

El Salvador's Negotiated Solution to Civil War

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Executive Summary:

After years of violent conflict (1980-92) involving the military, rebel forces, and paramilitary 'death squads,' El Salvador had suffered some 75,000 casualties, mostly civilians. After three years of negotiations, the government and the FMLN rebel alliance signed a historic comprehensive peace accord which brought an end to the war and instituted wide-reaching political and social reforms. This paper employs a broad structural analysis to understand the conditions which led to the 1992 Chapultepec Peace Accords ending the war. Within this explanation of broad power dynamics, however, a multi-stage framework separates the negotiation process into different phases characterized by distinct strategies, goals, and motivations. This combination of structural and integrative conceptual tools offers a nuanced explanation of the negotiations and the resulting peace agreement. The negotiations were shaped profoundly by alterations in the power relationship between the parties, resulting from domestic events, changing norms, and the evolution of the international political context. The unsuccessful November 1989 FMLN offensive on San Salvador and the subsequent murder of six Jesuit priests by the Salvadoran military (with the resulting international backlash) were the immediate triggers that forced both parties to reassess their positions and come to the negotiating table, a decision that was strongly reinforced by external structural realignments including the end of the Cold War, increased pressure for human rights reform and decreased military assistance from the United States government, and the availability of United Nations mediation to push the process along. In response to calls for the application of 'El Salvador's lessons' to contemporary conflicts, the paper considers how these historical parallels can be usefully (but carefully) applied today.

Introduction

The negotiated settlement that ended the twelve-year civil war in El Salvador was largely the result of a strategic reevaluation of priorities, capabilities, and options by both the FMLN insurgents and the Salvadoran government. Both sides were forced by events on the ground to reconsider their relative positions as well as the cost-benefit ratio of continued fighting versus a political settlement. A major military offensive by the FMLN in November 1989 was designed to demonstrate the insurgents' continued relevance and sustainable viability as a military opponent capable of withstanding the superior firepower employed by the government forces. The Salvadoran military's victory, amid

heavy losses imposed by a stronger-than-expected FMLN¹, suggested that a hurting stalemate might be developing, in which neither side was likely to be able to defeat the other militarily, while a political settlement to the war through a peace agreement might be in the interest of both sides.²

In addition to the changes in domestic power relations, external structural factors also influenced the decision of both sides to come to the negotiating table. Decreasing levels of U.S. military aid, diplomatic pressure to curb human rights abuses and ties to the paramilitary death squads, and the international backlash and crisis of legitimacy as a result of the murder of six Jesuit priests by death squads linked to the military in 1989 motivated the Salvadoran government to reassess its military strategy and approach a negotiated solution more favorably. The FMLN, meanwhile, decided to negotiate in earnest when faced with a military setback in its 1989 offensive, as well as declining Soviet and Cuban support with the end of the Cold War. Furthermore, there was a growing realization with successive elections of relatively moderate politicians during the 1980s and the prospect of a U.N. observation mission to guarantee the protection of human rights that electoral contestation and influence was a feasible option that could actually work to the FMLN's benefit. One FMLN commander stated confidently in 1989, "The FMLN does not fear elections. Under fair conditions the majority of Salvadorans would opt for revolutionary change."³

¹ Edwin G. Corr, "Societal Transformation for Peace in El Salvador," *Annals of the American Academy for Political and Social Science*. Vol. 541, Small Wars (September, 1995), pp. 144-156.

² For more on the concept of the 'hurting stalemate' as a factor in determining when conflicts are 'ripe' for negotiation, see I. William Zartman, *Ripe for Resolution* (New York: Oxford University Press, 1989), and Zartman, "Ripeness: The Hurting Stalemate and Beyond," in Paul C. Stern and Daniel Druckman, eds. *International Conflict Resolution After the Cold War* (Washington D.C.: National Academy Press, 2000).

³ Joaquín Villalobos, "A Democratic Revolution for El Salvador," *Foreign Policy* (Spring, 1989), p. 119

This paper will employ a broad structural analysis to understand the conditions which led to the initiation of negotiations as well as to the successful culmination of the peace talks in 1992 with the Chapultepec Peace Accords. Within this broad-based structural approach, however, the analysis will illuminate the contours of the negotiations by employing a framework separating the process into different phases characterized by distinct strategies, goals, and motivations. This more fine-grained framework draws on the integrative work of Zartman & Bertram, as well as the scholarship of Karen Rasler and others.

By understanding the degree of power symmetry between the two parties, as well as the structural constraints, both internal and external, that influenced the manner in which they interacted, we can begin to understand the contextual conditions that led to the initiation of dialogue and eventually, to a comprehensive peace agreement. Although this will answer many of the *why* questions about the conclusion of the Salvadoran war, the phases of Zartman & Berman's integrative approach as well as the sequential tools made available by Rasler's 'evolutionary framework' are essential for explaining *how* the negotiations unfolded and what factors within that process led to the ultimate outcome that occurred.

From Desperation to Cooperation: the Initiation of Dialogue

After years of bitter and violent conflict involving the military, rebel forces, and ruthless paramilitary 'death squads,' El Salvador had suffered some 75,000 casualties, most of whom were civilians. As the conflict descended into a protracted 'hurting stalemate', in which all sides began to reassess the costs of continuing the military

struggle and the feasibility and potential benefits of reaching a negotiated settlement, political will began to build in support of peace talks.

