

<b>Country/entity</b>	El Salvador
<b>Region</b>	Americas
<b>Agreement name</b>	Mexico Agreements
<b>Date</b>	27 Apr 1991
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict

### El Salvador Civil War (1979 - 1992)

The civil war in El Salvador lasted from 1979 to 1992 between an authoritarian government and non-state opponents. Following a failed coup d'état, five leftist guerrilla movements merged to form the umbrella organisation Farabundo Martí National Liberation Front (FMLN). U.S. support for the central Salvatorean government after 1979 lasted until its collapsed in late 1980s, after which the right-wing Republican National Alliance (Arena) filled the power vacuum. In March 1990, the rebels announced a suspension of attacks on non-military entered into talks backed by the UN and Catholic Church with the government. Despite the talks violence peaked over the next two years until the Chapultepec Peace Accords were signed in Mexico City in February 1992. Another ceasefire was signed a month later, which lasted nine months and was never broken during that time. Arena won the 1994 presidential elections and maintained a significant portion of the legislature until 2009, when the FMLN attained the presidency.

Close

El Salvador Civil War (1979 - 1992)

<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Government
<b>Peace process</b>	El Salvador peace process
<b>Parties</b>	Representing the Government of El Salvador: Mr. Oscar Santamaría; Colonel Juan Martínez Várela; Colonel Mauricio Ernesto Vargas; Mr. David Escobar Galindo; Mr. Abelardo Torres; Mr. Rafael Hernán Contreras. Representing the Frente Farabundo Martí para la Liberación Nacional: Commander Schafik Handal; Commander Joaquín Villalobos; Salvador Samayoa; Ana Guadalupe Martínez.
<b>Third parties</b>	Alvaro de Soto, Representative of the Secretary-General of the United Nations (signatory, but capacity unclear)
<b>Description</b>	Agreement listing agreed constitutional reforms and issues referred to secondary legislation; series of annexes elaborating on the constitutional and legislative changes to be made

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**Agreement document**[SV\\_910427\\_MexicoAgreements.pdf \(opens in new tab\)](#) | [Download PDF](#)

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**Groups****Children/youth** No specific mention.**Disabled persons** No specific mention.**Elderly/age** No specific mention.**Migrant workers** No specific mention.**Racial/ethnic/  
national group** No specific mention.**Religious groups** No specific mention.**Indigenous people** No specific mention.**Other groups** No specific mention.**Refugees/displaced  
persons** No specific mention.**Social class** No specific mention.

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**Gender****Women, girls and  
gender** No specific mention.**Men and boys** No specific mention.**LGBTI** No specific mention.**Family** No specific mention.

**State definition**

**Nature of state (general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/ secession** No specific mention.

**Accession/ unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** No specific mention.

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**Political**                      No specific mention.  
**institutions (new or**  
**reformed)**

## Elections

### Page 4, III. ELECTORAL SYSTEM

1. Agreements on constitutional reforms aimed at:

(a) The establishment of a Supreme Electoral Tribunal to replace the Central Board of Elections. The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. It has been agreed that the composition of the Tribunal shall be determined by secondary legislation, making sure that no party or coalition of parties predominates it. It has also been agreed that the Supreme Electoral Tribunal shall include members without any party affiliation, elected by a qualified majority of the Legislative Assembly.

(b) It has also been agreed that legally registered political parties shall have the right to monitor the compilation, organisation, publication and updating of the electoral roll.

### Page 4-5, III. ELECTORAL SYSTEM

2. Other issues raised in the negotiations were referred to secondary legislation and to other political agreements. Although the set of political agreements on the electoral system envisaged by the Parties in the Caracas Agenda has still to be negotiated, the following agreements have been reached during the current round:

(a) The electoral roll shall be compiled in such a way that the lists of citizens eligible to vote are published at least 20 days before the date of the election. A simple and expeditious procedure shall be established for making legitimate corrections requested by any interested party.

