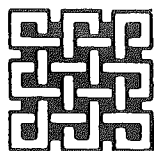


EXTRAORDINARY OPPORTUNITIES ... AND NEW RISKS



**Final Report of the LASA Commission on Compliance
with the Central America Peace Accord**
March 15, 1988



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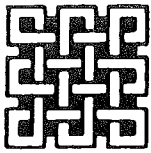
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"President Arias has done something here that is extraordinary; he has changed the situation from one of stalemate to one of new opportunities and new risks."

*Deane Hinton, U.S. Ambassador to Costa Rica, and
former U.S. Ambassador to El Salvador
San José, January 15, 1988*

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I. INTRODUCTION

Central America, an area of great diversity, has witnessed growing social conflict over the past 40 years. In the southeast, Costa Rica has enjoyed many decades of democracy and general development, coupled with peaceful growth. To the north, first in Guatemala, then in El Salvador and Nicaragua, especially after 1978, bloody conflict has increasingly dominated the local scene. All international efforts to alleviate the conflict failed until August 7, 1987, when the elected presidents of the five principal Central American countries (Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica) seized the initiative and signed an unprecedented set of agreements, known collectively as the Guatemala Accord, the Central American Peace Accord, or Esquipulas II.¹ First proposed by President Oscar Arias of Costa Rica, they were designed to end the conflict and lay the basis for the progressive democratization of the region.

Agreement among Central American nations on such important issues as acceptance of politically undesirable neighbors and nonuse of their territory for rebel activity is not unprecedented.² Such agreements have much to do with

political survival in a set of nations with intimate historical ties and whose citizens frequently cross international borders for political purposes. Those unfamiliar with the region can perhaps be excused for not knowing that Central America once formed a single nation (1821-1838) and for not taking seriously the many unsuccessful efforts to re-create that union. But to grasp the significance of the conflict of the last decade and the current heroic effort by the Central American presidents to resolve it, one should be aware of the long memories of a unified Central America. These memories create a special international affinity, which in turn creates special problems. Exile invasions are an example. For Nicaraguans to wish to influence events in El Salvador (and vice versa), and for Nicaraguan exiles to organize in Honduras to change the government in Nicaragua (and vice versa) are not new phenomena. For better or for worse, such difficulties have been largely resolved in the past by Central Americans themselves.

The difference in today's conflict is the lengthy shadow of the United States and the Soviet Union, whose worldwide rivalry is being played out in Central America, exaggerating existing differences among Central American nations. Attempts by the Latin American nations known as the Contadora group--Panama, Colombia, Venezuela, and Mexico--to resolve the isthmian conflict faltered for a multiplicity of reasons. Support of Contadora's efforts by the Support Group (Brazil, Argentina, Uruguay, and Peru) was no more successful. Weak gestures of support for a peaceful solution by the United Nations and the Organization of American States were greeted in Central America and elsewhere with distrust. Insistence by the United States government on a military solution to the conflict in Nicaragua appears to be the principal reason for the failure of these diplomatic efforts.

Sensing that the conflict on the Isthmus was stagnating with continuing loss of life and economic opportunities and recognizing that peacemaking efforts had failed, Central American leaders, headed by President Arias, attempted to regain control over their own destiny. With great courage, especially in their challenge to the United States, the hegemonic power in Central America, the five Central American presidents

signed the Guatemala Accord. In effect, they drew upon the logical, historically proven last resort of agreeing to accept each other, despite sharp political differences. The essence of the Guatemala Accord is acceptance of the legitimacy of each of the existing governments.

Some of the commitments, assumed by the signers, such as the establishment of a national dialogue, were well within the capacity of the governments in power to fulfill. Full implementation, however, was not possible. Good-faith steps, particularly with regard to democracy and election, could have been taken, but it was not anticipated that constitutions would be changed or that elections would be held within the time frame established by the Accord.

On January 15-16, 1988, the five presidents met in San José, Costa Rica, to review progress under the original agreement, to receive and review the official report from the International Commission on Verification and Follow-up (Comisión Internacional de Verificación y Seguimiento, CIVS), and to determine the future of this peace process. They signed a new document committing themselves to a continuation of the process and calling for immediate fulfillment of those points with which the participating nations had not fully complied by that date.

The Guatemala Accord represents a dramatic regionwide effort to reinforce internal processes and to eliminate external support for irregular and insurrectionary forces in the region. Because the United States has supported the contra forces in Nicaragua since 1981, the Accord, reaffirmed in San José on January 16, 1988, places the Central American nations squarely in opposition to the United States.

Heightening the drama of this confrontation, President José Napoleón Duarte of El Salvador proclaimed that the San José document was a second Central American declaration of independence. That such a statement could be made by President Duarte, who is not known for his independence of the United States, indicates the significance of the actions taken by Central America in the last few months. In one sense, as Ambassador Hinton said, it is an opportunity seized. But at the same time, challenging the

United States, the strongest external influence in the region in this century, holds grave domestic and international perils for Central America. For the moment, the Central American presidents have taken the initiative. Will they be able to achieve a lasting peace?

That question is of considerable concern to the Latin American Studies Association (LASA). As the largest professional association of Latin American specialists in the world, LASA has a responsibility to attempt to clarify the issue for its twenty-four hundred members, who include a large proportion of the college and university scholars in the United States who study and teach about Latin America. LASA wished to contribute to public understanding and discourse about the Central American peace process and to assist its members in interpreting the rapidly unfolding events. Recognizing the difficulty of measuring compliance with the many-sided Guatemala Accord, LASA commissioned seventeen scholars to apply their collective years of experience in Latin America to the problem and charged them with assessing compliance with the Accord.

The seventeen members of the commission include twelve academic investigators with extensive prior research and study experience in Central America and many prior publications on Central America. Their areas of specialization include history, political science, economics, anthropology, and international law. The commission includes, as well, the directors of four of the major Latin American studies centers in the United States. [The full list of the members of the commission and their affiliations is provided on the inside cover of the report.]

Fourteen of the members of the commission traveled to Central America in mid-January, 1988, and were present in San José, Costa Rica, when the five Central American presidents reaffirmed their commitments to the August 7 Accord. They met with Central American academic colleagues in San José and laid out a work plan. They then traveled in smaller groups to interview representatives of all of the major participants in the peace process throughout the region. Although each country team was operating under the same instructions, circumstances determined different interviews, approaches, and topics in each

country. More than 150 interviews were conducted between January 15 and January 21, across all five of the participating countries, as well as in Panama and Mexico. The three remaining members joined the delegation in Miami at the Latin American and Caribbean Center of Florida International University to evaluate the results of the fieldwork and to assist in the drafting of this report.

In response to the continuous and urgent requests for information on Central America that LASA members receive from citizens' groups, the press, and congressional representatives, among others, a preliminary report was prepared to communicate the commission's principal conclusions. It was completed within one week of the return of the commission to the United States and distributed to LASA members, to the media, and, through the courtesy of Congressman Jim Slattery of Kansas, to all United States senators and representatives. In the meantime, commission members drafted expanded and fully documented versions of their individual country reports for final editing during February.³ This report, edited by Charles L. Stansifer and Michael E. Conroy, is the result.

Acknowledgments. The seventeen members of the commission wish to express their thanks to Professors Martin Diskin of the Massachusetts Institute of Technology and Thomas W. Walker of Ohio University, who originated the idea of the LASA commission, and their gratitude to LASA and to the Ford Foundation for financial assistance, without which the project would not have been possible. Not the least of the contributors to the success of the project were the universities that, with little advance notice, recognized the importance of the commission and gave financial assistance and leave to the members. The commission is also grateful to all the Central Americans who set aside time at a crucial period in their region's history to explain their views to one more set of North American scholars whose time was short and whose need to know, we thought, was urgent.

The Central America Resource Center, in Austin, Texas, compiled an exhaustive compendium of documents and newspaper clippings on the peace process in each Central American country.

Copies were provided to every member of the commission. Documents were also provided by the Washington Office on Latin America, the Center for International Policy, and the Central American Peace and Democracy Watch, all in Washington, D.C.

Finally, we wish to acknowledge with gratitude the hospitality of institutions in Central America that welcomed the opportunity to collaborate with us. While it would be impossible to list all of them, we would be remiss if we failed to mention the cooperation of the personnel of FLACSO (Facultad Latinoamericana de Ciencias Sociales), and CSUCA (Confederación Universitaria Centroamericana) both of San José, and ASIES (Asociación de Investigación y Estudios Sociales) in Guatemala. Administrators, researchers, and staff of these institutions had short notice of our arrival and they went out of their way to facilitate our work. The opportunity to work alongside our Central American academic colleagues was one of the most satisfying aspects of the commission's work in the region.

For assistance in putting together the preliminary and final reports, the editors are also grateful to the staffs of the Latin American and Caribbean Center of Florida International University, the Institute of Latin American Studies at the University of Texas, and the Center of Latin American Studies at the University of Kansas.

II. GENERAL FINDINGS

The members of the commission found it impossible to appreciate the quality of compliance without taking the distinctive historical experience of each Central American nation into account. The major part of the report, therefore, consists of country-by-country assessments of the process of compliance in each. It was thought, however, that a broader picture would also be useful, and the group therefore prepared the following general findings about the process as a whole. They are presented here, point by point, as they relate to the specific terms of the Accord signed in Guatemala City on August 7, 1987. The sequence below provides translations of the

essential clauses of each point agreed to in the accords, and they are presented in the same order as they appear in the signed document.

Point 1-a of the Accord: *On national reconciliation and dialogue.* *The five presidents committed themselves "to carry out urgently . . . actions toward national reconciliation that would allow popular participation with full guarantees in political processes of a democratic nature, based upon justice, freedom and democracy, and to create, for these purposes, the mechanisms that according to law, would allow dialogue with opposition groups." To accomplish this purpose, the five governments promised to "initiate dialogue with all nonarmed groups of internal opposition and with those that have accepted amnesty."*

Commission finding on Point 1-a: Guatemala, El Salvador, and Nicaragua are deeply divided societies. Their governments have taken the formal steps envisioned by the agreements to varying degrees -- appointing national commissions of reconciliation and dialoguing with internal opposition groups. None of the three, however, have yet evidenced a willingness to discuss the sort of constitutional and structural change that the armed opposition groups have identified as essential for achieving national reconciliation.

Point 1-b of the Agreement: *On amnesty.* *The five presidents agreed that "in each Central American country, except those where the International Commission on Verification and Follow-up has determined that it is unnecessary, decrees of amnesty will be issued establishing all conditions needed to guarantee the safeguarding of life, freedom in all its forms, material possessions, and the security of persons to whom these decrees apply."*

Commission finding on Point 1-b: Formal amnesty has been declared in Guatemala, El Salvador, Honduras, and Nicaragua; Costa Rica

was exempted from this obligation by the International Commission on Verification and Follow-up. In Guatemala, El Salvador, and Nicaragua, these measures have not contributed substantially to national reconciliation. The good faith of the declarations is subject to sharp debate within Central America, and it is difficult at this point to resolve the conflicting claims. In Guatemala and El Salvador the amnesty also applies to those guilty of military abuses; the ability and the willingness of the governments of those two countries to guarantee the security of persons accepting amnesty is subject to legitimate doubt.

Point 2 of the Accord: *Calls for cease-fire. "The governments vehemently exhort that a cessation of hostilities be agreed in the states of the region that currently suffer from the actions of irregular troops or insurgents. The governments of said states promise to take all the actions necessary to achieve an effective cease-fire within the constitutional framework."*

Commission finding on Point 2: The call to pursue negotiations for a cease-fire has led to irregular but continuing discussions in the case of Nicaragua. Talks were initiated but have been discontinued in Guatemala and El Salvador. In none of the three cases have lasting cease-fires been achieved.

Point 3 of the Accord: *Steps toward democratization. The five presidents agreed to "promote an authentic, pluralist and democratic process of participation that would imply the promotion of social justice, the respect for human rights, sovereignty, territorial integrity of the states, and the right of all nations to determine, freely and without foreign intervention of any kind, their own economic, political and social model." They committed themselves to carrying out, in verifiable manner, the creation of "complete freedom for television, radio and the press [including] the freedom for all*

ideological groups to open and to sustain media operations without submitting to prior censorship, . . . full political party pluralism" and, "for those governments with states of emergency or martial law in force," the revocation of such laws and the return of the full force of constitutional guarantees.

Commission finding on Point 3: The Accord calls upon the governments to strengthen democratic institutions and specifies three areas for measuring compliance.

- (1) The first concerns freedom of information. Since the signing of the Accord, the most significant changes have been the reopening of Radio Católica and La Prensa and the elimination of prior censorship in Nicaragua.
- (2) The second calls for political party pluralism. The only events that possibly signal some change have been the ability of exiled opposition leaders to return to El Salvador for limited periods of time, the re-registration of the MNR party in El Salvador, and the registration of one new political party in Nicaragua.
- (3) The third addresses the restoration of constitutional guarantees. The only change in this area is the lifting of the state of emergency in Nicaragua on January 18, 1988, including the abolition of the Popular Anti-Somocista Tribunals. El Salvador's state of siege lapsed in January of 1987, and had not been reinstated at the time of this study.

Point 4 of the Accord: *Free elections. The Central American presidents have called for free, pluralist, and honest elections throughout the region, once the preconditions for democratic government have been established. In particular, they have called for elections for the creation of a Central American Parliament, first proposed in the declaration of the five presidents on May 25, 1986, "Esquipulas I."*

Commission finding on Point 4: The Accord called for carrying out free elections at a time established separately by each country. There has been no occasion for compliance since the signing of the Accord. The proposed treaty for establishing a Central American Parliament has thus far been ratified only by Guatemala and Nicaragua.

Point 5 of the Accord: *Cessation of assistance to irregular forces and to insurrection movements.* "The governments of the five Central American states will urge the governments of the region and the extraregional governments that openly or secretly provide military, logistical, financial, promotional, human resources, armaments, ammunition, and equipment aid to the irregular forces or to the rebels, to cease such aid, as an indispensable element to procure permanent and lasting peace in the region."

Commission finding on Point 5: Since the signing of the Accord, there has been little consistent evidence of substantial material aid being provided by any Central American country to armed opposition groups operating in neighboring countries, although Honduras has served as a major channel for U.S. aid to the Nicaraguan Resistance forces.

The major failure of the Guatemala Accord has been the continuation of material aid by the United States to the armed Nicaraguan opposition, despite the request agreed upon in the Accord that extraregional powers terminate all aid to insurgent and other irregular forces.

Point 6 of the Accord: *Nonuse of territory for aggression against other countries.* "The five countries that sign this document reemphasize their commitment to impede the use of their own territory and to neither lend nor permit logistical military assistance to

persons, organizations, or groups that attempt to destabilize the governments of the nations of Central America."

Commission finding on Point 6: There has been a substantial decrease in the number of such troops operating from Honduras, but the use of its territory by the armed Nicaraguan opposition, contrary to this Accord, continues. There remain claims that Guatemala, El Salvador, and Nicaragua have allowed some use of their territory for support of armed opposition forces, but there is no documented level of use in those countries comparable to that encountered in Honduras. The Costa Rican government has complied to the extent it has been able, including a ban in January, 1988 on nonmilitary, political activity by representatives of the Nicaraguan Resistance.

Point 7 of the Accord: "The governments of the five Central American nations, with the participation of the Contadora Group exercising its mediation function, will continue negotiations on the still-pending points of agreements with respect to security matters, verification, and control under the terms of the Contadora Agreement for Peace and Cooperation in Central America."

Commission finding on Point 7: The Contadora governments continue to be willing to supervise and mediate talks on the security issues that have not been covered by the Guatemala Accord. There is some doubt, however, whether the Central American governments continue to be interested in external verification.

Point 8 of the Accord: *On refugees and displaced persons.* "The Central American governments commit themselves to tend with a sense of urgency to the flows of refugees and displaced persons that the regional crisis has provoked, by means of granting protection and assistance . . . as well as repatriation, resettlement, and relocation so long as it is voluntary

and individual."

Commission finding on Point 8: Some steps have been taken by Guatemala, El Salvador, Honduras, and Nicaragua to facilitate the return of refugees. In Guatemala and El Salvador, however, these steps have not provided sufficient security, freedom of action, or economic support to encourage a significant movement of returning refugees.

Point 9 of the Accord: *On cooperation for peace and development. Under this point the five presidents agreed to adopt further measures to accelerate development efforts; in particular, they agreed to seek joint programs of assistance from the international community.*

Commission finding on Point 9: To meet the call to consider development in its entirety as an intrinsic component of the achievement of peace requires considerably more time and vastly more resources from both within and outside the region than have been forthcoming.

Point 10 of the Accord: *On international verification. This point calls for the creation of an international verification commission composed of the foreign ministers of the five Central American states, representatives of the four Contadora Group nations (Mexico, Panama, Colombia, and Venezuela), the four Contadora Support Group nations (Peru, Brazil, Argentina, and Uruguay), and the secretaries general of the United Nations and the Organization of American States. It conveys to this group the responsibility for determining compliance with the agreements and for reporting to the presidents of the five Central American nations within 150 days of the original agreement.*

Commission finding on Point 10: The International Commission on Verification and Follow-up (CIVS) has carried out its task under the

provisions of the Accord. It has found that there were substantial steps toward fulfillment by all parties and that there were additional steps needed by all countries to be in full compliance. The Executive Commission of the Guatemala Accord, consisting of the Central American foreign ministers, must now determine mechanisms for further verification. Whether extraregional verification will be sought in the future is unclear; diplomatic sources indicated that Honduras and El Salvador appeared particularly hostile to verification by parties from outside the region.

Point 11 of the Accord: *On the calendar for fulfillment of the Accord. This final point establishes a timetable for fulfillment and for verification.*

Commission finding on Point 11: The five countries have not met fully the ambitious timetable set by the Accord; but on January 15, 1988, the five Central American presidents declared their continuing commitment to the Accord and declared that compliance with the remaining points would be immediate.

