

Security Sector Reform in Central America: Is it Working?

Abstract:

An inefficient, unaccountable security sector represents a lack of good governance and obstructs the ability of the state and actors within it to successfully achieve other goals, such as development. In recognition of the link between security and development, the international community is working towards improving security as a component of development. The resulting programs become part of security sector reform (SSR). SSR is particularly valuable in post-conflict societies where institutions may be weakened. Most of the world's poorest countries were recently involved in a conflict, which means that facilitating their development would likely include some form of SSR. What leads to successful security sector reform remains to be answered. By examining the peace agreements and post-conflict reforms of El Salvador, Nicaragua and Guatemala, I examined which reforms worked, which didn't, and I tried to answer why or why not. Three main components of SSR were evaluated: reform of the military, police and judiciary. The study revealed that SSR could be considered relatively successful in El Salvador. However, while there has been much analysis of SSR and its components, and of the Central American Peace agreements and democratic development, there have been few concrete evaluations of SSR in the region. More quantitative and field studies should be done to allow for more significant evaluation and comparison.

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INTRODUCTION

“I don’t know who to trust, the police or the criminals. Our public safety is ourselves. We work and hide indoors. . .and of dangers at school. . .I am afraid that they might kill my son for something as irrelevant as a snack.”¹ To think that anyone lives in such fear is disturbing. To hear they have no faith in their protectors, the police, is also troubling. To think about millions of people around the world having those fears is realistic. Security has become one of the biggest concerns of poor people.²

Around the globe, in developed as well as developing countries, conflict, violence and insecurity is inhibiting the development of small communities and entire countries. The details differ depending upon the area. Easy accessibility of small arms and light weapons (SALW) increases the chance that a conflict will be resolved with a bullet rather than words. Warlords or street gangs sell drugs, diminishing the health of society. They fight for power and territory, and then threaten anyone who opposes their activities.³ Insecurity from gang wars and common crime leads people to invest in a private security service.⁴ The private security force may consist of ex-combatants of a civil war who know little about the law but a lot about fighting. People who cannot afford a private force may arm themselves, facilitating more violence. In violence ridden areas fear may prevent individuals from receiving an education, organizing to discuss community action plans, or even running a successful business because customers don’t want to

¹ Deepa Narayan et al., Voices of the Poor: Crying Out for Change, (New York, NY: Published for the World Bank by Oxford University Press, 2000),159.

² Narayan, Voices, 151

³ Owen Greene, “How is SALW Control a Development Issue?,” Wilton Park Conference on ‘Integrating SALW Controls into Development Programmes,’ 10 April 2003, 4

⁴ Damian Lilly, and Michael von Tangen Page, eds., Security Sector Reform: The Challenges and Opportunities of the Privatisation of Security, (London: International Alert, September 2002), 15.

step into the line of fire. The very people that are supposed to uphold the law and protect individuals from crime and violence may themselves act criminally.⁵ The police or judiciary may be inefficient or unaccountable, and may even solicit bribes in exchange for service.⁶

The fear of poor people and the problems they face are not theirs alone. Lack of security and security sector corruption are not just human rights issues, they are global development issues, and therefore they are in the interest of the international community. The United Nations (UN) Charter includes a commitment to “maintain international peace and security,”⁷ and the UN Declaration on the Right to Development states, “International peace and security are essential elements for the realization of the right to development.”⁸ Currently the world can see Iraq and Afghanistan through a magnifying glass as security obstructs their development.

So how do we approach this expansive issue? Security sector reform (SSR). The crux of insecurity is lawlessness and the inability of the state to fulfill its obligations to its citizens. By strengthening the institutions responsible for upholding the law and protecting its citizens, a space may be provided in which other development activities may occur.

INVESTIGATION QUESTION

Any country could benefit from some aspect of SSR, however, this study will focus on SSR in developing countries that have emerged from a conflict. As of 1999, twenty of the thirty poorest countries in the world were either dealing with a conflict or coming out of it.⁹ By

⁵ Greene

⁶ Narayan, Voices

⁷ United Nations, Charter of the United Nations (preamble)
<<http://www.un.org/aboutun/charter/index.html>>

⁸ Office of the High Commissioner for Human Rights, Declaration on the Right to Development, United Nations, 4 December 1996. <<http://www.unhchr.ch/html/menu3/b/74.htm>>

⁹ Clare Short, (speech), Security Sector Reform and the Elimination of Poverty, Department for International Development, 9 March 1999.

<<http://62.189.42.51/DFIDstage/News/Speeches/files/sp9march99.html>>

looking at the progress of previous SSR programs, we may gain insight into what facilitates successful reform and what obstacles are to be avoided. My initial research question is, “what is security sector reform in post-conflict societies, and has it been achieved?” I anticipate that a comprehensive SSR program, agreed to with political will and supported by international assistance in the form of observation or financing, will lead to more successful reform.

I will qualitatively examine three cases, El Salvador, Nicaragua and Guatemala. Each Central American country emerged from civil war around the same time period, and all underwent reforms, but to differing degrees. Prior to and during the conflicts the security sector was politicized, inefficient and unaccountable to most of the public. I will examine the comprehensiveness of each country’s SSR program, with attention to the circumstances in which they were implemented, and try to determine how successful each country has been at reform.

Specifically, my independent variables will be: the existence of a written peace agreement mandating reform and a mechanism for verification, the implementation of a program for demobilization, disarmament and reintegration (DDR), and the adoption of military, police and judicial reform programs and their components. I will consider an SSR program comprehensive if it includes all three of the latter reform programs. I will examine overall reforms for each of the three security institutions, but for the military, I will particularly note whether the military has a defined role, receives special training that includes human rights, and whether they answer to civilian authority. I will also note whether the police receive special training that includes human rights, and whether there is an oversight mechanism. For the judiciary I will particularly note proper salary and tenure arrangements. I will also note whether there has been a vetting process and enhanced education programs for each institution.

What exactly is security sector reform?

The objectives of security sector reforms are to establish good governance over the security sector and increase a state's ability to govern by policies that provide a safe environment for society as a whole.¹⁰ Ideally, the military should be under civilian authority and limited to providing security from external threats, the police should protect public safety while upholding human rights, and the judiciary should be independent, fair, and efficiently prosecute crime.

