



A New Chapter for El Salvador: The First Hundred Days of President Mauricio Funes November 9, 2009 This report examines what has taken place in El Salvador under the presidency of Mauricio Funes since his inauguration on June 1, 2009. El Salvador has undergone an historic transformation, from civil war and twenty years of conservative rule to a guerrilla army-turned political party and democratically elected government. While the first one-hundred days of any new administration may be a premature time frame to judge progress, in the case of El Salvador, this moment does provide valuable insight as to the direction, priorities and capacity of its new leadership.

The Funes Administration arrived in office to confront a daunting social panorama: immense poverty; post-war trauma and polarization; rising criminal and domestic violence; massive emigration and family disintegration. The President also faces a complex political environment. Conservative parties maintain control of the legislature, and the powerful private enterprise sector, the Armed Forces, and the media all have historically conservative allegiances. At the same time, elements of Funes' own party, the FMLN, have already begun to protest some government policies.

How well the new administration is able to govern will determine whether El Salvador meets its challenges, muddles through, or retreats on the progress it has made since the end of the civil war. The importance of this subject is simple and straightforward: no matter which political party runs the government, a stable, prosperous, and just society in El Salvador is in the best interests of the Salvadoran people, and of profound importance to the region and to the United States.

To gather facts for this report, the Center for Democracy in the Americas visited El Salvador at the end of July. We met with government officials, analysts and representatives of political parties, and then continued to monitor developments throughout September. We also provided a written survey to other opinion leaders both in El Salvador and the diaspora to broaden the scope of our research. We are grateful to everyone who made time in their busy schedules to talk with us or respond to our questions in writing. Together, these interviews and survey responses enabled us to evaluate (within the constraints of our perspective as outsiders) the progress made by the Funes Administration in its first 100 days with input from a variety of perspectives.

This report looks at the following subjects:

- The transition into governance
- The new and broader dialogue taking place between the government and key social groups
- Actions to instill confidence in El Salvador's new direction among national and international elites
- Domestic economic and social plans of the new administration
- Citizen security and the rule of law
- Reform of the military leadership
- Human rights
- El Salvador's foreign policy
- The road ahead

Transition into Governance: Taking charge and learning to govern

"The most important achievement of the first 100 days is that nothing chaotic has happened. This is a historic moment in the life of the country. We are all changing: the right, the left, and international cooperation. There was fear about the left taking power but then everything remained the same."

Ileana Rogel, former FMLN legislator and newly-named director of CONAPMES, the National Commission for Small and Medium Business¹

When President Mauricio Funes and his cabinet entered the Casa Presidencial on June 1st, they were aware of the impact of the global financial crisis on the country's population and institutions, but had not been informed of the extent of the nation's fiscal crisis or the scope of the government's institutional mismanagement.

A yawning fiscal deficit estimated to be somewhere between 500 million and 1.2 billion dollars gripped the nation's finances, driven by the drop in remittances from Salvadorans abroad, the decline in exports, a \$123 million debt to commercial suppliers² and a decline in tax revenues. As newly appointed ministers investigated the financial and personnel situations in their institutions, the challenges they inherited became apparent: empty coffers, ghost employees, patronage and pilferage. "This is just the tip of the iceberg," one paper editorialized.³

The first months have been a time of learning, reorganizing, working with minimal funds and many of the old ARENA employees; the Assembly passed legislation before the inauguration to hire its contract employees as salaried workers making it difficult to terminate employment. In addition, according to presidential adviser Roberto Turcios, the president "did not want a policy of firings." In the Casa Presidencial, for example, only three of 100 employees had retired, all for personal reasons.⁴

President Funes had lengthy discussions with the FMLN and also with his center-left support group the "Amigos de Mauricio" about his Cabinet appointments. His economic cabinet includes members of the "Amigos," individuals who are professionally and technically skilled and respected, and some of whom led financial institutions under previous ARENA administrations.

The social and security ministries in large part were given to the FMLN and most appointees are considered highly capable. The Public Works Ministry, for example, a traditional hotbed of corruption, was given to Gérson Martínez, a former FMLN commander respected by many for his honesty. After hearing Martínez speak about corruption, conservative economist and columnist Enrique Hinds praised him, saying that in contrast, ARENA had never condemned corruption.⁵

For her part, ARENA legislator Margarita Escobár is skeptical of some of the new appointees. During an interview in her office in the Legislative Assembly, she asked, "Why is he putting up people who fought and took up arms? Who are they? What are the credentials of the Minister of Justice and Security? Who is he?"

The Funes Administration seems aware of the necessity to demonstrate its capacity not just to govern, but to govern equitably. "We will have to see if there is a fair distribution of resources from the health, education and other ministries," cautioned Juan Héctor Vidal, the former President of the private enterprise association, ANEP. "There was a lot of corruption in the ministries under the previous government."

Ileana Rogel of CONAPMES explained that under ARENA the institution only served small and medium businesses but will now target micro enterprises, including street vendors and other businesses in the informal sector, in line with President Funes' commitment to alleviating poverty. And consistent with the idea that state institutions should serve more than party interests, "We have to change the culture of government, from a culture of taking advantage of the state to one of serving the state," Rogel added.⁸

During his first weeks in office, the President ordered both an immediate audit of all government institutions and austerity measures, including strict regulations on the use of state vehicles, gasoline rations, and bulk orders of supplies.