III. INDIVIDUAL COUNTRY ANALYSES

Costa Rica

The Guatemala Accord was not designed to solve internal political problems in Costa Rica, nor was it expected to have any impact on that country's political process. Costa Rica's solid reputation as the most democratic country in Latin America, with an excellent record of respect for human rights and freedom of expression, assured it little attention by the Esquipulas II reporting mechanisms. Nevertheless, a sense of equity with the other Central American countries and recognition that Costa Rica's democratic system could be improved led President Oscar Arias to cooperate with the international committees set up by the Guatemala Accord to monitor progress toward peace and democracy. To have done otherwise would have risked Arias' peace-making role.

National Reconciliation Commission. Like the other Central American countries, Costa Rica named a National Reconciliation Commission (CNR). The commission's members were announced on October 21, 1987. Joaquín Vargas Gené, a lawyer and editor of *La República* from 1977 until December 31, 1987, was elected president. Other members of the commission were Archbishop Ramón Arrieta, Juan José Trejos of the Partido Unidad Social Cristiana, and Minister of Justice Luis Paulino Mora. The commission immediately invited political parties, labor unions, and other associations to send it complaints and grievances. Although lacking permanent offices and a budget, it was able to function by borrowing space, office furniture, and supplies from government agencies. According to Vargas, the commission, including the four alternates, met every Monday and Tuesday and on other occasions when necessary.

As required by the Guatemala Accord, the Costa Rican commission duly filed its report with the CIVS on December 21, 1987. Reasoning that other agencies such as the Red Cross and the United Nations Refugee Program were already dealing with the important issues of refugees and displaced persons in Costa Rica, and judging that issues of workers' rights were beyond its purview, the commission concentrated on violations of individual rights and democratic reform. In a few weeks it became clear that no one in Costa Rica claimed that there were systematic violations of human rights or denial of freedom of expression in the country. However, the commission received a much greater indication of unease than anyone familiar with Costa Rica's democratic system might have expected. It therefore chose not to look into larger issues of social justice and economic grievances, to the disappointment of some groups, but chose instead to act as Costa Rica's ombudsman.

The commission looked into several cases of arbitrary arrest and lengthy detentions without trial. It uncovered the fact that large numbers of persons with criminal records or judged suspicious by the police were placed under "preventive arrest" to avoid expected trouble.⁴ The commission found that the Immigration

Department sometimes detained unwanted foreigners for lengthy periods and that Costa Ricans and others were often detained or harassed by customs officers for bringing in "subversive" literature even though no laws had been violated.

As is well known, many members of the armed Nicaraguan opposition used encampments on Costa Rican soil before and after forays into Nicaragua. Many used Costa Rica as a haven to recover from wounds. Problems of individual rights arose from these circumstances. Some twenty soldiers of the armed Nicaraguan opposition, many of them wounded and hospitalized in Costa Rica, had been arrested for violation of Costa Rica's neutrality legislation and sentenced to five years in prison. The National Reconciliation Commission found it ironic that, while other guerrilla fighters in Central America were granted freedom by the amnesty laws required by the Guatemala Accord, these men, who had not taken up arms against Costa Rica, continued to languish in Costa Rican jails.

According to CNR President Vargas, the commission also explored ways of perfecting Costa Rica's electoral system and widening freedom of expression. The CNR reported on the legal requirement that journalists must belong to the Journalists' Association (Colegio de Periodistas) before being allowed to practice their profession and on certain restraints on printed expression of opinion during electoral campaigns. No specific suggestions for reform had been put forward by the commission at the time of the LASA delegation's visit to Costa Rica.

The National Reconciliation Commission deliberately avoided airing its investigations in the Costa Rican media. It justified its low-profile approach on three grounds: (1) the problems uncovered were small, (2) the government of Costa Rica would be more likely to cooperate in eliminating abuses if the commission worked in a quiet manner with the agencies involved, rather than if it took a confrontational attitude, and (3) undue publicity about Costa Rica's imperfections would give ammunition to leftist opponents intent on destroying the political system. The commission, in short, took a serious but conservative approach to its responsibilities.

On the issue of use of territory for guerrilla forces, Costa Rica claimed that it had done all that possibly could have been done to remove such forces. Although it was common knowledge before the Arias presidency that armed opponents of the Nicaraguan government were operating with impunity from Costa Rican soil during 1986 and 1987, Costa Rica made efforts to remove all armed Nicaraguan opposition camps. A northern Costa Rican airfield that had been used in the supply of the armed Nicaraguan opposition was closed by the Costa Rican government in 1986. On January 13, 1988, just two days before the San José summit meeting, President Arias wrote Nicaraguan opposition leaders Alfonso Robelo, Alfredo César, and Pedro Joaquín Chamorro asking them to leave the country or cease their support of the armed Nicaraguan opposition.⁵ The CIVS report of January 14, 1988, accepted Costa Rica's view that it was in compliance with this requirement of the Esquipulas Agreement.⁶

Other Issues. Costa Rica, arguing that its National Assembly provided a forum for national dialogue, took no steps to comply with the section on national dialogue in the Guatemala Accord. The government of Costa Rica also maintained that since there were no political prisoners in Costa Rica no amnesty was necessary. The CIVS agreed with Costa Rica on the former, but not on the latter. The NRC recommended pardon for three prisoners convicted of homicide on the grounds that their crimes had a political character.⁷ The CIVS made no formal recommendation on the matter but informal reports in San José indicated CIVS support for pardons. With respect to a cease-fire, derogation of a state of emergency, and democratization, the CIVS agreed that Costa Rica did not need to take action.⁸

El Salvador

El Salvador is a country beset with intense and unrelenting population and economic pressures. Already the region's most densely inhabited country, its population will double to about \$10 million in the next twenty years. Since 1979, almost 60,000 people have lost their lives, and damage to the Salvadoran economy amounts to about \$1.5 billion. Almost one million people have been displaced by the war. The economy is

heavily dependent on United States assistance, totaling nearly \$3.5 billion in the last nine years; the 1987 aid package of nearly \$750 million put El Salvador behind only Israel and Egypt in terms of the amount of aid received from the United States.⁹ A devastating earthquake in 1986 and a debilitating drought are only the latest calamities to wreak havoc on the economy. Peace is a necessary condition to promote the country's well-being, but even with peace, El Salvador will still face enormous economic and social problems.

Esquipulas II gave El Salvador's president, José Napoleón Duarte, an important opportunity to deliver on a 1985 election promise of peace. The limited results obtained partially through his efforts illustrate the real constraints on bringing about peace in El Salvador and, more broadly, in Central America. These constraints are largely internal conditions having little to do with the currently more publicized conflict between Nicaragua and the United States.

While Duarte and his party hold formal power, the real power in El Salvador lies elsewhere. Three critical actors dominate the Salvadoran political stage: the army, the United States Embassy, and the insurgent Farabundo Martí National Liberation Front (FMLN).

The Salvadoran armed forces have dominated politics since the 1930s. Resolutely anti-Communist, the military has been locked in a vicious struggle against the FMLN insurgents since the late 1970s. Even though there is now nominal democratic rule in the country, it is the military that controls movement throughout the countryside, particularly in contested zones. Duarte and his Christian Democratic party are at best tolerated. The military's objection to the party is both ideological and practical. The army now represents its own institutional interests, which often coincide with those of the diminished oligarchy. But it has been disappointed with Duarte's indecisiveness regarding the prosecution of the guerrilla war. Economic mismanagement and corruption have been a source of friction as well. Duarte's international prestige counteracts his administrative inefficiency and has been an important element facilitating the economic assistance underwriting the military's recent modernization.

The United States Embassy has been Duarte's critical interlocutor with the military. Indeed, United States aid has been vital for Duarte's survival. The embassy's ability to impose the Christian Democratic leader on the military is a function of a current policy predilection for the legitimacy brought by elections and other democratic processes. But the embassy's power also derives from its tremendous economic clout. Direct economic assistance has ballooned from \$10 million in 1979 to \$502 million in 1987. Security assistance, which grew from about \$25 million in 1982 to about \$111 million in 1987, has been a vital element in the military's ability to sustain its anti-insurgency efforts and its ultimate dominance of the civilian government.¹⁰ Inevitably, the United States ambassador functions, in the eyes of many, as a proconsul.

The massive United States influence seems to generate concern and frustration on the part of leaders in the popular sectors as well as in more conservative groups. While the Left is resentful of the country's lack of sovereignty, the political and business elite is increasingly concerned about the impact of a possible United States abandonment of the country.

FMLN efforts in El Salvador have been significant since the latter part of the 1970s. While a major insurrectionary effort in late 1980 failed, the insurgent forces have gradually enhanced their military capability and organizational sophistication. They have supported the development of several allied civilian organizations, the most prominent of which is the Democratic Revolutionary Front (FDR); and they have aggressively pursued a strategy of prolonged popular war. The United States Embassy claims that the FMLN has received consistent material and logistical support from Cuba and Nicaragua, but there has been little hard evidence presented, and El Salvador has not appealed to the World Court for redress. While most analysts suggest that some external aid to the guerrillas is likely, most also agree that the FMLN has the internal organizational coherence and determination to continue as an effective fighting force even if all material and logistical support from neighboring countries were cut off.¹¹ Even though FMLN spokespersons have shown renewed interest in

peace talks, they want to negotiate their role in a reformed government, a position unacceptable to the military and Duarte.¹²

Two questions are central to an assessment of the feasibility of Esquipulas II as it relates to El Salvador. Is the Accord appropriate to El Salvador's circumstances? Has the country complied with key provisions of the agreement since it was signed in August, 1987?

El Salvador and Esquipulas II. Esquipulas II is an eminently political document because the forum for discussion is at the highest level of formal political discourse. However, effective political power in most of Central America is in the hands of military officers. Thus, no decision regarding the peace process is final until it is mediated and negotiated through each country's military institution.

In El Salvador, President Duarte found himself in the midst of his two main brokers, the United States and his own military, both of which were antagonistic to the implications of Esquipulas II. On the whole, he managed to negotiate well through that difficult terrain, at least in terms of obtaining their tolerance of his peace efforts.

Esquipulas II assumes a minimal environment of trust among opposing groups within the society as a means for promoting reconciliation. In El Salvador there is no political trust, only political will. As one experienced political observer remarked, "This society is so divided that I don't know where it comes together."¹³ Since political power is in the hands of militants, nonarmed will has definite limits. Duarte's personalization of the Esquipulas II peace efforts is one manifestation of this reality. This lack of trust in each other and in Duarte ultimately resulted in the unwillingness of both Left and Right to cooperate with the government's reconciliation efforts.

Esquipulas II explicitly rejects external intervention as a means by which to promote reconciliation. Nonetheless, in El Salvador there is a strong feeling that the only means to effect peace is through external pressure on key internal actors in order to secure the compromises necessary for peace.¹⁴

National Dialogue. The national dialogue envisioned in the Guatemala Accord had two aspects: (1) a dialogue with the "internal" opposition that would be concerned with political issues and would be conducted under the auspices of a National Reconciliation Commission, and (2) a dialogue with the armed opposition regarding a cessation of hostilities.

With regard to internal opposition, the Salvadoran government formed a National Reconciliation Commission (NRC) headed by ex-President Alvaro Magaña. Because Magaña was chief executive during a period of intense activity by death squads, his credibility was questioned by the Left and by human rights groups. In addition, the commission has only one left-of-center member, social democrat Mario Reni Roldán, who was named only as an alternate. He resigned from his position in protest over the October 26 assassination of human rights leader Herbert Ernesto Anaya. The representative of the major rightist party, ARENA, subsequently resigned as well, arguing that President Duarte was manipulating the peace process and "acting in a partisan way" that lacked "seriousness and depth."¹⁵ This left the commission without members representing the opposition parties of the Left or the Right. The possibilities for reconciliation with such a commission seem limited.

Dialogue with the Salvadoran armed opposition has a history that precedes the Esquipulas II Accord. The armed opposition and the government have met on several occasions, starting with a 1984 meeting in Las Palmas. The FMLN has generally demanded power sharing in the government, restructuring of the military, withdrawal of United States assistance, new elections, and the ceding of territory to their forces as terms for laying down their arms. The government and, in particular, the military have found those terms unacceptable. They have instead proposed the surrender of the opposition army and an amnesty for those troops without arms, suggesting that ex-guerrillas could then participate peacefully in ongoing electoral processes. The armed opposition has refused these terms, arguing that the pattern of assassinations and disappearances in El

Salvador makes it unlikely that their physical security in an electoral process could be guaranteed.

In 1985 the FDR-FMLN attempted to follow the Las Palmas meetings with new negotiations, but had no success in convincing President Duarte to participate. In 1986, Duarte agreed to meet with the rebels, but the insurgent leaders refused to appear when they realized that the town where the meeting was to take place was surrounded by the military. In May 1987, the FDR-FMLN sought to renew talks by limiting its demands to "humanizing" the conflict by stopping aerial bombardments by the military, the use of land mines by both sides, economic sabotage, and the capture of civilians in zones of conflict. This initiative was rejected by the Duarte government.

Under the Guatemala Accord, dialogue with the armed opposition was required. Talks between the FDR-FMLN and President Duarte occurred on October 4 and 5, 1987, at the office of the Papal Nuncio in San Salvador. The meeting produced no cease-fire, and the armed opposition withdrew from the talks following the assassination of one of the nation's most prominent human rights activists, Herbert Anaya, in late October. No further meetings have been held, and a negotiated cease-fire does not appear likely.

Both the FDR-FMLN and independent observers have suggested that the terms of Esquipulas II that limit talks with the armed opposition to the subject of cease-fire may be a step backward for El Salvador. Earlier meetings had included a broader agenda. For now, the government insists that such talks should only concern a cease-fire that would allow the opposition to lay down its arms and participate peacefully in ongoing political processes. A unilateral fifteen-day cease-fire declared by the government on November 5, 1987, had little impact. The FMLN called its own nine-day cease-fire for San Salvador on November 21. Both were largely staged for the benefit of the respective forces' international image.¹⁶

The likelihood of ending the war through the dialogue envisioned in Esquipulas seems small. The armed opposition insists that the government must agree both to share power with the FMLN

and to allow it to retain control of the areas in which they now form a "dual" government. The military is unwilling to agree to such a solution. According to one Western official, the civilian government does not exercise sufficient authority over the military to mandate such a solution without provoking a coup.

The intransigence of both the military and the armed opposition is fed by other factors as well. First, a long history of bloodshed has led to almost irreparable hostility. Second, each side seems to be convinced of the possibility of military victory. The FMLN, for example, believes in the inevitability of its victory and is encouraged by the development of leftist organizations within the country that support the broad aims of its political program. Meanwhile, the military's conviction that it can win is supported by the United States embassy, although both the United States and the Salvadoran military point to the need for a political and economic component to the counterinsurgency strategy.

Focus on the political and economic component of counterinsurgency has caused strains between the military and the Christian Democratic government. President Duarte, for example, has launched unpopular economic policies, including a "war tax" that was eventually ruled unconstitutional. On the political side, he has seemed somewhat weak, battered in part by internecine conflicts within his own party. Military officials were said to be especially upset over the fact that the FDR-FMLN was able to orchestrate massive demonstrations near the offices of the Papal Nuncio while the Christian Democratic forces were outnumbered and cowed. The military apparently believes that it is delivering on its end of the counterinsurgency program but that the civilian government is not; in the military view, the government is mismanaging both the economic and political sides of the domestic policy equation.

A final reason to expect continuing conflict has to do with the relative self-sufficiency of the armed opposition. While the United States embassy and the Salvadoran military publicly contend that there is a high degree of Nicaraguan aid to the FMLN, experienced and well-placed

political observers in El Salvador suggested to members of the LASA Commission that a complete curtailment of whatever Nicaraguan aid exists would at best slow but not significantly weaken the opposition's military efforts. Thus, even if Nicaragua were to comply thoroughly with the portions of Esquipulas requiring nonsupport of insurgent forces, the Salvadoran war would continue.

Democratization. Esquipulas II mandates a democratization process involving such measures as freedom of the press, freedom to form political parties, and the lifting of any state of emergency. In arguing that it has complied with these aspects of Esquipulas II, the Salvadoran government has pointed to actions both before and after the signing on August 7. Without a doubt, there is more political space than existed several years ago. The last two years have seen the formation of new popular organizations, including the National Union of Salvadoran Workers (Unidad Nacional de Trabajadores Salvadoreños, UNTS), and an increase in demonstrations in the streets of San Salvador. Press freedom has grown: one daily is vitriolically opposed to the Duarte government, and another daily has published paid advertisements from the FDR-FMLN. Television reports have carried interviews with Guillermo Ungo and Rubén Zamora, president and vice-president, respectively, of the FDR. Finally, the state of emergency was lifted by the government in January, 1987; this restoration of constitutional rights was, however, not due to a conscious governmental decision; rather, it occurred inadvertently when a legislative boycott by rightists prevented the Legislative Assembly from renewing the law.

Since the signing of the Guatemala Accord, the expansion of political space for leftist-oriented parties has accelerated. Key FDR leaders have returned to the country. In November, 1987, the FDR's Ungo and Zamora returned to El Salvador and openly engaged in political activities. Ungo re-registered his party (the Movimiento Nacional Revolucionario -- MNR) with the electoral council, and a new civilian leftist political coalition, the Democratic Convergence, was established under the leadership of Mario Reni Roldán. During their short visit in the country, Ungo and Zamora also met with the

United States ambassador under the auspices of Spain's ambassador in San Salvador.