The negotiated settlement to the Salvadoran civil war was shaped largely by the changing power dynamics and military capabilities of both the Salvadoran armed forces and the FMLN insurgents. These structural factors, in turn, were heavily influenced by foreign financial and military assistance, with an extraordinary amount of direct aid from the United States going to the rightist Salvadoran regime while Soviet, Cuban, Vietnamese, and Nicaraguan assistance strengthened the FMLN with training, arms, and money.⁴ The relative power between the two sides and the range of available tactics was also influenced by external factors as the United States, the United Nations, and other international actors exerted significant pressure on the Salvadoran government to cut its links of informal support to the paramilitary death squads and to improve its observance of human rights in its military practices.

The initiation of serious negotiations at the end of the 1980s, ultimately leading to the Salvadoran peace accords in 1992, are best understood within this structural approach by employing an 'evolutionary framework' for conflict de-escalation proposed by Karen Rasler.⁵ Rasler explains that in situations of protracted conflict, negotiated solutions are usually possible only as a result of several key factors: 1.) internal or external shock(s) that disrupt the pattern of interaction between the opposing parties, 2.) expectancy revision as a result of this shock, in which both sides are forced to reassess the expected results of continuing the conflict as before versus seeking alternative strategies; 3.) the presence of "policy entrepreneurs who have sufficient political control to overcome

⁴ James Le Moyne, "El Salvador's Forgotten War," *Foreign Affairs* (1989)

⁵ Karen Rasler, "Shocks, Expectancy Revision, and the De-Escalation of Protracted Conflicts: the Israeli-Palestinian Case," *Journal of Peace Research*, Vol. 37, No. 6 (2000). pp. 699-720.

internal commitments to older strategies;” 4.) external pressure from third parties (such as foreign governments, NGOs, and/or IGOs); 5.) reciprocity in the de-escalatory behavior of the parties. When all of these factors converge, Rasler argues persuasively, de-escalation is much more likely, and the conflict can proceed to a phase that is suitable for direct negotiation between the parties.

The occurrence of shocks in a protracted conflict which has developed routinized repertoires for interaction (usually through violence and mutual distrust) is a necessary, but not a sufficient, condition for de-escalating the conflict to a point where negotiation can take place. In addition, ‘policy entrepreneurs’, or leaders on either or both sides who are willing and able to use the shock as a basis for implementing new and different strategies and repertoires, must exist and must adopt strategies that allow for a reduction of violence and for a changed portrayal of the opponent as a legitimate partner with whom one can feasibly negotiate. Third parties can offer additional incentives to negotiate, and they can also provide structures for mutual confidence-building measures through mediation or observation/verification missions. Once the process of de-escalation has begun, a pattern of reciprocity is particularly important to continue developing confidence-building measures that create sufficient trust to lay the basis for meaningful negotiations.

This framework is useful in illuminating the contours within the structural explanation of how the parties in El Salvador were able to break out of the entrenched patterns of conflict that had dominated during the decade-long civil war and establish a meaningful dialogue that eventually led to a negotiated agreement ending the war. The combination of the fall of the Soviet Union, with the resulting halt of its military

assistance to the FMLN, as well as the results of the November, 1989 offensive by the FMLN, provided the type of shock to the conflict that Rasler discusses. The insurgents launched an aggressive attack on November 11, 1989, which included occupying the homes of a number of wealthy elites in San Salvador, in order to prove their strength and to spark a popular uprising against the government. The offensive was defeated by government forces, however, and the FMLN was forced to contend with the idea that a massive rally of people rushing to join its military cause was unlikely, and as such, it was improbable that the rebels would be able to defeat the Salvadoran military anytime soon. On the other side, the FMLN offensive proved the insurgency to be stronger than the government had assumed, and the regime's inability to prevent the insurgents from bringing the conflict to the rich neighborhoods of San Salvador increased the domestic perception that the armed forces were incapable of providing adequate protection or of defeating the FMLN directly. All of this led both sides to revise their expectations and acknowledge that their current strategies were likely to perpetuate a stalemate characterized by continued violence. In addition, the murder by agents of the armed forces of six Jesuit priests suspected of sympathizing with the rebels during the follow up to the November offensive sparked an enormous outcry both domestically and from the international community, and this resulted in the United States threatening to reduce or cut off direct aid to the Salvadoran regime.

As a result of these shocks and the revised expectations that followed, the FMLN began to explore alternative strategies, sending out tentative feelers to U.N. mediator Alvaro de Soto, and expressing its proposal for a power sharing arrangement leading to disarmament and elections. The Salvadoran government began to reevaluate the

feasibility of its plan to defeat the insurgents militarily, and responding to pressure from the United States and other external agents, it also began to explore political alternatives for resolving the conflict.⁶ Policy entrepreneurs on both sides began engaging in peace talks under the auspices of the United Nations, formally agreeing at Geneva in April 1990 to negotiate⁷, and setting an agenda and tentative timetable for negotiations the following month in Caracas, Venezuela⁸. In Costa Rica in July, the parties reached the first substantive agreement by consenting to the creation of a U.N. human rights observation mission which would be charged with verifying the progress of the parties on improving their human rights practices⁹. It was not until April 1991 in Mexico that a real breakthrough was reached at the negotiating table, when the parties agreed on a number of constitutional measures for judicial and electoral reform, as well as a number of military reform measures and the establishment of a truth commission to investigate past human rights violations. Perhaps most importantly, these agreements provided for the establishment of the National Civil Police as an independent security force outside of the jurisdiction of the armed forces.¹⁰ The FMLN dropped its demand that demobilized insurgents be guaranteed integration into the ranks of the military in exchange for assurances that they would be included in the new Civil Police. In this manner, a pattern of mutual concessions emerged in which a degree of reciprocity was maintained, as discussed in Rasler's framework.