The government was "in a mess of debts and corruption," FMLN Legislator Jorge Schafik Hándal said. An example of the "mess" was reported by the Minister of Health who discovered 145 tons of expired medicines in warehouses during the first week of June; this, while public clinics and hospitals suffer from a severe shortage of medical supplies. 10

This sentiment was echoed by the Secretary of Culture, Breni Cuenca, who will oversee everything related to culture, from 143 local "Casas de Cultura" around the country, to the libraries and archaeological sites, the symphony and ballet, museums, and the national zoo. "When I took over Concultura three weeks ago I knew it would be a conservative institution but I thought it would be well-organized," she said.

Instead, the day we met with Cuenca, she and her assistants had just completed a first visit to the National Zoo. They discovered appalling conditions including a lack of adequate food and medicines and of an appropriate environment for the animals. A Cuenca advisor, Julio Reyes, described the workers as "very committed to the animals, very loving," but lacking resources and support. "This is the first time someone [from the ministry] has come to talk with us," they told him.

Reyes described opening a refrigerator door to find dozens of little dead animals wrapped in cloth. The workers explained that the animals could not be buried until someone came to sign a paper, "and no one ever comes so they stay refrigerated for years and years!" Reyes said.

These are just some of the challenges – large and small – that the new administration is facing.

New Dialogue

It is said that crisis can open doors to opportunity.

We heard repeatedly that the great challenge for the Funes government is to take advantage of the economic crisis to implement inclusive social and economic policies that will benefit the impoverished 37% of the population. From the very beginning, President Funes determined that change on this scale would be best accomplished if he was able to bring all segments of Salvadoran society along with him from the beginning.

Consequently, the President initiated a dialogue process with the private sector to build confidence and resolve problems without confrontation. "We don't have to think alike," Roberto Turcios explained, "but we can find common interests." The economic cabinet meets weekly with business leaders. "We need to have a relationship with them," Turcios said "to build a government of confidence." ¹²

At the end of July, Alex Segovia, Technical Secretary of the Presidency, met with national and international investors to present the government's position on investment. The investors – representing call center, energy and tourist businesses – "want to know the new policy," Segovia said. One unexpected by-product of the global financial crisis is that the traditionally conservative business community now feels compelled to work with the new administration. In these talks, investors were assured that the government will respect contracts and laws and "in return," Segovia said, "we ask that they respect Salvadoran laws, pay taxes and respect the environment." ¹³

And, for the first time ever, representatives of the unions and the business community met to discuss measures to encourage jobs and productivity. "We are ready to initiate a new stage of national development," a leader from ANEP, the private enterprise association, said following the historic dialogue.¹⁴

The success of these initial efforts led to the formation of the permanent "Economic and Social Council" comprised of 62 members – representatives of universities, unions, churches, the business sector, government and popular organizations. President Funes installed the members on September 3rd, saying the purpose of the Council – an entity which, by the way, was called for 17 years ago in the Peace Accords – is to "promote democratic and civic participation" in governance.¹⁵

The administration views a new and deeper role for citizen participation as key to realizing its commitment to "historic change." As FMLN Legislator Jorge Schafik Hándal explained, "The most important thing is participatory democracy. We need the population to participate in decision-making in the communities." This process, he said, means a voice in determining priorities and use of resources. The "culture of corruption" will be controlled, he emphasized, with local participants "as witnesses to all expenditures."

The concept of decentralization and citizen participation for local development is "an interesting proposal," according to the UCA, Universidad Centroamericana, and means "shared power instead of centralized power." The online publication *El Faro* expressed support for the strategy, saying democracy must begin at the local level with transfer of

resources, responsibilities and decision-making authority to local communities. This requires great organizing efforts and confidence in the grassroots.

Along with other signs of progress, these collaborative actions have created political space for the administration. By the end of the first month the president had an 86% approval rating, according to a CID-Gallup poll; 89% agreed he was "capable and a hard worker" and 86% said he was "honest." A poll taken at the end of August showed a 70% "positive" rating for the President with 52.4% approving of the change in the style of governance. ¹⁸

Actions to win global confidence in El Salvador's new direction

"The first goal of the President has been transition without trauma."

Minister of Defense

General David Munguía Payés¹⁹

An immediate challenge for the new president was to earn the confidence of the international community, of multi-lateral financial institutions, the private sector and the armed forces while reassuring his supporters of his commitment to "change." The success of these efforts would contribute to the financial and political stability of the nation, at least in the short term.

Despite confronting a precarious financial situation, President Funes and his cabinet, by many accounts, have been successful in early efforts to address the economy. Actions taken by the government have earned the confidence of multi-lateral lending institutions and received assurances of grants and loans from the international community.

On July 15th, the World Bank announced a \$250 million loan designated for deficit and social programs.²⁰ With that announcement, the value of treasury bonds soared and demand doubled over expectations. "This shows the confidence of the private sector," said presidential adviser Roberto Turcios.²¹ The president acknowledged the danger of dependence on international lending institutions but has also recognized that the country has no other option but to accept financing of \$1.4 billion through 2014.

The president also had early success at negotiating at least two important agreements. After weeks of deadlock in the Legislative Assembly, he intervened in late July to negotiate the selection of Supreme Court justices. And the same week he announced a major low-income housing construction project resulting from agreements reached among the banks, the building industry and the government.

"We can see that he is a good negotiator," commented Juan Héctor Vidal.²²

And when crisis erupted in neighboring Honduras just four weeks into the new administration, the response from the president and his young Foreign Minister Hugo Martínez was measured: a strong condemnation of the coup d'etat, a two-day closure of the borders and quiet diplomacy. "All in all," acknowledged Vidal, "I think we can give a positive evaluation of the first 100 days."

A prominent Salvadoran conservative, who requested anonymity, said it's too soon to say whether or not he has confidence in the president and his cabinet, but "in the meantime I'll grant them the benefit of space and the benefit of the doubt."