The United Kingdom's aid agency, the Department for International Development (DFID), recognizes the security sector as all organizations that have the authority to use force or the threat of force, and the civilian bodies that manage those organizations.¹¹ My focus is on the military, police and judiciary. Prior to looking at the country cases, I will describe what constitutes reform for each of the three security institutions.

EXPLANATION OF THE VARIABLES

Military Reform

Part of democratic governance is civilian control of the military.¹² This is particularly important in Latin America, where the military acted more as an internal security apparatus of an authoritarian state than as a protector of citizens' rights. Good governance of the military implies that the military is well trained and sensitive to societal norms, including human rights issues, is subordinate to the elected government, does not perform domestic police duties, and

¹⁰ Nicole Ball, Brief 15- Security Sector Reform: Good Practices in Security Sector Reform, (Bonn International Center for Conversion, June 2000),14

¹¹ Department for International Development (DFID), Understanding and Supporting Security Sector Reform, (London: 2000), Available online, <http://www.dfid.gov.uk/Pubs/files/supporting_security.pdf>

¹² David Pion-Berlin, Civil-Military Relations in Latin America: New Analytical Perspectives, (Chapel Hill, NC: The University of North Carolina Press, 2001), 1

operates under a reasonable budget. Civilian officials should be responsible for learning about military issues so that they can oversee them properly.¹³

There are a number of programs and policy tools that may be used to achieve military reform. A civilian controlled and operated Ministry of Defense provides a link through which defense strategies may be developed with civilian input and oversight. The legislature can be put in charge of approving military activities and budgets, and a well-rounded education may be required for recruits so their role in the armed forces *and* society is clear. The size of the military may also be reduced, and Constitutional reforms may be written to officially identify the role of the military and their subordination to civilian control.¹⁴

Argentina is a good example of successful military reform. For approximately seven years, Argentines suffered under oppressive military rule following the coup of a democratically elected president. During that time 30,000 people were killed or disappeared by the state. Following the military junta, the Ministry of Economics reduced the military budget from 3.5% of GDP in 1983 to 1.2% of GDP in 1997. The Legislature passed the Law of National Defense to restrict the military activities to external defense, and the Foreign Affairs Ministry helped professionalize the military by sending troops on international peacekeeping operations and joint missions with the U.S. military.¹⁵ A Ministry of Defense was also created. The National Democratic Institute for International Affairs (NDI) assisted in this reform through a series of trainings that focused on constitutional reform, the role of armed forces in a

¹³ Dr. Thomas C. Bruneau, ed., *draft* of upcoming book on civil-military relations and the institutions that manage them. The book will likely be published in 2004.

¹⁴ Bruneau

¹⁵ Pion-Berlin, 135 & 161.

democracy, and military budgeting oversight.¹⁶ When Argentina faced an economic and political crisis in 2001, the military did not interfere, despite the chaos, as they would have in the past.

Police Reform

As the primary institution for citizen security and protection, police reform is a central focus of security sector reform. During conflicts, or under authoritarian governments, like those in Latin America, police have been used as informants, or agents of state oppression.¹⁷ In post-conflict societies, there is a need to distinguish the role of the police from the military, and then empower the police to properly uphold the law. Efficient and accountable police forces protect the property and safety of the population, have proper evaluation mechanisms, and operate transparently.¹⁸

Police reform can take many shapes. Community policing programs create a positive police presence, and administrative, tactical, and human rights training helps professionalize the forces. Minority recruitment creates a more representative force. Accessible data collection systems increase transparency and allow for evaluation.¹⁹ Corruption may also be discouraged through the provision of proper remuneration for officers, and the existence of internal and external accountability mechanisms, such as an Inspector General or a civil review board. For new police forces, special vetting procedures keep human rights offenders from infiltrating and

¹⁶ National Democratic Institute for International Affairs (NDI). Security Sector Reform: Program Recap. October 2000. Available online.

http://www.ndi.org/globalp/civmil/programscm/argentina/argentinacm_85-90_pf.asp

¹⁷ Sustaining Reform: Democratic Policing in Central America, by Rachel Nield. Citizen Security Monitor, October 2002. Available online.

¹⁸ Melissa Ziegler, and Rachel Nield, From Peace to Governance: Police Reform and the International Community. (Washington Office on Latin America, August 2002), 8

¹⁹ Ziegler

corrupting the new force. Even specialized divisions, such as an Investigation Unit, can help make the police more efficient and accountable.²⁰

In Mozambique, the peace agreement following the civil war mandated police reform. A UNDP program helped to improve the training of the new police force and restore the Police Academy. Their goal was to increase the new force's capacity to protect the rights and security of Mozambique's citizens. The training was directed at enhancing performance and management capacity. In addition to the training, policemen found to have acted improperly were dismissed. A year after the program's completion, crime had fallen, criminal activity had broken up, and small arms and light weapons continued to be discovered and destroyed. Reform continues, but the initial progress is notable.²¹

Judicial Reform

Judicial reform is a crucial part of SSR because it provides a backbone of support for other reform programs, without it, the impact of other programs is significantly diminished.²² A properly functioning judiciary is transparent, applies the rule of law consistently and fairly, is independent of outside influences and contains mechanisms to ensure accountability.²³

Judicial reform has been framed different ways, as a human rights issue, trade issue, governance issue, etc. Because of this, reform programs have focused on different aspects of the

²⁰ Washington Office on Latin America (WOLA), Demilitarizing Public Order: The International Community, Police Reform and Human Rights in Central America and Haiti. (Washington, D.C.: WOLA, November 1995)

²¹ Tor Tanke, and Espen Barth Eide, eds., Peacebuilding and Police Reform, (Portland, OR: Frank Cass, 2000)

²² United Nations Development Program, Justice and Security Sector Reform: BCPR's Programmatic Approach. (UNDP, November 2002), 10
<http://www.undp.org/dpa/publications/index.html>

²³ Linn Hammergren. (working draft) "Diagnosing Judicial Performance: Toward a tool to help guide judicial reform programs," 9th Annual Anti-Corruption Conference. Available online. http://www.transparency.org/iacc/9th_iacc/papers/day4/ws1/d4ws1_lhammergren.html

institution, from administrative duties, to increased public access,²⁴ to enhanced independence and impartiality.²⁵ For the purposes of this paper, I will focus on creating an independent and impartial judiciary as a means of supporting security and development.