⁶ Terry Lynn Karl, "El Salvador's Negotiated Revolution," *Foreign Affairs* (1991)

⁷ "Geneva Agreement," 04 April, 1990. Available through the US Institute for Peace digital library at http://www.usip.org/library/pa/el_salvador/pa_es_04041990_geneva.html

⁸ "General Agenda and Timetable for the Comprehensive Negotiating Process", Caracas, 21 May, 1990. Available through the US Institute for Peace digital library at http://www.usip.org/library/pa/el_salvador/pa_es_05211990_caracas.html

⁹ "Agreement on Human Rights," San José, 26 July, 1990. Available through the US Institute for Peace digital library at http://www.usip.org/library/pa/el_salvador/pa_es_07261990_hr.html

¹⁰ "Mexico Agreements," Mexico City, 27 April, 1991. Available through the US Institute for Peace digital library at http://www.usip.org/library/pa/el_salvador/pa_es_04271991_toc.html

Rasler discusses two stages of de-escalation with respect to the negotiated settlement of protracted conflict. The first stage is the period leading up to an initial agreement, which “represents an important turning point toward conflict termination. It is a formal recognition that the adversaries accept each other and commit themselves to adjudicating old and new conflicts in restrained, nonviolent ways.”¹¹ The second stage represents the consolidation of the initial agreement, in which the parties negotiate the details of the final agreement, filling in the gaps of what the post-conflict peace will look like. This separation into two stages is borne out by the negotiations in El Salvador as well; simply agreeing to sit down and negotiate seriously was a major accomplishment, but the second stage of detailed peace talks was a lengthy, complex process as well, as the parties sought to solidify a viable agreement.

There are a number of parallels between this last feature of Rasler’s explanation and the stages of an integrative approach advanced by Zartman and Berman.¹² Whereas the structural approach is useful for utilizing power relationships to explain *why* negotiations, and to some extent particular outcomes, happen, it is useful to apply a staged analysis to the case in order to map the negotiation process and better understand *how* the sequence of events occurred as it did. Similarly to Rasler’s preliminary phase of negotiation, Zartman & Berman propose a diagnosis phase, in which the parties identify the relevant elements of the conflict and decide on the need for and desirability of negotiation given the context. After the November 1989 FMLN offensive and the murder of the Jesuit priests by the Salvadoran government, the diagnosis phase activity began to intensify as both parties reevaluated their positions and recognize that the potential

¹¹ Rasler, p. 704

¹² I. William Zartman and Maureen Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982)

benefits of a political settlement ending the war might outweigh the costs. External actors, especially the United Nations and the United States, also played significant roles in moving the parties toward negotiation.

Zartman & Berman also include a formula stage, in which the parties select the general principles that will guide the negotiation and form the basis for concessions. This can clearly be identified during the first year of the Salvadoran negotiations. During this time, the two parties put together a broad agenda that would guide the remainder of the peace talks and establish the broad principles on which the subsequent negotiated details would be based. In particular, the Caracas agreement in 1990 set an agenda and timetable for the negotiation of the comprehensive peace agreement.¹³ The scope of the agenda was massive and wide-reaching, and the emphasis of the talks shifted several times during the negotiation process, but an overall general formula for the peace talks might be expressed as seeking security and sociopolitical inclusion (for the FMLN constituency) in exchange for institutional continuity (for the military/government).

Context in which the negotiations took place

The Salvadoran civil conflict grew out of the exclusion by the oligarchy of the popular classes and rising discontent with social, economic, and political domination throughout the latter half of the twentieth century, and in particular the late 1970s. During this period, modernization and the emerging political consciousness of the lower classes contributed to rising levels of resistance and contestation against traditional military governments. The repressive tactics employed by the military against this growing opposition served to polarize the Salvadoran political space into more radical

¹³ “General Agenda and Timetable for the Comprehensive Negotiating Process”

camps of Left and Right that were more willing to employ violence to increase their power.

In 1979, a coup carried out by reformist members of the military and civilian allies attempted to impose a number of changes such as agrarian land reform and more inclusive socioeconomic policies in order to rectify some of the most egregious inequalities and injustices while maintaining the military's traditional role as the primary force in national politics. This short-lived junta, however, was attacked from both the left and the right, as it angered right wing elites whose traditional monopoly of power was threatened by the reforms it sought to impose, while those on the left were disillusioned by the regime's failure to achieve the changes it promised or to control the wave of reactionary violence that followed the coup.¹⁴ Ultimately, the 1979 coup served to consolidate and mobilize the radical factions on both sides even further, causing them to abandon the political process and seek their goals through violence. With Cuban assistance, the armed left expanded rapidly, and in 1980, several leftist insurgent groups coalesced to form the FMLN, which sought to defeat the government militarily and install a communist government with the help of Soviet, Vietnamese, Nicaraguan, and Cuban foreign aid and training. The leftist insurgency was opposed by the Salvadoran armed forces as well as by lethal paramilitary 'death squads' that were largely financed by oligarchical elites on the political right.¹⁵

The Salvadoran civil war raged throughout the 1980s, with the fighting growing more intense as both sides received increasing levels of funding, arms, and training from external sources. There were sporadic talks of negotiations and peace, but both sides

¹⁴ Richard Stahler-Sholk, "El Salvador's Negotiated Transition: From Low-Intensity Conflict to Low-Intensity Democracy," *Journal of Interamerican Studies and World Affairs*. Vol. 36, No. 4. (Winter, 1994)

¹⁵ Edwin G. Corr, "Societal Transformation for Peace in El Salvador."

focused mostly on a military strategy aimed at defeating the opponent and controlling the government in order to maintain or reform the system to their liking. Tensions between the government and Sandinista-controlled Nicaragua were quite high, as the Nicaraguan regime was providing assistance to the Salvadoran insurgency, including providing money and space for training, propaganda, and command facilities.

