

El Salvador Twenty Years After the Peace Accords: Salvadoran and U.S. Perspectives

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**CHALLENGES FOR EL SALVADOR:
TWENTY YEARS AFTER THE PEACE ACCORDS
U.S. REPRESENTATIVE JAMES P. McGOVERN (MA)**

Thank you for that very kind introduction, Geoff. I want to thank Suffolk University, the Moakley Archive and Institute, and the Washington Office on Latin America for organizing and hosting this very special event.

It's a real pleasure to be here this afternoon with such a distinguished panel, including two long-time friends and colleagues, Geoff Thale with WOLA and Ambassador Francisco Altschul. I've known Francisco since the early 1980s. Sometimes I feel that it's a bit of a miracle to work with him now as the Salvadoran Ambassador to the United States. I say miracle not just because the FMLN won the 2009 presidential elections, but because he was often in very vulnerable situations during the war; so many of his friends and peers didn't survive. So it's wonderful that he now serves his country in Washington. He's an outstanding ambassador and advocate on behalf of his country and people.

Geoff I've known since the early 1990s, a couple of years before the peace accords were signed, I think. There are few people who have Geoff's depth of knowledge about El Salvador. He has that rare quality to look at complicated and controversial issues with sympathy, but objectively. I respect his clear assessment of events on-the-ground. I also appreciate his tendency to end long days in El Salvador with a good stiff drink at the bar, a habit I share.

It is always special for me to be here at Suffolk University and the Moakley Institute. There is no way I can describe what working for Congressman Joe Moakley gave me. I feel honored to have had Joe for a boss, a mentor and a friend. I was blessed to be able to serve in Congress with him for what ended up being too brief a time. Following my swearing-in as a Member of Congress, I remember going to my very first Democratic Caucus meeting. I go over to Joe and he looks at me and tells me to go fetch him a cup of coffee and a sandwich. I immediately knew I was a freshman Member speaking to the senior Dean of the Massachusetts delegation. I often wonder what he'd say about America's current state of affairs. But more importantly to today's discussion, Joe gave me El Salvador. He sent me there in 1983 to find out what was happening, and my love affair with the country and its people has never wavered.

When the historic Peace Accords ending El Salvador's twelve-year civil war were signed in Mexico at the beginning of 1992, many of us anticipated a new and prosperous era. During the war, I lost many friends – El Salvador lost so many of its best minds and hearts. Every family, every community in El Salvador was affected. The U.N. Truth Commission Report called it "*la locura*" of violence, a madness. Surely, now that peace agreements were signed, things would be different.

And in many ways, they were. Political competition flourished; electoral processes matured; parties formed coalitions, and organized year after year. The ruling party during the

final years of the civil war, ARENA, maintained its power following the Peace Accords, winning consecutive elections for the next 17 years. Then, in 2009, after nearly two decades of party-building and municipal and legislative victories, the FMLN opposition party won the presidency. It was a watershed moment for El Salvador.

Sadly, many other things did not change in El Salvador following the Peace Accords. The ability of the Salvadoran courts and justice system to hold elites, government officials and members of the military and security forces accountable for crimes, including human rights crimes, continued to fail, reinforcing a culture of impunity.

El Salvador's geography and place on the map, of course, did not change. It suffers annually from floods, frequent earthquakes, and other natural disasters. The impact of these disasters is amplified by past ill-conceived development initiatives and environmental degradation, all man-made disasters.

The poor did not benefit from trade and investment and international aid has, by and large, diminished significantly, including economic aid from the United States. And the annual migration of thousands of Salvadorans to the United States is as great as it was during the civil war.

And some things got worse. Little could I have imagined the violence in El Salvador becoming worse after the war, but it did. Criminal networks – Salvadoran, Mexican, Colombian – have implanted themselves in the country. They traffic drugs, guns, human beings and other contraband throughout the hemisphere. Youth gangs are exploited; poor neighborhoods are terrorized; security and judicial authorities are corrupted; and crime, violence and murder have exploded.

This is not the future any of us envisioned for El Salvador, but it is the reality inherited by Mauricio Funes when he assumed the presidency in 2009. I believe Ambassador Altschul will review more specifically how the Funes government has attempted to respond.

I have met President Funes, and I respect him. I find him and many officials in his Administration to be both pragmatic and creative, committed to addressing El Salvador's many challenges. But new governments have a very small window to deliver tangible changes and benefits – or people lose hope, become angry and turn sour towards the incumbent party.

Unfortunately, there are long-standing institutional problems that remain obstacles to reform, the pursuit of justice, and the consolidation of democracy. The Attorney General's Office – the *Fiscalía* – continues to be a place where justice goes to die. Countless cases of murder, corruption, drug trafficking, money laundering and other crimes remain stymied within its halls. And so impunity, regrettably, continues to be the norm in El Salvador.

