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El Salvador: Certification Process February 1983

Background: In passing the International Security and Development Cooperation Act of 1981, Congress found that "peaceful and democratic development in Central America is in the interest of the US" and that "substantial assistance to El Salvador is necessary to help alleviate suffering and to promote economic recovery within a peaceful and democratic process." The act makes the provision of military assistance to El Salvador in fiscal years 1982 and 1983 contingent upon the President's certification, at 180-day intervals, that the Salvadoran Government is:

- "Making a concerted and significant effort to comply with internationally recognized human rights";
- "Achieving substantial control over...its own armed forces";
- "Making continued progress in implementing essential economic and political reforms, including the land reform program"; and
- "Committed to the holding of elections at an early date."

The first certification was transmitted to Congress by the Secretary of State on January 28, 1982; the second, July 27.

The third certification, affecting the \$26.3 million in military assistance for fiscal year 1983, was made on January 21, 1983. The certification report found progress--although uneven--in all areas specified by law and in the efforts the Salvadoran Government is making to investigate the murders and disappearances of US citizens and bring to justice those responsible. Nonetheless, the report also expressed particular concern over the continuing ineffectiveness of the criminal justice system and the need to extend further discipline to all units of the military and security forces across the country.

US policy: US policy is to support the Salvadoran Government against guerrilla military activity, while encouraging reconciliation based on a democratic political process and economic reform. During 1982, US economic assistance was \$189 million, while military assistance totaled \$82 million. This policy, which includes strong support for human rights, was reinforced by President Reagan during his visit to Central America in December 1982.

Human rights and the armed forces: Abuses of human rights continued to decline during 1982. Civilian deaths did not exceed 200 a month during the last 6 months compared to an average of 500 a month the year before, according to press reports in both periods. To reduce abuses further--such as the unresolved disappearances in August of a human rights activist and an opposition political figure--the government on December 2 established a new human rights commission with senior representatives from the Catholic Church, security forces,

and labor and farm unions. Shortcomings in internal military discipline are being corrected slowly by human rights training by the Red Cross, law-of-war instruction in military training by the US, better communication, and government orders that emphasize respect for civilians. In January 1983, 141 military personnel and 16 civil defense commanders were under detention for abuse of authority. Six large-scale military operations were conducted without substantiated reports of abuses, in contrast to some earlier operations.

Agrarian reform: Substantial progress has been sustained throughout the past 6 months, particularly in the "land to the tiller" program, which offers sharecroppers and renters an opportunity to obtain title to the land they work. The number of beneficiaries (title claimants and their immediate families) increased 16.2%; acres affected, 5%. The total number of beneficiaries reached 414,594 (an increase during this period of 57,828) and acres affected, 709,547 (an increase of 34,131). Unemployment is about 40%, in part because of guerrilla attacks against bridges, transportation, utilities, production facilities, and farm lands.

Political reforms: The democratic process marked by the Constituent Assembly election in March 1982 has continued. The country is committed to holding presidential elections and a referendum on a new constitution not later than March 1984. The principal parties joined the president in the Pact of Apaneca in August 1982 to form a plan for promoting peace and human rights and strengthening democracy. As called for in the pact, the high ranking Human Rights Commission and one on policy have been formed and a peace commission is expected to be established soon. The government has experienced its first cabinet crisis, with the president establishing his authority to change ministers. While the parties initially protested the president's proposed changes, compromise and consensus ultimately prevailed. Similarly, the insubordination of a senior officer, who refused an order transferring him overseas, was resolved in a manner that strengthened the president's hand as the chief executive and commander-in-chief of the armed forces. On October 4, El Salvador joined seven other democratic states in the Final Act of San Jose, Costa Rica, in a formal commitment to a regional process of peace negotiations, democratization, demilitarization, nonintervention, and respect for human rights.

Cases of American citizens: Prosecution is underway of five National Guardsmen accused of murdering four American churchwomen; two National Guardsmen who confessed to the murder of two US land reform consultants are in jail pending appeals and trials. Difficulties have plagued both cases, illustrating the need for an honest and effective system of criminal justice in El Salvador. Three other cases, the disappearance of Patricia Cuellar and John J. Sullivan and the killing of Michael Kline, are still in the investigation stage.

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