

Agreement of the Tripartite Meeting

8 September 1993

In recent weeks, a series of bilateral meetings have taken place in an attempt to find solutions to outstanding issues for compliance with the agreements based on the document presented by the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional*, FMLN) to the Security Council and Secretary General on 16 July, setting out what are in its opinion 15 priority outstanding points to be implemented by the Government of El Salvador, to which a further four were added.

The review and search for solutions to these points, with which the government explicitly indicated its desire to comply, was bearing fruit. However, in some instances there remains much work to be done, as is the case with the Land Transfer Programme, which has currently only reached around 10% of the planned target. In others, legislative decrees are required and are currently pending approval by the Legislative Assembly, while other points are currently being implemented. Finally, some points have required decisive government action, while others have simply been implemented.

Following this exercise, both parties agreed that points that have already been dealt with and routine matters must not be included in the meeting scheduled with the president. Instead, only those that, not being specifically covered in the agreements and whose solution can deliver progress in the peace and reconciliation process, require a political solution at the presidential level should be included. These points will be dealt with outside the agreements and will be included in Items 7 and 10 for youth veterans.

In the spirit of “clearing the table” before the start of the election campaign on 20 November, the trilateral meeting with the president and the five leaders of the FMLN Political Commission took place on 8 September.

This document reflects the current situation and the agreements reached regarding the 15+4 points mentioned above, the position of the United Nations Observer Mission in El Salvador (ONUSAL) on some of the points and the agreement reached between the parties on additional points regarded as outside the scope of the agreements.

A. ARMED FORCES

1. Collection of arms for the exclusive use of the armed forces in the possession of civilians or demobilised soldiers.

Of the inventory of 1,441 arms submitted by the Armed Forces of El Salvador, only 549 have been collected so far, leaving 892 in the possession of various institutions. The government undertakes to collect them and replace them with suitable alternatives before 20 November.

The remaining arms for the exclusive use of the armed forces in the possession of civilians or demobilised soldiers will be collected by a large-scale campaign that will begin immediately after approval of the Law for the Control of Arms, Munitions, Explosives and Similar Articles. The government submitted the corresponding bill to the assembly on 25 August 1993 and another bill for the same law is being debated by the National Commission for the Consolidation of Peace (*Comision Nacional Para la Consolidacion de la Paz*, COPAZ) with a view to submitting it to the Legislative Assembly for consideration.

2. Approval of the law for the private security service.

The parties submitted the outline of a draft private security services bill to COPAZ. A special COPAZ sub-commission drafted a bill for this law, which has been withheld to give priority to the Law for the Control of Arms, Munitions, Explosives and Similar Articles mentioned above. Government and FMLN representatives on COPAZ should encourage the bill to be submitted to the assembly.

3. Abstain from preventive or routine use of the armed forces to maintain public safety.

ONUSAL made its position clear in a letter to the government dated 12 July. Its position is the same as the section of the agreements referring to the principles of the doctrine of the armed forces, namely that “keeping internal peace, tranquillity, order and public safety is outside the ordinary remit of the armed forces as an institution responsible for national defence. In this respect, any role to be played by the armed forces must always be exceptional, when ordinary methods have been exhausted and in the terms established by the constitutional reform approved in April 1991” (Article 168, No. 12).

According to FMLN, a final solution to this point is outstanding. According to government explanations, the purpose of the “surveillance” plan currently in place is to complete the training of the armed forces and discourage crime. Under this plan, the armed forces are deployed at roadsides in non-conflict, non-urban zones, which pass through areas with the highest crime rates. The plan also includes provisions for the use of armed forces in security operations at the request of the National Police (*Policia Nacional*, PN) or National Civil Police (*Policia Nacional Civil*, PNC), subject to authorisation by the president, who, in such cases, must inform the Legislative Assembly per the constitution.

B. NATIONAL PUBLIC SAFETY ACADEMY

4. Formalise a plan for the gradual dissolution of PN, closure of the PN school and dissolution of the Customs and Excise Division.