Regional pressure for peace negotiations in El Salvador began to grow in 1987 as representatives of the Central American governments met in Esquipulas, Guatemala to hammer out their differences, and with the guidance of Costa Rican president Oscar Arias Sánchez, they signed an agreement in which each government agreed to stop financing each other's rebel movements and to cooperate in a number of areas. They also developed a common framework setting interstate peace and the end of conflict within the individual states as primary goals. These objectives included negotiated agreements to end the wars, demilitarization, democratization and electoral inclusion in the respective states, cooperation on refugee issues, and an end to support of insurgent movements.¹⁶ Although the establishment of these common objectives did not produce direct results in El Salvador, it did provide a blueprint for future negotiated accords, and it increased regional pressures and support for a peaceful settlement to the Central American civil wars, including the one in El Salvador. Furthermore, the Esquipulas process was an explicitly Latin American enterprise, and the achievement of an agreement was an important step in introducing an element of independence from the narrow dictates of the American foreign policy agenda.

¹⁶ Paul Wehr and John Paul Lederach, "Mediating Conflict in Central America," *Journal of Peace Research*, Vol 28, No. 1 (Feb., 1991), pp. 85-98.

Another factor that formed the context for the eventual peace talks was the juxtaposition of elections for deciding national office against the backdrop of the ongoing civil war during the 1980s. The United States for much of this time supported the centrist Christian Democratic Party, and periodic elections were held, in which the Christian Democrats did for a time gain power. Although the legitimacy and truly democratic nature of these elections was contested, and although they excluded large sectors of the population from participation, either directly or through intimidation, the periodic elections were a dramatic departure from El Salvador's long history of military rule, and they did begin to change norms and alter the relative power balance between the opposing sides. FMLN leader Joaquín Villalobos argues that the election of civilian Alvaro Magaña to the presidency in 1982 began to change the political landscape: "Thereafter political parties started to gain real power and elections became more transparent. The army became relatively weaker in the political arena while still unable to defeat the insurgency militarily....The democratic changes that took place before the *Peace Agreement* were partial and imperfect but felt tangibly by the insurgency. This gave credibility to the idea that working politically in a context of peace was more beneficial than continuing war."¹⁷ According to this argument, then, the structural considerations that affected the relative power of the parties in the negotiations were influenced not only by brute military capabilities, but also by political strengths and the changing norms taking place in Salvadoran society.

With the fall of the Soviet Union, the United States was less worried about a FMLN victory sparking a communist wave in Latin America, so it disengaged somewhat

¹⁷ Joaquín Villalobos, "The Salvadorean Insurgency: Why Choose Peace?" in Robert Ricigliano, ed., *Choosing to Engage: Armed Groups and Peace Processes*, No. 16, Accord: An International Review of Peace Initiatives Series (2005)

from a narrow agenda of preventing the FMLN from gaining power, focusing instead on supporting a moderate, democratic transition to a legitimate, elected government, whatever that might be. In the words of a former chief of mission in El Salvador, “We were to help democrats of all political parties and groups consolidate democracy.... The country belonged to the Salvadorans, and the Salvadoran government could become legitimate and democratic only if it were sovereign and responsive to Salvadorans.”¹⁸

The U.S. government also decreased and held up its foreign assistance in order to pressure the government of El Salvador to adopt and adhere to human rights reforms and to cut its ties to the paramilitary death squads which were resulting in diminished levels of legitimacy for the regime. The U.S. Congress, in fact, decided in 1990 to cut military aid by some 50% in order to signal that it was serious in demanding that the Salvadoran government uphold its agreement to reform the military, form a national civil police, and investigate adequately the murder of the six Jesuit priests by the armed forces. As Figure 1 shows, U.S. funding decreased steadily as the Cold War ended, stalemate set in, and the legitimacy of the Salvadoran government was increasingly called into question. Only when faced with this direct pressure did the government implement many of the reforms that it had agreed to during various stages of the negotiations with the FMLN.

In a secret cable to Assistant Secretary of State Bernard Aronson, Ambassador William Walker recommended that the U.S. government hold up aid to the regime of El Salvador until the Defense Minister stepped down and the government launched a genuine investigation into the murder of the Jesuit priests, which was one of the biggest flashpoints draining the Salvadoran regime’s legitimacy domestically and internationally. Walker wrote, “Despite advancements in other areas, on the Jesuit case the El Salvador

¹⁸ Edwin G. Corr, “Societal Transformation for Peace in El Salvador,” p. 149.

Armed Forces (ESAF) remain committed to a hermetic conspiracy to protect its own at whatever cost. USG (U.S. government) pleas, threats, turning on and off the military assistance spigot, and appeals to institutional honor have all had the same results—zilch.”¹⁹

Figure 1: U.S. Military Aid to El Salvador

1982	1983	1984	1985	1987	1988	1993	1994
\$70.1	\$80	\$195.3	\$134.8	\$110	\$89	\$74.2	\$0.4
million	million	million	million	million	million	million	million

Sources: Michael Klare & David Andersen, *A Scourge of Guns: The Diffusion of Small Arms and Light Weapons in Latin America* (Washington D.C.: Federation of American Scientists Fund, 1996).