(b) Within 60 days after the establishment of the new Supreme Electoral Tribunal, a Special Commission presided over by the Tribunal and composed of representatives of all legally registered parties and, possibly, independent experts shall be established to prepare a comprehensive proposal for reform of the electoral system.

### Page 7, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

... Hereby adopts the following constitutional reform:

... Article 2. In article 77, the words "Central Board of Elections" are hereby replaced by the words "Supreme Electoral Tribunal" and a new paragraph is hereby added, to read as follows:

"Legally registered political parties shall have the right to monitor the compilation, organization, publication and updating of the electoral roll."

### Page 11-12, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

... Hereby adopts the following constitutional reform:

... Article 17. The heading of chapter VII of title VI is hereby amended to read:

"CHAPTER VII

SUPREME ELECTORAL TRIBUNAL"

### Page 12, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

... Hereby adopts the following constitutional reform:

... Article 18. Article 208 is hereby amended to read as follows:

"Article 208. The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. Its decisions shall not be subject to appeal» other than appeals to the Tribunal itself for a review, in the cases established by the law, and appeals provided for in this Constitution against violations hereof.

"The composition of the Supreme Electoral Tribunal shall be determined by law, making sure that no party or coalition of parties predominates in it. Likewise, appropriate provision shall be made for the Supreme Electoral Tribunal to include members without any party affiliation, elected by a two-thirds majority of the deputies elected to the Legislative Assembly."

### Page 13, TRANSITIONAL PROVISIONS

SECOND: The secondary legislation on electoral matters shall be amended within 90

<b>Electoral commission</b>	<p>Page 12, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:</p> <p>... Hereby adopts the following constitutional reform:</p> <p>... Article 19. Article 209 is hereby amended to read as follows:</p> <p>"Article 209. The agencies necessary for collecting, counting and checking ballots and for other activities connected with the exercise of suffrage shall be established by law, making sure that no party or coalition of parties predominates in them. Contending political parties shall have the right to monitor the entire electoral process."</p>
<b>Political parties reform</b>	No specific mention.
<b>Civil society</b>	<p>Page 3-4, II. JUDICIAL SYSTEM AND HUMAN RIGHTS</p> <p>2. Other issues raised in the negotiations were referred to secondary legislation and to other political agreements. Although the set of political agreements on the judicial system envisaged by the Parties in the Caracas Agenda has still to be negotiated, the following agreements have been reached during the current round:</p> <p>(a) National Council of the Judiciary Agreement has been reached to restructure the National Council of the Judiciary so that its composition guarantees its independence from the organs of State and from political parties and its membership includes not only judges but also sectors of society not directly connected with the administration of justice.</p> <p>Page 4-5, III. ELECTORAL SYSTEM</p> <p>2. Other issues raised in the negotiations were referred to secondary legislation and to other political agreements. Although the set of political agreements on the electoral system envisaged by the Parties in the Caracas Agenda has still to be negotiated, the following agreements have been reached during the current round:</p> <p>(b) Within 60 days after the establishment of the new Supreme Electoral Tribunal, a Special Commission presided over by the Tribunal and composed of representatives of all legally registered parties and, possibly, independent experts shall be established to prepare a comprehensive proposal for reform of the electoral system.</p> <p>Page 14, POLITICAL AGREEMENTS ELABORATING ON THE CONSTITUTIONAL REFORM, A. JUDICIAL SYSTEM</p> <p>(b) National Council of the Judiciary Agreement has been reached to restructure the National Council of the Judiciary as follows:</p> <p>1. The composition of the National Council of the Judiciary shall be such as to guarantee its independence from the organs of State and from political parties, and to ensure as far as possible that its membership includes not only judges but also representatives of sectors of society not directly connected with the administration of justice. The act regulating the National Council of the Judiciary shall be amended to bring it into line with the provisions of this Agreement within 90 days following ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991. A new National Council of the Judiciary shall be elected within 90 days following approval of that legislative reform.</p>
<b>Traditional/religious leaders</b>	No specific mention.