Under previous governments, the National Police was significantly infiltrated by organized crime. To his great credit, during the first 2½ years of his Administration, President Funes made significant progress in cleaning up the police and professionalizing its ranks.

As organized crime and drug cartels penetrate and consolidate their hold over Central America, including the exploitation of existing gangs, murder rates throughout the region are soaring. Little wonder that the number one concern for the average Salvadoran is security. And as these criminal organizations have done elsewhere – from Colombia to Mexico – the

corruption of political and economic institutions, of elites, parties and politicians, is a critical element of their strategy to control territory, safeguard trafficking routes and profits, and avoid capture and prosecution.

Once again, El Salvador finds itself at a crossroads, facing difficult and even bitter choices. I see it as a moment of opportunity. I think President Funes and his Administration have the opportunity to bring about historic change in El Salvador. Such action will require courage and vision, but these are qualities found in abundance within the current government.

In the coming weeks, the tenure of the current Attorney General – the *Fiscal General* – will expire, along with other officials. The Salvadoran Congress will appoint the next Attorney General and other key officials. I am hopeful that President Funes will seize this opportunity to urge the Congress to consider only the names of candidates of impeccable character and credentials, who stand apart from Salvadoran partisan politics, and who are committed – mind, heart, body and soul – to breaking El Salvador’s history and culture of impunity.

This will not be easy. Nothing important, let alone historic, is ever easy. There are rumors that the current Attorney General would like to be reappointed. Regrettably, the culture of impunity has remained fully intact under his direction. In my opinion, he should be encouraged to retire his office gracefully.

There is no shortage of speculation about who else might be interested in the position. But most of the names floated in the Salvadoran press are individuals with entrenched interests in one political party or another, not known for their devotion to the common good of the country, and even some with rumored or alleged ties to organized crime and corruption.

So President Funes has the chance to surprise everyone, shake up tradition, and press for candidates completely above the political fray, whose legal and judicial credentials cannot be questioned, and more importantly, who aren’t already bought and paid for by one interest or another. Funes has the chance to break the mold, and in that sense, to break open the doors of history and initiate the beginning of the end to impunity and corruption.

It can be done. It has happened elsewhere. In Colombia, President Santos, like President Funes, also followed on the heels of an incredibly corrupt government, where cabinet ministers, high officials and many elected officials owed their success to paramilitaries, organized crime and corrupt elites. Following Santos’s election and the appointment by the Supreme Court of a new Attorney General, investigations into official corruption and criminal activity were aggressively pursued. Many former high officials are facing trial or have been tried, convicted and imprisoned for corruption and other crimes.

With the right Attorney General, the same can happen in El Salvador. But it will mean ignoring both the pressures and seductive offers from powerful vested interests. It will mean looking ARENA, GANA and the FMLN in the eye and saying, “No, not this time. This time El Salvador is going to have an Attorney General committed to fighting for justice.”

The same thing is true for the appointment of justices to the Supreme Court, only the choice is not quite as difficult because there are several current Supreme Court magistrates who have shown over the past two years they are worthy and deserve reappointment. But for any new appointments, they must be above partisan interests and with impeccable credentials.

This brings me to the situation with the security forces, most particularly the National Civilian Police. There have been a lot of changes to the national police in the past few months. For the first time since signing of the Peace Accords – some scholars even think in violation of those agreements – a high-ranking member of the military has been appointed to be Minister of Public Security, and another to head the national police, with several other military members placed in key positions or serving as advisors inside security institutions and offices. All of these military officers resigned their commissions to take these positions, but there is no doubt that their background, their connections and their orientation are military, through and through.

In the interest of honesty and full disclosure, I expressed to President Funes my own concern about placing an Army general as Minister of Public Security when it was under debate. But the appointment has now been made, and I accept the president's decision. What has become troubling is not the appointment of the Minister, but the appointments of additional military to key positions within the national police and state intelligence, how military-style approaches have permeated the Ministry and its strategy, disturbing rumors that some of these advisors and police officials have ties to organized crime, and the appointment to key positions of police officials who had been under investigation for alleged ties to criminal networks.

I am in no position to judge the accuracy of these rumors. But I do know that President Funes can turn this potential liability into an opportunity for decisive action and confidently address these concerns: Fill the vacancy in the national police for Inspector General with someone of the highest caliber, without ties to partisan politics, devoted to combating corruption and criminal infiltration of public security institutions. Such an individual will have big shoes to fill. The retiring Inspector General, Zaira Navas, with the full confidence of President Funes, undertook a historic cleansing of the National Civilian Police. She might have accomplished even more – and El Salvador as a nation would have been far better served – if the Attorney General had taken up and prosecuted even one of the many criminal cases on “dirty cops” that she sent to him, and if the Congress hadn't deliberately placed roadblocks in the way of many of her investigations.