The government undertakes to set out a plan for the gradual dissolution of PN, closure of the PN school and dissolution of the Customs and Excise Division before 30 September.

5. Guarantee the civil nature of PNC and its autonomy with respect to the Armed Forces.

Overturning the appointment of the Deputy Director of PNC and any other attempt to incorporate active or non-active military staff. To guarantee the civil nature of PNC and its autonomy with respect to the armed forces, in line with the agreements, the appointment of the former Captain of the Armed Forces and Head of the Executive Anti-Narcotics Unit (*Unidad Ejecutiva Antinarcoticos*, UEA), Oscar Peña, as Deputy Director of Operations of PNC is understood as exceptional and not setting a precedent. The post occupied by Captain Peña, former head of UEA, is political and not related to his career, having accessed the post after resigning and separating from the armed forces. There are a further two political posts in PNC (Director General and Deputy Administrative Director) that are currently held by civilians. The government reiterates that there is no intention to monopolise PNC.

In the complementary agreements dated 22 December 1992, it was agreed, as expressed in the letters sent regarding the matter by Iqbal Riza, at the time Special Representative of the Secretary General, on 23 December 1992, that military members of the Inter-American Commission on Human Rights (IACHR) and UEA were only authorised to enter PNC based on their technical qualifications, subject to permanent separation from the armed forces and only under exceptional circumstances, without setting a precedent.

The current staff and teams of IACHR and UEA will be incorporated into PNC in this way to form the initial core of the criminal and antinarcotics investigation divisions, respectively, incorporated not as whole units, but as individual teams and staff. FMLN reiterates its position that only staff of IACHR and UEA as of 22 December 1992 can be transferred and will be assessed by the Director of PNC with verification by ONUSAL prior to joining, based on criteria of professional competence and aptitude to perform the corresponding role in the new civil police body. Following evaluation, they must also pass the specifically designed ANSP course for the doctrine and other conceptual elements of PNC, as set out in the aforementioned agreements on 22 December.

6. Undertake functional and territorial deployment of PNC as agreed.

The government agrees that the operational deployment of PNC will occur in line with the plan submitted to the COPAZ sub-commission by the Director of PNC. Territorial deployment will continue to advance in line with the planned schedule and the availability of staff graduating from ANSP.

7. Adopt the aptitude and sufficiency exam at ANSP as an exceptional measure to meet the quotas for former FMLN and PN members at the executive and senior levels.

This point is not covered by the agreements and accordingly should be treated as an extra point, arising as part of a COPAZ debate regarding the first call for executive and senior levels, accepted by the government.

The government undertakes to send a letter to the Director of ANSP requesting him/her to prepare an aptitude and sufficiency exam for former FMLN members that do not meet the academic conditions for entry at the executive and senior levels. It is necessary to fill four posts at senior level and 17 at executive level in the second call for recruitment at these levels

to allow FMLN to meet the quota of 20%. This exam will be exceptional and will not set a precedent.

FMLN undertakes to refrain from attempts to exceed its quota on PNC by recommending former fighters as candidates to fill the spaces reserved for people that did not directly participate in the conflict.

Both parties agree to consider as closed the issue of the appointment of Captain Peña and the entry of staff originating from the old security bodies in the first call for the executive and senior levels (see Point 5).

8. Make effective the consultative role of the COPAZ PNC sub-commission for major decisions in the development of ANSP and PNC.

In line with the agreements, this role is only for PNC as ANSP has its own academic council.

The government undertakes to ensure the Director of PNC submits to the COPAZ sub-commission, as consultative body, as it has already done for the operational deployment plan, “relevant decisions or measures regarding the organisation of PNC, the deployment of its operations and, in general, matters related to the transitional regime not expressly resolved in Chapter 11, Number 7 of the peace agreement.”

C. TRUTH COMMISSION

9. Implement its recommendations.

The Secretary General of the United Nations will soon present a report to the Security Council setting out his views on the status of compliance with the recommendations of the Truth Committee.

D. SOCIO-ECONOMIC MATTERS

10. Complete the agreement for the transfer of land, resolving outstanding issues, which include those related to the transfer of land or properties to dwellers in former zones of conflict.