Domestic Economic and Social Policies

"There have been leaders, parties and philosophies that have had the opportunity to govern and have failed. After many years it is our turn, our responsibility. The Salvadoran people are watching. and Archbishop Romero will be the final judge."

President Mauricio Funes²⁴

As Jorge Schafik Hándal, an FMLN legislator explained, the goal of the first 100 days was to maintain the current level of employment, focus on the immediate needs of the people (health care, education, and housing), and increase the direct democratic participation of citizens in the affairs of state.²⁵

The framework for historic change could be understood from the president's inaugural address and his commitment to a "preferential option for the poor." According to those close to the president, the words of slain Archbishop Oscar Romero were not just campaign rhetoric for President Funes, but express the moral philosophy that guides his vision of the state and its responsibility to its citizens. Roberto Turcios explained it as "universal social protection." The state, he said, "owes it citizens the right to dignified housing, pensions for seniors, health care and security for all." ²⁶

The "Anti-Crisis Plan" (PAC) is the immediate representation of this commitment and is considered the centerpiece of the government's strategy for the next 18 months. On June 11th, the president announced the first measures, including the elimination of so-called "voluntary" fees for public health care, free uniforms, school supplies and a nutrition program for 1.4 million students, and a basic monthly pension for 42,000 impoverished senior citizens.²⁷

With transparent budgets and measurable outcomes, the PAC aims to secure existing jobs and create new sources of employment, protect the most vulnerable sectors of the population, begin to implement programs of universal social protection, and take advantage of the economic crisis to construct inclusive economic and social policies.²⁸

In a televised address on June 18th, President Funes presented the PAC as a program designed to provide immediate assistance to the poor and to establish the basis for a national development plan. "This is part of the integral strategy we are designing to reactivate the economy in a sustainable way," he said, "and to rebuild the social fabric."

In addition to the immediate measures announced earlier, the PAC will encourage productivity and employment, with credits to businesses and distribution of agricultural supplies to farmers at cost, and will give priority to public works including water, sewage and electrical infrastructure, and construction of schools and clinics.

El Salvador has had the lowest percentage of social investment in Latin America, according to the UNDP.³⁰ Whereas the previous government focused some resources on

rural poverty, the Funes Administration has broadened its poverty alleviation efforts to also target urban poverty. According to the UNDP, 800,000 Salvadorans live in extreme poverty (10.8%), 37% are impoverished, and the majority of the poor now live in urban areas.³¹

A key component of the PAC is the housing program "Casas para Todos" which will benefit thousands of families and create an estimated 85,000 jobs at a cost of \$233 million.³² The program includes construction of 25,000 homes, and a "piso y techo" component that will provide flooring and roofing to 20,000 families living in precarious shanty-town conditions in urban settlements.³³

The PAC will also seek to ensure adequate medical supplies to the distressed public health system, which is now facing the H1N1 epidemic, in addition to outbreaks of dengue, chronic diarrhea and respiratory ailments.

The PAC also includes: a government austerity program, a commitment to combat corruption, rationing of subsidies for electricity, propane, and public transport, reform of purchasing laws for public administration, and a permanent national dialogue among business and social sectors.

The total budget for the ambitious program for 2009-10 is \$587.4 million, to be financed with multi-lateral loans, donations and national funds.³⁴

The measurable goals of the program may be revised based on financial considerations, according to Alex Segovia. In an interview at the end of July, the head of the president's economic cabinet discussed the PAC and the five-year plan. The priorities of the administration – to combat poverty, reduce inequality, create jobs and improve productivity – will remain the same, he said, but the strategy of implementation will be revised "in function of realities." The five-year plan, to be released in January, "will reflect the consensus of civil society and private enterprise for the first time." ³⁵

President Funes created five new cabinet positions (Technical, Strategic Affairs, Communications, Culture, and Social Inclusion). His wife, a lawyer and long-time activist in her native Brazil and in El Salvador, was appointed as Secretary of Social Inclusion.

"I promise to do the possible and impossible to make a new form of politics with citizen participation."

Vanda Pignato Secretary of Social Inclusion, First Lady ³⁶

Pignato was very visible during the first weeks of the administration, visiting government institutions and women's organizations and denouncing corruption and ineptitude. "We can't be prisoners of the past, but we must know it in order to have a different future," she told journalists.³⁷

As Secretary of Social Inclusion, Pignato will be responsible for programs related to women, children, adolescents and youth, and the disabled. She will also initiate a program called "Citizen Window," to provide ordinary citizens access to government.

On July 14th Pignato announced her plans for "Ciudad Mujer," a national network of centers designed to improve the lives of women by providing education and skills training, health care and cultural opportunities.

Each center will provide child care, a health clinic, psychological and legal assistance and access to micro credit for business development. Pignato denounced "macho culture" and domestic violence, saying that 350 women had been killed during the first six months of the year by family members. "Ciudad Mujer" will be established in all fourteen departments of the country, she said, and will be funded with international cooperation.³⁸ By mid-August construction of the first women's building was initiated in Usulutan.

The Secretary was criticized by conservative media for changing the conventional role of El Salvador's first lady and has been less in the public eye in recent weeks. According to one analyst, she and her advisers have been designing a strategy for social inclusion programs that will complement, but not overlap with the work of other ministries involved in local development such as education and health. ³⁹

Citizen security and the rule of law

"The police must change how they treat people, to respect the people, not to see them as enemies but rather as citizens they must protect."

Minister of Justice and Security

Manuel Melgar 40

Spanish-French journalist Christian Poveda once referred to El Salvador as "the example for the world of everything not to do about violence." The highly respected photojournalist covered the war during the 80s, and returned in 2006 to document gangs and violence. He recently completed a documentary on MS-18, "La Vida Loca."