Despite these appearances, many believe that the democratic opening is artificial and a mechanism for exposing opponents of the military and the government. Guillermo Ungo and Rubén Zamora do not live in the country, and another leading democratic leftist politician went into hiding for several months as the result of threats from death squads. The fear of repression and reprisals for political activity remains. Even a senior Christian Democrat in the government has conceded that "to get involved in political life is a risk."¹⁷ Human rights groups report that since the signing of Esquipulas II, death squad activity and government repression seem to have increased.¹⁸

Four key points can be made about this fear of political violence and its effects on democratization. First, given the fresh memories of widespread death squad activity in the 1981-83 period, little progress toward democratization can take place as long as any political assassinations occur.

Second, while the extent of military and government control over the death squads has been extensively debated, none of the alternative explanations augur well for those from the democratic and moderate Left who would like to re-enter the political forum. Either the armed forces have control and the government is unwilling to prosecute them, the armed forces have control and the government is unable to exercise authority, or the armed forces have no control and so cannot provide public security.

Third, independent observers suggest that both death squads and the military are now more sophisticated in identifying their alleged FMLN targets; in the words of one observer, "they no longer need to kill thirty innocent bystanders to get one sympathizer."¹⁹ Whether this reflects better intelligence or a shift in death squad tactics is not clear.

Finally, one central issue in the debate over democratization -- in El Salvador and elsewhere in the region -- is whether individuals have the right to sympathize with the political goals or

methods of the armed opposition, provided that they offer no direct support to actual armed actions. The army, for example, has resisted refugee repopulation except for designated areas; the refugees have claimed that they have a right to return to their home territories as well as to sympathize with whichever side they wish, as long as they do not themselves participate in the armed opposition. While Esquipulas II would not seem to limit political freedom to those unsympathetic to opposition movements, the actual practice of allowing such sympathies is not viewed kindly by either the civilian government or the armed forces.

Amnesty. In keeping with the general requirements of Esquipulas II, President Duarte proposed and implemented a broad amnesty measure. Under its terms, 427 prisoners accused of political crimes were released. Military personnel accused of attacks against citizens, fewer than 20, were also released. The government also declared that no military personnel could be indicted for crimes against civilians committed prior to October 22, 1987.

These amnesty measures satisfied neither the Left nor the Right.²⁰ Both the Left and human rights groups argue that citizens accused of crimes against the state had good chances for acquittal under constitutional law because their crimes tended to be ones of possessing knowledge about the armed opposition and not criminal acts. The military defendants, they argued, should have been prosecuted because they were being tried for assassinations, which were punishable crimes. Thus, one knowledgeable human rights observer concluded that the "trade-offs" engineered by Duarte in the amnesty were "pitiful."²¹

The military was equally unhappy about the amnesty. In the past, the courts rarely prosecuted military defendants, and the military believed that the civilian prisoners set free would join the guerrilla forces. This would in turn demoralize field commanders who were trying to prosecute the war. Each side believed that the other had the advantage under the terms of the amnesty.

President Duarte pointed to the amnesty as

further evidence of El Salvador's compliance with the peace Accord, in contrast to the Sandinistas' noncompliance. He skillfully prevailed over military opposition to the amnesty provisions of Esquipulas II by giving amnesty the broadest possible definition.²² In the process, however, he managed to displease just about everyone, including the United States.²³ Moreover, by granting amnesty to the Salvadoran military, the Duarte government actually violated the peace agreement. Amnesty was intended for irregular forces, not government military and police units. In the process, a *de facto* amnesty for death squads was made into a *de jure* reality.²⁴

Human Rights. President Duarte's government has showcased human rights issues in order to demonstrate El Salvador's superior compliance with, and Nicaragua's neglect of, the requirements of Esquipulas II. The case most cited by the government as an example of its respect for human rights is the return of 4,300 refugees who fled El Salvador to Honduras to escape the civil war. (Estimates are that 1,000,000 Salvadorans live outside their country, more than 60,000 have died, and 500,000 are displaced internally due to the war.)

Eleven thousand refugees have been living in camps in Mesa Grande, Honduras, where they have been dependent upon the United Nations High Commission for Refugees and the Honduran government for subsistence. They have been threatened by the Honduran military.

From early 1985 to March, 1987, an estimated twenty-five hundred refugees who found conditions in Honduras intolerable began returning in small groups to El Salvador. Twenty-six of them were tortured and incarcerated and others were captured, detained, interrogated, and subsequently released.²⁵

When Esquipulas II was signed on August 7, 1987, some forty-three hundred refugees decided to test the implementation of the Accord by crossing into El Salvador *en masse*, surprising the military and reducing its ability to intimidate individual refugees. There are now five repopulated communities in northern El Salvador, part of the conflict zone. In all cases, the army has surrounded the communities, maintaining a

permanent military roadblock and routinely restricting the passage of food and other humanitarian assistance. Despite government pledges to provide immediate documentation, more than five months after the repatriation, fewer than ten percent of the returnees have received official documentation. The military bombards the communities with mortars and arbitrarily fires into the villages. Violations of human rights continue. On February 18, 1988, for example, six repatriates were captured, along with two North American volunteers.²⁶ Ironically, President Duarte points to this spontaneous, grass-roots repopulation action as evidence of the government's peaceful repatriation of refugees and observation of human rights conventions.

Reports confirm that repression, which had become more selective and less frequent than the mass slayings before 1983, is again on the rise. The murder, on October 26, 1987, of Herbert Ernesto Anaya, the head of the nongovernmental Human Rights Commission, was first attributed to Alberto Miranda, a student. But he has subsequently retracted his confession, saying that he was drugged and forced to sign it.²⁷ Miranda is an admitted sympathizer of the armed opposition, and his initial confession was apparently designed to throw guilt upon the left. At present, he is still in jail awaiting trial for the murder of Anaya.

On November 8, 1987, two bodies were found on a roadside with the letters "FDR" written on their chests in red ink, an apparent warning to members of the Democratic Revolutionary Front who planned to return to El Salvador. Tutela Legal, the Catholic human rights organization, attributed the murders to the army.

America's Watch documented 45 death-squad killings, 78 targeted killings of civilians by military and civil defense forces, and 39 disappearances in 1986.²⁸ According to Tutela Legal, civilian deaths caused by governmental forces totaled 381 for 1987, while deaths caused by the armed opposition equalled 31. During 1987, thirty-nine deaths occurred when victims stepped on mines or were in the way of bombardments of strategic locations. Thus, human rights violations were significantly greater in 1987 than in 1986, and most of the abuses occurred

after the signing of Esquipulas II.

Additionally, acts of harassment are better concealed by the military than they were previously. Since official reports of disappearances or arrests cannot be made for seventy-two hours after a person has been missing, military and police forces, according to government critics, detain people for less than seventy-two hours, or falsify dates of arrest so that the period of sequestration never appears in police records.

Continual and increasing human rights violations on the part of governmental forces call into question the United States position that President Duarte controls the military and seeks a negotiated peace and democratic opening. The fact is that repression has been and continues to be a legitimate means of political control in the eyes of some military leaders and right-wing politicians.

Significance for El Salvador. While El Salvador has complied with various portions of the Esquipulas agreement, compliance has not been complete. As a recent Salvadoran study of the peace process in El Salvador concludes: "the government complied formally and superficially with all the Esquipulas accords, but it did not comply with the intent and spirit; and, above all, compliance was not effective."²⁹ Peace does not seem more likely than it did prior to August. Both the military stalemate between the FMLN and the military and the continuing polarization and intransigence evidenced by both groups are symptomatic of the society as a whole.

There are growing tensions between the military and the government as the Christian Democratic party has proven unable to deliver on the economic growth and political mobilization that the military sees as a necessary component of a complete counterinsurgency strategy. This does not bode well for peace and democracy in El Salvador.

As a result of these twin processes of polarization and fragmentation, many sectors of Salvadoran society look outside the country for both the source of the problems and the means to effect peace.³⁰ The military, Christian Democrats, businesspeople, and the Far Right blame

Nicaragua for the "subversion," and some suggest (in private conversations) that peaceful coexistence with the current government of Nicaragua is impossible. Some of the Left sees the United States as the source of almost all of the country's problems and generally argues for a sharp reduction in United States influence. Other observers argue that the United States should use its influence to restrain the military and at the same time they argue that Cuba, Nicaragua, and other "friends" of the FMLN should pressure the FMLN to make compromises leading to peace.

The difficulty with all of these views is that no matter how constrained El Salvador may be by international factors and foreign influence, the conflict is indigenous and deeply rooted; "looking outside" is indicative of both the desperate mood of the country and the deep desire for an end to the conflict.

There remains general agreement in Salvadoran society that Esquipulas II has been important in at least shifting the political discourse toward the promise of peace. While Esquipulas may be written in what one high government official described as the "language of the angels," such a shift in the terms of the debate is welcomed by a populace exhausted from years of war, death squads, and economic collapse.

Guatemala

Guatemala is a profoundly divided nation. Half the population consists of Spanish-speaking Ladinos who have traditionally dominated the Indian portions of society, often by violent means. The Indian half of the population is itself divided among more than twenty distinct indigenous groups. Since the 1960s, military-dominated regimes have repressed political opponents with a savagery rarely seen. In the last decade, the frustrations of the indigenous population generated support for the armed insurgency that began in the 1960s.

Guatemala today faces two daunting tasks. The first is to curtail the immediate violence of war and human rights violations. The second is to address several centuries of accumulated political-

economic structural traits that have created the staggering inequities in living conditions, health, and literacy so evident across class, ethnic, and regional lines. During its stay in Guatemala, the delegation was struck by the degree to which increasingly pressing social and economic concerns predominated in the media and in the minds of the public over matters related to the Central America Peace Plan.³¹

During the three decades after 1954, and especially after 1966, tens of thousands of Guatemalans were murdered by elements connected to state security forces and right-wing paramilitary groups, ostensibly for participation in partisan politics and for activity in labor, student, peasant, and professional organizations. With the 1985 election, Guatemala began what President Vinicio Cerezo calls a "transition to democracy," a process of building institutions and processes of political participation within a traditional liberal, representative constitutional framework.

National Reconciliation. There was widespread agreement in Guatemala that there is at present more political space than in the recent past, enabling groups that work within the system to make themselves heard and to establish bases of popular support. Political party and labor union spokespersons, for example, reported operating fairly openly.³² Problems remain, however. Independent unionists criticized the government for bureaucratic interference with organizing efforts as well as restrictions upon freedom of movement in the countryside by local military authorities.³³ Several political killings and crimes were reported in late 1987.³⁴ Indeed, repression of unions is still evident; while our delegation was in Guatemala, a market-stall guild leader was kidnapped, beaten, and warned not to participate in a demonstration planned for January 18, 1988.³⁵

The Guatemalan government met once in Madrid with representatives of the Guatemalan armed opposition, the Guatemalan National Revolutionary Union (Unidad Revolucionaria Nacional Guatemalteca -- URNG) but announced that it would not continue the dialogue until the URNG disarmed. (The Accord is not clear as to whether any government is obliged to conduct talks with groups that do not lay down their arms

permanently.) Opinion differs in Guatemala about the extent to which the refusal of the government to pursue further dialogue is attributable either to a military veto or to a lack of political will by the regime.³⁶ One expert observer emphasized that "the axis of the structure of [national political] power is in the army," an argument with which almost no one in Guatemala would disagree. Many believe that the military's immense power greatly limits what the civilian government may do in many areas. Another respondent stated flatly that "the stability of the government depends on the army." He stated that any suggestion of concessions to the URNG via cease-fire talks was unacceptable to the Guatemalan armed forces, who in his view were committed to a military victory.

One Guatemalan observer, a high-ranking party official, argued that President Cerezo had won the support of only part of the armed forces. This respondent described the present army high command as supportive of civilian rule, but he believed that not all junior officers could be counted on for similar support. Also indicative of this perception, Colonel Francisco Luis Gordillo, a retired army officer who was one of the leaders of the 1982 coup that toppled General Lucas García from the presidency and himself a member of Guatemala's National Reconciliation Commission (CNR), told the LASA delegation, "I believe that an army should not rule; unfortunately if the civilians don't have the norms and values to rule well, sometimes the army has to do it. I am not justifying [military rule], he continued, "but sometimes it's the lesser evil."

Amnesty. Amnesty is a particularly thorny issue for Guatemala. It was striking that respondents representing a wide range of ideological differences admitted that, given the present political context and the lack of guarantees and safeguards, it was not realistic to expect individuals who have engaged in armed political conflict to give themselves over to the authorities. Another common observation was that earlier amnesty decrees were more sound than the one generated under the Esquipulas Accord. We found no evidence that more than a handful of individuals had availed themselves of the most recent decree.

National Reconciliation Commission. As in each of the other Central American republics, Guatemala formed a National Reconciliation Commission. One of its major functions was to "verify the effectiveness of the reconciliation process," but we could not establish that this function had been carried out effectively. The CNR was hampered by a serious lack of resources and governmental support. It had no offices, staff, or equipment and usually met in the home of one of its members. Much of its work appeared ceremonial, such as meeting with visiting foreign delegations. Moreover, labor leaders and representatives of the popular classes with whom we spoke were critical of the makeup of the CNR, considering that its composition was centered too much in the upper classes. Also, the fact that the political party representatives came from Center-Right and rightist parties left a substantial range of political views unrepresented on the commission. Guatemala's CNR never produced a written report. Its members did not know what the foreign minister reported on their behalf to the International Commission on Verification and Follow-up (CIVS), and one complained that as of mid-January 1988, CNR members had never even received a copy of the CIVS report.³⁷ One party official, when asked what Guatemala's CNR had done to promote national reconciliation, flatly stated: "Nothing."³⁸ While it may be tempting for Guatemala's critics to attribute this outcome to a lack of political will on the part of the government, the fact remains that verifying the effectiveness of the amnesty, the reality of a cease-fire, and the extent of democratization in Guatemala do constitute tasks of such gargantuan proportions that it perhaps is understandable why they were never seriously undertaken.

Cease-fire. The position of the Guatemalan government and its supporters is that declaring a cease-fire is not relevant in the Guatemalan case because the war is undeclared and largely involves hit-and-run tactics by insurgents and counteractions by government forces. One official, who was a member of the Guatemalan negotiating team in San José, argued that "Guatemala is not in a state of belligerence like El Salvador and Nicaragua." Colonel Gordillo gave the delegation some insight into the military's reluctance to accept a cease-fire. He argued that a "cease-fire is very difficult in an irregular war. One cannot

define clear zones [of control]. The guerrillas are very mobile. A truce or cease-fire gives them the advantage."

The armed opposition, as seen from within Guatemala, was reluctant to participate in a process that would involve verification of a cease-fire by elements it did not trust. Moreover, for its part, the URNG appeared unwilling to consider seriously a cessation of hostilities on any terms that might be acceptable to the Guatemalan army. The insurgents demands -- that they not surrender any weapons, that demilitarized areas between zones of conflict be established, and that controlled territories be recognized -- led the military to break off talks: "Army spokesmen," according to Guatemalan media, "hurried to say that they did not accept the proposal and that the talks were suspended. President Cerezo subsequently said the same thing."³⁹ URNG spokespersons later affirmed in a communiqué that "there will be no cease-fire because the causes of the war remain; they are present daily in the political, economic, and social life of the country."⁴⁰ The armed opposition also appeared to several Guatemalan observers to be internally divided over the strategy to follow regarding the government under the Esquipulas Accords. (See Section IV below for the perspective provided directly by the Guatemalan armed opposition.)

After the suspension of talks, Defense Minister Héctor Gramajo promised to continue the war "until the enemy is wiped out."⁴¹ As General Gramajo's declaration so graphically illustrates, despite formal compliance with the Accord, that is, the holding of talks aimed at arranging a ceasefire, the Accord brought no progress toward a real suspension of hostilities. One Central American study of Esquipulas II has concluded that the impact of the Accord on the war itself in Guatemala was, as also in El Salvador and Nicaragua, "directly contrary to the letter and spirit of Esquipulas II."⁴² Indeed, most observers agreed that rather than moving toward a cease-fire or even a lessening of conflict, both the army and the insurgents have intensified their efforts in order to show that they have not lost ground and that they must be taken into full account in all future negotiations.

Despite army affirmations that the armed

opposition was being defeated militarily, several observers with good military contacts assured the delegation, off the record, that the armed forces privately admit and other evidence sustains that the URNG is experiencing a substantial increase in numerical strength, in logistical capacity, in the number of areas in which it is active, and in the level of combat activity. These affirmations appeared substantiated by press accounts of increased combat and the development of a major army offensive throughout the August-January period of the Esquipulas Accord.⁴³

Cessation of Aid to Irregular Forces and Nonuse of Territory. These aspects of the agreement did not loom large for Guatemala. The government has been criticized for allowing the Nicaraguan contras to meet with support groups on Guatemalan territory and to operate an ideological training program at a private Guatemalan university.⁴⁴ The official response to this allegation is that Guatemala does not deny entry to groups and individuals who abide by the law while in the country and that even though contra leaders did meet in Guatemala, Guatemalan territory was not used as a platform for military aggression against Nicaragua.

Refugees and Displaced Persons. Guatemala's war and political repression have generated tens and perhaps hundreds of thousands of refugees and internally displaced persons. There are an estimated 40,000 refugees in camps in southern Mexico and perhaps 150,000 Guatemalan refugees overall in Mexico.⁴⁵ The CNR was unable even to estimate the overall numbers. A committee representing political exiles returned to Guatemala to discuss their status, but was frustrated by government denunciations that it represented the insurgents. In the end the committee's members had to leave the country hurriedly without meeting with President Cerezo. The CNR attempted but was unable to visit refugee camps in southern Mexico. Overall, the problems of refugees and displaced persons remain largely unaddressed by the Guatemalan government under the aegis of Esquipulas.⁴⁶

Democratization. The level of democratization in Guatemala today may only be evaluated against the background of the decades of military rule and state terror that preceded the military's

relinquishing control of the executive branch to Christian Democratic president Vinicio Cerezo in January, 1986. Against that background, freedom of the press in Guatemala is relatively broad but not complete. The government does not censor the mass media, but access to the print and broadcast media is somewhat restricted by the generally conservative posture of the major media. Leftist groups, including the URNG, have recently been able to purchase newspaper space to publish their opinions. As far as the delegation could determine, no journalist had been killed in Guatemala since the torture/murder of a radio station reporter in the Department of Alta Verapaz in December 1986. Because dozens of Guatemalan journalists were murdered in the 1970s and early 1980s, newspapers and television outlets practice self-censorship by exercising extreme caution in what they investigate and report in order to avoid offending the sensibilities of certain interests, especially the armed forces.