Internal Factors Leading to Negotiations

One factor influencing the way the negotiations took place was the nature of the insurgents themselves. The FMLN had certainly employed violence in its struggle against government forces, and as the Salvadoran military had been strengthened by U.S. foreign assistance, the rebels had increasingly resorted to terrorism and sporadic, high-profile violence instead of traditional military operations. Throughout the conflict, however, the FMLN maintained a strong political presence through its alliance with the non-military Revolutionary Democratic Front (FDR). According to former USAID program officer Don Boyd, the military conflict never completely severed the political dialogue between the parties, and that “Even during the conflict, people were talking

¹⁹ William Walker, “The ESAF and the Jesuit Case: Reaching the End of the Rope,” Secret State Department Cable (declassified 7-26-93). February 19, 1991.

about the future.”²⁰ This ongoing interaction made the insurgents more sensitive to political considerations, legitimacy, and popular opinion than in other situations such as Colombia, where the guerrillas seem to have adopted a rather indifferent attitude toward public and international opinion, with profits replacing political goals as the primary motivation for violence.

Former rebel commander Joaquín Villalobos argues that the composition of the FMLN organization was one of the key factors that made the eventual commencement of peace talks possible. Emphasizing that the insurgency was really a coalition of five disparate groups with varying interests and motivations, Villalobos explains:

The Communist Party was always the weakest militarily while the People’s Revolutionary Army (ERP, a social Christian guerrilla group) was the most liberal politically and the strongest and boldest militarily. This created a preferential relationship between the ERP and the Nicaraguan Sandinistas, who had similar tendencies. Havana, which was instrumental in providing support for waging war because it saw the conflict in Central America as a line of defense against Reagan’s policies, thus also came to favor the ERP without taking into account their ideological dissimilarities. In this way, material support favored the same moderate insurgent groups that saw Europe and Mexico as their political rearguard. This demonstrates another reason not to see the Central American wars and their resolution purely through the lens of the Cold War. The Central American governments signed the Esquipulas regional peace agreements in 1987, 1988, and 1989 against

²⁰ Don Boyd, former USAID program development officer in El Salvador. Personal interview with the author, January 3, 2006

the wishes of Reagan's government, and the coalition of the Salvadorean guerillas signed the *Peace Agreement* without Cuba's blessing.²¹

As Villalobos argues, the ability of the ERP to leverage its strong military capacity, organizational unity, and moderate ideology helped to perpetuate its strength through alliances with a broad sector of Salvadoran society and with external sources of support. As a result of its strong position within the FMLN alliance, the ERP's moderate ideological position led to a pragmatic outlook and ultimately, to a willingness to negotiate in hopes of achieving a democratic electoral solution to the traditional exclusion of the FMLN's constituency.

The FMLN had been calling for negotiations on a power-sharing arrangement for several years, and in 1987, it offered in conjunction with its political wing the FDR an 18-point proposal for starting a dialogue to end the war. In addition to a cease fire, the proposal insisted on direct negotiations that would include the Salvadoran military's High Command, not just political officials from the Duarte government. This demand was a response to the perceived weakness of the Duarte regime and the uncertainty about its ability to enforce any agreement and to counteract institutional blocking from the military. The FMLN proposal made clear that the proposed dialogue would need to include effective verification measures: "The partial agreements reached previously have been subject to violations and delays by the Salvadoran government and armed forces.... This demonstrates the need to reach an agreement that encompasses all 18 points

²¹ Joaquín Villalobos, "The Salvadorean Insurgency: Why Choose Peace?"

proposed by the FMLN-FDR, and makes indispensable the inclusion of clear criteria and mechanisms for their effective observance and verification.”²²

The FMLN-FDR criticized the role of the United States in perpetuating the conflict through its massive military and economic assistance to the Salvadoran government. The proposal called for “the participation of all the social and political forces in the country in a broad and sincere dialogue” in order to counteract the unfair and self-interested agenda of the United States. The FMLN-FDR claimed that the U.S. government, “in accordance with its regional and global policy, persists in escalating the war in El Salvador and rejecting a real and just negotiation of the conflict.”²³ Despite this rhetoric indicating an invitation to participate in dialogue, it seems that, prior to the November 1989 offensive, the FMLN viewed talks of negotiations as a tactical maneuver in its own interest, similar to a government surrender. A rebel strategic planning document explained, “In dialogue as such, we must have as our central objective keeping the enemy tied to the table with a view to his strategic weakening and the building of a political umbrella against [foreign] intervention....Dialogue is one of the forms of conspiratorial struggle, and we must maintain it.”²⁴

One of the challenges in any negotiation analysis that employs a structural approach is to provide contours of the relative power existing between the parties in conflict. This, of course, is made more difficult by the uncertainty of how to define power in a way that is not circular (the most powerful side is the one which ends up winning what it wants) and is meaningful given different sources of influence (number of

²² Ruben Zamora Rivas and Shafik Jorge Handal, “Proposal of the FMLN/FDR,” *Latin American Perspectives*. Vol. 14 (4), Contemporary Issues (Autumn, 1987), pp. 484-485.

²³ *Ibid.*, 485.

²⁴ James Le Moyne, “El Salvador’s Forgotten War,” p. 116

guns vs. moral legitimacy vs. expert renown). Zartman and Rubin attempt to resolve this dilemma by defining power as “an action by one party intended to produce movement by another. Thus, power is defined neither as a source nor as a result, but, in between the two, as a purposeful action leaving the analyst’s hands free to study the relationship of power with both its sources and its results.”²⁵ Zartman and Rubin use this definition as a point of departure to study perceived power symmetry and asymmetry as they relate to the process and outcomes of negotiations. Their somewhat surprising conclusion is that mutually recognized power asymmetry between parties tends to produce the most effective negotiated agreements, whereas in situations of symmetry and especially near-symmetry, the parties are too busy stonewalling and engaging in tough positioning to seek creative, effective ways to increase the value of the agreement for themselves.