The government has set out an operational plan to streamline the Land Transfer Programme. FMLN believes many of the points are positive and submitted clarifications to the Supervision and Monitoring Committee (SMC), which were accepted.

It was understood that the bodies involved in the Land Transfer Programme (CEA–COPAZ, SMC, ONUSAL as verifier and the FMLN Land Commission) continue to exercise the functions set out in the Secretary General’s plan dated 13 October 1992. The government has instructed state bodies in this respect.

The government regards the solution to the issue of unverified *tenedores*, veterans under 16 and urban settlements as beyond the scope of the agreement. FMLN expressed the opinion that the issue of the number of unverified *tenedores* originated in part from the CEA–COPAZ verification mechanism and that, as such, the issues beyond the scope of the agreement are minors and urban settlements.

As agreed at the trilateral meeting, the government studied the financial impact on the Land Transfer Programme of proceeding with the immediate registration of the 170 FMLN lists of farms for which negotiations had already taken place, which include people not verified by CEA–COPAZ and minors.

It accepted that if the full funding of the Land Transfer Programme was ensured, it was in conditions to immediately resolve the issue of including unverified *tenedores* and minors; otherwise, it would have to wait to check the number of verified *tenedores* presented in the offices created by the Coordinating Office for the Agrarian Issue (*Oficina Coordinadora del Tema Agrario*, OCTA) for the operational plan for streamlining the Land Transfer Programme before distribution of the lands and then subsequently covering unverified *tenedores* and minors providing funding was available.

The government estimates the funding gap to cover the 47,500 people envisaged in the plan set out by the Secretary General on 13 October 1992 and accepted by the parties at around SVC 730 million. The government also proposed reducing the amount allocated to each beneficiary if there is not enough land available.

To streamline the process, the 170 negotiated farms could be transferred immediately once the unverified *tenedores* and minors have been replaced by verified *tenedores* or veterans. FMLN has done this for 33 of the 170 negotiated farms. For minors who turned 16 after 1 February 1992, the government suggested the alternative of their inclusion in reinsertion programmes, including grants.

It was agreed that *tenedores* and veterans in rural settlements would be covered by the Land Transfer Programme and an attempt would be made to resolve the existing issues. In spite of the fact that the government has confirmed that the *tenedores* of these settlements were verified by CEA–COPAZ, it expressed doubts as to whether all were included. FMLN offered to submit the lists of people, lands and properties for these settlements.

In terms of urban settlements, the government stated that these could be dealt with after COPAZ completed its inventory of *tenedores* and the scale of the issue was known in order to resolve it with additional funding, although this would be outside the Land Transfer Programme.

11. Fully implement the programmes for the reinsertion of FMLN veterans and the reconstruction of the areas most affected by the conflict.

The government will draw up an operational plan to find solutions to issues in the operations and mechanisms for applying programmes, the streamlining of processes and the resolution of difficulties. The problems detected include:

- provision of initial funding for the Board of Directors for the crippled and disabled (outstanding since 26 May);
- prepare and carry out an information campaign on loan programmes for agriculture, livestock and micro businesses (SRN commitment);
- implementation of the technical assistance programme for micro-business loans for demobilised people;
- define admissions for the next cycle of FMLN grants (114);
- begin distribution of construction materials available for provisional housing;
- complete the programme for permanent housing;
- the interest rate for micro-business loans;
- the institution to manage the credit component;
- make use of the offer of aid to cover the grant deficit;
- define the status of demobilised persons already in arrears for agriculture and livestock loans (previous).

12. Complete the tasks entrusted to the forum for the economic and social cohesion and execute the agreements it has adopted.

The forum has already agreed a work programme to complete its tasks. The parties should provide their best efforts to the sectors involved.

E. POLITICAL PARTICIPATION OF FMLN

12. Assign FMLN two frequencies for television and one for shortwave.

The government is waiting for FMLN to submit details of legal entities or companies to assign two television frequencies and a shortwave frequency.