Reforms aimed at creating independence and impartiality deal with merit, pay and training. Judicial selection based on merit helps prevent one branch of government, or even senior judges, from exercising too much influence over the judicial make up. Input from many sources, such as lawyers, law professionals and immediate peers, may also help with the selection process. Special training in ethics and international law helps provide judges and lawyers with the tools for making and justifying decisions, and improved law schools enhance education. Tenure, or a long enough term to ensure job security following tough legal decisions, as well as judicial control over the institution's budget helps ensure independence. Additionally, new and continuing judges may be specially trained, with an emphasis on ethics, and their salaries or benefits may be raised to an acceptable level. International exchanges can augment any training. A transparent promotion and disciplinary process helps avoid the potential for impropriety, as do oral arguments, and publicly accessible court procedures and rulings.²⁶ Non-governmental organizations or media monitoring of court proceedings provides direct public

²⁴ World Bank technical paper

²⁵ Independence and impartiality are acknowledged as an important part of any judicial reform program, and they have been emphasized in reports by USAID and the UN. For more information see, Independence of the Judiciary: A Human Rights Priority, United Nations Background Note, Available online. <http://www.un.org/rights/dpi1837e.htm>. Also, Guidance for Promoting Judicial Independence and Impartiality, January 2002, USAID, Technical Publication Series.

²⁶ According to this USAID study, insufficient law school training is a major obstacle to an independent judiciary.

scrutiny over the judiciary. The publication of judges' income and assets can also help decrease corruption.²⁷

Georgia reformed the lower court selection process by making the process competitive and merit based. Judicial applicants had to gather in one place to take a qualification exam, while international monitors assured that there was no cheating. At the end of the test, the answers were projected on a screen for everyone to see. Applicants who passed the exam were then interviewed by the Judicial Council for potential placement. The media, which publicized the exam, and the participants, felt the process was fair and transparent. It has since been successfully duplicated.²⁸

DDR

I do not intend to explore the DDR programs implemented in each case, but merely account for whether the program was implemented or not. DDR is important because during a conflict, combatants and civilians may acquire weapons for protection. When the conflict ends, the weapons can contribute to the continuance of violence and crime.²⁹ Additionally, the combatants themselves could pose a threat to society if they are not provided with means for making a living. Unemployed ex-combatants may turn to criminal activity to survive.³⁰ A successful DDR program will ensure that ex-combatants have committed to the peace process and have a means of providing for themselves.³¹

²⁷ Office of Democracy and Governance, U.S. Agency for International Development, Guidance for Promoting Judicial Independence and Impartiality, (Washington D.C.: USAID Technical Publication Series, January 2002)

²⁸ Office of Democracy and Governance, 18

²⁹ Jayantha Dhanapala, (speech), Forum on Security and Development. World Bank, 29, June 1999, Available online, <<http://disarmament.un.org:8080/speech/29June1999.htm>>

³⁰ Greene, 12

³¹ Edward J. Laurance, and Sarah Meek, Brief 7, The New Field of Micro-Disarmament: Addressing the Proliferation and Buildup of Small Arms and Light Weapons, (Bonn

Written agreement

For countries coming out of conflict, peace agreements represent a “statement of intent,” and the foundation for a pathway to long-term peace and reconciliation. They also provide a record of what both sides agreed to, which can be used as a tool during observation and verification missions.³² I will examine each country’s agreements because detail or lack of it may influence reforms.

Evaluation Mechanism

A mechanism to monitor compliance with a peace agreement may help keep the peace process and accompanying programs on track.

EXAMINING THE CASES

El Salvador

El Salvador’s civil war ended with the signing of the Chapultepec Peace Accords on January 16, 1992. Like it would in Guatemala, the United Nations played a significant role in negotiating the agreement. The accords were very detailed in providing a map for reconciliation and security sector reform. The agreements mandated reform of the military, judiciary, and police, as well as a program of DDR. The National Commission for Consolidation of Peace (COPAZ), and the United Nations Observer Mission in El Salvador (ONUSAL) were oversight bodies given authority to verify compliance.³³

SPECIFICATIONS OF ACCORDS

International Center for Conversion, September 1996), 21, Available online, <<http://www.bicc.de/publications/briefs/briefs.html>>

³² James K. Boyce, “Investing in Peace: Aid and Conditionality after the Civil Wars,” *Adelphi Paper* no. 351. (Oxford University Press, 2002), 7

³³ United Nations, *United Nations and El Salvador 1990-1995*. (New York: United Nations, 1995). 20.

The agreement governing the armed forces took major steps toward achieving democratic control of the forces as well as professionalizing them. Their role was to “defend the sovereignty of the State and the integrity of its territory,” except for in “very exceptional circumstances.”³⁴ The military was to be apolitical and subordinate to civilian authorities. The legislature was to have oversight control. Professional military education would be well rounded to reflect military professionalism and societal norms, and postgraduate education would be encouraged. The new military doctrine, reflecting these changes, was to be distributed to the public.

Following the conflict, transitional changes were also stipulated. The military would undergo a “purification process” in which performance and respect for human rights would be considered. An independent ad hoc committee would conduct officer evaluations, and those not meeting appropriate standards would be discharged or moved. The size, organization, deployment and budget was also to be reduced to reflect the country’s new situation, and irregular forces such as the civil defense units were to be disbanded.³⁵

The peace agreement also provided guidelines for the new National Police.³⁶ A new doctrine and training program would accompany the new force, which was the only body with legitimate public security functions. Their role was to protect individual freedom, and “prevent and combat all types of crimes, and to maintain internal peace. . .”³⁷ The agreements outlined appropriate use of force and specifically prohibited torture. Members of the National Police would meet minimum entry requirements including age, education and background. Higher ranks would require higher education. The National Public Security Academy would then

³⁴ Chapultepec Peace Accords. Chapter I. Available online via US. Institute for Peace. http://www.usip.org/library/pa/el_salvador/pa_es_01161992.html.