Similarly, there are few formal limitations upon the participation of political parties in Guatemala today. However, parties of the Left and Far Left suffered so much repression under the military regimes of recent decades that many leftists went into exile or underground. Since 1985, the only leftist party to return to the legal, overt political arena has been the Partido Democrático Socialista (PSD), which took part in the 1985 national election. Most of the parties actively participating now in the legal political arena appear generally free to organize and seek the support of potential voters.⁴⁷

State of Emergency and Human Rights. Guatemala did not have a general state of emergency or state of siege in effect at the time of the Accord, and it therefore easily complied with that formal provision. However, freedom of movement and association in the countryside and outside the major cities -- especially in zones in which there has been armed conflict in recent years -- is often quite restricted in practice by the armed forces and by civil patrols (local militias in which participation is not always voluntary). Recourse to the courts for redress of such effective limitations of individual rights has been highly restricted by violent repression, fear of such repression, the courts' institutional weakness and the executive branch's lack of

cooperation with the courts. Some progress has been made in all these areas recently, but full exercise of constitutionally protected civil liberties still eludes large numbers of Guatemalans.⁴⁸ Moreover, many opposition parties and labor organizations, and even the new human rights prosecutor, complain that the present government frequently acts in an unconstitutional manner, ignoring judicial orders to comply with the constitution of 1985 and setting a poor example for other political actors.⁴⁹

Guatemala's human rights performance before and after the Accord remains deeply flawed.⁵⁰ Several observers concurred that a major restriction imposed upon the civilian government by the armed forces as a condition for the transfer of power in 1986 (a condition ratified by two amnesty decrees) is that there should be no investigation or prosecution of the security forces for past human rights abuses.⁵¹ In practical terms, there appear to remain very powerful barriers to the civilian regime's pursuit of human rights improvements. The Guatemalan government established the office of human rights prosecutor only late in 1987, two years after coming to power. As of January 1988 the prosecutor's office had yet to receive an operating budget sufficient to purchase furniture, computers, and vehicles, and to hire staff. The prosecutor manifested frustration at his inability to function and had mainly taken only symbolic actions in defense of human rights (such as ordering a rollback of sharply increased electrical rates), because it was impossible for his agency actually to investigate rights violations. Other developments also reveal how tenuous is state support for the protection of human rights in Guatemala under the Peace Plan. As of early 1988 and after two years of continuous pressure on the civilian government, the regime still refuses permission to the International Red Cross to open an office in Guatemala. Moreover, the Catholic Church continues to delay the opening of a legal aid office that it has been planning for at least two years.

Against this backdrop of frail institutional support for human rights, most observers agreed that the overall number of politically motivated killings and abductions of Guatemalans in 1985 and 1986 remained well below levels observed

from 1979 through 1984.⁵² The 1985-1986 decline in the level of state-sponsored political violence was due in part, according to one observer, to the chilling fact that after years of terrorism against political parties, student groups, and labor unions, "there are just not as many people left to kill now."

Nevertheless, there was a marked increase in political violence in 1987. Credible observers who felt the need to remain anonymous noted that during 1987 "there was a total of 1,021 cases of political violence, of which 550 were murders and 150 kidnappings. The total register of [political] crimes rose 57 percent above 1986 levels and the number of kidnappings increased 10 percent. . . . Levels of political murders are even higher than in 1985, when the total number of murders was 448."⁵³ The number of political murders surged sharply in December, 1987.⁵⁴ Expert observers also affirmed to the delegation that no meaningful alteration has occurred in the infrastructure of state terror and insurgent terror. Thus the official security forces and paramilitary organizations responsible for most such state-sponsored terror persist, as do leftist armed groups. Both sides continue to abduct, murder, and torture perceived political opponents at varying rates from month to month.

As regards the promotion of social justice, all observers concurred that no progress of any sort toward redressing Guatemala's severe and persistent inequities was made under Esquipulas II. Guatemala's greatest difficulty in the area of social justice -- the grave inequalities and disadvantages suffered by the large indigenous population -- remain unchanged by the Accord and by the current process of transition to civilian rule.

Free Elections. Guatemala's 1985 national election was judged by observers to have been procedurally honest and correctly counted.⁵⁵ The electoral laws and mechanisms for the conduct and counting of the vote appeared quite satisfactory. The military regime made no major effort to sway the outcome in favor of any particular party. The 1985 electoral campaign, however, was marred for most of its duration by the climate of fear that had pervaded Guatemalan life for two decades and by military rule itself, both of which

led the participating parties severely to restrain themselves as to the issues they discussed. Moreover, parties to the left of the PSD were unwilling to participate in the climate of generalized state and paramilitary violence that had severely decimated their ranks and leadership in the previous two decades.

Given the limitations of the amnesty law enacted under the Guatemala Accord, few members of those parties of the Left still operating from exile and underground appear likely to return to Guatemala to contest possible forthcoming Central American Parliament elections. No parties to the left of the PSD have surfaced and entered the electoral arena to participate in the upcoming April, 1988 municipal elections.⁵⁶

Significance of the Esquipulas Accord for Guatemala. Many Guatemalans believe that the Esquipulas Accord has had very little impact on domestic politics and that such impact as has occurred has not been in the areas formally contemplated by the agreements. CNR member and opposition party leader Jorge Serrano Elías, for example, described himself as "very cynical about the CNR" and stated that he refrained from resigning from the commission in protest over its impotence only to prevent the government from taking political advantage of such a gesture. Another CNR member, Colonel Gordillo, suggested in a thinly veiled reference to President Cerezo, that one reason for Guatemala's participation in the Peace Plan was that "everybody wants to win a Nobel Peace Prize."

The Accord did not promote much dialogue among political actors, nor has it altered the performance of the government in the areas of human rights, race relations, or social justice. The Accord has definitely not contributed to an end to the insurgency or counterinsurgency warfare by the armed forces; indeed, the war has heated up substantially since August, 1987. Most observers, however, believe that the participation of the Christian Democratic government and President Vinicio Cerezo in the peace process has served them well, since attention has been deflected from the daunting array of social, political, economic, and policy problems that beset the country.

Guatemala's foreign policy of pursuing a regional peace accord, mediating between Nicaragua and the Sandinista regime's critics, and seeking to reduce tensions in the isthmus have improved Guatemala's formerly abysmal image in the international community. The resulting improvement of Guatemala's relations with the United States and with European and Latin American nations has facilitated and will probably continue to facilitate Guatemala's reorganization of its foreign debt, acquisition of international credit, recuperation of its decimated tourism industry, and cooperation with industrial nations.

Honduras

Prior to the devastating armed conflicts of the 1980s in El Salvador and Nicaragua, Honduras was clearly the poorest country in Central America. By some measures it still is. However, it does not have the same degree of inequalities in income distribution nor the tradition of political violence of several of its neighbors. In the post-World War II period, there has been considerable political uncertainty and instability, along with a number of limited reform efforts under both civilian and military regimes. In the early 1970s, the country experienced a reformist military regime, followed by two caretaker military governments. Now, halfway through its second consecutive elected government, the political system shows signs of growing institutional democratization.

Even though the two traditional parties, Liberal and Nationalist, garnered 94 percent of the popular vote in the 1985 elections, the continuing challenge for the system is the political incorporation of the popular sectors, particularly peasant groups. Even though the military is an increasingly powerful force, which looms as a potential threat to democratization, systematic human rights violations have not typically been a mechanism of political control. In comparison with Guatemala, El Salvador, and Nicaragua, Honduras' politics have been reasonably consensual and familial.

Honduras borders on all three Central American nations experiencing major internal violence. This geographic centrality has made the

country the object of considerable attention from bordering nations and, after 1980, from the United States. The attention has provided Honduras with new opportunities and new challenges. Economic and military assistance to the country increased from \$55 million in 1980 (\$51 million economic and \$4 million military) to \$255 million in 1987 (\$195 million economic, of which \$89 million is balance-of-payments assistance, and \$60 million in direct military aid). In addition, since 1981, the United States has supported the armed Nicaraguan opposition on bases in Honduras: total formal assistance to the opposition comes to about \$237 million. While these infusions have had a major impact on the country's economic growth rates, the costs have been considerable. Besides economic distortions and difficulties in absorbing such large sums, the presence in Honduras of the armed Nicaraguan opposition has created new threats to the tentative democratic process. Honduras began the decade at the margin of the Central American conflict; today it finds itself at the center.

When the five Central American presidents signed the Guatemala Accord on August 7, Honduras had fewer internal challenges than did its neighbors. Since there was no armed opposition against the Honduras government, no cease-fire was necessary. The elements of democratization, defined under Esquipulas II as media and political party freedom and lifting of emergency rule, were not controversial issues in Honduras.

Nonuse of Territory for Aggression Against Other Countries. The key issue for Honduras to be in compliance with the Guatemala Accord is the nonuse of its territory by the armed Nicaraguan opposition, the contras. Overall estimates of the size of the Nicaraguan rebel force range from 8,000 to 16,000. Both government and opposition sources agree that most of these armed persons are now inside Nicaragua. Estimates of the number still inside Honduras range between fifteen-hundred and 3,000. While there is agreement on the fact of sharply reduced presence in Honduras since the signing of Esquipulas II, explanations for the reductions differ. One view is that the sharply increased United States support beginning in June, 1987 enabled troops to move into Nicaragua. Honduran officials assert that steps they took to comply

with Esquipulas II, including conversations with leaders of the contras resulted in the virtual elimination of irregular forces from Honduras. Both President José Azcona and Vice-President Alfredo Fortín, the government's representative on the National Reconciliation Commission, claim that the only contras remaining inside Honduras with the knowledge of the Honduran government are those receiving medical treatment at the Aguacate military base.

However, Honduran opposition sources and other observers dispute this claim. For example, *El Tiempo*, a frequent critic of government policy (although owned by another of the three vice-presidents of the country), published pictures of contra troops on a Honduran base in early January 1988. The National Federation of Farmworkers (Confederación Nacional de Trabajadores del Campo--CNTC) asserts that the armed Nicaraguan opposition retains control of over 500 square kilometers near Capire in the Las Vegas salient, from which 3,000 Honduran peasant families have been displaced. Although they agree that the military presence has been sharply reduced, CNTC spokespersons say it is still not possible for the peasant families to reclaim their land.

The Honduran government did pressure the armed Nicaraguan opposition into closing its major base camp in the Las Vegas salient. However, a diplomatic source in Honduras noted that the Nicaraguan opposition maintains a secondary headquarters inside Honduras. Colonel Enrique Bermúdez, the military commander of the Nicaraguan Democratic Force (Fuerza Democrática Nicaragüense, FDN), the largest rebel force, was interviewed in Tegucigalpa following the negative United States congressional vote on aid to the armed Nicaraguan opposition in February, 1988. His presence in Honduras would in itself appear to be a violation of the Guatemala Accord.

High government officials assert that international verification under the Guatemala Accord may take place in any part of the national territory without prior notification. Honduran authorities agreed to such verification early in January 1988, when the CIVS visited the country. The offer is now moot, since the presidents, in their declaration of January 16, dismissed the

CIVS and have not yet agreed on an alternative mechanism of verification. Vice-President Fortín indicated concern that implementation of paragraph 31 of the CIVS' conclusions would be a violation of the sovereignty of the Central American nations. Paragraph 31 requests that the Central American presidents ask the secretaries general of the OAS and the UN to send a technical mission to the region to finalize plans for mobile inspection teams to operate in each of the five countries.⁵⁷

There was general agreement among Hondurans of all political persuasions that the cutoff of United States aid to the armed Nicaraguan opposition could have serious repercussions in Honduras. Military officials anticipated that the end of United States aid would result in a sharp increase in Nicaraguan refugees in Honduras. President Azcona noted that Honduras would have to give at least temporary refuge to former contra soldiers. He observed that the Honduran military would disarm them and that the Honduran government would provide them with humanitarian assistance, at least for a short period.

A representative of the business community in Honduras expressed great concern for the short-term and long-term implications for the country of a complete cutoff of aid to the armed Nicaraguan opposition. He stated that the business community would see the cutoff as a sign that the United States would no longer protect Honduras, which would contribute to economic instability and would undermine business confidence in the country. He also expressed his fear that the elimination of the pressure of the armed opposition on Nicaragua would result in new covert Sandinista initiatives inside Honduras to polarize the political situation. He stated that Honduras was "ripe for subversion" and that Nicaragua would certainly provide the catalyst for violent revolution inside the country if the United States presence was sharply reduced and assistance to the armed Nicaraguan opposition eliminated.

An alternative view, expressed by a leading Honduran banker, was that a cutoff of United States aid would not be detrimental to Honduras because it would permit the reinvigoration of economic relations with its Central American

neighbors, particularly Nicaragua. However, for this to happen, he made it very clear that it would first be necessary to remove the armed opposition from the scene: "We cannot permit a force like the contras to remain in Honduras. They are veterans, they have arms, and they can cause problems."

Democratization. Honduras has had two successive presidential elections in which the results were respected by all parties. There are no formal restrictions on press freedom and no state of exception restricting constitutional liberties. Political parties are free to organize, except that class-based parties or those accepting international economic assistance are not permitted. In practice, these limitations have been applied to Communist and Social Democratic parties. In the 1985 elections, the two traditional parties, the Liberals and the Nationalists, received 94 percent of the vote. The remainder was divided between the reformist Christian Democratic and the National Innovation and Unity (Partido de Inovación Nacional y Unidad, PINU) Parties. In part, both traditional parties have maintained their electoral strength by permitting ideological diversity within the party structure. Hence there is more intraparty diversity than between the dominant factions of the two parties. This has contributed to the traditional weakness of the Left in Honduran politics.

Many critics claim that the most difficult obstacle that Honduras faces on its road to full democracy is reducing the role of the military in civil affairs. The power of the armed forces is illustrated by the fact that the Chief of the Armed Forces (jefe del estado mayor) is not appointed by the president and can only be removed by a two-thirds vote of Congress in combination with a presidential decree. There was agreement in all nongovernmental sectors of Honduran society that abuses of authority by some military personnel remain a problem for the political system. Dealing with such problems is complicated by the fact that the police force is directly under military command. Thus, civilian authorities are prevented from investigating possible police abuses. The attorney general, while admitting that police and military abuse remain a problem, especially in rural areas, indicated that the government is prosecuting 150

officials and enlisted men accused of such offenses. Three of the 150 cases are related to human rights abuses.

Honduran military leaders acknowledge that abuses of authority remain a problem, but they argue that as the training and education level of the officer corps improves, these abuses will gradually disappear. One of the consequences of increased United States military assistance is the Honduran military's institutional enhancement, contributing to its growing political capacity vis-à-vis civil organizations. While this may lead to a lower level of abuses, it also puts the military in a stronger position regarding future intervention in the political process. Episodes of military professionalization elsewhere have been followed by military intervention in the political process.

National Reconciliation and Dialogue.

Honduras was the last country to establish a National Reconciliation Commission, beating the November 7 deadline by only three days. After the signing of the Guatemala Accord, President Azcona stated, "From the peace agreement it can be seen that the commission is for those countries that have an armed conflict . . . , for it would be absolutely inconceivable to introduce a commission of reconciliation where there is nothing to reconcile."⁵⁸ Pressure from internal opposition groups, the Episcopal Conference of Honduran Bishops (in a pastoral letter of August 27, 1987), and other Central American countries apparently persuaded Honduras to comply, ultimately, with the national reconciliation requirement of the Guatemala Accord.

The CNR was made up of representatives of the established party system (a Liberal, a Nationalist, and a Christian Democrat, as principal representatives); and the ailing archbishop of Tegucigalpa served as chairman. The commission, according to the report it released, carried out three activities: it prepared the amnesty decree (see below), it talked with a wide variety of Honduran groups, and it transmitted the accusations of those groups to the proper authorities. Labor, peasant, student, human rights, and university groups, as well as political party representatives, appeared before the commission. The commission mentions in its report that the following complaints were brought to it: (1)

complaints from the Christian Democrat and the National Innovation and Unity parties, as well as a faction of the Nationalist party, regarding the postponing of municipal elections that were to have been held in November, 1987 (as of mid-January, 1988, no date had been set); and (2) testimony regarding abuse of power by military personnel and certain politicians carried out against civilians. The commission noted that such abuses occurred principally in rural areas, and that there were accusations of disappearances, persecution of Catholic lay leaders (*celebradores de la palabra*), and of forced removal from occupied land of peasants involved in agrarian conflicts. The commission requested a meeting with General Humberto Regalado Hernández and presented these complaints against the armed forces to him. The results of the meeting are specified in the commission's report:

The military authorities demonstrated an attitude of full cooperation and a willingness to investigate the individuals involved. A channel was opened in order to maintain constant communication with members of the commission so that problems presented could be solved jointly. The commission testifies to the full cooperation lent by the armed forces and its desire to clarify any accusation which might soil the prestige of the [military] institution.⁵⁹

As of mid-January, 1988, the commission had received no response from the military on any of the specific cases presented to General Regalado.

