

Agreement of the Tripartite Meeting of 8 September 1993

This is an unofficial translation.

A number of bilateral meetings have been taking place over the past weeks to attempt to find solutions to pending matters regarding compliance with the Agreements. The guiding document was that presented by the FMLN on 16 July before the Security Council and the Secretary General which contained what in his judgement were the 15 priority points pending of resolution by the GOES to which a further 4 points were added also pending of execution.

The process of reassessment and search for solutions to these points, to which the government explicitly stated its willingness to comply with, progressively bore fruit, although in some instances much remained to be complied with, such as with the Land Transfer Program (PTT), the implementation of which has only reached 10% of that anticipated; others require legislative decrees pending of approval by the Legislative Assembly; others are in their execution stage; there are also those that have required the governmental implementation of decisions made and others that have been simply executed.

Following this exercise both parties could agree that the meeting to be held with the President should not deal with matters already solved nor those of a routine nature but only those that, not having been specifically contemplated in the agreements, but the solution of which could mean an advancement of the peace and reconciliation process, would need a political solution at Presidential level; these points would be considered as additional agreements and would be included in point 7 and point 8 in so far as it refers to minor former combatants.

With the aim of "clearing the table" prior to 20 November, the date of the commencement of the electoral campaign, a trilateral meeting was held on 8 September in the presence of the President and five leading members of the Political Commission of the FMLN (See Annex).

This document reflects the current and agreed situation with respect to the 15-points plus the additional 4 points referred to, the position of ONUSAL with respect to some of them and the agreement reached between the parties in additional points considered as additional agreements.

A. ARMED FORCES

1. To collect the weapons the property of the Armed Forces of El Salvador (FAES) held by civilians or retired military personnel.

From the inventory presented by the Armed Forces of El Salvador constituting 1,441 weapons, 549 have been collected and 892 remain to be collected from those currently in the possession of several Institutions. GOES assumed the commitment of collecting and substituting them for other appropriate weapons prior to 20 November.

The remaining weapons of exclusive use of the Armed Forces of El Salvador in the possession of civilians or retired military personnel will be collected by means of a massive campaign to be held immediately after the approval of the "Law to Control Arms, Munitions, Explosives and like Items". The Parliamentary Bill for which was forwarded by GOES to the

Assembly on 25 August 1993. Another associated Bill is currently being debated in COPAZ with the aim that it be forwarded to the Legislative Assembly.

2. Approval of the private security law

The Parties forwarded to COPAZ the preparatory project of Private Security Services. A special sub-commission of this entity drafted a legislative proposal that will be retained to serve as reference to the above mentioned "Law to Control Arms, Munitions, Explosives and like Items". It is necessary that the representatives of the GOES and the FMLN in COPAZ encourage the forwarding of the project to the Assembly.

3. Abstaining from using the Armed Forces of El Salvador either as a preventive measure or in the ordinary course of events for the maintenance of public security.

In this respect ONUSAL has made its point of view known to GOES by means of a letter dated 12 July last and which is no different from the one that it is being considered in the Agreements in the section which refers to the doctrinal principles of the Armed Forces according to which "the maintenance of internal peace, tranquillity, order and the maintenance public security is outside the ordinary role of the Armed Forces and a institution responsible for National Defence. In this area, the eventual role of the Armed Forces is totally exceptional when the ordinary means have been totally exhausted according to the terms of constitutional reform approved in April 1991" (Article 168, No 12). According to the FMLN this point is pending of final resolution. According to the explanation by GOES the proposal of the "Vigilance" plan, currently standing, is to complete the training of the Armed Forces of El Salvador and to have a discouraging effect on [common] delinquency. The Armed Forces of El Salvador is currently employed in this task in non-urban zones and in rural roads of non-former conflict zones known as areas of greater incidence of common crime. This same plan also predicts the eventual utilisation of the Armed Forces of El Salvador in security roles at the request of the PN or the PNC subject to prior Presidential authorisation; in this case the President would advise the Legislative Assembly as it is provided in the Constitution.

B. ANSP - PNC

4. To formalise the gradual winding down of the National Police (PN), closure of the National Police Academy and the dissolution of the Fiscal Battalion.