In the Salvadoran case, it is not clear that either of the two parties was unambiguously more powerful than the other, which contributed to the growing stalemate leading up to the negotiations. While U.S. military assistance clearly gave the Salvadoran government the advantage in brute financial and technological resources, the FMLN adopted a strategy of low-intensity, guerrilla tactics combined with public relations and foreign diplomatic efforts as well as the maintenance of strong links to political wings that lent the movement moral and political legitimacy in the eyes of many sectors of Salvadoran society and the international community. Using Zartman & Rubin’s sense of power as action, both sides acted with the intention of producing movement by the other party, namely surrender and the target’s acceptance of the agent’s terms. The November 1989 FMLN offensive showed that, although both sides were

²⁵ I. William Zartman and Jeffrey Rubin, in Zartman & Rubin, eds., *Power and Negotiation* (Michigan: University of Michigan Press, 2002), pp. 8-9.

capable of causing damage to the other, neither side seemed able to act in a way that would move the other party significantly.

Joaquín Villalobos claims that the insurgency possessed greater moral and political legitimacy than the government, especially after the murder of the Jesuit priests in 1989, and as such, the FMLN was better able to translate its power into negotiated gains during the peace talks. “It is less a matter of which actor using force is materially stronger, but who has the moral advantage in the use of force. In the Salvadorean case, it was the insurgency that held greater legitimacy, not the authoritarian regime, which reacted disproportionately to resistance to its political model in a way that only escalated the violence.”²⁶ In order to explain the nexus between material capability and political legitimacy in creating bargaining resources to be used during negotiations, Villalobos argues, “In El Salvador the FMLN was strong both militarily and politically. This gave the FMLN a position of strength during negotiations and the capacity to run in elections during peacetime. However, the fact remains that peace cannot only be negotiated with political and military strength. The nature of the group is a significant factor in its choice of options. It is arguable that any kind of weakness tends to privilege ideological rigidity over pragmatism.”²⁷

Villalobos’s claim that the FMLN was actually the stronger party going into the negotiations stands in contrast to evidence that the Salvadoran government believed that

²⁶ Joaquín Villalobos, “The Salvadorean Insurgency: Why Choose Peace?”

²⁷ *Ibid.*; the extent of the insurgency’s popularity and moral legitimacy in the eyes of a broad sector of society, however, and any resulting electoral advantage, is not as universally accepted as Villalobos would indicate. James LeMoyné, for example, claimed that “the rebels cannot win a fair election. They have never had the support of the majority and so far have failed to increase their popularity significantly. There is irony in this because the guerrillas are one of the main forces that have demanded a more equitable and more modern form of government and society. It is the guerrillas’ willingness to fight that forced the army, the oligarchy, and the United States grudgingly to support reform.” James Le Moyné, “El Salvador’s Forgotten War,” p. 114

it had the advantage over the FMLN going into the negotiations because of its strong military resources and capabilities as well as the guarantees in preliminary negotiations that the armed forces would maintain their structural integrity and autonomy. According to Terry Lynn Karl, “The government was confident as well. Persuaded that the Sandanista defeat in Nicaragua’s February 1990 elections meant the loss of the FMLN’s closest ally and a substantial weakening of the rebel military position, and secure that its own control over the Legislative Assembly and the Supreme Court was sufficient to reject unwanted initiatives, it agreed for the first time to outside mediation.”²⁸

This juxtaposition of two parties, both of whom are confident in their own advantage over the other, presents a bit of a challenge for Zartman & Rubin’s notion of perceived power symmetry or asymmetry. Although there seemed to be some sense of power symmetry between the parties as indicated by the military stalemate, both sides seemed to perceive a situation of power asymmetry in which they had the advantage. The actual tactics used by both sides during the negotiation, however, seems to indicate near-symmetry, with the FMLN perceiving its power position as being slightly weaker than that of the U.S.-financed Salvadoran government. The FMLN tended to use tactics often associated with a weaker power in asymmetric negotiations, such as borrowing power from context by establishing rules and relying on outside institutions to provide norms and structure favorable to their interests.²⁹ The insurgents also initiated contact with and benefited from the involvement of the United Nations as mediator, and from the establishment of human rights protections as a primary underlying value and principle for the negotiations. The near-symmetry of the power relationship between the parties, as

²⁸ Terry Lynn Karl, “El Salvador’s Negotiated Revolution.”

²⁹ I. William Zartman and Jeffrey Rubin, in Zartman & Rubin, eds., *Power and Negotiation*.

well as both sides' high expectations for their own advantage, may have contributed to the protracted nature of the peace talks, which stretched over the next several years.

The Details of the Negotiation Process

The negotiations between the Salvadoran government and the FMLN took place over approximately three years, featuring a mixture of historic breakthroughs as well as frustrating impasses and derailments when one side or the other dug in behind a particular entrenched position. As an example of a successful intermediate accord, the April 27, 1991 agreement in Mexico set the stage for the establishment of a truth commission to investigate human rights abuses during the civil war, as well as the creation of an independent civil police force, and it proposed constitutional reforms to submit to the legislature.³⁰ A number of these constitutional reforms were, in fact, adopted by the legislature after heavy pressure from the United States and the international community, representing a significant breakthrough in the negotiations.³¹ The next month, however, the Salvadoran government demanded that the FMLN demobilize before any agreement could be reached and rejected language that would call for a purge of members of the military who were tainted by human rights violations, which resulted in a temporary derailment of talks.³² This slow, sometimes erratic, progress toward a comprehensive negotiated agreement would continue until January, 1992.