³⁵ Chapultepec Peace Accords. Chapter I

³⁶ Chapultepec Peace Accords. Chapter II

³⁷ Chapultepec Peace Accords. Chapter II

provide appropriate training and education to new recruits. Additionally, active recruitment of women and minorities was encouraged. Organizationally the force would be split into specialized divisions, including a Criminal Investigation Division, and different entities, including the President and Inspector General, would monitor police activities.

Judicial reforms were not as detailed, but still provided a basis for change. Supreme Court justices would have to be elected by a 2/3 Legislative Assembly majority, and yearly, at least 6% of the State budget was to be allocated to the judiciary.³⁸ The agreements also restructured the National Council of the Judiciary to be more independent, and provided for a Judicial Training School and career judicial service.³⁹ The school would create a better trained judiciary, and the career track allowed for more merit-based selection of judges, that would be based on exams and training.⁴⁰ A National Counsel for Human Rights was also created to ensure general respect for human rights, which would complement the other reforms.⁴¹

IMPLEMENTATION PROGRAMS

Most military reforms were met. Its size was halved by 1993, and U.S. military assistance, which had augmented the budget, was drastically reduced over time.⁴² A number of

³⁸ El Salvador Peace Agreements, the Mexico Agreements. Chapter II. Available online via the United States Institute for Peace.

http://www.usip.org/library/pa/el_salvador/pa_es_04271991_mexico.htm.

³⁹ Chapultepec Accords. Chapter III.

⁴⁰ El Salvador Peace Agreements, the Mexico Agreements. Chapter II.

⁴¹ Chapultepec Accords. Chapter III.

⁴² Stephan John Stedman, Donald Rothchild, and Elizabeth M. Cousens, eds., Ending Civil Wars: The Implementation of Peace Agreements (Boulder, CO: Lynne Rienner Publishers, 2002), 395.

officers, including high commanders were purged for human rights violations per the Ad Hoc Committee's report, and the new doctrine emphasizing human rights, external security and civilian control was publicly disseminated.⁴³ A six-month course for military and civilian leaders was developed to enhance relations, and a civilian course on public policy and defense helped increase civilian oversight capacities.⁴⁴ Despite the progress, the government continues to use the military as a supplement to the police, a practice that security sector reform intended to eliminate. Additionally, the Minister of Defense is still a military officer,⁴⁵ and general civilian oversight and the military's acceptance of it could improve.⁴⁶

Police reform is also considered successful overall in El Salvador.⁴⁷ Gino Costa, advisor to ONUSAL, declared the new force had been created in two years and had a distinct "civilian character."⁴⁸ The PNC had acquired all of its national security duties.⁴⁹ Despite delays, the Police Academy opened and taught a curriculum designed to implement the peace accords. Initially the trainers were foreign experts, but eventually Salvadorans were trained to take over. As of the year 2000, sixteen thousand police officers had completed academy training and were deployed throughout the country.⁵⁰

⁴³ Stephan, 397

⁴⁴ Partnership for Democratic Governance and Security, "NDI – 2nd Lesotho Civil-Military Study Mission to El Salvador and Costa Rica – Report," Available online. <http://www.pdgs.org/partners/lesoto--00.htm>

⁴⁵ Margarita S. Studemeister, ed., El Salvador: Implementation of the Peace Accords, (Washington D.C.: United States Institute for Peace, January 2001), 28.

⁴⁶ Stedman, p.398.

⁴⁷ Rachel Nield, "Sustaining Reform: Democratic Policing in Central America," WOLA Citizen Security Monitor, (Washington D.C.: WOLA, October 2002), 2.

⁴⁸ Washington Office on Latin America, Demilitarizing Public Order: The International Community, Police Reform and Human Rights in Central America and Haiti, (Washington D.C.: WOLA, November 1995), 34.

⁴⁹ Tor Tanke Holm and Espen Barth Eide, eds., Peacebuilding and Police Reform, (Portland, OR: Frank Cass, 2000), 117.

⁵⁰ Tor Tanke Holm, 117.

The peace accords also called for central organization of the police, but decentralized regional forces. As a result, community-policing projects have been implemented over time. The largest community-policing initiative to date is the Community Oriented Police Patrol (PIP-COM). The International Criminal Investigative Training Assistance Program (ICITAP) began the program in 1999 with the goal of reducing crime through increasing police presence and improving data collection. It includes making policing more patrol-oriented, reorganizing some of the police responsibilities, and developing lists of suspects and crime data. After implementation of the program, homicide rates decreased significantly in some areas.⁵¹ Another program aimed to encourage local education and participation in crime control, and created neighborhood watch committees.⁵²

Monitoring mechanisms were created, such as the Disciplinary Investigative Unit and the Internal Affairs Unit for internal monitoring, but their results are mixed. Media accusations of corruption led to about 1,600 dismissals, but the method of dismissal denied due process. External monitoring by the Human Rights Ombudsman's office was initially successful at increasing police accountability through accepting formal complaints of abuse, but then got tangled up in politics in 2000/2001.⁵³

Currently the police are regarded as relatively independent in regards to the military and elites. However, crime rates have risen, which some attribute to the security vacuum immediately following the signing of the accords, and public security is still lacking.⁵⁴ There have also been a few instances of police misconduct. Nonetheless, police reform in El Salvador

⁵¹ Nield, Sustaining, 14.

⁵² Nield, Sustaining, 15.

⁵³ Nield, Sustaining, 4 & 10.

⁵⁴ Tanke Holm, 118.

has created a more reliable, human rights respecting,⁵⁵ professional police force, although they need additional support.⁵⁶

Judicial reform has been an ongoing process that was boosted by the peace accords, and has recently progressed substantially though overall success is debatable. Initially following the accords, constitutional reforms changed the election procedure for Supreme Court Justices, the Attorney General, and the National Counsel for the Defense of Human Rights. The judiciary's budget was also protected per the accords, and the National Judiciary Council received responsibility for nominating and selecting judges, and operating the new Judicial Training School. The Supreme Court retained selection authority of lower court judges.⁵⁷ In 1994, the term of the previous Supreme Court, which had been involved in covering up human rights abuses, expired, clearing the way for the election of new, more accountable justices. Lawyer organizations also gained a role in nominating potential justices, and the term length was extended to nine years so that it no longer coincided with presidential terms.⁵⁸ Judicial monitoring also allowed for internal vetting in the mid nineties when an investigation, recommended by the National Council on the Judiciary, revealed that a number of judges had acted inappropriately. A number of judges were subsequently suspended.⁵⁹

Other reforms have helped professionalize the judiciary, and make it more effective and impartial. A new criminal code passed in 1994 allows for oral arguments, public trials involving all parties, and minimum qualification standards for new judges and justices of the peace. The justices of the peace, who operate in local municipalities, also have increased judgment

⁵⁵ Tanke Holm, 118.