**Public  
administration**

No specific mention.



## Constitution

Governance→Constitution→Constitutional reform/making

Summary: The Agreements as a whole relate to various Constitutional reforms. In particular see Armed Forces, Judiciary, Elections, NHRI's.

Page 2, UNTITLED PREAMBLE

... Considering that the peace negotiations being conducted pursuant to the Geneva Agreement and to the Caracas Agenda of 21 May 1990 call for a number of constitutional reforms embodying the political agreements emanating therefrom;  
Bearing in mind the urgent need to submit to the Legislative Assembly whose term expires on 30 April 1991 those constitutional reforms on which the Parties have reached agreement, even where such agreements are partial and do not deal with all aspects under the item as envisaged in the Caracas Agenda;  
Considering that various points on which agreement has been reached can be put into practice through secondary legislation or through further political agreements elaborating on the Constitution;  
Have reached the agreements summarized below, which comprise constitutional reforms and issues referred to secondary legislation, as well as other political agreements:

Page 3, II. JUDICIAL SYSTEM AND HUMAN RIGHTS

1. Agreements on constitutional reforms designed to improve significant aspects of the judicial system and establish mechanisms for safeguarding human rights, such as:  
(a) Reorganization of the Supreme Court of Justice and a new procedure for the election of Supreme Court judges. Henceforth, a two-thirds majority of deputies elected to the Legislative Assembly shall be required to elect judges to the Supreme Court of Justice.  
(b) An annual allocation from the State budget to the judiciary amounting to no less than 6 per cent of current income.  
(c) Creation of the post of a National Counsel for the Defence of Human Rights, whose primary function shall be to promote and ensure respect for human rights.  
(d) Election of the Attorney-General of the Republic, the Chief State Counsel and the National Counsel for the Defence of Human Rights by a two-thirds majority of deputies elected to the Legislative Assembly.

Page 5, V. FINAL DECLARATION

... The Parties likewise reaffirm their commitment to take all necessary steps to execute the agreements fully. In particular, the Government of El Salvador solemnly undertakes to promote the approval by the current legislature of the constitutional reforms agreed to by the Parties in this round of negotiations. Matters relating to the ratification of these reforms shall be considered in the framework of the ongoing negotiations, under the timetable for the implementation of future agreements.

Page 6, VI. UNILATERAL DECLARATION BY FMLN

FMLN stated for the record that the wording of article 211, where the armed forces are described as a "permanent" institution, is incompatible with its position on the matter. It made it clear that it considers there to be certain constitutional reforms still awaiting negotiation, including demilitarization, article 105 on the limit on rural land ownership and the need to open up the mechanism for reform of the Constitution, either by amending article 248 or by other procedures such as popular referendum. FMLN maintains its position on all these points.

Page 7, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

I. Whereas it is the firm intention and duty of this Assembly to contribute to the restoration of peace, to national reconciliation and to the reunification of Salvadorian society, in accordance with the common will of our people

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**Power sharing**

**Political power sharing**      No specific mention.

**Territorial power sharing**      No specific mention.

**Economic power sharing**      No specific mention.

**Military power sharing**      No specific mention.

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## Human rights and equality

### Human rights/RoL general

Page 3, I. ARMED FORCES

2. Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:  
(e) The emphasis which must be given, in the professional training of members of the defence and public security forces, to the pre-eminence of human dignity and democratic values, to respect for human rights and to the subordination of such forces to the constitutional authorities.

Page 3, II. JUDICIAL SYSTEM AND HUMAN RIGHTS

1. Agreements on constitutional reforms designed to improve significant aspects of the judicial system and establish mechanisms for safeguarding human rights, such as:

Page 7, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

... Hereby adopts the following constitutional reform:

... Article 3. Article 131 (37) is hereby amended to read as follows:

"To recommend to the Office of the President of the Republic the dismissal of Ministers of State, or to the relevant bodies the dismissal of officials of autonomous official institutions, whenever it deems appropriate on the basis of an investigation by its special commissions or an appeal, as the case may be. The Assembly's decision shall be binding with regard to heads of public security or State intelligence when the cause is serious human rights violations."