Poveda, who had gained the trust of the gangs, was executed on September 2nd, allegedly by five gang members who had been led to believe by an agent of the National Civil Police that he was an informer. Poveda's tragic death was mourned by many, including President Funes. "With his camera," Bishop Rosa Chavez said, "he tried to open the eyes of those whose eyes were closed."

Mauricio Funes inherited one of the most violent countries in the hemisphere with an average of 13 homicides a day so far in 2009⁴³ and even higher rates from 2004-2007 according to the Institute of Legal Medicine.⁴⁴

Analysts point to poverty, family disintegration, post-war trauma, organized crime and the deportations of thousands of alleged gang members from the U.S., many of whom never even lived in El Salvador or left as children.

The situation is so serious that some neighborhoods are controlled by gangs that extort protection money from businesses and residents. A *BBC* report claimed that gangs also control some prisons. ⁴⁵ *Univision* has reported that roughly 60 percent of homicides in the country can be attributed to gang violence. ⁴⁶

One family we spoke with from the high-risk community of Colón, a suburb of San Salvador, said they only leave the confines of their walled home when necessary for school and work. "We stay locked inside our house because of the violence." The two elder sons are working in the U.S.: "We miss them," the father said, "but we are happy they are safe." ⁴⁷

In recent weeks, ARENA leaders and one newspaper have charged that violence has increased under the new administration; Federico Hernández of the Chamber of Commerce and Industry criticized the president for "spending too much time on corruption." ⁴⁸

According to Juan Héctor Vidal, any increase in the number of violent incidents can be attributed to an increase in deportations from the United States, and to bigger and stronger gangs incorporated into organized crime and now challenging the president's determination to reduce violence. Vidal also noted that there is more transparency now about criminal activities; the media underreported crime before, he said, and now are exaggerating to divert attention from corruption scandals.⁴⁹

"We don't know if the violence is social or related to 'narcos,' Roberto Turcios admitted. Drug trafficking is of serious concern throughout the region and "cannot be stopped until the U.S. stops buying drugs and selling weapons." He said the problem is growing in El Salvador due to the war against trafficking in Mexico, "and this is a threat to the stability of the country." ⁵⁰

Perhaps the crucial factor in reducing crime will be a complete overhaul of the National Civil Police (PNC). There was great expectation that the post-war security force would be an honest, professional institution but the scourge of impunity and the lack of political and financial support have provided fertile ground for corruption and infiltration by organized crime.

In a letter to President Funes just days after his inauguration, U.S. Representative James P. McGovern (D-MA) expressed his concern about corruption in the PNC, specifically referring to allegations that high officials prevented investigations of money laundering. He asked the president to pursue investigations of several iconic cases including the 1999 rape and murder of nine-year old Katya Miranda; a crime which was possibly committed by a family member and allegedly covered up by a PNC official related to the perpetrator. The president promised to reopen the investigation.

Representative McGovern also requested further investigations of PNC involvement with the drug trafficking gang "Los Perrones" and the murder of U.S. labor organizer Gilberto Soto in 2004. "Progress on these cases would contribute greatly to consolidating the rule of law," McGovern wrote.⁵¹ On August 18th a new trial was ordered for two men acquitted of the latter crime in 2006; the decision was applauded in the U.S. by Teamsters' President James Hoffa as "an important first step in strengthening human rights in El Salvador."⁵²

"Crime is better organized than justice." 53

Newly appointed PNC director Carlos Ascencio is taking steps to clean up the force, removing corrupt officials and hiring new agents. On June 18th, the Assistant Director of Investigations, Augusto Cotto, described the institution as "destabilized, in deplorable condition, with demoralized personnel and defective mechanisms to combat crime."

Cotto said the force was in a critical financial situation, "almost prostrate in terms of economic and administrative resources." He called for an analysis of the entire structure of investigations, more training of investigators and additional resources including laboratories and scientific equipment. "It's not easy," he said. "There are no short-term solutions." ⁵⁴

President Funes announced his anti-crime strategy in early June, including a concentration of police in the six most violent areas. He said orders had been given to the Armed Forces to collaborate in this effort under the direction of the PNC as "dissuasive support." He promised 1,000 new agents and additional logistical support as soon as financially possible and called for a prohibition on weapons in the most affected communities. The president also vowed to cleanse the PNC of corrupt personnel: "Those who betray the institution will be removed and held responsible for their actions." 55

PNC Director Ascensio has reached out to government and non-governmental institutions for assistance. The Office of Planning for the Metropolitan Area (OPAM), for example, is developing a project to monitor violence in coordination with the police, the attorney general's office and the Institute of Legal Medicine. And the UCA's Public Opinion Institute will be conducting surveys on violence and its impact in the communities. ⁵⁶

Local mayors have been asked to take an active role in violence prevention according to Minister of Justice and Security Manuel Melgar who said all mayors have been very receptive to the proposal. Everyone in the communities will be encouraged to participate, including non-governmental groups, community organizations and international cooperation. Police patrols are being reorganized, and to be effective, he emphasized, "It's necessary for the citizens to believe in the PNC." 57

Melgar and PNC director Ascencio have perhaps the most delicate and difficult responsibilities in the new government. Organized crime has infiltrated the police force and is heavily armed, including rocket launchers and missiles, "and they're not leftovers from the war," Melgar said.⁵⁸

The Minister and PNC director must resolve complex structural problems, investigate and fire corrupt agents and officers, and rebuild morale in the under-funded, demoralized institution. "The crime wave can't be resolved in two or three months," Melgar said.⁵⁹

In the meantime, although USAID has spent millions of dollars on judicial reform and "rule of law" projects since the end of the war, the system is highly politicized and also riddled with corruption. The Legislative Assembly is responsible for appointing the Supreme Court and the state attorney; President Funes was able to mediate a decision on the high court after weeks of wrangling, and the court is considered by some to be the "best ever." But the attorney general, a politically delicate position remained vacant

until the middle of September, when Romeo Barahona, a compromise candidate supported by the Conservative coalition, was elected.