While the National Reconciliation Commission served as a funnel for collecting important concerns and accusations from many sectors of the society, it lacked a mechanism -- except in the case of amnesty -- to convert these concerns into constructive responses. This shortcoming is highlighted by recent notable cases of political violence.

The level of political violence in Honduras has traditionally been low among political elites. This fact increases the significance of the deaths of a human rights activist and his companion in San Pedro Sula on January 14, 1988, the eve of

the meeting in San José of the five Central American presidents. One of the victims, Miguel Angel Pavón, was vice-president of the Honduran Commission for Human Rights (Comisión Hondureña de Derechos Humanos, CODEH). A few months earlier Pavón had testified before the Interamerican Court on Human Rights in San José in a case brought against Honduras regarding alleged human rights abuses by the military in 1981 and 1982. The chilling effect of this murder could have negative consequences for open political participation in Honduran society. This situation has been exacerbated by the alleged failure of the police to investigate the case adequately. Ramón Custodio, president of CODEH, claimed that although the police arrived ten minutes after the shooting, there was no official autopsy, no ballistics tests, nor the lifting of fingerprints, footprints, or tire prints. Four days later, top military officials indicated they had no leads in the case.

Ten days before the murder of Pavón, an aide in the intelligence branch of the Honduran police, Isafas Vilorio, was machine-gunned to death prior to his scheduled testimony before the court in the same case. Vilorio was reportedly killed by a lone assassin the morning after the Honduran attorney general announced that Vilorio would testify before the court. According to one account, the assassin draped the flag of the minuscule "Cinchonero" leftist guerrilla movement over the body. Florencio Caballero, a defector from the interrogation unit called Battalion 316, has alleged that in the early 1980s Vilorio was in charge of the archives and of internal security for that unit. Battalion 316 was directly responsible to the chief of intelligence of the Honduran Armed Forces, and, according to Caballero, acted as a death squad during the period that General Gustavo Alvarez was chief of the armed forces (1981-1984).⁶⁰ A few days prior to Vilorio's death, Joselito Aguilera Córdoba, a military defector who had given secret testimony to CODEH, was also killed.

While many government opponents view these deaths as marking the possible resurrection of officially sanctioned right-wing violence in the country, both the United States Embassy and the Honduran military adhere to the view that these assassinations are the work of leftist revolution-

aries or the Sandinistas, designed to embarrass the Honduran government.

Another impediment to the evolution of democracy in Honduras is the difficulty people in the lower social strata, particularly peasants, experience in gaining political and economic access. A specific problem, which has led to increased violence in the countryside, is the unwillingness of the government to enforce the agrarian reform law that has been on the books since the early 1970s. Aside from a titling project for peasants on government land, which is supported by USAID, petitions for access to underutilized private property are rarely acted upon. Peasants' efforts to take matters into their own hands have met with arrest and apparently even torture.

The continuing violence in the countryside is a matter of considerable concern in this fragile democracy. In October, 1987, fifteen members of the CNTC were arrested, apparently in connection with a land invasion. An America's Watch report noted:

Several reported being brutally tortured, a charge the government has denied. One of the peasant activists, Margarita Murillo, reported being repeatedly raped, beaten, hung by the arms and legs and tortured with electric shocks all over her body while in the custody of the National Department of Investigation (Dirección Nacional de Investigaciones, DNI). Murillo had to be hospitalized after her release.⁶¹

Amnesty. The Honduran government's amnesty decree, which became law on December 11, 1987, was written to comply with the Guatemala Accord. Among its provisions is a pardon for peasants who participated in the land invasions of 1987. The government notes that this was done because there were no others who could be classified as political prisoners. The Assembly added to the draft amnesty proposal developed by the National Reconciliation Commission a provision that also allows for amnesty for individuals guilty of crimes committed under the

code of military justice.⁶²

According to the report of the International Commission on Verification and Follow-up, some 29 persons were released under the amnesty. Fifteen were peasants belonging to the National Confederation of Field Workers (CNTC) and the remainder were members of various other unions. Leaders of the CNTC indicated that there are hundreds of peasants--176 belonging to their own organization--who have been jailed or who are accused of political crimes who should have been granted amnesty. Manuel Acosta Bonilla, head of the Human Rights Committee of the Honduran Bar Association (Colegio de Abogados), and other critics of the government claim that the amnesty decree was quite narrowly drawn.

Refugees. Official figures from the United Nations High Commission on Refugees (UNHCR) for December, 1987, show 11,758 non-Indian refugees in three UNHCR camps in Honduras. There were also about 13,115 Nicaraguan Indian refugees under UNHCR protection in Honduras in January, 1988. In addition, there are between 75,000 (United States Embassy estimate) and 135,000 (Honduras refugee officer's figures) unregistered Nicaraguans currently living in Honduras. There were over 3,200 more refugees in the three non-Indian camps at the end of 1987 than at the beginning. They are believed to be Nicaraguans previously in Honduras who moved into the UNHCR camps after the closing of the armed Nicaraguan opposition's primary base camp close to the Nicaraguan border. There are also around 16,500 Salvadoran refugees living in three camps near the Salvadoran border. Some repatriation has occurred over the past year under UNHCR auspices, including approximately 4,300 Salvadorans since October. Reportedly, some 400 Miskitu Indians return to Nicaragua each month.

In the UNHCR refugee camp of Teupasenti in mid-January, 1988, there were an estimated 3,600 to 3,800 non-Indian refugees, residing in about 200 wooden ten-square-foot houses and some 50 large field tents. Food was distributed at a spartan but calorically adequate standard, and the water source was the adjacent river. Resident coordinators were responsible for ensuring that able bodied persons work regular hours in camp carpentry, tinware, and sewing workshops, wood

gathering and splitting, and coffee harvesting outside the camp. They also had responsibility for proper food distribution and for enforcing order. Catholic and Protestant churches operate inside the camp. An eight-room school for the refugee children operated through the fifth grade. Adult classes were also offered. Most refugees interviewed were from the Honduran-Nicaraguan border area where the war is most pervasive. All indicated their desire to return as soon as conditions permitted.

Conclusions. Since August, 1987, Honduras has implemented a limited amnesty and initiated a national dialogue through the creation and operation of a National Reconciliation Commission. As of the Central American presidents' meeting in January, 1988, none of the complaints presented to the commission had been satisfactorily resolved.

Freedom of the press, political pluralism, and the absence of a state of emergency characterized Honduras even before the signing of the Guatemala Accord. While in the 1980s Honduras has moved to set up institutions of a free society, the military retains a key role in the national political decision-making process. Increased military assistance has expanded its capacity, which makes it stronger than its civilian counterparts.

Another problem limiting full democratization is increased political violence. While violence in Honduras is minor in comparison with its neighbors, several incidents since August, 1987, have given many Hondurans cause for deep concern. The Guatemala Accord has had little favorable impact on the human rights situation in Honduras, although the limited amnesty has been a plus.

The knottiest problem for overall implementation of the Guatemala Accord in Honduras is the continued presence of the armed Nicaraguan opposition on Honduran soil. So long as the Honduran government perceives that United States aid might be lost were Honduras seriously to seek to expel the armed Nicaraguan opposition, the Honduran government can be expected not to take such action. In addition, there is great concern in all sectors of Honduras regarding the country's ability to cope with members of the Nicaraguan

opposition who would likely stream back across the Nicaraguan border, should United States assistance cease.

Nicaragua

After the signing of the Guatemala Accord, Nicaragua took early and decisive steps to comply. Four days after he returned to Nicaragua in August, 1987, President Daniel Ortega established the National Reconciliation Commission, and on August 25, he announced its composition. He also announced at that time that three noted priests, all previously banned from returning to Nicaragua because of their alleged support for Nicaragua's armed opposition, would be allowed to re-enter the country. Two of the priests, Bismarck Carballo and Benito Pitito, returned to Nicaragua in September, 1987.

On September 13, President Ortega issued a pardon for sixteen Central American nationals convicted of participating in counterrevolutionary activities. Approved by the National Assembly, the pardon went into effect on September 23. Shortly afterward he announced the derogation of a decree known as the Absentee Law, which had been enacted on July 19, 1981, and about which opponents of the Sandinistas had bitterly complained. This law established courts of exception under the jurisdiction of the Ministry of Agriculture and allowed for the confiscation of properties of absentee owners. The president also called for a national dialogue with opposition parties and scheduled the talks for October 5. On September 19, the Nicaraguan government authorized the reopening of the opposition newspaper La Prensa, "with no further restrictions than those imposed by responsible journalism." Three days later, prior censorship of the media was lifted and the archdiocesan radio station, Radio Católica, was allowed to begin broadcasting again. La Prensa resumed publication on October 1, and Radio Católica returned to the air soon after.

During October, the main government activity relating to the Guatemala Accord was centered on the process called "National Dialogue," which progressed at a slow pace before collapsing over the issue of the constitutional

reforms demanded by the opposition. The government also designated three unilateral cease-fire zones on October 7, but as these had not been negotiated, as required by the Guatemala Accord, they had little effect.

On November 6 President Ortega proposed to Archbishop Miguel Cardinal Obando y Bravo that he serve as mediator in cease-fire negotiations between the government and the armed opposition. The parties met twice in the Dominican Republic during December, but the talks were not successful. President Ortega's response to the amnesty requirement of the Guatemala Accord was to propose an amnesty law, which was approved by the National Assembly on November 18. However, since the law's implementation was conditioned on other nations' compliance with other provisions of the Guatemala Accord, it was not fully implemented. On November 22, a total of 985 prisoners, including 188 former members of the Somoza National Guard, were officially pardoned and released.⁶³

After the January 15, 1988 meeting of Central American presidents held in San José, Costa Rica, the Nicaraguan government joined the other Central American nations in a public pledge to fulfill the remaining Esquipulas II commitments "immediately, totally, and unconditionally." Nicaragua then lifted the state of emergency, suspended the functioning of the exceptional courts related to public security, announced its willingness to enter into direct talks with the armed opposition, and offered to release all of the remaining prisoners accused or convicted of political crimes, once a cease-fire was agreed upon. Nicaragua also offered to permit the prisoners to emigrate if any country would take them and reaffirmed its commitment to holding municipal elections and elections for the Central American Parliament.⁶⁴

The National Reconciliation Commission. The National Reconciliation Commission assumed high visibility in Nicaragua. The government appointed Dr. Gustavo Parajón (a physician and Baptist minister), Archbishop Obando y Bravo, Mauricio Díaz (an opposition political leader from the Popular Social Christian party, Partido Popular Socialista Cristiano -- PPSC), and Sergio Ramírez Mercado (Nicaragua's vice-president).

Despite the Sandinistas previous verbal abuse of the archbishop, the Nicaraguan government selected him over two other church nominees and encouraged the group to elect him president. Nicaragua's religious and political institutions achieved a measure of their own reconciliation with the naming and acceptance of the archbishop as president of the commission.

By November 26, 1987, the commission had met eight times and had filed written reports, as required by the Guatemala Accord, to the International Commission on Verification and Follow-up (CIVS). The full reports were printed in the Nicaraguan newspapers. They dealt with the specific measures taken by the government to comply with the Guatemala Accord, included listings of specific charges of human rights violations, and reflected an unusual convergence of the views of government and opposition.

In general, Nicaragua was successful in utilizing the National Reconciliation Commission as an instrument for lessening political tension. Nevertheless, criticism arose concerning lack of full compliance with the Guatemala Accord, even within the commission itself. For example, in his testimony before the CIVS on December 31, Cardinal Obando, after reaffirming his support for what Nicaragua had accomplished, pointed to six areas where government action was needed: (1) the continuing state of emergency, (2) the government's failure to declare total amnesty, as the Catholic Church had requested, (3) the lack of complete freedom of speech, (4) the continuing abuse of human rights, (5) the failure to achieve a cease-fire, and (6) the collapse of the National Dialogue.

Nicaragua took an additional step not required by the Guatemala Accord. On September 24, at the suggestion of the National Reconciliation Commission, the government formalized the grass-roots peace organizations that had emerged in Nicaragua in support of the Esquipulas Accord by authorizing the creation of local reconciliation commissions. These commissions replicate the structure of the national commission, with representatives of the government, the church, the opposition, and prominent citizens. Their purpose is to promote and support cease-fire arrangements, encourage acceptance of the

amnesty law, and assist in the return of displaced persons. As in the case of the national commission, the local commissions verify measures taken by the government on behalf of amnesty and cease-fire agreements and receive documentation concerning alleged violations of human rights. By October 7, 1987, approximately 250 local reconciliation commissions were in operation throughout the country.

National Dialogue. On September 13, 1987, the Nicaraguan government invited all legally recognized opposition parties to participate in a National Dialogue. Each party was asked to designate a representative and an alternate and to prepare an agenda for the talks. Eleven parties, as well as the Democratic Coalition (Coordinadora Democrática, an unregistered opposition coalition group), responded to the government's call. Commander Carlos Núñez, president of the National Assembly, served as President Ortega's personal representative. The National Dialogue met for the first time on October 5.

Problems arose from the start. The Democratic Coalition walked out of the talks because it was awarded only four seats. Nevertheless, one of the four coalition representatives continued to attend, and on November 4, four Democratic Coalition representatives were once again in attendance. Agreement on procedures also proved difficult. The opposition parties insisted on the need to reach decisions by majority vote, and the government argued in favor of consensus rule. Furthermore, the four Democratic Coalition members requested revision of the bylaws because they had been agreed upon prior to their incorporation in the dialogue.

The final agenda included the following topics: constitutional reforms, the municipalities law, the electoral law, the political parties law, and the promulgation of laws to implement the Constitution. The first item brought the dialogue to a standstill. Among the constitutional reforms the opposition wished to discuss were the following: limitation of presidential powers; abolition of presidential re-election; denial of the right to vote to persons serving in the armed forces; redefinition of the armed forces; recognition of conscientious objection to military service; creation of a special prosecutor for

human rights; elimination of the preamble to the Constitution; establishment of municipal autonomy; and separation of the state, the armed forces, and political parties. While the government was willing to consider the discussion of bills that might be sent to the National Assembly, it refused to consider constitutional reforms as a part of the National Dialogue. Núñez pointed out that constitutional reforms, according to the Constitution, must originate in the National Assembly. He also pointed out that the Guatemala Accord did not call for constitutional reforms. The dialogue collapsed.

In an interview published in *Barricada* on January 19, 1988, President Ortega reaffirmed the position taken by Núñez but indicated his willingness to renew the dialogue. "We are ready to continue the dialogue," he noted, "we did not break it; the opposition groups walked out with the clear intention of strengthening the political aggression against our people, but we are ready to begin again at any moment."

Amnesty. Nicaragua's response to the Guatemala Accord in regard to amnesty has been conditional. Although 985 political prisoners have been pardoned and released, more than three times that number are still imprisoned. President Ortega's recommendation of an amnesty bill on November 19 was a positive step, but the resulting law permitted the release only of prisoners convicted of violating the public security laws if the following conditions were met: (1) all of the Central American governments must prevent the use of their territory by groups that seek to destabilize the Nicaraguan government; (2) the other Central American governments must stop all support of the armed anti-Sandinista forces, and (3) all extraregional support to the armed resistance organizations must end. Since these conditions have not been met the prisoners remain in jail. The offer made by President Ortega on January 16, 1988, to release all prisoners convicted of political crimes, so long as a third country would receive them, has not been taken up. Opponents of the Sandinistas see the offer as simply trading imprisonment for exile and not a true amnesty offer.

It should be added that the Nicaraguan government has been offering amnesty to armed

resistance forces since December, 1983. Rebel soldiers who are willing to lay down their arms and return to live in Nicaragua were received before and have been received since Esquipulas II. After the signing of the Guatemala Accord, offices were opened in areas affected by armed resistance to accommodate anyone wanting to take advantage of amnesty. Local reconciliation commissions were to facilitate the government's amnesty measures. According to the government, 1,969 individuals formerly of the armed opposition laid down their arms and returned to Nicaragua between August 5 and November 5, 1987.⁶⁵

Atlantic Coast. Although technically the Guatemala Accord does not deal with the special problems of the indigenous population in Central America, the situation of Nicaragua's Atlantic Coast merits a comment. Miskito Indians and other Indian groups on the Atlantic Coast and along the Nicaraguan-Honduran border have been caught up in the war to overthrow the Sandinistas from the beginning. Various Indian organizations have fought alongside the Sandinistas and others have fought against them, with resulting loss of life and destruction of villages. After realizing their failure to take into account separate ethnic interests and needs, the Nicaraguan government has attempted to solve the problem by granting special privileges to armed Indian rebels and by granting autonomy to the Atlantic Coast.

Indian leaders who have taken up arms against the Sandinistas are not required to seek amnesty, as are other insurrectionary forces. The Indians were permitted to retain their arms after promising that they would not use them against the government. One Indian field commander, Uriel Vanegas, and 400 men accepted these terms on October 3, 1987. According to the agreement with the Nicaraguan government, a third of Vanegas' forces will be sent to study in various national and foreign study centers, a third will join the Sandinista army, and the remaining third will return to their communities.⁶⁶ Brooklyn Rivera, head of the indigenous contra organization YATAMA, has also accepted amnesty. He visited President Ortega in San José during the summit conference and in the following week appeared in Managua to negotiate terms with the government.⁶⁷

Human Rights. The human rights situation in Nicaragua has been the subject of numerous and conflicting reports. Over the course of the last seven years, the quality and implicit credibility of these reports have varied greatly. The LASA commission consulted prior reports and, while in Central America, spoke with representatives of several of the Nicaraguan and international human rights organizations that report on Nicaragua.⁶⁸ There is agreement on four important points. First, they strongly criticize the state of emergency, for it allowed detention of persons without due process of law. Some individuals have been held for months without being informed of the charges against them. But there is a consensus that in Nicaragua there are very few claims that people "disappear" or are murdered by the state, security forces, or death squads, as is repeatedly and extensively claimed about other Central American countries.⁶⁹ Human rights organizations also vigorously objected to the "Popular Anti-Somocista Tribunals," special courts for persons accused of crimes under laws similar to the sedition laws in force in the United States during wartime.⁷⁰ Even some Nicaraguan government spokespersons criticized these tribunals, which were abolished by presidential decree on January 19, 1988, as being improper in times of war as in times of peace. The final point of concurrence among human rights observers is that most of the abuses attributed to the government occur in the war zones. It should be added that several international organizations also document the continuing abuses of the armed Nicaraguan opposition inside and outside the war zone.

