Public Information, 1995), 193–230.

⁵ Peace Accords of El Salvador, chap. VII.

⁶ Chapter IX of the peace accords includes a highly detailed calendar for the process of implementing the disarmament and the demobilization of forces, and in general of all the commitments contained in those accords.

⁷ The PTT is described in detail in Chapter V of the peace accords (economic and social issues), and was one of the points assigned high priority by the Salvadoran government, given its importance for ensuring the success of the postwar phase.

⁸ Peace Accords of El Salvador, chap. V.

⁹ *Ibid.*

¹⁰ The role of the UNDP included advising the government on all matters pertaining to mobilizing external support, contributing to the preparation of projects and programs that might qualify for such support, expediting the red tape vis-à-vis official bilateral and multilateral agencies, mobilizing technical assistance and working with the government to make the plan compatible with the activities of the nongovernmental organizations involved in local and regional development activities.

¹¹ Peace Accords of El Salvador, chap. V.

¹² Charles T. Call, "Assessing El Salvador's Transition from Civil War to Peace," in *Ending Civil Wars: The Implementation of Peace Agreements*, ed. Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (Boulder, CO, and London: Lynne Rienner Publishers, 2002), 383.

¹³ Chapter VI of the peace accords, on the political incorporation of the FMLN, included the following measures: (1) adoption of legislative or other measures needed to guarantee the ex-combatants of the FMLN the full exercise of their civil and political rights, with a view to their reincorporation, in a legal framework, into the country's civilian, political and institutional life; (2) freedom for all persons detained for political reasons; (3) broad guarantees and security for the return of exiles, war-wounded, and all other persons who were outside the country for reasons stemming from the armed conflict; (4) authorization of licenses for the media outlets of the FMLN; (5) the legalization of the FMLN as a political party; and (6) the right of the FMLN to full political participation, with no restrictions other than those emanating from the new institutional and legal framework established by the agreements.

¹⁴ The FMLN came in second in the 1994 general elections. In the elections for president it garnered 24.09 percent of the votes and won twenty-one seats in the national assembly and sixteen mayors' offices. Since then it has consolidated its position as the country's second political force.

¹⁵ The exception was the period from October 1993 to early 1994, when at least fifteen people were assassinated for political reasons, including three former commanders and four ex-combatants of the FMLN.

¹⁶ The proposal made by the United Nations provided that the PTT would benefit a maximum of 47,500 persons: 7,500 former combatants of the FMLN, 15,000 former combatants of the FAES, and 25,000 *tenedores*.

¹⁷ For further information on this measure, see the second section of this paper, a general evaluation of the process of transitional justice.

¹⁸ The secretary-general described the event as "a decisive moment in the history of El Salvador, whose people, who have suffered for a long time, can now look to a future in which the political, economic, and

social problems will be resolved by democratic means, and not by war.” At the same time, he indicated that it did not mark the end of the electoral process in El Salvador. It was important, he stated, that both parties and the international community persevere in their efforts to ensure the application of the remaining provisions of the peace accords. Background found at www.un.org/Depts/dpko/dpko/co_mission/onusalbackgr2.html.

¹⁹ United Nations, *The United Nations and El Salvador 1990–1995*, 193–230.

²⁰ In the face of ONUSAL’s resistance, the FMLN handed in its arms, which accounted for approximately 20 percent of its arsenal. That delivery was completed on August 18, 1992. *Ibid.*, 283.

²¹ Table 1 prepared by the author based on information from Ilja Luciak, *Después de la Revolución: Igualdad de Género y Democracia en El Salvador, Nicaragua y Guatemala* (San Salvador: UCA Editores, 2001), 49, Table 1.

²² United Nations, *The United Nations and El Salvador 1990–1995*, 454.

²³ The arsenal belonged to the Fuerzas Populares de Liberación (FPL), one of the member organizations of the FMLN. ONUSAL subsequently reported that the arms discovered at that arsenal accounted for approximately 30 percent of the FMLN’s total arsenal.

²⁴ In a letter to the secretary-general, the General Coordinador of the FMLN justified the existence of undeclared military materiel by stating that its objective was to “hold a final negotiating card to ensure peace and attainment of the accords.” For its part, the FPL apologized, saying that the weapons were hidden due to its “profound distrust” of the armed forces.