Page 8, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 6. Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs numbered (17), (18) and (19) are hereby added, to read as follows:

... "(17) To command, organize and maintain the National Civil Police to preserve peace, tranquillity, order and public safety in both urban and rural areas, adhering strictly to respect for human rights and under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

Page 15, POLITICAL AGREEMENTS ELABORATING ON THE CONSTITUTIONAL REFORM, C. ARMED FORCES

The political agreements on the armed forces are being referred for consideration under the corresponding item of the Caracas Agenda. Nevertheless, the Parties agree that those agreements shall include the following points i

1. The professional training of members of the defence and public security forces shall emphasize the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of those forces to the constitutional authorities.

**Bill of rights/similar** No specific mention.

### Treaty incorporation

No specific mention.

<b>Civil and political rights</b>	Human rights and equality→Civil and political rights→Other Page 12, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR: ... Hereby adopts the following constitutional reform: ... Article 19. Article 209 is hereby amended to read as follows: "Article 209. The agencies necessary for collecting, counting and checking ballots and for other activities connected with the exercise of suffrage shall be established by law, making sure that no party or coalition of parties predominates in them. Contending political parties shall have the right to monitor the entire electoral process."
<b>Socio-economic rights</b>	No specific mention.

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## **Rights related issues**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	<p>Page 3, I. ARMED FORCES</p> <p>2. Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:</p> <p>(e) The emphasis which must be given, in the professional training of members of the defence and public security forces, to the pre-eminence of human dignity and democratic values, to respect for human rights and to the subordination of such forces to the constitutional authorities.</p> <p>Page 15, POLITICAL AGREEMENTS ELABORATING ON THE CONSTITUTIONAL REFORM, C. ARMED FORCES</p> <p>The political agreements on the armed forces are being referred for consideration under the corresponding item of the Caracas Agenda. Nevertheless, the Parties agree that those agreements shall include the following points:</p> <p>1. The professional training of members of the defence and public security forces shall emphasize the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of those forces to the constitutional authorities.</p>
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	No specific mention.
<b>Mobility/access</b>	No specific mention.

**Protection  
measures**

Rights related issues→Protection measures→Protection of civilians  
Page 10, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:  
II. ... Hereby adopts the following constitutional reform:  
... Article 11. Article 186 is hereby amended to read as follows:

"The law shall afford judges protection so that they can carry out their duties in complete freedom, impartially and free of any influence on the cases that come before them; it shall also afford them the means guaranteeing them fair remuneration and a standard of living commensurate with the level of their responsibilities.

"The law shall regulate the requirements and procedures for admission to the career judicial service, promotions, transfers, disciplinary measures against members of the service, and other matters relating to the service."

**Other**

No specific mention.

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Rights institutions→NHRI→New or fundamentally revised NHRI

Page 3, II. JUDICIAL SYSTEM AND HUMAN RIGHTS

1. Agreements on constitutional reforms designed to improve significant aspects of the judicial system and establish mechanisms for safeguarding human rights, such as:

(c) Creation of the post of a National Counsel for the Defence of Human Rights, whose primary function shall be to promote and ensure respect for human rights.

(d) Election of the Attorney-General of the Republic, the Chief State Counsel and the National Counsel for the Defence of Human Rights by a two-thirds majority of deputies elected to the Legislative Assembly.

Page 10, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 13. Article 191 is hereby amended to read as follows:

"Article 191. The function of public prosecutor shall be performed by the attorney-General of the Republic, the Chief State Counsel, the National Counsel for the Defence of Human Rights and such other officials as may be prescribed by law."