GOES accepts the commitment of presenting for the winding down of the National Police, the closure of the National Police Academy and the dissolution of the Fiscal Battalion prior to 30 September.

5. To guarantee the civilian character of the PNC and its autonomy with respect to the Armed Forces of EL Salvador annulling the appointment of the Sub-Director of the PNC and any other attempt to incorporate active or retired military personnel into the police corps.

In order to guarantee the civilian character of the PNC and its autonomy with respect to the Armed Forces of El Salvador foreseen in the Agreements, it is understood that the appointment of the former Captain of the Armed Forces and Chief of the UEA, Oscar Peña as Operational Sub-Director of the PNC is exceptional in character and does not constitute a precedent. The position occupied by Captain Peña, who was chief of the UEA, is of a political character rather than a career move and was appointed after resigning and leaving

the Armed Forces. There are two other political appointments; Director General and Administrative Sub-Director currently occupied by civilians. The GOES reiterated that there is no intention of monopolising the PNC.

It was agreed in the complementary Agreements of 22 December 1992, as it was expressed in the letters forwarded in that respect for the then Special Representative of the Secretary General, Mr Iqbal Riza to the parties on the 23 of the same month, that the military personnel members of the CIHD and UEA were authorised to join the PNC only on the basis of their technical qualifications subject to prior final separation from the Armed Forces of El Salvador and as exceptional in character without constituting a precedent. (See point 7).

The personnel and equipment of the current CIHD and the UEA will be incorporated into the PNC in this manner to respectively form the initial nucleus of the Criminal Investigation and Antinarcotics Divisions, not as complete units but only the equipment and the personnel individually. The FMLN maintains that personnel belonging to the CIHD and the UEA as at 22 December 1992 will only be able to be incorporated into the PNC with the verification of ONUSAL and based on the criteria of professional and attitudinal competency to be able to operate within the new civilian police corps; likewise and once such personnel has been evaluated, they must pass the course at the ANSP especially designed for them and other conceptual elements of the PNC as it was foreseen in the referred Agreements of 22 December.

6. To carry out in conformity with what has been agreed the operational and territorial placement of the PNC

The GOES ratified that the operational placement of the PNC will be carried out according to the plan presented by the Director of the PNC before the Sub Commission of COPAZ. The territorial placement will proceed in accordance with the established timeframe and the availability of personnel graduating from the ANSP.

7. Adopting in the ANSP the aptitude and sufficiency examination as an exceptional measure to fill the quotas corresponding to former combatants of the FMLN and former PN at the executive and higher levels.

This point was not contemplated in the Agreements, it is then an ex-agreement point that arises from a discussion in COPAZ as a result of the first convocation for executive and higher levels. GOES accepted to deal with the matter.

GOES assumed the commitment of forwarding a letter to the Director of the ANSP requesting the preparation of an aptitude and sufficiency exam for former combatants of the FMLN that do not meet the academic requirements for joining the executive and higher levels. It will be attempted to fill 4 places at the higher level and 17 at the executive level in the second convocation to join at these levels, with which the FMLN will satisfy its 20% quota. This exam will be exceptional in character and will not constitute a precedent.

The FMLN assumed the commitment not to attempt to exceed its quota in the PNC presenting former combatant candidates to fill the places reserved to people that did not participated directly in the conflict.

Both parties agree to consider the appointment of Captain Peña and the appointment of members of the personnel of the former security instrumentalities to the executive and higher levels as closed chapters. (See point 5).

7. To grant to COPAZ's Sub Commission of the PNC a consultative role in the important decisions of the development of the ANSP and the PNC

According to the Agreements, this role belongs exclusively with respect to the PNC. ANSP has its own Academic Council.

GOES assumes the commitment that the Director of the PNC presents to the sub commission of COPAZ, as Consultative Entity, as it has already done in respect of the operational deployment, "the decisions or relevant measures concerning the Organisations of the PNC, the deployment of its functions and generally in matters related with the transitional regime that have not been expressly resolved in chapter 11, number 7 of the Peace Agreement".

C. TRUTH COMMISSION

8. To put into effect its recommendations

The Secretary General of the United Nations will present in the near future a report to the Security Council in which he will express his appraisal regarding the state of compliance of the recommendations of the Truth Commission.