²⁵ In addition to the weapons found in the five “safe houses” in Nicaragua, a total of 114 hidden stockpiles were discovered, with the help of the FMLN, both outside and inside El Salvador. United Nations, *The United Nations and El Salvador 1990–1995*, 501.

²⁶ *Ibid.*

²⁷ In the accords, “*tenedores*” are defined as those persons residing and/or working in the conflict zones.

²⁸ Management Systems International, *Assistance to the Transition from War to Peace: Evaluation of USAID/El Salvador’s Special Strategic Objective* (Washington, D.C.: Creative Associates International, 1996).

²⁹ Salvadoran Ministerio de Planificación, 1992.

³⁰ According to official information, a total of 115 local governments, 16 government institutions, and 192 nongovernmental organizations participated in implementing the PRN.

³¹ Antonio Álvarez and Joaquín Chávez, *Tierra, Conflicto y Paz* (San Salvador: Asociación Centre de Paz, 2001).

³² The government of the United States provided \$250 million from USAID for the PRN; it later increased that figure to \$302 million. Management Systems International, *Assistance to the Transition from War to Peace*.

³³ Álvarez and Chávez, *Tierra, Conflicto y Paz*.

³⁴ Phase II of the 1980 land reform required owners who owned more than 245 hectares to sell land to agricultural workers and their associations or to small farmers, but not to owners’ relatives, within three years of the reform.

³⁵ On this point, it was established that the ex-combatants would be given a total allotment based on soil type, whereas the *tenedores* would be given an allotment the maximum of which would be the same as the previous amount, and the minimum of which would be half that.

³⁶ In the proposal accepted by the parties, the date for completion of the second phase and the start of the third is open; those presented here are the dates originally planned by the Oficina Coordinadora del Tema Agrario (OCTA) of the Salvadoran government.

³⁷ In July 1994, the draft amendments to Legislative Decree 416 were introduced; they were approved in November 1994 by the Legislative Assembly, and a table of disabilities was drawn up to enable it to proceed to the technical evaluation of the beneficiaries. In September 1995, the Fund began the process

of validating those persons registered in the respective census, so as to proceed to grant benefits to the minor children of deceased ex-combatants and their elderly parents.

³⁸ The law stipulates that when the minor children who are not disabled turn eighteen, the benefits terminate.

³⁹ A different program financed by the European Union also provided services to the war-wounded in the paracentral and eastern zones of the country from 1993 to 1997. This program established first- and second-level rehabilitation centers, serviced by mobile units (two centers in Usulután, seven in San Miguel, seven in Morazán, one in San Vicente and one in Cuscatlán).

⁴⁰ The program would also provide a basic market basket of food, including twenty pounds of beans, ten pounds of rice and five pounds of milk (only one completed his or her studies and received the food basket) per month for a six-month period.

⁴¹ For an estimate of the number of beneficiaries served by the USAID programs, see Management Systems International, *Assistance to the Transition from War to Peace*. For an estimate of the beneficiaries of the agricultural reinsertion programs from the FMLN and the FAES, see Álvarez and Chávez, *Tierra, Conflicto y Paz*.

⁴² David Holiday and William Stanley, “En la Mejor de las Circunstancias: ONUSAL y los Desafíos de Verificación y Desarrollo Institucional en El Salvador,” *Estudios Centroamericanos* (June 1997).

⁴³ The original agreement called for vetting the army before December 31, 1992. See Rubén Zamora and David Holiday, “The Struggle for Lasting Reform: Vetting Processes in El Salvador,” in *Justice as Prevention*, ed. Alexander Mayer-Rieckh and Pablo de Greiff (New York: Social Science Research Council, 2007).

⁴⁴ The transfer of these lands was done in the context of the Land Transfer Program, described above.

⁴⁵ The amnesty was approved five days after publication of the Truth Commission’s report; it benefited those implicated in the violations and abuses committed during the war. The Commission’s report included forty persons responsible for human rights violations, including high-level army officers, members of the Supreme Court of Justice and the minister of defense.

⁴⁶ Joaquín Villalobos, “‘Sin Vencedores ni Vencidos’: Pacificación y Reconciliación en El Salvador,” *INELSA* (August 2000): 41–42.

⁴⁷ Management Systems International, *Assistance to the Transition from War to Peace*.

⁴⁸ The delays of the PTT reflected several factors, of which special mention should be made of the lack of will on the part of the government to implement it, the FMLN’s delays in submitting the lists of beneficiaries (it took seven months to draw up the list), the technical complexity of the process and the lack of funds.