Salvadoran Military: Reform starts at the top

A Good Man 61

On June 6th, President Funes met with the High Command of the Armed Forces as commander-in-chief and announced that the new mission of the institution will be to participate in rebuilding the country and to combat violence and organized crime under the direction of the PNC.

Not all officers were pleased with this mission, but Archbishop José Luis Escobar Alas. praised the decision "whether or not it is convenient" for the military. ⁶² Lutheran Bishop Medardo Gómez said he understood the need, but was concerned that the army is "ill-equipped to provide security to the people…due to its past mission to serve and protect those in power." The bishop expressed his hope that "a new military culture" will result in "an army of, by and for the people." ⁶³

In an historic moment on that day, Vice-President and former FMLN commander Salvador Sánchez Cerén signed the official document naming Colonel David Munguía Payés as Minister of Defense.⁶⁴ Payés, a close adviser to the president, retired from the military in the 1990's after successive ARENA presidents denied his earned promotion to general.

Two retired generals promptly denounced the appointment on the basis that a Minister of Defense must be a general, charging that this "disrupts the natural process of promotions," ⁶⁵ and several weeks later ARENA introduced legislation to prohibit retired officers from promotion after appointment to a government position. ⁶⁶

Undeterred, the president officially promoted the colonel and on July 22 he received the "baton" as General David Munguía Payés. "This is a day of justice for a man who has more than enough professional and personal qualities," the president said, "a man with an irreproachable military career who was denied promotion out of political pettiness. This promotion is the expression of the new direction El Salvador and its people wish to take."

According to Juan Héctor Vidal, any discontent in the military over its new mission and leadership "is dissipating." General Payés "is very honest and has the confidence of his troops. He is creating stability in the institution."

General Munguía Payés spent his teen-age years in San Francisco where he was a noted athlete and president of his high school class. He returned to El Salvador to attend the Military School and later served as commander of the Artillery Brigade, Director of the Military School and Director of the College of Advanced Strategic Studies. ⁶⁹

The Minister of Defense met with us in the early evening hours of July 21st, in the midst of a very busy schedule. We were struck by the relaxed and welcoming atmosphere at the Ministry, a strong contrast from that encountered in the past.

Asked to comment on the accomplishments of the first 100 days, General Payés said "transition without trauma" has been the most important achievement. "The president called for unity and it has been successful," he said, citing the Supreme Court appointments and the trust of multilateral institutions. He praised the president's response to the Honduran crisis and his "prudent distance" from Hugo Chávez.

The morale of the institution is "excellent," he assured us. "The government has earned the trust of the Right. They criticize but in a normal way." And, General Payés insisted, "I want to keep the Armed Forces away from politics." ⁷⁰

Human rights: past and present

An Act of Contrition?

The 1992 general amnesty legislation was passed by the Assembly with the approval of the ARENA government, the FMLN and Armed Forces. The amnesty, exempting all war crimes from prosecution, was denounced, however, by human rights organizations, and it remains a source of controversy 17 years later. For UCA Rector José María Tojéira, the amnesty is "an insult to the victims." ⁷¹

ARENA legislator Margarita Escobár saw it differently. She said the amnesty "gave birth to hope." Without the amnesty, she declared, "hope was impossible…human rights would have been more difficult."⁷²

The issue of amnesty was not on the table during the election campaign; the priority, Ileana Rogel said, "was to ensure there was no crisis because of actions of the Left." Families and survivors need to be heard, she said, adding, "Perhaps the 20th anniversary of the Jesuit assassinations, this November, "is a good time to rethink this."⁷³

In an interview with *Univisión* shortly after the inauguration, President Funes seemed to indicate a willingness to open the discussion. Asked about the 1980 abduction and murder of his brother, Funes responded: "I know who ordered my brother's death. With time I have learned to forgive. The families of victims have a right to know the circumstances of their loved one's death."⁷⁴ The president also supports a new investigation into the assassination of Archbishop Romero but has said the decision to reopen the case is up to the Judiciary.

For his part, retired General Mauricio Vargas declared that a repeal of the amnesty would be a "grave error." He pronounced the law as "historically correct," and warned that any attempt to change it "could risk military insurrection." The Archbishop, José Escobar Alas, stated that the period of political transition is not a good time to uncover war crimes: "We have to analyze whether or not it is appropriate to repeal the amnesty."

This issue of human rights should be addressed "with caution and sense: not to open wounds unnecessarily," said one conservative political analyst. "The main legacy of the war is that the population gave itself for change for the better, not for the worse, for revenge or foolish historical claims."

Meanwhile, the committee of former political prisoners issued a statement saying "it is prohibited to forget" and demanded the truth, justice and reparations for illegal arrests, torture and imprisonment. FMLN legislator Jorge Schafik Hándal reiterated the position of President Funes: "This is not the time to challenge the amnesty," but, he added, "the truth must be known: truth, justice and a transparent process."