Page 10, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 14. Article 192 is hereby amended to read as follows:

"Article 192. The Attorney-General of the Republic the Chief State Counsel and the National Counsel for the Defence of Human Rights shall be elected by the Legislative Assembly, by a qualified majority of two thirds of the elected deputies. Their terms of office shall be three years and they may be re-elected.

"The qualifications required for the post of Attorney-General of the Republic or Chief State Counsel shall be the same as those for judges of courts of second instance,

"The requirements to fill the post of National Counsel for the Defence of Human Rights shall be prescribed by law."

Page 11, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 16. A new article is hereby added after article 194, to read as follows:

"Article 194. The National Counsel for the Defence of Human Rights shall be responsible for promoting human rights and making sure that they are respected. He may have permanent departmental and local representatives.

"The functions of the National Counsel shall be:

1. To make sure that human rights are respected and guaranteed.
2. To investigate, either proprio motu or on the basis of a complaint he has received, cases of human rights violations.
3. To assist alleged victims of human rights violations.
4. To promote judicial or administrative remedies for the protection of human rights.
5. To monitor the situation of persons deprived of their liberty. He shall be notified of all arrests and shall make sure that the legal limits on administrative detention are respected.
6. To carry out inspections, where he deems necessary, in order to ensure respect for human rights.
7. To supervise the conduct of the administration towards citizens.
8. To propose to the organs of State reforms for promoting human rights.
9. To give opinions on proposed legislation that would affect the exercise of human rights.
10. To promote and propose such measures as he deems necessary to prevent human rights violations.

11. To formulate conclusions and recommendations, either publicly or in private.

12. To prepare and issue reports

**Regional or  
international  
human rights  
institutions**

No specific mention.

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**Justice sector reform**

**Criminal justice and  
emergency law**

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 10, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 15. In Article 193, a new paragraph (3) is hereby added;

paragraphs (Z) and (3) are hereby amended, the latter becoming paragraph (4);

and paragraph (9) is hereby repealed. The new paragraphs read as follows:

"2. To institute judicial proceedings, proprio motu or at the request of a party, in defence of the legal order.

"3. To direct the investigation of the offence, particularly of any criminal acts that are liable to criminal prosecution. To that end, under the direction of the Office of the Attorney-General of the Republic, there shall be established a Criminal Investigation Agency whose mandate shall be prescribed by law. This shall not limit the independence of the judge in investigating matters submitted to him. The Criminal Investigation Agency shall take without delay any action that a judge may request of it for the purposes stated.

"4. To institute criminal proceedings proprio motu or at the request of a party."

**State of emergency  
provisions**

No specific mention.



## Judiciary and courts

II.1. constitutional reform agreed for judicial system, e.g. reorganization of the Supreme Court of Justice and new procedures for selection, and AG and chief state counsel to be elected by legislature; II.2.a. restructuring of National Council of the Judiciary to be referred to secondary legislation, Council to oversee Judicial Training School, and career judicial service

Page 2, I. ARMED FORCES

1. Agreements on constitutional reforms aimed at:

(d) Redefinition of the system of military justice with a view to ensuring that only those cases which affect a strictly military legal interest are submitted to it.

Page 3, II. JUDICIAL SYSTEM AND HUMAN RIGHTS

1. Agreements on constitutional reforms designed to improve significant aspects of the judicial system and establish mechanisms for safeguarding human rights, such as:

(a) Reorganization of the Supreme Court of Justice and a new procedure for the election of Supreme Court judges. Henceforth, a two-thirds majority of deputies elected to the Legislative Assembly shall be required to elect judges to the Supreme Court of Justice.

(b) An annual allocation from the State budget to the judiciary amounting to no less than 6 per cent of current income.

(d) Election of the Attorney-General of the Republic, the Chief State Counsel and the National Counsel for the Defence of Human Rights by a two-thirds majority of deputies elected to the Legislative Assembly.