⁵⁶ Stedman, 402.

⁵⁷ Studemeister, 15.

⁵⁸ Stedman, 404 & 407.

⁵⁹ Stedman, 408.

authority, making local access more efficient and keeping higher courts free for more major cases. The Attorney General has also gained more independence in monitoring capacities through the Special Crimes Unit, which has even gone after government officials when necessary. The average processing time for a case has also been reduced.⁶⁰ The reforms have revealed a new need, however, to improve law school curriculums and minimum requirements for lawyers.⁶¹

Overall, the judicial system in El Salvador has seen significant improvement, particularly in comparison to the findings of the Truth Commission ten years ago, which declared, “El Salvador has no system for the administration of justice which meets the minimum requirements of objectivity and impartiality so that justice can be rendered reliably.”⁶² More people are filing cases with the court, signaling increased confidence in the system, and criminal cases are processed four times more quickly.⁶³ The judiciary has become more independent of other branches of government. However, despite efforts, it is still susceptible to outside influence and corruption, and lacks significant public confidence. Some attribute the slow judicial reform to lack of detail on the subject in the peace accords.⁶⁴

⁶⁰ Inter-American Development Bank, “Special Report: Judicial Reform,” IDBAmérica, (IADB, November-December 1999). Available online. <http://www.iadb.org/idbamerica/archive/xjudicie.htm>.

⁶¹ Inter-American Development Bank, “How Much for the law degree?: Reforms expose need for better education and specialized training for court officials and lawyers,” IDBAmérica, (IADB, November-December 1999). Available online. <http://www.iadb.org/idbamerica/archive/stories/1999/eng/e1299s11.htm>

⁶² Inter-American Development Bank, “Special Report: Judicial Reform - The history of an orphaned institution,” IDBAmérica, November-December 1999. <http://www.iadb.org/idbamerica/archive/stories/1999/eng/e1299s2.htm>.

⁶³ Inter-American Development Bank. “Special Report: Judicial Reform – Who wrote these laws?,” IDBAmérica, November-December 1999.

<http://www.iadb.org/idbamerica/archive/stories/1999/eng/e1299s6.htm>

⁶⁴ Stedman, 408

El Salvador is held as an example of a transformed society. The peace agreements provided a detailed map for security sector reform, and many of the reforms have been implemented, though improvements are still warranted. The military is officially under civilian control and has not interfered in the political process. A new, diverse police force was created with a new human rights respecting doctrine to guide it, and an oversight body to monitor it. The judiciary has gained independence through budgetary control, which allowed for higher salaries, and it has become more efficient and transparent through oral proceedings. All institutions purified their ranks, contain oversight mechanisms, and have professionalized themselves through required education programs. It is troubling, however, that the public still lacks security. In 2002, personal insecurity was rated one of the most pressing concerns of Salvadorans.⁶⁵

Guatemala

Guatemala's 36-year civil war ended December 29, 1996, with the signing of the Agreement on a Firm and Lasting Peace. The Guatemalan government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) had already gone through years of UN-aided negotiations, and signed a series of agreements that addressed different aspects of the conflict. The final agreement signed in 1996 activated the previous agreements. Throughout the accords there are references to the need to respect not only human rights, but also specifically the rights of indigenous peoples. The need to respect human rights is emphasized in reference to the reform of the security sector as well. 'The Comprehensive Agreement on Human Rights,' and the 'Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society,' addresses the need and approaches to reforms of the military, judiciary and police service. The agreement on the strengthening of civilian power and the armed forces, the

⁶⁵ WOLA, "Tenth Anniversary of El Salvador Peace Agreements," 16 January 2002, <http://www.wola.org/central_america/salvador/salvador_anniversary_peace_press.htm>

‘Agreement on the Definitive Ceasefire’ and the ‘Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca’ address issues of DDR. The peace agreements also clarify the role the United Nations Verification Mission in Guatemala (MINUGUA) as an observation and verification body for monitoring compliance with the agreements.⁶⁶

SPECIFICATIONS OF AGREEMENTS

The Comprehensive Agreement on Human Rights addresses the importance of an independent judicial system to support the rule of law, protect human rights, and end impunity. The same agreement touches on the need to restrict internal security operations by the state in order to eliminate “clandestine security machinery,” and suggests a “purification and professionalization” process for the security forces.⁶⁷ The agreement on civilian power and the armed forces expands on the themes of judicial reform and the military’s role. No specifications were made in any agreement, however, regarding a formal vetting process for the military.

According to the agreement on civilian power and the armed forces, the role of the military was to be limited to protect “national sovereignty and territorial integrity.”⁶⁸ This was weakened, however, by a later provision allowing the President to “exceptionally use” the armed forces to help with domestic security.⁶⁹ Still, the stipulation for separation of powers among government branches, and civilian authority over the armed forces⁷⁰ was progress for Guatemala. Requiring the president to report to congress his use of the military enhanced oversight, and if

⁶⁶ The Guatemala Peace Agreements. United Nations, Dept. of Public Information. 1998. also available online. <http://www.minugua.guate.net/default2htm>.