Twenty years have passed since the October bombing of the FENASTRAS union federation office, the FMLN offensive, and the November 16th murders of the Jesuits, their housekeeper and her daughter. And the coming year, 2010, will mark the 30th anniversary of many of El Salvador's most horrific crimes, including the assassinations of Archbishop Romero and the U.S. nuns, and the Rio Sumpul massacre. These three crimes were the most notorious cases of extra-judicial killings that took place in El Salvador. Following the peace accords, each were identified by the Truth Commission as having been perpetrated by the government or its agents.

Regarding the issue of war crimes, Minister of Defense Payés has said he will not permit the files of officers to be examined, but might consider an act of contrition among sectors of the society. During our interview, he repeated his determination to "keep the Armed Forces away from politics," but, he said, "We all think that the participants (in the war) have responsibility for the people who died. All institutions should ask for forgiveness, led by President Funes, and including the Armed Forces."

"The new government can make a great contribution to history by assuming responsibility before the Inter-American system and its own society, and can start the healing process with the victims -- at least in terms of acknowledging the truth and apologizing with symbolic actions," said Jaime Lopez of the Foundation for the Study of the Application of Law (FESPAD).

"We are beginning a new history with great hope." 80

Perhaps the first important test of the government's commitment to human rights began on June 18th in the department of Cabañas with the disappearance of community activist Gustavo Marcelo Rivera. Rivera's body was found on July 8th at the bottom of a well and with signs of torture. Days later the local police arrested two men and declared the murder was a "common crime, the result of a drunken brawl."

Rivera had been demanding an investigation of electoral fraud during the January election in the town of San Isidro. He was a leader of the long struggle against mining in Cabañas, a struggle revolving around the Canadian gold-mining company PacificRim. Environmental activists are strongly opposed to the project and in June the FMLN had introduced legislation to ban mining. 82

Activists of the local community organization ADES (Santa Marta Association for Social and Economic Development) organized protests demanding a serious investigation of the murder. On July 26th three young journalists from the community radio station in Santa Marta - Radio Victoria - received telephone death threats warning they would be next. The following day masked men attempted to kidnap the local priest, Luis Quintanilla, who had also received death threats. ADES leader Antonio Pacheco was threatened and the organization demanded protection and a full investigation.⁸³

Interim Attorney General Astor Escalante, of the conservative PCN party, met with local police on August 2nd. He said he still believes the murder was a common crime but promised to investigate any leads that may turn up.

Bilateral Relations with the U.S.

"The relationship with the U.S. is a priority based on respect and sensitivity."

Foreign Minister Hugo Martinez⁸⁴

Historically complicated, relations between the U.S. and El Salvador were described to us by Juan Héctor Vidal as "excellent." ⁸⁵ The Secretary of State "had a good impression of everything and indicated the U.S. will continue funding," Roberto Turcios said. He indicated that it is time for Salvadorans to "think big" about the relationship and "how it can facilitate national development."

During the 1980s, Washington spent \$6 billion in military aid to defeat the FMLN. The Reagan and Bush Administrations gave political and military support to successive regimes, and Salvadoran military officers later implicated in human rights violations were trained at the infamous School of the Americas in Fort Benning, Georgia (now the Western Hemisphere Institute for Security Cooperation).

"Those were other times," an FMLN activist told us. She said relations with the Embassy now are "very good, very respectful," and, she added, "Just as they sent money during the war, now they must send money to strengthen democracy." 87

FMLN legislator Jorge Schafik Hándal agreed: "It is time to reorient our international relations, to fan out to many countries." El Salvador can no longer base its foreign policy "simply on ideological relations" but must also look at economic ties, he said. The country lacks natural resources and has been economically dependent, but now looks to develop diplomatic relations that benefit commercial and trade ties. The FMLN is not opposed to CAFTA, he continued, "but we are against the form of the treaty; it's good for big business but not for the little ones. Conditions have to be equal."

Juan Héctor Vidal, currently working on a USAID-funded transparency project, suggested Washington should be more vigilant about how its dollars are spent: "The U.S. was very tolerant with the governments of Guatemala, Honduras and El Salvador in the past, as though we were little angels!" 89

For analyst Sonia Baires, the most important contributions the U.S. could make would be to provide technical assistance, monitor corruption and transparency, and provide support in the fight against drug trafficking and organized crime. ⁹⁰

The Millennium Challenge Corporation (MCC) will fund a \$460 million program over the next five years, but the country must successfully comply with a dozen requirements, including combating corruption. There is some concern, Roberto Turcios told us, that El Salvador may not meet the standards because of corruption under the past government. A large portion of the funding, if approved by Congress, is for the construction of a north-south highway across the northern, impoverished departments of the country. ⁹¹

Construction of a portion of the highway in Chalatenango was inaugurated in mid-August.

"The most important issue is immigration."

Juan José Garcia, Vice-Minister of Foreign Relations⁹²

Everyone we spoke with emphasized the importance of the diaspora, notably the estimated 2.5 million Salvadorans in the United States. It is almost an adage that the country's greatest export is people; until the recent decline in remittances, 18% of the country's revenue was derived from funds sent from the diaspora to families in-country. Emigration provided a safety valve for discontent and remittances kept the country afloat during the past decade.

Juan José Garcia, the Vice-Minister of Foreign Relations for Salvadorans in the exterior, spoke about the treatment of Salvadorans detained in the U.S: "We can't allow them to be taken to prison in the morning and put on a plane the same afternoon." He insisted on the right of Salvadorans to a legal process before deportation, called for an extension of the TPS (Temporary Protection Status) program and an end to deportations that separate families. Sending alleged criminals back to El Salvador without any rehabilitation, he said, (referring to gang members) "creates a security problem for us here, and a high rate of return to the U.S."