There is a predictable discrepancy among human rights groups concerning the total number and type of prisoners in Nicaragua. The most commonly cited figure is seven thousand, of which fifteen-hundred to two thousand are believed to be former national guardsmen convicted after the overthrow of Somoza. Many others are believed to be common criminals who would not necessarily be affected by the Esquipulas amnesty when fully implemented. Some groups maintain that another one thousand persons are held in a "shadow system" of detention centers to which national and international organizations are denied access.

The derogation of the state of emergency in January, 1988, the abolition of the Popular Anti-Somocista Tribunals, and the government's promise to release the remaining political prisoners when a cease-fire is achieved with the armed opposition are encouraging steps that are certain to be supported by the international human rights community. An end to the war, it is clear, would also lead to direct improvements in the human rights situation.

Democracy and Elections. The issue of democracy is of course at the heart of the Esquipulas Accord. President Arias has often stated his conviction that there can be no peace in Central America without democracy, and on the eve of the summit conference he reiterated the linkage in an open letter to President Ortega.⁷¹ The other Central American presidents, by signing the Guatemala Accord, had already firmly linked democracy with peace. The essence of the problem of democracy, for Nicaragua, is whether the government represents the will of the people. In the openly contested elections of November, 1984, the Sandinista Front (Frente Sandinista de Liberación Nacional -- FSLN) won the presidency and a majority of the seats in the National Assembly by drawing approximately 67 percent of the votes cast. Some political groups, such as the Democratic Coalition, refrained from participating in those elections; some claimed that they could not participate effectively. But a consensus of the international observers was that the election accurately measured Nicaraguan public opinion at that time.⁷²

Since the 1984 election the National Assembly has drafted a Constitution, in a manner similar in some ways to the recent writing of new constitutions in Guatemala and El Salvador. The Constitution was promulgated in January, 1987, and it calls for new presidential elections prior to January, 1991. No specific date is set, but the president of the Nicaraguan equivalent to a national election commission, the Supreme Electoral Council (Consejo Supremo Electoral), indicated to members of the LASA Commission that he expects elections to be held in November, 1990. Municipal and regional elections are also prescribed in the Constitution, but no date is set for them. Nicaraguan sources in the National Assembly suggest that the timing of the elections

depends on the outcome of the cease-fire negotiations and the passage of enabling legislation.

The war, the negotiations for a cease-fire, and the discussions with internal opposition parties create a climate of uncertainty; but supporters of the government assert that the constitutional commitment of Nicaragua to democratic electoral procedures is firm and the machinery is in place to carry them out. Despite the Marxist orientation of the nine comandantes of the FSLN, these procedures have been developed in a National Assembly with significant opposition voices and are clearly in the Western European tradition.

The Opposition's Views. While some opposition political leaders object to characterizations of Nicaragua as a democracy, there is in fact a level of public anti-administration political activity in Nicaragua that has grown steadily during the implementation of the Guatemala Accord. Large demonstrations have been held by opposition political parties, labor organizations, and business groups without government intervention or opposition. Within three days of the lifting of the state of emergency on January 18, 1988, several opposition parties communicated their intention to hold outdoor rallies.⁷³ They have proceeded without major interference.

Some members of the opposition have responded favorably to these measures, but others doubt the government's sincerity. The internationally respected critic of the Nicaraguan government, Violeta de Chamorro, is unimpressed with Nicaragua's turn toward liberalization. In her testimony before the CIVS, Chamorro described La Prensa (and, by extension, Nicaragua), as "living under a precarious liberty, which the Sandinistas see themselves obliged to extend from time to time and which they can terminate at any moment."

Two days after the lifting of the state of emergency, the LASA delegation asked Chamorro about the position she had taken before the CIVS. In her view nothing had changed because "four days ago people were taken to jail." She referred to the Nicaraguan government's detention of internal opposition leaders Julio Baltodano, vice-

president of the Democratic Coalition, Mario Rappaccioli, president of the Nicaraguan Bar Association and of the Nicaraguan Conservative party, and others who had just returned to Nicaragua after attending a meeting in Guatemala.⁷⁴ Representatives of the armed Nicaraguan opposition and two unidentified North Americans attended the meeting. The government explained that the individuals were detained under suspicion of conspiring with the contras. Although these persons were released after forty-eight hours, Chamorro's point about the dangers of political opposition in Nicaragua remained.

Conclusion. On balance, Nicaraguan compliance with the Guatemala Accord has been swift and substantive. Decisive steps have been taken toward democratization in the areas of freedom of information and the restoration of constitutional guarantees. In accordance with point 3 of the Guatemala Accord, Radio Católica and La Prensa, both symbols of the opposition, have been reopened. On January 18, the state of emergency, which had been in effect since March, 1982, was lifted.

Unlike in Honduras, the Nicaraguan National Reconciliation Commission was formed four days after the signing of the accord and its performance went beyond the level of formalistic compliance. Despite the demands of Cardinal Obando's schedule, the commission met regularly with its original and alternate delegates in attendance. It was a forum for healthy discussion.⁷⁵

At the close of its deliberations, the commission issued a statement of nine objectives to which Barricada devoted a prominent full-page display. Unlike in Guatemala, whose CNR never saw the CIVS report on Guatemala, the Nicaraguan CNR testified before the CIVS. Moreover, in its attempt to formalize a National Dialogue with opposition political parties, including the Democratic Coalition, which chose not to register, the government went beyond the provisions of the accord as established in point 1A.⁷⁶

Finally, with regard to point 2 of the accord, which calls for a cease-fire, Nicaragua made significant concessions to stop the war on its borders. From its initial declaration of a

unilateral cease-fire in three zones of the nation (which was not accepted by the contra leaders) to its appointment of Archbishop Obando as mediator, the government has pursued different strategies to achieve a workable cease-fire. Despite the lack of success of the cease-fire talks, as of this date, they are still under way in Nicaragua, although they have been discontinued in El Salvador and Guatemala.

We have argued that Nicaraguan compliance has been substantive but that Nicaragua has not complied completely with all the provisions of the Accord. The critical factor in this regard is that Nicaraguan compliance is deemed to be contingent upon the compliance of other Central American and regional actors. For example, in accord with the amnesty provisions, (point 1B of the Accord) President Ortega released 985 political prisoners; thus, to some extent, Nicaragua complied with this provision. But the declaration of a full amnesty, which would in effect release former Somoza guardsmen upon Nicaraguan soil, is contingent upon United States compliance with point 5 of the agreement and Honduran compliance with point 6.⁷⁷ Nicaraguan compliance was greater on internal provisions of the Accord: on external provisions a stalemate ensued.

Yet in pervasive ways internal compliance was also deeply influenced by external factors. For example, point 3 of the Accord called for the promotion of "an authentic, pluralist and democratic process of participation." Yet while the LASA delegation was in Nicaragua, several members of the internal Nicaraguan political opposition, the Democratic Coalition, traveled to Guatemala to meet with members of the Nicaraguan armed resistance and were detained upon their return to Nicaragua. This highlights the difficulty of achieving full democratization in times of war.

Undoubtedly, there are varying degrees of commitment to democracy within the government and within the opposition. But commitments cannot be strengthened when the internal opposition continues to be courted and financed by the United States, as it has been since 1980. The consensus and the shared values upon which democracy rests must be worked out by internal political actors. As Vice-President Sergio

Ramírez said to the LASA delegation in discussing Nicaragua's compliance with the Accord: "We have taken important steps, but there are risks for us and costs. There are also limits beyond which we will not go."

It is clear that the long and continuing war obscures the distinction between the loyal and disloyal opposition and impedes the development of democracy. It is difficult to imagine Nicaragua totally honoring its commitment to pluralism and reforming its system toward democracy while the war continues. On the positive side, the new Central American spirit of Esquipulas and the conciliatory measures recently taken by the Nicaraguan government offer the immediate possibility of decreasing the bitterness of the Nicaraguan political scene.

IV. PERSPECTIVES OF THE ARMED OPPOSITION FORCES

The armed opposition groups in El Salvador (FMLN), Guatemala (URNG), and Nicaragua (RN) have, to date, focused principally on those provisions of the Guatemala Accord that call for cease-fire talks, amnesty, and democratization.⁷⁸ While the FMLN, URNG, and RN have all demonstrated willingness to participate in the peace process, their evaluations of the progress achieved since the August 7, 1987 meeting are somewhat pessimistic. This judgment is based on their belief that the Guatemala Accord is too limited in its mandate and that the governments involved are not fully committed to a negotiated settlement. The armed opposition in each country has argued that the agreement should have directed that cease-fire talks include discussion of constitutional and structural changes. None of the governments was willing prior to the January 15-16, 1988, San José meeting to incorporate such issues. At present, only Nicaragua continues to engage in cease-fire talks and has recently indicated some flexibility concerning the agenda.

While amnesty has been declared in El Salvador, Guatemala, and Nicaragua, the armed opposition has generally manifested considerable skepticism concerning the commitment of the

governments to safeguarding those individuals availing themselves of amnesty. Armed opposition groups have also expressed considerable doubt concerning the possibility of substantial progress toward democratization in El Salvador, Guatemala, and Nicaragua. While admitting that there is greater political space in each of these countries, the armed opposition groups regard the advances as limited. As a consequence, the FMLN, URNG, and RN have been unwilling thus far to abandon armed struggle. They are, however, disposed to continue their participation in the peace process, in part because of the increased political space within their countries and in the region as a whole. In addition, such participation has in one sense helped legitimize the armed opposition groups nationally and internationally and allowed for broader dissemination of their views. Esquipulas II has also brought pressure to bear on the FMLN, URNG, and RN to display good faith by participating in the peace process, although they are not optimistic about its outcome. The specific reasons for their reservations are detailed in the following examination of their positions on cease-fire talks, amnesty, and democratization.

The FMLN of El Salvador. The October 3-4, 1987, cease-fire talks between the FMLN, its political allies, the Democratic Revolutionary Front (FDR), and the government of El Salvador were regarded by the FMLN/FDR as having been a step backward, because the agenda was limited to discussion of a cease-fire.⁷⁹ Meetings in 1984 had somewhat broader agendas, raising the possibility that such talks might eventually lead to negotiations. Since the Esquipulas II document limited the agenda to a means of achieving a cease-fire within the existing constitutional framework of El Salvador, spokespersons for the FMLN/FDR regarded the talks as fruitless. Furthermore, they alleged that the government representatives were not authorized to make any specific commitments. Subsequently, in December, 1987, the government decreed a unilateral cease-fire that lasted approximately three days.

The armed opposition also felt that the insistence of the Salvadoran government that the FMLN lay down its arms and accept amnesty prior to substantive talks was essentially a tactic to force them to disarm. Refusal to do so is, according to the FMLN, not intransigence, but a

necessary means to guarantee survival. In support of their position, it cites the August 31, 1987, call of such diverse political parties as the right-wing ARENA, the more centrist PSD (Social Democratic Party), and PAISA (the Authentic Institutional Party of El Salvador) for a national dialogue without preconditions that would include the armed opposition.⁸⁰ This position, the FMLN argues, is also supported by some military officers, particularly those in the lower ranks, who bear the brunt of field casualties.

Without substantive talks dealing with possible constitutional and structural changes within El Salvador, the armed opposition does not foresee much progress toward democratization. According to the FMLN, progress would require the reestablishment of the sovereignty of the country in the face of United States inroads. Partial democratization could be achieved, the FMLN argues, if Salvadorans had the freedom to change their political and economic structures. This would require a broadening of the political spectrum by allowing greater participation by political parties and other groups on the Left. Some limited progress has been made, according to the FMLN, as a result of the return to El Salvador of some of the leadership of the FDR. There are reasonable fears, however, that these individuals may be assassinated by the Right. Under present conditions, the FMLN sees virtually no possibility of its participating openly in established political processes.

Other impediments to democratization, according to the FMLN, are continued human rights violations -- particularly assassinations, disappearances, and torture attributed to the military, police, and paramilitary groups. The FMLN argues, as have the Catholic Church and a number of human rights organizations, that such violations have increased since August 7, 1987. Nevertheless, the FMLN believes that there is more political mobilization within El Salvador today than prior to the initiation of Esquipulas II and that pressure on the government to talk with the armed opposition has increased. Hence, the FMLN regards the peace process as having had some positive, albeit limited, benefits. Its current position is, therefore, to continue to participate in the peace process.

The URNG of Guatemala. The URNG shares the FMLN's doubts that Esquipulas II will result in a negotiated peace settlement. The URNG did not believe that its October 7-9, 1987, meeting in Madrid represented a serious commitment on the part of the government to peace talks. In support of this interpretation, URNG spokespersons cite the failure of the Guatemalan army to respect the cease-fire declared by the government and the URNG on October 2, 1987. In addition, they believe that the government representatives sent to Madrid were not of a sufficiently high level to have the authority necessary for serious negotiations. They also cite the fact that on October 28, 1987 General Héctor Gramajo, minister of defense, announced a new offensive intended to annihilate the armed opposition, thereby eliminating any need for cease-fire or other talks. Gramajo and other military officials reportedly reiterated on a number of occasions that the experiment with dialogue was over.⁸¹ This demonstrates, the URNG argues, that President Vinicio Cerezo is commander-in-chief of the armed forces in name only and does not have the capacity to engage in serious negotiations with the armed opposition in the face of army recalcitrance. Given this situation, the government's request at the Madrid meeting that the URNG lay down its arms and accept amnesty prior to any further talks was not seriously considered by the armed opposition. For its part, the URNG proposed at the Madrid meeting a cease-fire plan, the creation of demilitarized zones, and a national dialogue with all political sectors to achieve peace and democratization. At a press conference at the end of the Madrid meeting, the government delegation indicated that the URNG proposals would be studied and the possibility of a second meeting considered.⁸² To date no progress has been reported, although mechanisms for the government and the URNG to communicate were agreed upon at the Madrid meeting.

The URNG position with respect to the amnesty passed by the Guatemalan legislature in 1987 (Decreto 71-87) is that it has more relevance for the military, police, penal authorities, and paramilitary groups guilty of human violations than for the armed opposition, for most captured insurgents were killed rather than imprisoned. Few trust the government's capacity to guarantee

their safety.

With respect to democratization, the URNG holds that little progress will be made so long as the armed forces rather than the civilian president hold the real power. Such progress would require major changes in the Guatemalan political system. The URNG has noted, nevertheless, an increase in political activity within the popular sector, particularly in rural areas and among labor groups. The creation of the United Labor Board (Coordinador Sindical Unido, COSU), was regarded as a positive sign, as was the revitalization of some student and teachers' groups in Quezaltenango. On the negative side, the URNG cited, as have international human rights groups, an upsurge in disappearances and assassinations by paramilitary groups. The armed opposition responded to such developments and to the intensification of army operations by increasing URNG activities particularly in Quiché and El Petén. The current position of the URNG with respect to Esquipulas II is that, since it has resulted in official recognition of the URNG as a valid interlocutor, it will continue to participate in the peace process, although it will not abandon armed struggle.

The RN of Nicaragua. Spokespersons for the Nicaraguan Resistance have expressed strong reservations concerning the peace process. They feel that neither Contadora nor Esquipulas II took sufficiently into account the internal conditions in Nicaragua. They argue that the Sandinista Front is an occupation force, rather than a legitimate political party in power. Nevertheless, the RN has participated in cease-fire talks with the government since December, 1987. These talks have served not only to provide them with some legitimacy, but also to modify the RN stance that the Sandinista government is not legitimate.

Like the FMLN and URNG, the Nicaraguan Resistance holds that the cease-fire talks should include discussions of constitutional and structural changes it believes necessary for reincorporation into the Nicaraguan body politic. The December, 1987, cease-fire talks were not regarded by the RN as particularly useful. It was also critical of the fact that the government delegation did not include any high-level officials. In contrast, the meetings that have occurred since the January 15-

16, 1988, San José meeting have incorporated senior Nicaraguan Foreign Ministry and military officials. Reports concerning the January and February, 1988, talks reveal ongoing dissatisfaction on the part of the RN over the scope of the discussions.

The RN's position on the amnesty offered by the Nicaraguan government is that it does not provide enough safeguards to convince the armed opposition to lay down its arms. While some soldiers, particularly those from the Atlantic Coast, have availed themselves of amnesty, the majority have not.

With respect to democratization, the RN's position is that the government's actions in compliance with Esquipulas II have not been sufficient to guarantee democracy. The RN's response to the steps announced by President Daniel Ortega at the San José meeting was that you cannot have democracy by decree, but only by changing the existing constitution and political system. As models it suggests the political forms in existence in the other Central American countries. It insists that the war will continue until there is a separation between the FSLN and the government.

The RN admits that there is greater political space in Nicaragua, which it attributes not to the peace process, but to military pressure on the Sandinistas. Hence, the armed opposition does not see a cease-fire or the end of United States military aid as contributing to democratization. Nevertheless, it continues to participate in the peace process because of the uncertainty of future aid and because of regional and other pressures.