⁶⁷ Guatemalan Peace Agreements, the Comprehensive Agreement on Human Rights, Chapter IV

⁶⁸ Guatemalan Peace Agreements, the Comprehensive Agreement on Human Rights, Chapter IV

⁶⁹ Guatemalan Peace Agreements, the Comprehensive Agreement on Human Rights, Chapter IV

⁷⁰ Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter I

desired, congress could order that military stop an operation.⁷¹ To professionalize the armed forces, a new military doctrine was to be created, and the military education system was to be altered to reflect the new atmosphere of peace, respect for human rights, subordination of the military to civilian authorities, and their limited role of external defense.⁷² The intended passage of Constitutional reforms would provide a path for implementation and institutionalization of some of the changes noted in the accords.⁷³

Operationally, the military size and budget was to be reduced by 33%, two military apparatuses that had provided internal security were to be demobilized or disbanded, and a program of reintegration for affected security agents was to be provided and funded for one year.⁷⁴

The agreement on civilian power and the military also laid out the creation and function of the new National Civil Police (PNC). The new force was to function under the civilian Ministry of Interior, and would be responsible for “public order and internal security.”⁷⁵ The force would be divided into specialized departments, and all personnel were to receive training that included human rights. The New Police Academy was to carefully select recruits, and they were to represent the diversity of the country. The police were to receive proper compensation for their work, and public participation in strengthening the force was encouraged. The agreements set goals for having 20,000 police members throughout the country by the end of

⁷¹ Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter IV

⁷² Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter IV, parts 39 & 40

⁷³ Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter IV, section C.

⁷⁴ Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter VII.

⁷⁵ Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter IV, section B.

1999, and for enhancing the capacity of the criminal investigators to work effectively in cooperation with the judiciary and Public Prosecutor's Office.⁷⁶ Within five years, the public security budget was to be increased by 50%. An Advisory Council on Security would provide oversight of the force.

Reforms for the judiciary were also addressed by the agreement on civilian power and the armed forces. The reforms would provide people with access to the law in their own language, and a public defender if necessary. Judges were to be properly compensated, and a competitive selection process based on professional knowledge was to be implemented. Internal oversight was to be enhanced through the right to further professional training and the establishment of a clear disciplinary system. Administrative and institutional reforms would enhance transparency and access to the courts by incorporating oral arguments and alternative dispute resolution mechanisms into the justice system. Professionalization of the judiciary would be facilitated by the Judicial Training School.⁷⁷

To assist in implementing the reforms, the Public Prosecutor's and judiciary's budgets were to be increased by 50% by the year 2000, and within a month of signing the accords, a judicial commission was to be established to identify problems and suggest further recommendations for improving the judicial system.⁷⁸

For Guatemala, the peace agreements put forth a plan that called for many of the necessary tools for comprehensive security sector reform. Reforms to the military were to include: training, civilian control through the oversight capabilities of the legislature and the

⁷⁶ Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter IV, section B

⁷⁷ Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter III.

⁷⁸ Guatemalan Peace Agreements, the Agreement on Civilian Power and the Role of the Armed Forces, Chapter III, parts 14 & 15.

president, a reduced military force and budget, and the separation of internal and external security functions. Reforms to the police included: special training to include human rights, proper payment, special attention to criminal investigations, inclusion of minorities, and cautious selection of recruits (though this language was very general.) Judicial reforms called for merit-based selection, special training, proper compensation and respect, internal oversight through disciplinary procedures, a separation of administrative and judicial functions, oral arguments, alternative dispute resolution, and increased budgetary resources (although there was no mention of whether the budget was controlled by the judicial branch itself).

IMPLEMENTATION

The task of implementation in Guatemala is ongoing, but thus far comprehensive security sector reform is mostly on paper. Implementation has been mixed and insecurity is currently rising, as 2003 may be the most violent year since the end of the war.⁷⁹ The military is cited as the most serious obstacle to security in the country.⁸⁰ Some military reforms have been met, such as the disbanding of certain military units, and the reduction in the size and budget of the armed forces, but there has been great resistance and in some cases backsliding. Some suggest that the reduction in the size of the military was actually padded by reducing mostly civilian and low-ranking personnel,⁸¹ and though technical budget allocations show a reduced budget, executive transfers have actually increased the budget significantly.⁸² Additionally, a June 2000

⁷⁹ MINUGUA - Misión de Verificación de las Naciones Unidas en Guatemala, Office of the Spokesperson. MINUGUA Issues Third Report on the National Civil Police. United Nations, 01 July 2003. <<http://www.minugua.guate.net/INGLES/ENGLISH%20DOCS.htm>>

⁸⁰ WOLA, 46

⁸¹ Kees Koonings, and Dirk Kruijt, eds., Political Armies: The Military and Nation Building in the Age of Democracy. (London: Zed Books, 2002), 72

⁸² Stedman, 422, and, MINUGUA, Verification Report: Status of the Commitments of the Peace Agreements Relating to the Armed Forces, (United Nations, May 2002), 14. <<http://www.minugua.guate.net/Informes/INFOVERIFIC/VERIFICA.htm>>

presidential decree formally defined the role of the military to include internal security.⁸³ The military still regularly performs domestic security exercises with the PNC, and the former still has units deployed in military zones, where they likely focus on counterinsurgency.⁸⁴ There are also suggestions that the military is resuming relations with dissolved civil defense patrols under the guise of public security.⁸⁵ Military education is still inappropriate as it continues to teach counterinsurgency and internal security. Attempts to implement change in military education have been unsuccessful for lack of coordination and coherence. As of May 2002 there was still no new military doctrine, which had been an important part of the peace agreements for emphasizing human rights and the military's new role. The military is also snubbing legislative oversight.⁸⁶ The government has failed to pass all the constitutional and legislative reforms agreed to in the peace agreements, which also presents a major obstacle to reform.⁸⁷

Police reforms have not been fully implemented either. The new force and Police Academy were created, but as of 2001 the force was still under 20,000 members, and their effectiveness as well as that of the academy was questionable. The education for police and investigators is lacking, there is no new code of ethics, entry requirements have decreased, and recruits that came from the previous force were only required to study 3 months at the academy, rather than the accord-mandated six months. Data collection, oversight and understanding of rules and regulations are weak, which harms not only the victims of crime but police officers themselves. The recruitment of minorities is also lacking. However, of the indigenous officers,

⁸³ Hilde Salvesen, Guatemala: Five Years After the Peace Accords, the Challenges of Implementing Peace, (Oslo: International Peace Research Institute, March 2002),12, <http://www.prio.no/publications/reports/guatemala_report_salvesen.pdf>

⁸⁴ MINUGUA, Verification, 17 & 18.

⁸⁵ MINUGUA, Verification, 9.

⁸⁶ MINUGUA, Verification,15.