According to Ruben Zamora, the negotiators decided to tackle an ambitious, far-reaching, agenda that included broad social and political reforms, not just a narrow cease fire agreement. Although this approach certainly made it much more difficult to reach an agreement, the FMLN was not prepared to demobilize based only on vague promises, and

³⁰ "Mexico Agreements", Mexico City, 27 April, 1991.

³¹ Terry Lynn Karl, "El Salvador's Negotiated Revolution."

³² "Talks Stumble as Salvadoran Government Makes Demands," Agence France Presse (May 30, 1991).

a narrow agreement focused only on the immediate military situation would likely have merely papered over deep social and political problems that could threaten to reopen the conflict later.³³ The result of this was an agenda that included provisions for reforms in human rights, land distribution, and other socioeconomic issues, judicial and police reforms, and demilitarization.³⁴ Such a comprehensive accord inevitably made later implementation much more difficult, but it was essential to reach agreement on each of the core contentious issues, and doing so formed an important base on which trust for future interaction and cooperation between the two sides could be built.

The socioeconomic reforms in particular were rather vague in nature, and the prospect for smooth implementation of land redistribution, social welfare programs, and other provisions was diminished somewhat by the broad, general manner in which the agreement was phrased. Often, these provisions laid down a basic principle, leaving the implementation details to be decided later; for example, Ch. 5: 6 (c) of the peace agreement establishes rather loosely that “The Government of El Salvador shall seek to strengthen existing social welfare programmes designed to alleviate extreme poverty. Additional external resources shall be sought for this purpose.”³⁵ This made later implementation more difficult, but did contribute to the feasibility of reaching an agreement in the first place.

One of the most important aspects of the agreement was the establishment of the National Civil Police (PNC) and the dismantling of the existing police force under the

³³ Ruben Zamora, Personal interview with the author (June 25, 2003).

³⁴ Richard Stahler-Sholk, “El Salvador’s Negotiated Transition: From Low-Intensity Conflict to Low-Intensity Democracy.”

³⁵ Peace Agreement between the Government of El Salvador and the Frente Farabundo Marti para la Liberación Nacional (FMLN), Chapultepec, Mexico, 16 January, 1992. Ch. 5: 6c. Available through the US Institute for Peace digital library at http://www.usip.org/library/pa/el_salvador/pa_es_01161992_toc.html.

command of the armed forces. The intelligence units of the police and military forces were responsible for many of the atrocious human rights violations of the civil war, either directly or through overt or implicit support to the right-wing death squads. In addition, a culture of impunity undermined public confidence in the rule of law and the fair administration of justice.

The new civilian police force was designed to overcome some of these challenges, bringing internal security under civilian authority and holding it accountable for its actions. The text of the peace accord provided that “The National Civil Police shall be the only armed police body with national jurisdiction. Its mission shall be to protect and safeguard the free exercise of the rights and freedoms of individuals, to prevent and combat all types of crimes, and to maintain internal peace, tranquility, order and public security in both urban and rural areas.... The National Civil Police shall be a professional body, independent of the armed forces and free from all partisan activity.”³⁶

Establishing the main law enforcement agency as independent of the military and being composed of former government police who had not been convicted of human rights violations as well as former rebel combatants was a key measure toward building confidence in the rule of law and trust by the demobilized FMLN that its former members would be protected against retribution. In the words of one FMLN commander, Gustavo Amaya, “Just as the young people entered war in the 1970s with few resources and not much future, the role of young people in 1990 will be to join the National Civilian Police as independent members, accept the police's function as the guarantor of security and

³⁶ Peace Agreement between the Government of El Salvador and the Frente Farabundo Marti para la Liberación Nacional (FMLN), Chapultepec, Mexico, 16 January, 1992. Ch. 2: 1a and 2b.

human rights, and prevent the police from falling under the control of unscrupulous people. This is their main task.”³⁷

Despite many setbacks, impasses, and ongoing mutual suspicion between the parties, there do appear to have been a number of political entrepreneurs willing to negotiate in good faith and stay committed to the implementation of the Chapultepec Accords in order to solidify an inclusive, sustainable democratic order that would genuinely open the political space to include all segments of society. The 1994 elections, which represented a contest between a rightist ARENA candidate, Armando Calderon Sol, and Ruben Zamora, the candidate for the FMLN-leftist coalition, were widely hailed internationally as the ‘elections of the century.’ Despite the common perception that there was significant vote fraud in this election, which produced a victory for the traditional ARENA party on the right, Zamora and the FMLN decided that it was important to solidify the norm of free democratic elections by accepting the result peacefully.³⁸ This election also established the FMLN’s newly legitimized party as the second strongest political actor in the electoral arena.

Conclusion:

El Salvador presents a particularly interesting case that presents a number of challenges for existing theories of negotiation and international relations. The preceding

³⁷ “El Salvador: An FMLN Commander Views Prospects After New York Agreements,” BBC transcript of Radio Venceremos Interview (January 6, 1992)

³⁸ Ruben Zamora, Conference presentation at IIMCR Latin American Symposium on International Negotiation, Monterrey, Mexico. June, 2003. A former U.S. government official also confirmed to me in an interview that these 1994 elections were plagued by rampant manipulation, saying, “I know there was fraud going on in that election. I know the people who did it, who told me ahead of time what the vote percentages would be.” It was a strategic political decision on the part of the FMLN to accept the results of the 1994 election, taking the view that a strengthened norm of democratic elections would eventually work in the interests of the FMLN and allow the opportunity to take power through an elected government.

analysis shows that a combination of structural and integrative approaches is necessary to explain fully the initiation and form of the negotiations, as well as the nature of the resulting peace agreement. The historical evidence indicates that the negotiations were shaped profoundly by alterations in the power relationship between the parties, resulting from domestic military events and changing norms, as well as the dynamic external context. The November 1989 FMLN offensive and the murder of the Jesuit priests by the Salvadoran military were the immediate triggers that forced both parties to reassess their positions and come to the negotiating table, a decision that was strongly reinforced by external structural realignments including the end of the Cold War, increased pressure for human rights reform and a negotiated peace from the United States government, and the availability of United Nations mediation to push the process along.