Page 3-4, II. JUDICIAL SYSTEM AND HUMAN RIGHTS

2. Other issues raised in the negotiations were referred to secondary legislation and to other political agreements. Although the set of political agreements on the judicial system envisaged by the Parties in the Caracas Agenda has still to be negotiated, the following agreements have been reached during the current round:

(a) National Council of the Judiciary Agreement has been reached to restructure the National Council of the Judiciary so that its composition guarantees its independence from the organs of State and from political parties and its membership includes not only judges but also sectors of society not directly connected with the administration of justice.

(b) Judicial Training School

The National Council of the Judiciary shall be responsible for organizing and operating the Judicial Training School, whose purpose shall be to ensure a steady improvement in the professional training of judges and other judicial officials.

(c) Career judicial service

The secondary legislation shall contain provisions to ensure that admission to the career judicial service is based on mechanisms guaranteeing objective selection, equal opportunities for all candidates and the selection of the best-qualified candidates. Such mechanisms shall include competitive examinations and attendance at the Judicial Training School.

Page 8, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 7. A new paragraph is hereby added to article 172, to read as follows:

"The judiciary shall receive an annual allocation from the State budget of no less than 6 per cent of current income."

Page 8, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 8. Article 174, second paragraph, is hereby amended to read as follows:

"The Constitutional Division shall comprise five judges appointed for that purpose by the Legislative Assembly. The President of the Constitutional Division shall be appointed by

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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**Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

## **Land, property and environment**

**Land reform/rights** Land, property and environment→Land reform/rights→Land reform and management  
Page 6, VI. UNILATERAL DECLARATION BY FMLN  
FMLN stated for the record that the wording of article 211, where the armed forces are described as a "permanent" institution, is incompatible with its position on the matter. It made it clear that it considers there to be certain constitutional reforms still awaiting negotiation, including demilitarization, article 105 on the limit on rural land ownership and the need to open up the mechanism for reform of the Constitution, either by amending article 248 or by other procedures such as popular referendum. FMLN maintains its position on all these points.

**Pastoralist/  
nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment** No specific mention.

**Water or riparian  
rights or access** No specific mention.

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## **Security sector**

**Security  
Guarantees** No specific mention.

**Ceasefire** No specific mention.

## Police

I.1.b. agreement reached on constitutional reform aimed at creation of National Civil Police; I.2.d. aspects relating to personnel of the armed forces and police referred to secondary legislation, and (e.) incorporating HR education into training

### Page 2, I. ARMED FORCES

1. Agreements on constitutional reforms aimed at:

(b) The creation of a National Civil Police for the maintenance of peace, tranquillity, order and public safety in both urban and rural areas, under the control of civilian authorities. It is expressly understood that the National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

### Page 3, I. ARMED FORCES

2. Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:

(d) Aspects relating to the personnel of the armed forces and the National Civil Police.

### Page 8, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 6. Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs numbered (17), (18) and (19) are hereby added, to read as follows:

... "(17) To command, organize and maintain the National Civil Police to preserve peace, tranquillity, order and public safety in both urban and rural areas, adhering strictly to respect for human rights and under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

"(19) To determine annually a reasonable manpower level for the armed forces and the National Civil Police."

## Armed forces

Page 2, I. ARMED FORCES

1. Agreements on constitutional reforms aimed at:

- (a) A clearer definition of the subordination of the armed forces to civilian authority.
- (b) The creation of a National Civil Police for the maintenance of peace, tranquillity, order and public safety in both urban and rural areas, under the control of civilian authorities. It is expressly understood that the National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.
- (c) The creation of a State Intelligence Agency independent of the armed forces and under the direct authority of the President of the Republic.
- (d) Redefinition of the system of military justice with a view to ensuring that only those cases which affect a strictly military legal interest are submitted to it.

Page 3, I. ARMED FORCES

2. Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:

- (b) Forcible recruitment.
- (c) Aspects relating to the management of the security forces and State intelligence.
- (d) Aspects relating to the personnel of the armed forces and the National Civil Police.
- (e) The emphasis which must be given, in the professional training of members of the defence and public security forces, to the pre-eminence of human dignity and democratic values, to respect for human rights and to the subordination of such forces to the constitutional authorities.