The FMLN is putting forth a proposal in the Assembly to protect migrants and their families, and a bipartisan delegation visited Washington in June to discuss their concerns about immigration with Members of Congress: "This is a non-partisan issue," they said. 94

Roberto Turcios mentioned the importance of serious analysis of immigration patterns. Central America is losing population, he said, and El Salvador, for example, is facing a shortage of nurses because many leave for more profitable employment as caregivers in the U.S. Turcios suggested a program of temporary work visas is needed until opportunities improve in the country. ⁹⁵

Meanwhile, Vice-Minister Garcia insists his government must be more supportive of Salvadorans in the exterior. "The government must give a hand and work together with this very important social capital in the task of national development," he said. The consulates "can't simply be passive agencies…but must defend the social, labor and human rights of immigrants."

Foreign Policy

While the current left-right polarization in the region has focused on Hugo Chávez, President Funes has taken a cautious approach to Venezuela, not alienating or embracing the controversial president.

Funes has been emphatic that Presidents Obama and Lula (of Brazil) are his models for governance; the FMLN is in agreement but does have a longstanding relationship with President Chávez, and that is of great concern to conservatives.

One conservative political analyst said relations with the U.S. are "great," because "there isn't a reason for them to be bad." However, "if El Salvador unites with Venezuela there will be problems," he warned.

The coup d'etat in Honduras on June 28th has the support of ARENA leaders who not only oppose the Funes government but suggest that it will succumb to Chávez. ARENA legislator Margarita Escobar told us with great passion that she considers the situation "dangerous" and insisted that Chávez "is hungry for El Salvador." She continued, "We have to be very, very vigilant that the democratic system is not in the hands of Chávez...Will we allow Chávez here? Over my dead body!" ⁹⁷

The continuing crisis in Honduras has also raised concerns on the left that El Salvador is next. "The coup is a message for El Salvador," a source said, "and we will not permit this to happen here." ⁹⁸

President Funes immediately condemned the coup d'etat and refused to recognize the legitimacy of the self-proclaimed government. The Salvadoran embassy in Tegucigalpa shut down and borders were closed for 48 hours. Foreign Minister Martínez expressed deep concern and stated that the government "is willing to collaborate on initiatives that contribute to a solution within the framework of non-intervention."

ARENA leaders warned the president "to refrain from antagonizing the coup government," and also criticized him for "precipitously condemning" the coup. ¹⁰⁰ The former Christian Democrat ambassador to Washington, Ernesto Rivas Gallont (1981-89), warned that the Honduran crisis "could unleash a chain of coups in the region," and praised the president for not intervening. ¹⁰¹

Roberto Cañas, ex FMLN commander and member of the FMLN Political-Diplomatic Commission during the peace process, said the coup represents "the battle of the Americas between the authoritarian past and full democracy, between continuity or change." The actions of the Honduran right "are not a distant reality for El Salvador, but a clear message," he said. And Lutheran Bishop Medardo Gomez warned the President to be careful: "The same thing could happen here."

Despite distinctions between positions on the right and left in El Salvador regarding the events in Honduras, the Funes administration's quick response was moderate and independent, showing that it was the position of the state, and not the policy of the FMLN or any political party. The reaction to the coup is representative of how President Funes has managed his foreign policy thus far; moderate, balanced and in line with what the U.S. refers to as the "moderate left" governments in the region, such as Brazil and Chile.

The Road Ahead

"The challenge is to create historic change...and the clock is running.

We have already used 50 days of the 60 months we have!"

Roberto Turcios 104

The coming months will be a time of consolidation and planning. Cabinet members completed their strategic plans for the president's review on July 20th, and the national

development plan will be presented to the country in January. The budget for 2010 – the moral compass for the administration – will be announced in December 2009.

Officials will continue to be learning on the job, cautious not to make mistakes or to disappoint Salvadorans who have high expectations for change. They will have to navigate political criticisms from ARENA, in the opposition, and also from their allies within the FMLN, who will have expectations of greater and swifter progress toward change.

Sonia Baires believes there can be little change between September and December; the economic crisis will worsen and the government won't be at full capacity until 2011. The President's "hands are tied" in terms of real change, she said, because the Right controls the legislature where a 2/3 vote is required.

The conservative majority in the National Assembly will continue its efforts to block initiatives by the administration. Former ARENA President Alfredo Cristiani, now head of the party, has already described the Funes Administration as "disorganized, inept and incompetent," and referred to the siege of Troy as he warned that a sector of his party is impatient and wants confrontation. ¹⁰⁵

President Funes also faces critics on the left. Dagoberto Gutierrez of the radical-left *Tendencia Revolucionaria* said people are "disenchanted" and described the current administration as "a government without a party and a party without a government." During our visit, opponents of a dam project approved by the previous government demonstrated in front of Casa Presidencial and left a large graffiti reading: "Funes you have already forgotten the people." ¹⁰⁷

And during a demonstration on July 30th, commemorating the 34th anniversary of a massacre of university students, some participants wore face masks and shouted slogans like "Even though the dog wears a different collar it is still a dog." They carried signs protesting the president's position on Honduras, his relationship with the Armed Forces, and the dam project. ¹⁰⁸

Sonia Baires complained that President Funes has not done enough on gender issues and said it is important for the administration to look beyond the "old networks" and incorporate new people, especially women and youth, "not just as a party but as professionals." ¹⁰⁹

The media has also been critical and, again, not only the conservative press. The president – himself a journalist for 20 years – met with the press only three times during the first months and rarely answered questions. He did meet with reporters on the "Day of Journalists" and promised full access to information. "I owe all that I am to freedom of expression," he declared. "I will always defend that, my doors will always be open...and there will be no secrets because secrets are an indirect form of censorship." ¹¹⁰

But Baires is confident that the population will continue to support the president. "The good thing is that people are more aware, more critical. They know we have to give Funes more time, that he has to take into account ARENA's opposition and can't simply impose measures."¹¹¹ And in an article entitled "How to Criticize the Government"

Without Sinking the Ship," *El Faro* called for patience and for mature and responsible criticism, "taking into account the risks and consequences." Nevertheless, as Roberto Turcios said, the clock is running, "and there is concern that the government makes sense to the people in terms of historic change." 113

The two major challenges of the economy and violence will top the president's agenda. He has warned that the year ahead will be difficult, with recovery not anticipated before mid-2010. Economic indicators will continue to fall during the coming months, and violence cannot be expected to decrease for some time. The H1N1 epidemic claimed 12 lives over the first two months of the Funes Administration and could hit full-on during the winter months.