It's critical that no one turns back the clock on the historic progress President Funes made over the past 2½ years in cleaning up the National Police. If there are allegations that some of the “dirty cops” have been reinstated, then let a trustworthy and incorruptible Inspector General investigate those allegations. If there are rumors that some of the new military appointees and advisors have ties to organized crime, then let the next Inspector General investigate those ties. And if such investigations find the allegations have merit, then dismiss those officials and officers and demand the new Attorney General prosecute their cases.

As I mentioned earlier, homicides have soared in El Salvador in recent years. Citizen security is the number one concern of average Salvadorans, especially those who live in the neighborhoods where gangs hold power.

Just recently, however, the homicide rate has fallen dramatically, from an average of 14 a day, to five. This appears to be the result of a truce negotiated with key gang leaders. The on-line newspaper, *El Faro*, broke this story, and I applaud their courageous investigative journalism. Who negotiated the truce is a matter of debate. Did the Government, or members of the Ministry of Public Security? Or was it members of the Catholic Church? What did the gangs get in return? Transfer of imprisoned leaders to lower security jails where more privileges and communication with the outside world are allowed? Anything else?

It's important Salvadorans know the answers to these questions. But it is important that the number of people being murdered every day has dropped dramatically. Very important. And what happens next is equally or even more important.

If we look back on the Medellín Miracle in Colombia, we now know the dramatic reduction in violence and killing in the poorest neighborhoods happened because a deal was cut with a major paramilitary leader, Don Berma, to take control of these areas. Murders stopped, but not criminal activity. Extortion expanded, and drug trafficking routes through these neighborhoods were consolidated.

The good news is that as the worst forms of violence diminished, Medellín had a few years to pull itself together, and under the progressive vision of two consecutive mayors, invest in economic development, civil society and poor communities. The city flourished. But then the miracle turned into the Medellín Nightmare. Don Berma was extradited to the United States for drug trafficking. A power struggle for control over now very lucrative drug routes and criminal enterprises ensued, and killing and violence escalated. In 2010, a truce among warring gang leaders was brokered by religious and civil society leaders. But it lasted only a few months before the fight for power and territory broke out again. Medellín was competing with Ciudad Juarez for the dubious title of murder capital of the world. And the killing, violence, extortion, drug trafficking and criminal networks continue. I know; I spent 3 days in Medellín last August, nearly all of it in these conflict neighborhoods. I spoke with representatives of all sides, and heard how the community is trying to be more resilient to the violence that surrounds it. Medellín is an inspiring place; its people are inspiring; its young people, in particular, are inspiring; but there are lessons to be learned here.

El Salvador can't just be content with a truce that lowers the homicide rate – for how long a time, we can't predict or guarantee. It must use this space to disarm and dismantle the gang and criminal structures that have controlled these neighborhoods for too long. And it needs to take that step immediately. It cannot be postponed.

Don't make the mistake of Medellín. Don't let the gangs use this time to elevate one or two factions as *de facto* power brokers. Don't allow them to consolidate control over the neighborhoods, over criminal activity, and further entrench their relationships with more powerful criminal and drug organizations. Don't let imprisoned gang leaders rule criminal enterprises from behind bars.

This needs to be the beginning of the end of the power of the gangs. Or the short-term gain may result in even greater long-term pain.

If criminal networks come out stronger, then the rumors of the police, security forces and political parties being infiltrated by criminal elements will be proven true.

And everything the Funes government has accomplished over the past three years will be overshadowed by the criminal penetration of the nation and its political, security and economic institutions.

Seize the moment – give the rank-and-file gang members a better choice. Give the communities most affected by violence, a better choice. Give young people and their families a better choice. Give the nation of El Salvador a better choice.

The Council on Foreign Relations just came out with a new report on addressing criminal violence in Central America. It outlines what we already know: Investing in military solutions to local drug, criminal and gang violence doesn't work. What works is investment in education, real jobs, and community development. What works is investing in professional police, free from corruption and penetration by criminal organizations. What works is investing in strong, independent legal and judicial institutions that investigate, prosecute and imprison criminals, corrupt politicians and elites.

El Salvador has a chance to do what we already know works.

Out of a moment of political and security crisis, there is the opportunity to make historic and lasting change.

I believe President Funes and his Administration have the courage and vision to seize this moment, defy the critics, stand up to the partisan and often corrupt interests of the existing elites and political parties – GANA, ARENA, and even some elements of the FMLN.

El Salvador is at a crossroads. The choices, for good or ill, must be made now. If El Salvador aspires to be a leader among democracies, then it must itself be a model of democracy.

I will support President Funes – and I will do everything in my power to make sure the Obama Administration supports President Funes – should he decide to seize this moment and create historic change for the better in his country.

Change that respects human rights and the rule of law; change that breaks impunity; change that promotes development; change that creates a climate of peace and reconciliation. Change that helps shape that future we all dreamed about following the signing of the Peace Accords.