The foregoing is without prejudice to the other outstanding issues under the item on the armed forces, with respect to which the Parties reaffirm that they stand ready, and hope, to reach overall agreements in the next phase of the negotiating process.

Page 6, V. FINAL DECLARATION

The Parties undertake to pursue the negotiations on an intensive basis, continuing the discussion of the list of issues agreed upon in the Caracas Agenda, with a view to reaching, as a matter of priority, a political agreement on the armed forces and the necessary agreements for the cessation of the armed conflict under United Nations supervision.

Page 6, VI. UNILATERAL DECLARATION BY FMLN

FMLN stated for the record that the wording of article 211, where the armed forces are described as a "permanent" institution, is incompatible with its position on the matter. It made it clear that it considers there to be certain constitutional reforms still awaiting negotiation, including demilitarization, article 105 on the limit on rural land ownership and the need to open up the mechanism for reform of the Constitution, either by amending article 248 or by other procedures such as popular referendum. FMLN maintains its position on all these points.

Page 8, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

II. ... Hereby adopts the following constitutional reform:

... Article 6. Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs numbered (17), (18) and (19) are hereby added, to read as follows:

"(11) To command, organize and maintain the armed forces, confer military ranks and order postings and duties or the discharge of officers, in accordance with the law.

"(12) To use the armed forces to defend the sovereignty of the State and the integrity of its territory. In exceptional cases, where the normal means for the maintenance of domestic peace and public tranquillity and safety have been exhausted, the President of the Republic may use the armed forces for that purpose. Such action by the armed forces shall be limited to the period and extent strictly necessary to restore order and shall cease once that task has been fulfilled. The President of the Republic shall keep the Legislative Assembly informed of such action and the Assembly may, at any time, order

<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	<p>Page 2, I. ARMED FORCES</p> <p>1. Agreements on constitutional reforms aimed at:</p> <p>(c) The creation of a State Intelligence Agency independent of the armed forces and under the direct authority of the President of the Republic.</p> <p>Page 3, I. ARMED FORCES</p> <p>2. Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:</p> <p>(c) Aspects relating to the management of the security forces and State intelligence.</p> <p>Page 7, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:</p> <p>... Hereby adopts the following constitutional reform:</p> <p>... Article 3. Article 131 (37) is hereby amended to read as follows:</p> <p>"To recommend to the Office of the President of the Republic the dismissal of Ministers of State, or to the relevant bodies the dismissal of officials of autonomous official institutions, whenever it deems appropriate on the basis of an investigation by its special commissions or an appeal, as the case may be. The Assembly's decision shall be binding with regard to heads of public security or State intelligence when the cause is serious human rights violations."</p> <p>Page 7, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:</p> <p>... Hereby adopts the following constitutional reform:</p> <p>... Article 4. Article 162 is hereby amended to read as follows:</p> <p>"Article 162. The President of the Republic shall be responsible for appointing, dismissing, accepting the resignation of and granting leave to Ministers and Deputy Ministers of State and heads of public security and State intelligence."</p> <p>Page 8, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:</p> <p>II. ... Hereby adopts the following constitutional reform:</p> <p>... Article 6. Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs numbered (17), (18) and (19) are hereby added, to read as follows:</p> <p>... "(18) To command, organize and maintain the State Intelligence Agency.</p>
<b>Parastatal/rebel and opposition group forces</b>	<p>Page 3, I. ARMED FORCES</p> <p>2. Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:</p> <p>(a) Paramilitary forces.</p>
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.

**Drugs** No specific mention.

**Terrorism** No specific mention.

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**Transitional justice**

**Transitional justice** No specific mention.  
**general**

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

## Mechanism

IV establishing Commission on the Truth (and separate Agreement appended setting out powers and functions of the Commission)

Page 5, IV. COMMISSION ON THE TRUTH

Agreement has been reached to establish a Commission on the Truth, which shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman. The Commission shall be entrusted with the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently requires that the public should know the truth.