⁸⁷ MINUGUA, Verification,10.

few experience on-the-job discrimination. Coordination between the judicial and police agencies continues to need improvement. A frightening example of the lack of proper police reform is demonstrated through the rise in accusations against the police for human rights violations.⁸⁸

Despite the challenges, there are also a few areas of success. Foot patrols by police, a type of community policing program, have been only somewhat effective at preventing crime, but they have enhanced the force's visibility and strengthened its image within some communities. Local Security Councils (Junata Locales de Seguridad – JLS) also serve as a mechanism for community participation in police reform, although some communities view them as a recreated civil defense patrol.⁸⁹ Additionally, the budget has been increased, and the police have been deployed throughout the country, though more money and officers are needed.⁹⁰ Overall the involvement of the military in PNC activities, and the lack of professional training and organization undermine the PNC's ability to grow institutionally.

Some attribute problems with the PNC to the lack of detail in the accords. For example, there is no procedure for vetting the police of previously corrupt individuals, nor mechanisms for internal and external monitoring. There is also no mention of training for higher-level officers versus lower level forces.⁹¹

Judicial reforms have been implemented more successfully. The Judicial commission formed to examine problems and potential solutions to the judiciary, found that the system was

⁸⁸ MINUGUA, Informe de Verificación: La Policía Nacional Civil: un nuevo modelo policial en construcción, (United Nations, April 2001).
<<http://www.minugua.guate.net/Informes/INFOVERIFIC/VERIFICA.htm>>

⁸⁹ Nield,16

⁹⁰ MINUGUA, Informe

⁹¹ Nield,11

inefficient, corrupt, inaccessible and not trusted by society.⁹² The judiciary then took steps to overcome these obstacles and implement the changes required in the accords. Some key programs have included capacity building for the judges, magistrates and administrative personnel through training in the form of workshops, international exchanges and technical trainings. For example judicial administrators have received intercultural training, and judges have visited Argentina and Brazil to study court mediation. The development of a code of ethics, a selection process and a disciplinary system has created a more independent judiciary. Oral arguments and alternative dispute resolution has allowed for more transparency and efficiency. Community and youth education are also being provided to allow for more public participation and oversight, and to foster a desire to enter the judiciary as a career.

Many of these reforms have only been implemented within the last couple years, so it is difficult to determine overall success. A MINUGUA press release from January 2003, stated that the judiciary was still under funded and lacked the capacity to punish criminals. It also mentioned increased threats and violence against judicial officers. The emphasis on the problem of intimidation and need for security rather than on corruption suggests that the judicial system is on the right track.⁹³

Seven years after the signing of the peace agreements, security sector reforms have not made a significant difference for most Guatemalans. The agreements provided a clear map for change, but many reforms have not been met, particularly those regarding the military and police. The line between internal and external security has not been drawn, and the ability of the

⁹² Organismo Judicial de Guatemala, “Antecedents del Proceso de Modernización,” retrieved information December 12, 2003.

<<http://www.organismojudicial.gob.gt/es/PlanModernización/Antecedentes.htm>>

⁹³ MINUGUA, Office of the Spokesperson, (summary of remarks) Towards a Secure Guatemala: Plan of Action for the Strengthening of Public Security, (United Nations, 30 January 2003), <<http://www.minugua.guate.net/INGLES/ENGLISH%20DOCS.htm>>

police to provide public security is out of reach as long as the military, untrained in policing, human rights and their role in a democratic society, is supporting and even managing police operations. Perhaps the political will to actually reform the military is lacking, particularly when President Portillo allowed for large budgetary transfers. The judiciary has been more successful in reforming itself; however, with internal military interference and lack of police support, the judiciary cannot have a serious impact on society's overall security.

NICARAGUA

Nicaragua's civil war ended through indirect negotiations and regional encouragement. The first signed agreement that put Nicaragua on the path to peace was Equipulas II. On August 7, 1987, the regional agreement was signed by the presidents of Honduras, El Salvador, Costa Rica, Guatemala and Nicaragua. It encouraged each country to work towards resolving their internal disputes diplomatically, and working toward peaceful democratization. It specifically required that governments initiate dialogue with the insurgent forces in their countries to allow for a subsequent ceasefire, amnesty and DDR agreement. It also called for an international verification and follow-up commission to verify compliance with the accords.⁹⁴ Equipulas II laid the groundwork for the ceasefire agreement signed by the Sandinista government and insurgent Contra forces in March of 1988 in Sapoá, Nicaragua.⁹⁵ The Sapoá agreement led to more detailed negotiations and agreements that ultimately culminated in a plan that would complete demobilization of the Contras in conjunction with the reduction of the Nicaraguan

⁹⁴ Esquipulas II, available through the Oscar Arias Sanchez website.
<http://www.arias.or.cr/fundador/esquipulas.htm>

⁹⁵ Child, Jack. 1992. The Central American Peace Process 1983-1991: Sheathing Swords, Building Confidence. Lynne Reiner Publishers, Inc. Boulder Co. p.54

army (Ejército Popular Sandinista – EPS).⁹⁶ Other than military size reduction and DDR, the agreements that ended Nicaragua’s civil war did not have the same stipulations for police and judicial reform as the peace agreements of Guatemala and El Salvador. However, Esquipulas II did call for presidential elections, and when Violeta Chamorro became Nicaragua’s new president, taking over from the Sandinistas, she pursued additional changes.

POST-WAR REFORMS

Chamorro implemented further reforms than those that were called for in the peace agreements. The country and government were deeply politicized, so Chamorro was limited in the reforms she could implement, but she was eventually able to make changes in the military, judiciary and police.

The EPS had been the largest army in Central America, with a budget of over \$100 million,⁹⁷ and deep involvement in politics under the Sandinistas. The commander of the armed forces, General Humberto Ortega, was the brother of the previous president, and was initially retained as Defense Minister by Chamorro.⁹⁸ His presence helped maintain stability while Chamorro implemented reforms. In addition to downsizing the military from approximately 97,000 to 15,200 by 1993,⁹⁹ Chamorro also reduced the budget to \$70.6 million within a year.¹⁰⁰ The “ESP” officially became the “Nicaraguan National Army.” Working together, Chamorro’s government worked with Ortega to develop a new military code.