Conclusion. While participation in the peace process by the FMLN, URNG and RN and the by governments of El Salvador, Guatemala, and Nicaragua has not resulted in the abandonment of military means as the prime mechanism of conflict resolution, it has introduced the possibility of nonmilitary alternatives. In addition, all parties agree that there has been an increase in political space in each country. There is a belief that as long as the peace process continues there remains the possibility of more political gains being made. Esquipulas II has also resulted in some dialogue

among the contending forces, which has helped to legitimize the armed opposition. As one Contadora representative commented, just the act of sitting down at the same table results in a greater balance of power between the antagonists. Over the long term, this could result in a greater disposition to negotiate. It could also reduce the level of warfare, with obvious benefits for the civilian population, which would then have more possibilities for political expression and participation. This could stimulate democratization. Achieving democratization requires the continuation of the peace process and an ongoing commitment to participation in it by the armed opposition and the governments.

V. PERSPECTIVES OF THE CONTADORA COUNTRIES AND OF THE SUPPORT GROUP

The "Contadora Group" consists of Mexico, Panama, Venezuela, and Colombia, the four countries that met in January, 1983, to initiate a process of international consultation to promote a negotiated peace in the region. They have been assisted, since 1986, by four other countries, Brazil, Peru, Argentina, and Uruguay, which are identified as the "Contadora Support Group." These eight countries contain more than 80 percent of Latin America's population and have repeatedly hosted meetings at the foreign minister level for all five Central American countries to seek a negotiated solution. They mediated negotiations on August 3rd and 4th, 1987, in Tegucigalpa that provided the minimum bases for the meeting of the presidents in Guatemala City two days later. They accepted responsibility for continuing discussions among the five Central American countries on issues of security, military force levels, and foreign military assistance; these issues were then specifically excluded from Esquipulas II. They, together with the secretaries general of the United Nations and the Organization of American States, became the core group of the International Commission on Verification and Follow-up. The presidents of the eight Contadora and Support Group nations (now the Group of Eight) met in Acapulco in November, 1987, and reaffirmed their support for the Central American peace process and the Esquipulas

Accord.

The report of the CIVS was the initial basis for the San José meeting on January 15, 1988. The five Central American presidents gathered to discuss compliance with Esquipulas II based on the evaluation provided by the CIVS. The participation of the Central American foreign ministers in the verification process itself was seen by some of the other members of the CIVS as unprecedented; for, as one participant in the commission's deliberations indicated to us, "the Central American foreign ministers were able, in many cases, to dictate key paragraphs of the verification document." This led, he suggested, to a modification of the conclusions of the group of ten, to reduction in the criticism of Guatemala, El Salvador, and even Costa Rica, and to an increase in the criticism of Nicaragua. Nevertheless, all fifteen members of the CIVS accepted and signed the final document on January 13, 1988.

The agreement then signed by the Central American presidents in San José on January 15, 1988, eliminated the CIVS and turned verification tasks over to an Executive Committee composed of the five foreign ministers. It left no specific role for the Contadora countries, the Support Group, or the secretaries general of the United Nations and the OAS. This decision was seen by representatives of the Contadora countries as a weakening of international participation in the peace process.

We questioned many of our principal sources on the significance of the elimination of the CIVS, and we traveled to Mexico and Panama to discuss the significance of the change with representatives of the foreign ministries of those two countries. Their positions can be summarized as follows:

- a) The Contadora Group and the Contadora Support Group remain committed to pursuing a Latin American solution to conflict within Central America.
- b) Discussions of international security issues in Central America are scheduled to continue under Contadora auspices.

- c) The next meeting of the Group of Eight is likely to review the Central American peace process at that time and the possibilities for new initiatives to bring about a negotiated peace to the region.
- d) To demonstrate its interest in the continued participation of these countries in the verification process, Nicaragua requested formally, on January 20, that the Group of Eight, plus the secretaries general, create a special verification team to re-evaluate Nicaragua's compliance with the Esquipulas Accord, especially in light of the additional measures taken by Nicaragua after negotiations in San José on January 15.
- e) The Contadora countries feel that they have a right to comment on international issues that affect the Central American region since these issues affect the stability of the Western Hemisphere as a whole. And it is their position that additional assistance from the United States to the armed Nicaraguan opposition would contribute to the collapse of the whole structure of the peace processes in the region.

VI. CONCLUSIONS

The peace process set in motion by the agreements signed in August 1987 has generated significant change in Central America. And, while they represent a dramatic shift in the conflicts wracking the Central American region, the optimism and hope they have engendered is best tempered by a sense of the region's history and by recognition of current constraints. Internationally, for example, the Reagan administration has had little interest in the peace plan. The president's coolness makes the plan eminently more difficult to effect, particularly given his unswerving support for an alternative project for the region: the use of the supposed eventual military prowess of the contra as the principal means to guarantee United States security interests.

Within the region, the Esquipulas Accord has not reduced or eliminated the most fundamental

economic problems of the region, nor could it have been reasonably expected to. Democracy in the region remains nascent and incomplete. Intransigent national militaries and intransigent guerrilla groups, weak executive branches of government, shifting coalitions, and vested interests linked to the war-economy offer little opening for negotiating the central issues of war and peace.

Compliance has been uneven and incomplete. The details provided in the preceding pages lead to straightforward assessments about each country that reflect both their actions and the differing conditions in each:

- * Less was required of **Costa Rica** than of any other country that signed the Accord. Costa Rica's National Reconciliation Commission was formed, met, and dealt with a few minor matters. Costa Rica was exempted by the CIVS from the need for formal dialogue with opposition forces; but it was noted by the CIVS that Costa Rica had not declared an amnesty for political prisoners. Costa Rica appears to have done all that could be expected to deny use of its territory to armed opposition forces, even to the extent of banning residence in the country for members of the Nicaraguan contras who refuse to renounce their armed cause.
- * In **El Salvador** the peace process must be seen in the context of the three-way struggle between the military-dominated government of President Duarte, the United States Embassy, and the armed opposition led by the FMLN. Neither the embassy nor the military have made compliance easier for President Duarte, yet some progress was made. There has been some fragile opening of political space for the temporary return of some exiled opposition political figures. Press freedom has increased and opposition demonstrations are more common.

New dialogue with the armed opposition fell short of discussions that had been held in 1984. The National Reconciliation Commission was hobbled by unbalanced representation, then crippled by resignations. Refugee repatriation and resettlement has been

undermined by military actions and by the continuation of a climate of violent attacks upon political opponents of the regime.

Human rights violations continue at reported levels exceeding those of any other Central American nation, unaffected by the peace Accord. And the level of direct violence associated with the ongoing civil war actually increased during the months after the signing of the Accord, demonstrating continued expectations of victory by both the military and the armed opposition.

- * In **Guatemala** there may have been less movement toward needed compliance than in any other country in the region. The National Reconciliation Commission was virtually non-functional, filed no report, and played little role other than a ceremonial one. The declared amnesty affected, under prevailing conditions, no more than a handful of persons. As in El Salvador, the military is seen by most observers as a major constraint on fuller compliance.

Attempts to further the repatriation of refugees from Mexico under the Accord were thwarted by threats and accusations against the delegation sent to negotiate with the government. The human rights situation deteriorated in Guatemala throughout 1987 despite the Accord. There has been, however, some opening of political space for opposition groups, some demonstrated increases in media freedom, and some strengthening of the civilian government of President Vinicio Cerezo attributable to the peace process.

- * There was less expected of **Honduras** under the Accord than of any country other than Costa Rica; but the one crucial condition that Honduras needed to meet -- the expulsion of Nicaraguan contra armed opposition forces from its territory -- constitutes one of the most serious failures of compliance in the whole region. This failure, however, cannot be separated from the nearly abject dependence of the present Honduran government upon continued economic and military assistance of the

United States nor from the forceful presence of the United States in Honduran national life.

Honduras made only a token effort to create a National Reconciliation Commission, and its principal contribution was the preparation of a limited amnesty law that set free a small number of persons jailed largely in agrarian conflicts. Political violence has increased in disturbing fashion in the months since the signing of the Accord, especially in terms of the murders of witnesses summoned by the Interamerican Human Rights Court for testimony related to activities of the Honduran military in 1981 and 1982.

* **Nicaragua** has been for some the principal focus of the Guatemala Accord and for others its principal beneficiary. Nicaragua has also been the country in which the greatest change has occurred under the terms and timetable of the Accord. The National Reconciliation Commission in Nicaragua was the most prominent, most public, and, by most criteria, the most successful in the region. By appointing its most respected critic, Archbishop Obando y Bravo, to the commission and by urging that he be elected its president, as he was, the Nicaraguan government took the considerable risk of placing itself under intolerable pressure for compliance with the Accord.

There have been dramatic increases in the levels of opposition party political activity, re-opening of opposition media, suspension of censorship, and a largescale, but partial, amnesty for political prisoners, all undertaken under conditions of ongoing counter-revolutionary war, openly organized and assisted by the United States and supported by the use of Honduran territory. The derogation of the state of emergency and the resultant restoration of constitutional protections on basic rights, suspended at the outset of the contra war, represent other major elements of compliance by Nicaragua. By the date of this writing, Nicaragua has also had more contacts with its armed opposition since the signing of the Accord, in pursuit of a cease-fire, than either El

Salvador or Guatemala.

Large numbers of Indians from the Atlantic Coast of Nicaragua, formerly part of the armed opposition, have returned, accepted amnesty, and begun the process of reintegration into Nicaraguan society.

Nicaragua is the only country in the region confronting an armed opposition where the steps taken by the government appear to be creating real prospects for cease-fire, amnesty, return, and re-integration of significant numbers of former refugees and armed opponents of the government.

Overall results. The Accord has, in general, strengthened the prospects for democracy, civilian governments, and negotiations among the Central American governments as principal vehicles for social, political, and economic change in the future. And it has reaffirmed Central America's desire to take charge of its own destiny.

The agreement signed by the five Central American presidents has opened opportunities, limited though they still may be, that would have been inconceivable in Central America just one year ago. It has strengthened the hand of elected civilian presidents in all those countries with histories of strong military influence over national politics. It has strengthened the opportunities for a free press throughout the region, even when that freedom remains incomplete in several of them. It has provided an opportunity for the five presidents to take a stand, publicly and formally, on the presence and role of armed opposition forces; all five oppose all support for such forces and the use of any territory in the region for supporting them. It is clear that each of the five presidents has benefited politically from the regional commitments in the Accord and the subsequent declaration of re-commitment in San José. They have been able to take steps toward more democratic processes, toward dialogue, toward amnesty, and ultimately toward national reconciliation -- small steps, to be sure -- that they would not have been able to take without the Guatemala Accord and that they will not be able to sustain if the peace process breaks down.

The commitments have carried risks. They have exposed all of the presidents to greater political pressures as the democratic processes have become more open, even where that opening remains limited. They have led to the release of common criminals, convicted violators of human rights, and others whose return to civil life causes great concern, all released under amnesties designed for political prisoners. They have led to increases, perhaps only temporary, in the levels of violence. For all of the more extreme contenders for political attention and political power have increased their activity, apparently to thwart the legitimization of more democratic, institutionalized figures, parties, and processes.

But there are virtually no voices in the region calling for an end to the process. Even the representatives of the principal armed opposition groups, both Left and Right, call for complete compliance with the Accord by all governments in the region.

The principal and most visible failure of the Accord has been the failure of governments outside the region, most notably the United States, to abide by the expressed wishes of the Central American governments to cease its assistance to the armed forces of opposition. There is no interpretation of the Guatemala Accord of August 7, 1987, and no interpretation of the reaffirmation of January 15, 1988, that would permit or encourage *any* further assistance, "openly or covertly . . . , in terms of military, financial, logistical, or propaganda assistance, armaments, munitions, or equipment" to any irregular forces in the region.

INTERVIEWS

On Costa Rica

Mario Carvajal, leader of the National Liberation Party (PLN), National Assembly.
 Patrick Duddy, Cultural Affairs Officer, United States Embassy.
 Guido Fernández, Costa Rican ambassador to the United States.
 Enrique Gomaríz, research associate, FLACSO.
 Deane Hinton, United States ambassador to Costa Rica.
 Rodolfo Méndez Mata, leader of PUSC, National Assembly.
 Rafael Menjívar, research associate, FLACSO.
 Francisco Rojas, research associate, FLACSO.
 Luis Guillermo Solís, chief of cabinet, Ministry of Foreign Affairs.
 Joaquín Vargas Gené, Editor of La República; president, National Reconciliation Commission.

On El Salvador

Rodolfo Blanco, Human Rights Commission of El Salvador -- CDHES.
 Edwin Corr, United States ambassador to El Salvador.
 Roberto Cuéllar, Interamerican Institute of Human Rights (San José).
 Ignacio Ellacuría, rector, Universidad Centroamericana José Simeón Cañas.
 Jake Gillespie, public affairs officer, United States Embassy.
 Benjamín González Cotto, Foreign Ministry. Labor leaders associated with the National Union of Salvadoran Workers (UNTS).
 Leaders of the Salvadoran Sociology Association.
 Reinaldo López Nuila, colonel, Ministry of the Presidency.
 Eduardo Núñez, executive secretary, Salvadoran Development Foundation.
 Officials of the Oficina de Tutela Legal, Archbishopric of San Salvador.
 Barbro Owen, Political Officer, United States embassy.
 Abraham Rodríguez, primer designado a la presidencia.
 Mario Reni Roldán, PSD and Convergencia Nacional.
 Mario Samayoa, Superior Elections Council.

Greta Siebentritt, Central American
Refugee Center.
Eugenio Vides Casanova, general,
Minister of Defense.

On Guatemala

Juan Francisco Alfaro Mijangos, president,
United Labor Federation (CUSG).
Edgar Alvarado Pinetta, executive director,
National Farmers Union (UNAGRO).
Miguel Angel Balcarcel, research associate,
Economic and Social Research Association
(ASIES).
Jorge Luis Borryayo, professor, University of
San Carlos; attorney; consultant to ASIES.
Julio Celso de León, president of the General
Workers Federation of Guatemala (CGT).
José Luís Cruz Salazar, director, ASIES.
Angel Alfredo Figueroa, adjunct prosecutor,
Government human rights agency.
Mons. Juan Gerardi, Auxiliary Archbishop of
Guatemala, alternate member of the
National Reconciliation Commission.
Francisco Luís Gordillo Martínez, retired army
colonel, president of the Movimiento
Emergente de Concordia (MEC), and member,
National Reconciliation Commission.
Fernando Hurtado Prem, attorney, training
director and member of the national board,
Union de Centro Nacional (UCN) party.
Arnoldo Kuestermann, board member, ASIES.
Gonzalo Menéndez de la Riva, prosecuting
attorney, government human rights office.
Nineth Montenegro de García, president,
Grupo de Apoyo Mutuo (GAM).
Edmond Mulet, vice-president, foreign relations
committee of the Guatemalan congress,
member of the UCN party.
Ariel Rivera Trías, Director of the National
Institute of Public Administration, former
second vice-minister of foreign relations.
Rodolfo E. Robles S., executive secretary,
International Food and Kindred Workers
Union (UITA).
Hector Rosada Granados, professor, University of
San Carlos, and researcher at ASIES.
Robert W. Rosenhouse, Editor, This Week:
Central America and Panama.
Marco Antonio Sánchez, colonel, director,
Instituto de Prevision Militar.

Jorge Serrano Elías, president, Solidarity Action
Movement (MAS); 1985 presidential candi-
diate, former member of Council of State;
member, National Reconciliation Commission.
Jean Marie Simon, journalist and author, Guate-
malan representative of Americas Watch.
Mario Solorzano Martínez, president, Partido
Socialista Democrático (PSD).
Ricardo Wilson-Grau, president, Inforpress
Centroamericano; publisher of newsmagazine
Central America Report.

On Honduras

Manuel Acosta Bonilla, director of the legal
affairs committee, Honduran Bar Association.
David Adams, journalist, BBC correspondent.
Rafael Alegria M., projects secretary, National
Farmworker Association (CNTC).
Alejandro Aria González, first secretary,
Embassy of Spain.
José Azcona Hoyo, president of Honduras.
César Batres, member, National Reconciliation
Comission (Nationalist Party).
Mario Enrique Boquín Hernández, general,
advisor to the Honduran army.
Everett Briggs, United States ambassador to
Honduras.
Guillermo Bueso, president, Banco Atlantida.
Rob Collier, journalist, UPI correspondent.
Hector Corrales Padilla, member, National
Reconciliation Commission (Christian
Democratic Party).
Oscar René Cuevas, advisor, ministry of
government and justice.
Ramón Custodio, president, Honduran Committee
for the Defense of Human Rights (CODEH).
Efraín Díaz Arrivillaga, representative, Honduran
congress (Christian Democratic Party).
Joseph Eldridge, CODE.
Alfredo Fortín Inestrosa, vice-president of
Honduras; member, National Reconciliation
Commission.
René Fonseca, colonel, First Artillery Batallion,
Honduran army.
Manuel Gamero, director, El Tiempo.
Juan Arnaldo Hernández Espinosa, attorney.
Ian Hughes, first secretary, British Embassy.
Donald Johnson, chief, political section,
United States Embassy.

Manuel Martínez Avila, chief of staff,
Honduran army.
Ramon R. Mejia M., representative, Honduran
congress (Nationalist Party).
Victor Meza, director, Honduran Research Center
CEDOH.
Angel Augusto Morales, advisor, Honduran army.
Juan Hiehorster, general manager, Curaçao stores.
John Pendfold, DCM, United States Embassy.
Ruben Zepeda, solicitor general of Honduras;
director, governmental human rights group.