The Commission shall take into account:

- (a) The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and
- (b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

The characteristics, functions and powers of the Commission on the Truth and other related issues are set forth in the corresponding annex.

Page 16, COMMISSION ON THE TRUTH

The Government of El Salvador and the Frente Farabundo Marti para la Liberación Nacional (hereinafter referred to as "the Parties"), Reaffirming their intention to contribute to the reconciliation of Salvadorian society;

Recognizing the need to clear up without delay those exceptionally important acts of violence whose characteristics and impact, and the social unrest to which they gave rise, urgently require that the complete truth be made known and that the resolve and means to establish the truth be strengthened;

Considering that, although the need to put an end to impunity was raised in the discussion on the item on the armed forces of the Agenda for the negotiations adopted at Caracas on 21 May 1990, the means of investigation which the Parties themselves have been prepared to set up are addressing situations whose complexity warrants independent treatment;

Agreeing on the advisability of fulfilling that task through a procedure which is both reliable and expeditious and may yield results in the short term, without prejudice to the obligations incumbent on the Salvadorian courts to solve such cases and impose the appropriate penalties on the culprits;

Have arrived at the following political agreement:

1. There is hereby established a Commission on the Truth (hereinafter referred to as "the Commission"). The Commission shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman.

Page 16-17, COMMISSION ON THE TRUTH, FUNCTIONS

2. The Commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth. The Commission shall take into account

- (a) The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and
- (b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

3. The mandate of the Commission shall include recommending the legal, political or administrative measures which can be inferred from the results of the investigation. Such recommendations may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation.

4. The Commission shall endeavour to adopt its decisions unanimously. However, if this is not possible, a vote by the majority of its members shall suffice.



<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	<p>Page 2, UNTITLED PREAMBLE</p> <p>... Reaffirming their intention to make speedy progress towards the restoration of peace, national reconciliation and the reunification of Salvadorian society, in accordance with the common will of the Salvadorian people as expressed by both Parties in the Geneva Agreement of 4 April 1990;</p> <p>Page 5, IV. COMMISSION ON THE TRUTH</p> <p>... The Commission shall take into account:</p> <p>(b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.</p> <p>Page 7, THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:</p> <p>I. Whereas it is the firm intention and duty of this Assembly to contribute to the restoration of peace, to national reconciliation and to the reunification of Salvadorian society, in accordance with the common will of our people,</p> <p>Page 16, COMMISSION ON THE TRUTH</p> <p>The Government of El Salvador and the Frente Farabundo Marti para la Liberación Nacional (hereinafter referred to as "the Parties"), Reaffirming their intention to contribute to the reconciliation of Salvadorian society;</p> <p>Page 16-17, COMMISSION ON THE TRUTH, FUNCTIONS</p> <p>2. The Commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth. The Commission shall take into account</p> <p>... (b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.</p> <p>3. The mandate of the Commission shall include recommending the legal, political or administrative measures which can be inferred from the results of the investigation. Such recommendations may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation.</p>

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## Implementation

**UN signatory** IV. Provides for SG to appoint the three Truth Commission members in consultation with the parties; signed by Alvaro de Soto as rep. Of SG

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

**International mission/force/similar** No specific mention.

**Enforcement mechanism** II.2.b. within 60 days of establishment of Supreme Electoral Tribunal, a Special Commission presided over by the Tribunal and composed of reps of all legally registered parties and possibly independent experts shall be established to prepare a comprehensive proposal for reform of the electoral system.

**Related cases** No specific mention.

**Source** United States Institute of Peace (2001) Peace Agreements: El Salvador - Peace Agreements Digital Collection. Available at: <https://www.usip.org/publications/2001/04/peace-agreements-el-salvador> (Accessed 14 October 2020).

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