Within the broad-based structural approach, however, Rasler's evolutionary framework helps to explain the shocks that produced expectancy revision by the parties, and led to the willingness of policy entrepreneurs on both sides to negotiate. The concepts introduced by both Rasler and Zartman & Berman develop the idea that this first stage of the peace process involves the decision to negotiate while the later stages involve agenda-setting and agreeing on broad principles and formulae to guide the negotiation, which can be seen clearly in the preliminary agreements reached by the government of El Salvador and the FMLN. Finally, the detail stage builds on the confidence-building measures of the preliminary phases, and based on this foundation, the parties are able to work out a mutually-acceptable agreement in which both parties feel they have won. With the help of UN mediator Alvaro de Soto, the two Salvadoran parties were able to move toward a comprehensive peace agreement which, in exchange for the

demobilization and reintegration of insurgent forces, included historic constitutional and institutional reforms that dramatically restructured the role of the military, the police, and the judiciary as well as providing for human rights protections, socioeconomic reforms, and an investigation of past wrongs.

El Salvador is regularly held up by policymakers as an example of a successful negotiated settlement to a civil war in Latin America, and the historical parallels have been used to provide prescriptions for policies in Colombia, Iraq, and other countries facing contemporary conflict.³⁹ As such, it is important to understand what actually happened in El Salvador and to understand the factors that made this possible. The detailed analysis found in this paper allows us better to evaluate calls to apply ‘the lessons of El Salvador’ to contemporary conflicts and to think about which aspects and strategies of the negotiation might be replicated in other situations.

Although El Salvador is frequently cited as one of the most useful historical examples when considering potential solutions for the war in Colombia, the limits of this parallel should be considered as well. According to Ruben Zamora, the differences in the Salvadorian war and the current Colombian conflict are significant. First, the enormous difference in geographic size of the two countries creates more difficulties for the Colombian government to control its territory. Second, El Salvador’s conflict was much shorter than Colombia’s four-decade tragedy, so it had less of a chance to become ingrained in the core of the smaller nation’s identity or culture. Third, the rebels in El Salvador were always political activists and were easier to reinsert into the civil system, whereas FARC does not care as much about politics (at least in the past two decades),

³⁹ See David Passage, “Colombia in Turmoil: How the U.S. Could Help,” *Special Warfare*. (Winter, 2000), pp. 8-15; Joaquín Villalobos, “El Salvador e Irak, los Mismos Errores,” *El Diario de Hoy—El Salvador* (February 9, 2005)

evidenced by their indifference to their overwhelming political isolation in the international community.⁴⁰ Despite these and other dissimilarities between the conflict in El Salvador and contemporary conflicts, a number of lessons from this case remain useful today, such as the importance of political legitimacy as a source of negotiating power; the key role of issue flexibility in producing agreements (as seen by the FMLN's dropping of their demand to be integrated into the armed forces in exchange for a guarantee to be included in the newly created Civil Police); and the potential utility of outside pressure from the U.N., United States, and others pushing for the protection of human rights and progression of negotiations.

Although the approach employed in this analysis is very useful in understanding the context, initiation, form, and outcome of the negotiations in the Salvadoran case, it leaves a number of questions unanswered. It is not clear to what extent the peace accords have successfully achieved a genuine transformation of the Salvadoran social and political sphere, or whether life is really much better for the average person now than it was before. To date, the FMLN has been unable to field electable candidates for the presidency, and power has remained in the hands of the conservative ARENA party, despite greater electoral success of leftist political actors at the local and legislative levels. Furthermore, a number of commentators have questioned whether the heavy influence of external pressure and third party intervention on the negotiations may have created conditions of dependence that may undermine El Salvador's ability to develop meaningful and sustainable institutional change in the long run on its own.⁴¹

⁴⁰ Ruben Zamora Rivas, personal interview with the author, June 25, 2003.

⁴¹ See Margaret Popkin, *Peace Without Justice: Obstacles to Building Peace in El Salvador* (University Park: Pennsylvania State University Press, 2000)

The comprehensive nature of the final peace accords ending the Salvadoran civil war, and the historic political and social reforms brought about as a result, indicate that the negotiations followed a resolving formula rather than merely an agreement formula designed to reach a narrow cessation of hostilities. As a result of the comprehensive political settlement, the military was restructured and removed from its traditional role controlling political power, a truth commission was given broad powers to investigate past human rights abuses in order to promote a just national reconciliation, the constitution was reformed to guarantee greater political inclusion and a fairer and more effective judiciary, and agreement was reached on a number of socioeconomic reforms.

The preceding analysis, being a study of the peace process itself, does not attempt to cover the degree to which these reforms and negotiated commitments have been implemented or sustained since 1992, so the question of whether or not the underlying conflict has been truly resolved may still be somewhat open. What is clear within the scope of the negotiated agreement itself however, is that the resolution of the Salvadoran civil war was unique in the comprehensive nature of its provisions, the profound societal and political changes agreed to by both sides, and the key role played by external agents, especially the United Nations and the United States, in applying encouragement, pressure, and assistance to both parties in order to make possible a creative and multifaceted agreement upon which to build a joint future.

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