On Nicaragua

Alvaro Arguello, vice-rector, University of
Central America (UCA).
Julio Arevalo, director, North American section,
ministry of foreign relations.
Violeta Bárríos de Chamorro, director, La Prensa.
Alfredo César, member of the directorate;
Nicaraguan Resistance organization.
John Cramer, human rights officer,
United States embassy.
Roberto Cuellar, staff member, Interamerican
Commission on Human Rights.
Louis Falino, deputy public affairs officer,
United States embassy.
Mariano Fiallos, president, Supreme Electoral
Council.
Xabier Gorostiaga, director, CRIES.
Carlos Hurtado, Counsellor, Nicaraguan Resistance.
Delvin Junker, second secretary,
United States Embassy, Managua.
Peter Marchetti, vice-rector, UCA.
Gustavo Parajón, director, Evangelical Committee
for Assistance and Development (CEPAD);
member, National Reconciliation Commission.
Eric Ramírez, Social Democratic Party (PSD);
(alternate member, National Reconciliation
Commission.
Sergio Ramírez, vice-president of Nicaragua;
member, National Reconciliation Commission.
Alberto Sabório, president of the Nicaraguan
lawyers association.
Richard Stahler-Sholk, research associate, CRIES.
William Vigil, North American section;
ministry of foreign relations.
Greg Vunderlink, research associate, CRIES.

On the Armed Opposition

Iliana Alamilla, Centro Exterior de Reportes
Informativos sobre Guatemala (CERIGUA).
Manuel del Castillo, Ciencia y Tecnología para
Guatemala (CITGUA), Mexico.
Roberto Cuellar, Interamerican Institute of
Human Rights, San José, Costa Rica.
Ramón Custodio, president, CODEH, Honduras.
José Miguel Insulza, CIDE, Mexico.
Bosco Matamoros, press secretary, Nicaraguan
Resistance, United States.
Roberto Montañéz, Adviser, ministry of
foreign relations, Panama.
Hector Oquelí, FDR, Mexico.
Oscar Pérez, Center for Research and Social
Action (CEASPA), Panama.
Pedro Ramírez, Agencia de Noticias de
Guatemala, Mexico.
Miguel Saenz, member, political and diplomatic
commission, FDR-FMLN, Mexico.
Miguel Sandoval, member, political and diplomatic
commission, URNG.
Robert Stark, PACCA, United States.
Guillermo Ungo, president, Democratic
Revolutionary Front (FDR), Panama.
Ricardo Valero, undersecretary for international
cooperation, ministry of foreign relations,
Mexico.
José Miguel Vivanco, Interamerican Commission on
Human Rights, United States.
José Luís Yunes Celis, advisor, international
cooperation secretariate, foreign ministry, Mexico.

ENDNOTES

1. The document signed by the Central American presidents has been given many names. In this report it is generally referred to as the Guatemala Accord. Because talks resulting in the agreement were initiated at the shrine of Esquipulas in Guatemala, it is often referred to as the Esquipulas Agreement. Since the signing occurred at the second meeting of the five presidents in Guatemala, the document is often distinguished from the results of the first meeting (in May, 1986) by calling it Esquipulas II. It is also called the Arias Plan after Costa Rica's President, Oscar Arias, who is the Accord's principal author.
2. Members of the LASA Commission are well aware of differing connotations of words such as "rebel," "guerrilla," "insurgent," and "contra." In this report we have chosen to use the relatively neutral term "armed opposition" in most instances, to refer to groups attempting to replace existing governments. Nevertheless, for variety and specificity and when the context provides a degree of neutrality, we do not shy away from these commonly used but, to some, value-laden terms.
3. Following are the country teams: Costa Rica -- Charles L. Stansifer; El Salvador -- Manuel Pastor, Jr., Mark Rosenberg, K. Lynn Stoner; Guatemala -- John Booth, Ambler Moss, Reid Reading; Honduras -- Jan L. Flora, Darío Moreno, F. Scott Palmer; Nicaragua -- Marysa Navarro, Laura Nuzzi O'Shaughnessy, Charles L. Stansifer; Armed opposition and Contadora -- Michael E. Conroy, Margaret Crahan.
4. Comisión Internacional de Verificación y Seguimiento (CIVS), "Informe sobre los progresos en el cumplimiento de los acuerdos del procedimiento para alcanzar la paz firme y duradera en Centro América," mimeo, January 14, 1988, p. 49.
5. Copy in LASA Commission's possession. Also published in Barricada (Managua), January 13, 1988.
6. CIVS, "Informe," pp. 82-83.
7. *Ibid.*, pp. 27-28.
8. *Ibid.*, pp. 35-36, 42, 47-48, 63, 65-67.
9. The figures here include economic credits and guarantees and were provided by the United States Embassy. Without credits and guarantees, the figures are around \$3 billion for the nine-year period and over \$600 million for 1987.
10. Statistics provided by the United States embassy, January, 1988.
11. Interviews on January 18, 19, 20 in San Salvador.
12. Chris Norton, "Central American Peace Plan Could Stall on Salvador," Christian Science Monitor, August 19, 1987; see also Tomás P. Campos, "Las primeras vicisitudes del diálogo entre el gobierno y el FMLN-FDR," ECA, 39, no. 434 (December, 1984): 885-903.
13. This view was expressed by an experienced Western observer during interviews in San Salvador, January 18-20, 1988.
14. Interviews and public opinion polls published in El Salvador support these findings.
15. Quotations from ARENA leader Alfredo Cristiani, as reported in FBI Daily Report: Latin America, November 16, 1987, p. 9.
16. Background interview in San Salvador, January 18-20, 1988.
17. Interview with senior official of the Superior Electoral Council, January 19, 1988.
18. Interviews with human rights officials in Costa Rica and El Salvador.
19. The interviewee in San Salvador requested anonymity.
20. "La ley de amnistía y la reconciliación nacional," ECA, 42, no. 468 (October 1987): 711-712.
21. Interview in San Salvador, January 18, 1988.
22. Lindsey Gruson, "Amnesty Law Is Passed in Salvadoran Violence," New York Times, October 29, 1987.
23. A number of controversial cases have provoked special concern about Duarte's amnesty efforts. Those cases include the Zona Rosa killings of June 1985 (three persons accused of the crime were set free); the Sheraton Hotel assassinations of January 1981 (two ex-members of the National Guard were released from prison in December under the terms of the amnesty); the "Las Hojas Massacre,"

- of February 1983 (two army officers accused of ordering the massacre of at least seventy-four peasants were freed in November 1987); and the killing of four United States religious workers in December 1980 (five ex-National Guardsmen were excluded from the amnesty and remain in prison). See "El Salvador: Amnesty Law Criticized," Central America Report, 15, no. 3 (January 22, 1988).
24. See El Salvador Proceso, 8, no. 318 (January 6, 1988): 4.
 25. Central American Refugee Center, Human Rights Violations Relating to the Displaced, December 1987-January, 1988 (January 1988), p. 16.
 26. Douglas Farah, "Rebels Step Up Attacks, Protest Salvadoran Vote," Washington Post, February 19, 1988.
 27. Douglas Farah, "Salvadoran Retracts Rights Case Confession: Prisoner Held in Killing Claims Coercion," Washington Post, February 18, 1988.
 28. Americas Watch, The Civilian Toll, 1986-1987: Ninth Supplement to the Report on Human Rights in El Salvador (New York, August, 1987), pp. 2, 7, 11, 17.
 29. See El Salvador Proceso, 8, no. 318 (January 6, 1988): 13.
 30. See Salvadoran public opinion polls published in Ignacio Martín-Baro, Así piensan los salvadoreños urbanos (1986-1987) (San Salvador: UCA Editores, 1987).
 31. Note that Richard N. Adams was in the field in Guatemala working on a research project during the time when the LASA delegation visited Guatemala. Adams did not participate in the interviews cited.
 32. Interviews with Colonel Francisco Luis Gordillo Martínez, of the Emerging Concord Movement (Movimiento Emergente de Concordia -- MEC) and member of the National Reconciliation Commission (CNR), January 18, 1988; Juan Francisco Alfaro Mijangos, president of the United Labor Federation (Confederación de Unided Sindical de Guatemala -- CUSG), and Adrián Ramírez, CUSG officer, January 18, 1988; Julio Celso de León, president of the General Workers Federation (Confederación General de Trabajadores de Guatemala -- CGTG), January 18, 1988; Rodolfo E. Robles S., executive secretary, International Union of Food and Kindred Workers (Unión Internacional de Trabajadores de Alimentación y Afines, January 20, 1988; Jorge Serrano Elías, president, Solidarity Action Movement (Movimiento de Acción Solidaria -- MAS) and member of the CNR, January 20, 1988; Fernando Hurtado Prem and Monseñor Juan Gerardi, auxiliary archbishop of Guatemala and alternate member of the CNR, January 18, 1988.
 33. Interviews with Alfaro and Ramírez of the CUSG and Robles of UITA, and with Celso de Leon of the Christian Democratic union confederation, CGTG.
 34. Inforpress Centroamericano, January 21, 1988, pp. 11-13.
 35. The victim was Julio Alberto López of the association of small businessmen of La Placita market in Guatemala City. He was kidnapped and held for several hours on January 17, 1988, by unknown gunmen (Prensa Libre [Guatemala], January 18, 1988, p.9).
 36. Interviews with Gordillo, Gerardi, and Edmond Mulet, Vice President of the Foreign Relations Commission of the Guatemalan Congress and member of the UCN party, January 18, 1988.
 37. Interviews with Gordillo, Serrano Elías, Hurtado Prem, and Robles S.
 38. Interview with Hurtado Prem of the UCN.
 39. Prensa Libre, November 25, 1987, p. 29, reported in FBIS-LAT-87-231, December 2, 1987, p. 23 (translation by FBIS); see also Compendio: Proceso de paz en Centroamérica, Guatemala: Inforpress Centroamericano, January 5, 1988, pp. 61-63.
 40. Quoted in Excelsior, November 4, 1987, p. 2A.
 41. In Spanish, "hasta acabar con el enemigo." Quoted in Excelsior (Mexico), November 4, 1987, p. 2A.
 42. Informe blanco sobre los avances logrados en el proceso de cumplimiento del acuerdo de paz para Centroamérica: Esquipulas II, (En su segundo plazo, del 5/11/87 al 15/1/87, DRAFT), San José, Costa Rica: Facultad Latinoamericana de Ciencias Sociales (FLACSO), Consejo Superior Universitario Centroamericano (CSUCA), y Universidad para la Paz (UPAZ), p. xv. This was confirmed several times in briefings by Central American scholars such as Francisco Rojas Aravena of FLACSO in San José, January 15, 1987; Jorge Luis Borrayo, Universidad de San Carlos and Asociación para la Investigación Económica y Social (ASIES), Guatemala, in San José, January 15, 1988; and at an ASIES briefing in Guatemala, January 18, 1988, with Borrayo, Cruz Salazar, Rosada Granados, Balcarcel, and Kuestermann.

43. FLACSO-CSUCA-UPAZ Informe Blanco II, pp. 90-93; El Gráfico (Guatemala City), January 19, 1988, p. 11; Guatemalan television news programs, January 17-20, 1988.
44. Interviews with Mulet; Rivera Frías; Hurtado Prem; Informe CIVS, p. 95.
45. See Christian Science Monitor, September 4, 1987, p.14.
46. Interviews with Serrano Elías; Rivera Frías; Hurtado Prem; and Nineth Montenegro de García, head of the Grupo de Apoyo Mutuo (GAM), a human rights group, Guatemala, January 18, 1988; see also Mesoamérica, December 1987, p.102.
47. Interviews with Mario Solórzano, president, Partido Socialista Democrático (PSD), Guatemala, January 18, 1988; and with Hurtado Prem; Serrano Elías; Cruz Salazar; and Hector Rosada Granados. See also David Carliner et al., Political Transition and the Rule of Law in Guatemala: Report of the Follow-up Delegation of the International Human Rights Law Group and the Washington Office on Latin America, Washington, D.C.: International Human Rights Law Group and Washington Office on Latin America, January, 1988, pp. 2-10.
48. See Carliner et al., passim; interviews with Jean Marie Simon, a journalist, Guatemala, January 20, 1988; Robert W. Rosenhouse, editor, This Week: Central America and Panama, Guatemala, January 20, 1988; and Ricardo Wilson-Grau, president, Inforpress Centroamericano, Guatemala, January 20, 1988.
49. Carliner, et al., passim; and interviews with Gonzalo Menéndez de la Riva, head prosecutor of human rights violations in the government's human rights office, and with Angel Alfredo Figueroa, adjunct prosecutor in the government's human rights office; Guatemala, January 19, 1988; with Montenegro de García, Robles S., and Alfaro Mijangos.
50. See Carliner, et al., pp. 2-26; Human Rights in Guatemala, New York: Americas Watch and British Parliamentary Human Rights Group, February, 1987; Civil Patrols in Guatemala, New York: Americas Watch, August, 1986.
51. Interviews with Rosada Granados, Cruz Salazar, Gerardi, Mulet; see also Carliner, et al.
52. For reasons of their personal security, several well informed observers of the human rights situation interviewed by the delegation will not be named in this report.
53. Inforpress Centroamericano, January 21, 1988, p. 12-13.
54. Statistical data from *ibid.*, p. 12, were confirmed impressionistically by several persons interviewed by the delegation, including Montenegro de García de GAM, Mons. Gerardi for the record, and by several others who must remain anonymous.
55. John A. Booth, et al., The 1985 Guatemalan Elections: Will the Military Relinquish Power? Washington, D.C.: International Human Rights Law Group and Washington Office on Latin America, December 1985.
56. Interviews with Cruz Salazar, Rosada Granados, Gerardi, Mulet, Montenegro de García, Alfaro Mijangos, Robles S., and Hurtado Prem.
57. CIVS, "Informe," p.114.
58. Quoted from Inforpress Centroamericana, no. 756, September 17, 1987, in Central America Bulletin, November, 1987, p.405.
59. Honduras, Comisión Nacional de Reconciliación, "Informe de las actividades realizadas por la Comisión Nacional de Reconciliación (hasta el 21 de diciembre de 1987)," mimeo, p.8.
60. Human Rights in Honduras: Central America's "Sideshow." An Americas Watch Report, May, 1987, pp. 126-143.
61. "Compliance with the Human Rights Provisions of the Central American Peace Plan," An Americas Watch Report, mimeo, January, 1988, p. 28.
62. Honduras, Comisión Nacional de Reconciliación, "Informe de la Comisión Nacional de Reconciliación," mimeo, January, 1988, p.3.
63. Information about Nicaragua's response to Esquipulas II comes primarily from the CIVS "Informe," passim.
64. La Nación (San José), January 17, 1988; Barricada (Managua) January 17, 1988; La Prensa (Managua), January 18, 1988.

65. Nicaraguan Embassy in the United States, "Update of Nicaragua's Report on Compliance with Esquipulas II sent to the CIVS November 20, 1987," mimeo.
66. Nicaraguan Embassy in the United States, "Chronology of Actions, Second Report," p. 1.
67. Barricada (Managua), January 17, 1988. YATAMA was organized in September, 1987 by Rivera for the purpose of negotiating with the Nicaraguan government. Washington Office on Latin America (WOLA), Peace Plan Monitor, no. 2 (October 5, 1987), p. 4.
68. Americas Watch, Amnesty International, Pax Christi, the Puebla Institute, WOLA, the Human Rights Office of the Department of the Inter-American Commission on Human Rights, two permanent commissions for human rights within Nicaragua, as well as the Ecumenical Commission for Development (Comité Evangélico para Asistencia y Desarrollo, CEPAD), the Atlantic Coast Ethnic Minority Legal Aid (Bufete Popular de Minoría Etnica en la Costa Atlántica) and the Jesuit Legal Aid Project (Bufete Jurídico Jesuíta) have all reported on the status of human rights in Nicaragua.
69. For example, Americas Watch noted that "taking into account all of the civilian noncombatant deaths attributable to government forces in the more than seven years since the Sandinistas consolidated power, it is difficult to count a total of more than 300." (The Reagan Administration's Record on Human Rights in 1986, The Watch Committees, February 1987.) In contrast, a joint State Department and Defense Department document claimed that "in the American continent, there is no regime more barbaric and bloody, no regime that violates human rights in a manner more constant and permanent, than the Sandinista regime." (The Challenge to Democracy in Central America, December 1986).
70. La Prensa (Managua), January 18, 1988.
71. La Prensa (Managua), January 14, 1988.
72. For the full story of the 1984 elections, consult the study by the Latin American Studies Association, The Electoral Process in Nicaragua: Domestic and International Influences (Austin: LASA, 1984). Other international teams that observed the election concurred with the conclusion of the LASA report that the election was openly contested and accurately reflected Nicaraguan public opinion.
73. Interview with Erick Ramírez of the Social Christian Party (PSC).
74. La Prensa (Managua), January 16, 1988; Barricada (Managua), January 14, 1988.
75. LASA delegation interviews with Gustavo Parajón, Sergio Ramírez, and Erick Ramírez (alternate delegate). All confirmed this assessment.
76. The five presidents committed themselves to "create the mechanisms that according to law, would allow dialogue with opposition groups."
77. Respectively, point 5 of the Accord calls for "the cessation of assistance to irregular forces and to insurrection movements"; point 6 calls for the "nonuse of territory for aggression against other countries."
78. For the sake of readability, the full names are moved to this note. The FMLN is the Farabundo Martí National Liberation Front (Frente Farabundo Martí de Liberación Nacional); the URNG is the Guatemalan National Revolutionary Union (Unión Revolucionaria Nacional Guatemalteca); and the RN is the Nicaraguan National Resistance Movement (Resistencia Nacional).
79. "Carta abierta a los presidentes de Costa Rica, Guatemala, Honduras y Nicaragua, del FDR-FMLN," July 31, 1987, El Salvador.
80. "Carta de los partidos políticos al Presidente José Napoleón Duarte," August 31, 1987, San Salvador.
81. "Ejército de Guatemala, entre la falta de credibilidad y la guerra," CERIGUA, no. 21 (November, 1987), p.10.
82. "Madrid, España-Declaran delegados del gobierno guatemalteco," CERIGUA, no. 21 (November, 1987), p.7.