D. ECONOMIC-SOCIAL MATTERS

9. To complete the agreement regarding the transfer of lands resolving the pending problems among which there can be found those related to the transfer of lands and goods to populations in former conflict zones.

The government has presented an operational plan of the PTT; the FMLN considers as positive many of the points contained and with respect to which the FMLN itself suggested some fine-tuning within the CSS which were accepted by the Committee.

It was left as understood that the entities that participate in the PTT: CEA-COPAZ, Committee of Supervision and Implementation (CSS), ONUSAL as scrutineer and the Land Commission of the FMLN, continue exercising their function predicted in the Plan of the Secretary General of 13 October 1992. GOES has instructed State entities in this respect.

The solution to the problem of non-verified lands, former combatants younger than 16 years of age and human settlements in urban areas was considered as extra-agreement by the GOES. The FMLN considered that part of the problem of the number of non-verified lands was caused by the means of verification of CEA-COPAZ and that accordingly the extra-agreement was in respect of the minors and the human settlements in urban areas.

As it was agreed in the trilateral meeting, GOES studied the financial effect within the PTT of proceeding with the immediate registration of the 170 lists of the FMLN in respect of negotiated properties that include persons not verified by CEA-COPAZ and minors.

It accepted that it will find itself in a position to immediately resolve the problem of including non-verified land holders and minors provided that the full financing of the PTT was assured, alternatively there would be a need to wait to confirm the number of verified land holders that present themselves in the offices of OCTA in respect of the PTT's expediting operational plan, proceeding to the distribution of lands and subsequently, and provided that the financial resources are made available, to benefit the non-verified land holders and the minors.

GOES estimates that the current budgetary deficit to be approximately 730 million Colones (¢) in order to be able to benefit the 47,500 persons predicted in the Plan presented by the Secretary General on 13 October 1992 and accepted by the parties.

On the other hand and should there be a lack of available lands, GOES proposed to reduce the extent assigned to each beneficiary.

In order to expedite the process, the registration of the 170 properties negotiated could be carried out immediately once the non-verified land-holders and the minors have been substituted by verified land holders or former combatants. As a matter of fact this measure has already been applied by the FMLN in 33 properties of the 170 negotiated.

For those minors who have not reached 16 years of age as at 1 February 1992, GOES offered the alternative of including them in other reintegration programs such as academic scholarships.

It was agreed that the land-holders and former combatants in human settlements in rural areas will be included within the PTT and it will be attempted to resolve the current problems. Although GOES stated that the land-holders in these settlements were verified by CEA-COPAZ, it also expressed its doubts with respect to whether they had all been included. The FMLN offered to provide the lists of persons and lands and goods of these settlements.

In respect of human settlements in urban areas, GOES stated that they could be attended to although not within the PTT, once COPAZ completed the inventory of land-holders that it is currently carrying out and the extent of the problem can be established to attempt to resolve it with additional financing.

10. To implement in depth the programs for the reintegration of former combatants of the FMLN and the reconstruction of the zones more affected zones by the conflict.

GOES will formulate an operational plan with the aim of finding solutions to the existing problems of an operational and mechanical nature in the application of the programs expediting procedures and resolving difficulties. Some of the problems detected are:

The initial funding for the Disabled & Incapacitated Association (Pending since 26 May)

To develop and implement an information campaign regarding agricultural and micro-enterprise credit (SRN Commitment).

Implementation of technical assistance programs for credits to micro-enterprises of demobilised.

Defining the incorporation to the next cycle of FMLN scholarship holders (114).

To initiate the distribution of construction materials already available for provisional dwellings.

To complete the program of permanent dwellings

Defining aspects of the program for the 600 medium ranks.

- Interest rates for credits to micro-enterprises
- Institution that will administer the credit component
- To make use of the offer from AID to cover the scholarship deficit
- To define the situation of the de-mobilised that are currently in arrears with respect to pre-existing agricultural credits.

11. To complete the tasks entrusted to FORO for economic and social coordination and to execute adopted agreements.

FORO already agreed a working program to complete its tasks. It is necessary that the parties use their good offices before the sectors that make up FORO.

E. POLITICAL PARTICIPATION OF THE FMLN

12. To assign to the FMLN two television frequencies and a short-wave radio frequency.

GOES is waiting for the FMLN to provide the entities or legally constituted bodies corporate to assign two Television Frequencies and a Short Wave Radio Frequency.