The success of the Anti-Crisis Plan will be the clearest measure of progress during coming months. But the president will also try to honor his commitment to the poor with other measures in the short-term.

"If we don't share the fruits of democracy, we can't call ourselves democratic." President Mauricio Funes¹¹⁴

On August 1st, President Funes traveled to the department of La Paz to present property titles to 934 peasants under the auspices of ISTA, the agrarian reform institute. The majority of the beneficiaries were women, and all had been born on and worked the land their entire lives without the possibility of ownership. "Now I can leave this to my children and grandchildren," one 70-year-old farmer said.¹¹⁵

Property titles will be transferred to those who work the land throughout the country, the president said, and he promised farmers further direct assistance of seeds and the construction of granaries. "We will turn the countryside into the driving force of the nation's productive development," he said. 116

"Land ownership provides stability and dignity," the president told the farmers. "Personal dignity is and will always be my greatest work as president, to care for the neediest, for those who have not been allowed a life of dignity." He concluded, "This government must be a government with a preferential option for the poor. The wealth will no longer be for just a few."

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Final Observations

To return to where we began, the "100 Days" milestone is an imprecise measure of an administration's performance in office and provides insufficient data to predict how it will fare over the long term.

The Funes Administration faces the remainder of this year and its term with its hands full – both with immediate and longer-run issues, ranging from the economic crisis and extreme poverty, to the realm of personal security and the national threats posed by drug trafficking and organized crime. As one Salvadoran advised us in our survey, the difficulty of managing the expectations created by Funes' campaign victory is as challenging as the nation's actual economic and social problems.

Against this backdrop, the greatest accomplishments of the Funes Administration to date may be the confidence it has generated – domestically and internationally – in its ability to govern and its public commitment to governing on behalf of all Salvadorans.

Rather than hewing exclusively to the ideological line of FMLN, President Funes has acted independently. This among other steps has produced some confidence in the business sector. He has reached out to all segments of Salvadoran society, including the more than three million Salvadorans who live outside the country. He has taken steps in the management of the nation's economy, which has won him the cautious confidence of the global economic community. President Funes has also been recognized for his prudent and sensible reaction to the disruption of constitutional order in neighboring Honduras.

Together, these actions – and the others described in this report – are laying the foundation for a stable, prosperous, and just society in El Salvador that is in the best interests of the Salvadoran people, the region, and the United States.

CDA, in our immediate plans to visit El Salvador in November and beyond, will continue to monitor events in that country and report on them to policy makers and others here in the U.S.

The Center for Democracy in the Americas (CDA) is devoted to changing U.S. policy toward the countries of the Americas by basing our relations on mutual respect, fostering dialogue with those governments and movements with which U.S. policy is at odds, and recognizing positive trends in democracy and governance.

In keeping with its mission, CDA has been closely following developments in El Salvador during this transformative year in its political history. CDA-led delegations have visited El Salvador on three occasions during 2009: to participate as monitors in the March 15 presidential elections; to observe the inauguration of President Funes; and again in July to interview Salvadorans for this report.

In addition, CDA has published written reports about the election and the inauguration which are available for download at http://democracyinamericas.org/publications. We have held a briefing for Congressional staff, the news media, U.S. government officials and foreign embassies on the results of the presidential election. In November of this year, CDA will also host a delegation to El Salvador to commemorate the twentieth anniversary of the assassinations of the Jesuit priests, and analyze bilateral relations between the United States and El Salvador.

CDA staff members working on El Salvador include:

- Sarah Stephens, executive director, who began her work on issues relating to Latin America in the 1980s at El Rescate, a center for Central American refugees, predominantly from El Salvador. At that time, Ms. Stephens ran delegations of public officials, entertainers, and others to El Salvador to dramatize the impact of the civil war on the Salvadoran people and the need to change U.S. policy in order to help end the war. CDA runs programs in Cuba and Venezuela and studies political developments in governance in Ecuador, Honduras, and elsewhere in the region.
- Collin Laverty is a program associate at the Center for Democracy in the Americas.
 Collin has lived and studied in Cuba and Chile and is fluent in Spanish. Prior to
 joining the CDA, Collin was worked with immigrant youth from Central and South
 America at the Latin American Youth Center. He has helped to organize and run fact finding and research delegations of policymakers, academics and experts to Cuba,
 Venezuela, El Salvador and Ecuador. He writes CDA's Cuba NewsBlast.
- Linda Garrett, a writer, journalist, community organizer and human rights
 investigator, is a CDA consultant working on El Salvador. Her work on El Salvador
 has included co-founding two projects in Los Angeles to address the health, social,
 and legal concerns of Central American refugees; documenting human rights, social,
 political and military developments in El Salvador (1985-1995), and a variety of other
 related projects.

Ms. Garrett is the principal author of this report.

The Center for Democracy in the Americas www.democracyinamericas.org

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