⁴⁹ While in the end the agrarian debt was forgiven, for a long time their status as debtors in areas kept the beneficiaries from accessing working capital in the financial system.

⁵⁰ Álvarez and Chávez, *Tierra, Conflicto y Paz*, 54.

⁵¹ In May 1993, a demonstration was repressed by the police in which one disabled person died and others were wounded. It was only after this incident that the Ministry of Interior granted legal recognition to these groups. In January 1995, after five years of government inaction, former soldiers occupied the Legislative Assembly and other public buildings in San Salvador for two days to pressure for the benefits promised. The war-wounded demanded compensation payments from the government of US\$2,064, but the government argued that it could not satisfy that demand due to lack of funds.

⁵² The final report of the SRN indicated that the total cost of the program was €32.5 million (US\$3.7 million), covering 18,910 medical consultations and 4,558 physical therapy sessions. The FAES provided the demobilized soldiers compensation equivalent to one year’s salary. In its final report the government (1996) said that 19,815 soldiers received the compensation, at a total cost of €265.3 million, equivalent to an average of US\$1,540 per soldier. Management Systems International, *Assistance to the Transition from War to Peace*.

⁵³ In October 2006, the organizations of war-wounded delivered a letter to the representative of the UNDP in which they denounced the Salvadoran government for failure to provide health benefits, insufficiencies

in the economic compensation, and violation of the law for the protection of war-wounded. According to the demonstrators, the pensions allocated to those persons range from US\$40 to \$114, “which is not enough to survive.”

⁵⁴ In the case of the FAES, there is only information on one battalion of 160 women, including girls under eighteen years of age, formed in 1983 in San Miguel, which was dissolved shortly thereafter.

⁵⁵ Management Systems International, *Assistance to the Transition from War to Peace*.

⁵⁶ Other studies, however, argue that throughout the period in which the programs were implemented, some of the obstacles that discriminated against women were removed. In this respect, see Luciak, *Después de la Revolución*.

⁵⁷ According to Beth Verhey, the FAES did not recognize the participation of children, but the veterans estimated that 80 percent of them (the veterans) were recruited when they were under eighteen years of age. Beth Verhey, *The Demobilization and Reintegration of Child Soldiers: El Salvador Case Study* (Washington, D.C.: World Bank, 2001). As for the FMLN, ONUSAL has estimated that from 1,500 to 1,600 (18 percent of the forces) were under eighteen years of age (105 were youths ages eleven to fifteen years).

⁵⁸ Verhey, *The Demobilization and Reintegration of Child Soldiers*, 5.

⁵⁹ Of course, this conviction was based on a correlation of national, regional and international political forces favorable to the peace process, which made it practically impossible for the GOES or the FMLN to go back to the war. Among the factors that made that correlation possible are the following: the end of the Cold War and the favorable attitude of the United States and Russia to a negotiated political solution; the virtual military stalemate between the two sides in conflict, and the fact that the FMLN had obtained surface-to-air missiles; the growing credibility and legitimacy of the democratization process and elections as the only way to come to power; and the active intervention of the United Nations in the peace process.

⁶⁰ Joanna Spear, “Disarmament and Demobilization,” in *Ending Civil Wars*, 141.

⁶¹ In the case of Colombia, the loss of control of the leadership of the Autodefensas Unidas de Colombia (AUC) over the mid-level commanders (and the lack of attention given to them) is one factor that helps to explain the difficulties in the DDR process.

⁶² Alexander Segovia, “Transición de la Guerra a la Paz en Sociedades Post-Bélicas: La Experiencia de El Salvador,” Overseas Development Council, Program on Enhancing Security and Development (1995).

⁶³ Management Systems International, *Assistance to the Transition from War to Peace*.

⁶⁴ *Ibid.*

⁶⁵ During the time of the negotiation, signing and implementation of the peace accords, the concept of transitional justice was not part of the conceptual framework used by the main actors in the Salvadoran conflict.

⁶⁶ See “El Salvador: Mexico Peace Agreements,” United States Institute of Peace Library: Truth Commissions: Charters: El Salvador, April 27, 1991, www.usip.org/library/tc/doc/charters/tc_elsalvador.html (accessed December 12, 2007).