F. ELECTORAL ISSUES

14. Clean and expand the register.

The government's biggest responsibility for the electoral system is to provide the budget required for the Supreme Electoral Court (*Tribunal Supremo Electoral*, TSE) to carry out its activities.

So far, subject to approval by the Legislative Assembly, the government has assigned SVC 40 million for the TSE's ordinary budget. The institution is responsible for cleaning and expanding the register.

The government undertakes to ensure the decree recently approved by the Legislative Assembly making electoral ID mandatory will be published and take effect shortly.

The president announced he will hold a meeting with the general secretaries of the political parties and TSE magistrates to encourage the progress of the process.

G. FUNDING

15. Achieving the remaining funding

The government is using its own resources to meet the financial requirements derived from the agreements: it has provided SVC 36 million for the operations of ANSP, SVC 176 million for PNC and SVC 40 million for TSE. Financial support from the international community has been less than envisaged and slow in arriving.

The Secretary General of the United Nations will continue to support the government's efforts to obtain the necessary resources.

H. OTHER AGREEMENTS

1. Complete publication of the armed forces doctrine

Agreement met by the government.

2. Move ANSP to its permanent building.

The ANSP facilities in Comalapa have reached a high degree of satisfactory functionality, as shown by the events for the first anniversary of ANSP and the launch of the new infrastructure for its facilities in Comalapa on 7 September. As such, it is not deemed necessary to start the infrastructure works for construction of the final ANSP site due to the high cost.

3. Issue the exemptions required to import FMLN vehicles.

Agreement met by the government. The process for obtaining the exemptions is currently underway.

4. Put in motion the Law for the Protection of People Subject to Special Security.

Agreement met by the government. The process for legalising the situation of escorts is underway.

I. OTHER ISSUES COVERED

1. Armed groups

This issue was already covered at the previous trilateral meeting in May, attended by President Alfredo Cristiani, at which FMLN offered support to efforts to eliminate armed

groups. The appearance of new criminal groups and the politicisation of the issue in public declarations and media articles caused the issue to be raised at the meeting of the parties for the agreements.

It was agreed that FMLN would cooperate with the government, providing any information it has to help capture and pursue armed groups as soon as possible, combining efforts in information and using PNC, IACHR and UEA, whose staff and team is being transferred to PNC.

It was also agreed that these armed groups would be classed as having a criminal character and of a purely delinquent nature, without any political motivation. The parties publicly declared this position.

In the case of attacks, which may appear to have a political motive, the parties will abstain from making mutually accusatory public declarations until obtaining the results of the corresponding investigations.

2. *Other matters.*

President Cristiani requested the inclusion of four additional points that were not planned in the agenda: the employment problem, land seizures, logistics infrastructure for FMLN and the campaign to discredit the electoral process, although only the first and last of these had been discussed by the end of the meeting.

In terms of employment, the president raised the issue of current instability and its repercussions on the forthcoming elections as a result of the series of strikes in the public sector. He made specific reference to the strike in the health sector, recalling that the constitution of El Salvador prohibits public sector workers from striking. He requested that FMLN use its influence on unions to stop this type of activities

FMLN stated it is not interested in destabilising the country and that it was not aware the National Union of Health Workers (*Unión Nacional de Trabajadores de Salud*, UNTS) was involved in the health sector strike, that its influence on these organisations was not as large as thought and that the solution to employment problems could not only be in terms of repression.

The president also requested FMLN leaders cease making accusations directed at TSE and its activity on visits abroad, since these have resulted in funds being frozen by the United States Congress.

J. ANNEX

1. *List of attendees at the meeting*

The Government of El Salvador: President Alfredo Cristiani, Minister Oscar Santamaría; General Mauricio Ernesto Vargas; Rodolfo Parker.

FMLN: Schafik Handal, Salvador Sánchez Cerén, Joaquín Víllalobos, Francisco Jovel, Eduardo Sancho and Salvador Samayoa.

ONUSAL: Augusto Ramírez-Ocampo, Michael Gucoysky and Julián Camarero.