F. ELECTORAL MATTERS

13. Clean and increase the register

The great responsibility of GOES with respect to the electoral system is to provide the budgetary resources required for the TSE to carry out its activities.

GOES has to date assigned, subject to the approval of the Legislative Assembly, 40 Million Colones towards the ordinary budget of the TSE. The duty to clean up and increase the Register belongs to this Institution.

GOES assumes the commitment that the Decree that makes the electoral Identification Card compulsory, recently approved by the Legislative Assembly, will be advertised and put into effect very soon.

The President announced that he will hold a meeting with the Secretary Generals of the political parties and the Magistrates of the TSE so that they contribute to expedite the process.

G. FUNDING

14. Obtaining the remaining funding.

GOES is meeting from its own resources the funding requirements arising from the Agreements, especially the operational requirements of the ANSP towards which it has allocated 36 Million Colones, 176 Million towards the PNC and 40 Million towards the TSE. Economic assistance from the International Community has been less than that predicted and has arrived slowly.

The Secretary General of the United Nations continues to support the efforts of GOES to obtain the required resources.

G. OTHER AGREEMENTS

15. To finalise the publication of the Doctrine of the Armed Forces of El Salvador

GOES has fulfilled this commitment.

16. To transfer the ANSP to its permanent premises

The premises of the ANSP in Comalapa have reached a satisfactory operational state as it was shown in the course of the events held to celebrate the first anniversary of the ANSP and the opening of its facilities at Comalapa held 7 September.

Given the aforementioned and the high financial costs involved it is not considered necessary to commence the construction of the proposed infrastructure of permanent premises for the ANSP.

17. Issue of Customs Duty Free Permits for the Importation of vehicles for the FMLN

GOES has fulfilled this commitment. The procedures to obtain the Duty-Free Permits are in the process of execution.

18. To put into effect the legislation regarding the protection of personalities

GOES has fulfilled this commitment, the process to legalise the status of personal security guards is currently in the process of execution.

H. OTHER MATTERS DEALT WITH

19. Armed Gangs

This matter was already dealt with during the last trilateral meeting held last May and which was also attended by President Alfredo Cristiani and during which the FMLN offered its collaboration to attempt to eradicate them. The appearance of new criminal groups and the political character that the question was reaching in public statements and in the media made it a matter to be discussed by the parties.

It was agreed that the FMLN would cooperate with GOES providing whatever information was at its disposal in order to attempt to capture and prosecute the armed gangs as soon as possible, combining efforts by sharing information and using the PNC and the CIHD and the UEA which personnel and equipment is being transferred to the PNC.

It was agreed that these armed bands will be considered as criminal in nature and without any political motivation. The parties will maintain this stance in their public declarations.

Should there be any attempts [against public figures] that may appear to have political motivations, the parties will abstain from making public declarations blaming each other until the results of the appropriate investigations are available.

20. Other Matters

President Cristiani requested to include in the agenda of the meeting four additional unexpected points; industrial relations problems; seizure of lands, logistical infrastructure of the FMLN; and the campaign of bring discredit to the electoral process, although by the end of the meeting only the first and last points were dealt with.

With respect to the industrial relations matter, the President outlined the instability that was arising and the repercussions for the forthcoming electoral process as a consequence of the chain of industrial strikes within the public sector and he made specific mention of the strike in the health sector recalling that, according to the Constitution of El Salvador, strikes by public officials are illegal. He requested that the FMLN intervene and use its influence before the labour unions to halt these types of actions.

For its part the FMLN stated that it has no interest in destabilising the country and that it had no knowledge that the UNTS was participating in the strike in the health sector; that its influence within these organisations is not as great as it was thought and that the solution to industrial problems could not be solely repressive in nature.

The President also requested from the FMLN that its leaders cease their accusations against the TSE and their activities during overseas trips that had caused the freezing of funds by the US Congress.

Annex

List of those present at the Meeting

GOES: President Alfredo Cristiani; Minister Oscar Santamaría; General Mauricio Ernesto Vargas; Mr Rodolfo Parker.

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

ONUSAL: Augusto Ramírez-Ocampo, Michael Gucoysky and Julión Camarero