⁶⁷ *Ibid.*

⁶⁸ “El Salvador Peace Accords: Chapter 1, Armed Forces,” United Nations, *The United Nations and El Salvador 1990–1995*.

⁶⁹ For a detailed analysis of this process, see Zamora and Holiday, “The Struggle for Lasting Reform.”

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² “El Salvador Peace Accords: Chapter VI, Political Participation of the FMLN,” United Nations, *The United Nations and El Salvador 1990–1995*.

⁷³ “El Salvador Peace Accords: Chapter III, Judicial System,” United Nations, *The United Nations and El Salvador 1990–1995*, 193–98.

⁷⁴ As we saw in the section on a general assessment of DDR, since some of those commitments were tied to the process of demobilization and disarmament of the FMLN, the failure to follow through on them forced the former guerrilla organization to halt its demobilization.

⁷⁵ Jack Spence, *La Guerra y La Paz en América Central: Una Comparación de las Transiciones hacia la Democracia y la Equidad Social en Guatemala, El Salvador y Nicaragua* (Brookline, MA: Hemisphere Initiatives, 2004), 65.

⁷⁶ On January 7, 1993, the UN secretary-general called the government's attention to the fact that it had not carried out the agreement to discharge fifteen officers, among them the minister and vice-minister of defense. President Cristiani put off compliance to the end of his administration. Only after pressure from the United States, such as suspending military aid, and major pressures from the UN in June 1993 did the president announce, in late 1993, that the agreement would be carried out.

⁷⁷ See United Nations, *The United Nations and El Salvador 1990–1995*, 41–42.

⁷⁸ The fund had to take into account the data from the victims reported to the Commission, which were attached to the report.

⁷⁹ The Commission recommended that the Forum for Reconciliation (*Foro de Reconciliación*) be addressed by the National Commission for the Consolidation of Peace [*Comisión Nacional para la Consolidación de la Paz*] (COPAZ), which was in charge of follow-up to the peace accords. The COPAZ was made up of the GOES, the FMLN, and the political parties represented in the Legislative Assembly. To this end, it proposed that its composition be expanded, “so that sectors of civil society not directly represented in it may participate in that analysis.” Commission on the Truth for El Salvador, *From Madness to Hope: The 12-year War in El Salvador: Report of the Commission on the Truth for El Salvador*, UN doc. s/25500 (1993).

⁸⁰ Alexander Segovia, “Domestic Resource Mobilization,” in *Economic Policy for Building Peace: The Lessons of El Salvador*, ed. James K. Boyce (Boulder, CO, and London: Lynne Rienner Publishers, 2006).

⁸¹ See letter of March 29, 1993, to the President of the Security Council from the Secretary-General of the United Nations, reproduced in United Nations, *The United Nations and El Salvador 1990–1995*, 307.

⁸² The report of the Truth Commission included the names of forty persons responsible for human rights violations; some were high-level army officers, members of the Supreme Court of Justice, and the minister of defense. United Nations, *The United Nations and El Salvador 1990–1995*, 588.

⁸³ Specifically, the following measures were approved: (1) transferring the power of the Court to suspend attorneys and civil law notaries from exercising their profession, to the National Council on the Legal and Notarial Professions (*Consejo Nacional de Abogacía y Notariado*); (2) assigning jurisdiction over writs of habeas corpus to lower courts, with the exception of those cases that involved trying high-level government officials reviewing lower court decisions and denying petitions to release persons detained; (3) expanding jurisdiction over writs of *amparo* to the other chambers, not just the Chamber for Constitutional Matters; (4) stipulating that no less than 4 percent of the national budget would be earmarked for the judiciary; (5) passing several amendments regarding due process guarantees; and (6) strengthening the rights of detainees. United Nations, *The United Nations and El Salvador 1990–1995*, 588–89.

⁸⁴ *Ibid.*, 605

⁸⁵ *Ibid.*

⁸⁶ Antonio Cañas and Hector Dadas, “Political Transition and Institutionalization in El Salvador,” in *Comparative Peace Processes in Latin America*, ed. Cynthia J. Arnson (Washington, D.C.: The Woodrow Wilson Center Press, 1999), 85–86.

⁸⁷ Table 3 prepared by the author, based on information from the Government of El Salvador and the UN.

⁸⁸ Indeed, at this stage, the political priority of the former insurgents was to ensure adequate conditions for their role as a political party, including the security of its members.

⁸⁹ Segovia, “Domestic Resource Mobilization.”