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EL SALVADOR: CERTIFICATION PROCESS

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

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

In addition, amendments to the act require a report on progress in bringing to justice the murderers of several US citizens.

On July 20, 1983, the Secretary of State, to whom the President delegated authority for making the certification, sent to Congress the fourth certification report. In his transmittal letter the Secretary noted that "the statutory criteria for certification are met," but ". . . the record falls short of the broad and sustained progress which both the Congress and the Administration believe is necessary for the evolution of a just and democratic society in El Salvador. . . . The evolution of democracy is a long and difficult process, especially when there are concerted efforts to defeat it. . . . Our disappointment over the pace of change should not obscure the fact that change is occurring."

US Policy: The US encourages a process of reconciliation, based on emerging democratic institutions and economic reform, while supporting El Salvador's efforts to defend itself against externally supported guerrillas. President Reagan stressed this policy, including strong support for human rights, during his 1982 visit to Central America, in his April 27, 1983 address to the joint session of Congress, and in his July 18, 1983 speech to the International Longshoremen's Association. During FY 1982, US economic aid was \$189 million and security assistance \$82 million.

July 1983 Certification: During the past six months, the democratic process in El Salvador has begun to overcome the major historical handicaps of underdevelopment, misrule by military and economic elites, and more recently, communist-supported insurgency. Progress toward ending violence

against civilians and controlling all elements of the armed forces has been less evident. The Salvadoran Government is intensifying steps to increase respect for human rights and end abuses by elements of the armed forces and, in particular, the security forces, but its ability to control these institutions is not yet complete. Progress in the cases of murdered American citizens also has been disappointing.

Human Rights and the Armed Forces: The number of press-reported civilian deaths attributed to political violence rose from 160 per month during the last half of 1982 to 177 per month during the first half of 1983. This compares to more than 300 per month in late 1981 and early 1982. Civilian disappearances reported in the press were at about the same level since the last certification, though far below previous levels. The Constituent Assembly unanimously passed, and then extended beyond its July 16, 1983 termination date, an amnesty program under which more than 500 of the approximately 730 prisoners held under Decree 507 were freed. The Human Rights Commission became fully operational and expanded its activities. Government orders emphasize proper conduct toward noncombatants and prisoners and stress that human rights violations would be investigated and punished. However, the Salvadoran Government failed to accompany its positive efforts with a clear program to identify and punish those responsible for abuses that still take place. Bitter civil strife and breakdown of the criminal justice system have exacerbated this problem. El Salvador has now begun, with US assistance, a major judicial reform designed to address many longstanding systemic problems.

Agrarian Reform: El Salvador's agrarian reform -- one of the most comprehensive ever attempted in Latin America -- is continuing to advance. The titling process has accelerated, and restoration of those evicted illegally has been increased. Including family members, more than 500,000 Salvadorans -- 18% of the rural population -- have either directly or as members of cooperatives become the owner/operators of the land they once worked for someone else.

Political Reform: During the past six months, El Salvador made progress in strengthening democratic institutions. The Constituent Assembly has become the primary forum for political decision and debate and has completed a draft of a new national constitution. Formal debate on it is scheduled to begin soon in the Assembly, which has continued to function as a legislative body until a new one can be elected under the new constitution. Another important milestone should be reached this year -- direct election of a constitutional president. Political parties are already selecting candidates, debating platforms, and attempting to build support.

Cases of US Citizens: The Salvadoran Government is making good faith efforts to bring to justice those responsible for the deaths of US citizens but has been hampered by adverse court rulings. The prosecution of security force personnel accused of murdering four US churchwomen in December 1980 continues slowly. There has been no progress in the case against Lt. Lopez Sibrian for involvement in the January 1981 murder of two US labor consultants, but the case against two accused National Guardsmen has been brought to trial. Two cases, the death of John Sullivan and the disappearance of Patricia Cuellar, are still being investigated. Three members of the

Salvadoran Army are under detention for the murder of Michael Kline, and the case is before the courts. The Salvadoran Government is pursuing all leads in the murder of Lt. Commander Albert A. Schaufelberger by the Popular Liberation Forces, a faction of the FDR/FMLN guerrilla movement in El Salvador.