The new code defined the army’s function, subordinated the armed forces to the civilian government, and set standards for professionalization. The Minister of Defense (MOD) and

⁹⁶ Walker, Thomas W. (ed.) 1997. Nicaragua without Illusions: Regime Transition and Structural Adjustment in the 1990’s, (Wilmington, DE: Scholarly Resources Inc., 1997), 68

⁹⁷ Walker, Thomas W., 68

⁹⁸ Merril, Tim L., ed., Nicaragua: a country study, (Library of Congress, 1994), 209

⁹⁹ Merril, 209

¹⁰⁰ Walker, 69

strategic planning operations were put under the control of the Executive branch, and limits on the MOD's tenure were clarified. Use of military intelligence was formally restricted. The code also called for professional military training that was progressively more specialized for higher ranks, and it set regulations for promotion. The military ceased to represent a particular political entity, but it continued to voice its political opinion.¹⁰¹ Despite these steps forward, the military's new role was not restricted to external defense, but rather continued to deal with "internal disturbances."¹⁰²

When taking office, Chamorro officially became commander in chief of the armed forces, but not in practice. General Ortega still enjoyed virtual autonomous control of the military, and its actions. He had agreed that the military should be apolitical and professional, but continued to issue communiqués regarding political management of the country. The new military code gave Chamorro more leverage over the armed forces, but she had to alter existing laws to be legitimately capable of replacing Ortega. With legislative backing, the restrictive laws protecting Ortega's position were overridden, and Chamorro replaced him as MOD. Ortega's replacement was also a General, General Joaquin Cuadra, but he continued to professionalize the forces, and took a less vocal role in politics.¹⁰³

Initial police reforms were limited, but a couple of changes were significant. The name was changed from "Sandinista Police" to "National Police," and 12 top police commanders were dismissed following an investigation into corruption. Additionally, legislation implemented an official system of promotions and retirement that brought attention to professionalism and civilian authority. A Civil Inspection Unit for police was created with a civilian minister to

¹⁰¹ Walker, 73

¹⁰² Merril, 209

¹⁰³ Walker, 73

provide oversight. Reforms were also passed to limit the amount of time a suspect may be detained before an initial hearing, to provide free legal representation and to grant bail, but not all the reforms are properly followed. Despite reforms, and the dismissal of top commanders, the Sandinistas were still in control of the police for years after Chamorro's election, and NGOs reported continued human rights violations.¹⁰⁴

Initial judicial reforms pertained to the number of Supreme Court justices, their selection and the judicial budget. The court Chamorro inherited consisted of seven justices, all appointed by the Sandinistas. To make the court more balanced, two more justices were appointed, and then another two following two Sandinista judges retirements. To decrease the power the president had over the court, the President would be required to submit a list of potential judicial candidates to the National Assembly, which had the option of choosing from the list or not. The Supreme Court judges' term was also extended from six years to seven, so that it no longer coincided with the president's term. To reduce political manipulation, the terms under which a judge could be removed were clarified, although they remained somewhat vague. The Head of the Court, who was previously chosen by the president, would be chosen by the judges from among themselves. Additionally, four percent of the budget was to be allocated to the judiciary to allow for fair salaries and reduced corruption, and a professional career track was developed.¹⁰⁵

Since the signing of the peace agreements in the late 1980's, and the Sandinista presidential defeat, the implementation of security sector reforms is difficult to measure. It appears as though the military is technically under civilian control, and in practice it is much more subordinate than in the past, but room for improvement remains. The judiciary may be

¹⁰⁴ Merrill, 217

¹⁰⁵ Walker, 55

seen as independent following reforms implemented by Chamorro, and the overall record of human rights in the country has improved. However, the police still struggle with issues of police brutality and corruption as they are poorly compensated and at times manipulated for political gain. In 1995, the National Police force was denounced for its abuse of human rights more than any other governmental institution.¹⁰⁶ The difficulty in evaluating SSR in Nicaragua may partially be attributed to the lack of mandated reform in the peace agreements, and the lack of up-to-date information on SSR within the country.

SUMMARY OF FINDINGS

Each country had comprehensive reform programs for the military, police, and judiciary. All countries also implemented DDR programs, had a written peace agreement, and monitoring mechanism. Details of the peace agreement differed, however, in that Nicaragua's agreement only mandated DDR and limited military reform. The accords of El Salvador and Guatemala both mandated comprehensive reform programs, though they both lacked detailed judicial reforms, and Guatemala's didn't overtly address need or implementation of a vetting process, while El Salvador's did.

I examined overall military, judicial and police reform, by looking at what was mandated in the peace accords, and what was actually implemented. Though I described overall security sector reform mandates, I stated that I would focus on a few key variables: for the military I would look whether it had a defined role in external security, and if it answered to civilian authority; for the police I would look at whether there was an oversight mechanism; and for the judiciary I would look at whether judicial compensation and tenure were addressed. I also stated that I would note training programs and vetting procedures for all three.

¹⁰⁶ WOLA, *Demilitarizing*, 40

El Salvador's peace agreement addressed each of the above items. Guatemala's addressed everything except for a vetting process and changes in judicial tenure. Nicaragua's agreement did not address any of them.

When looking at implementation of reform programs, El Salvador receives the top score; Guatemala receives the lowest score, and Nicaragua falls somewhere in the middle.¹⁰⁷ El Salvador implemented every one the above reforms. Guatemala improved judicial salaries and training programs, but there was no vetting of the judiciary, none of the above military reforms have been truly implemented, and police training and oversight were weakly implemented. Nicaragua successfully implemented judicial reform, although the vetting process was minor, and military training has been improved. There was no vetting of the police or military, and everything else is questionable, because of mixed results and a lack of resources available on the reforms.

¹⁰⁷ See Appendix I for graphic summary of findings.

CONCLUSION

My hypothesis that a comprehensive SSR program paired with political will would lead to successful security sector reform was partially correct. El Salvador had a comprehensive program, and the military, police and judiciary were reformed. Guatemala had a comprehensive reform program, but only the judiciary was really reformed, and even now MINUGUA has reported that judges are facing increased threats. If we consider the old saying that ‘where there is a will, there is a way,’ and apply it to Guatemala, there is no political will. If there were serious political will, it seems that at least the military would be under more civilian control. The results of Nicaragua’s reforms were challenging to measure because of the lack of general and detailed information on the post-conflict reform period up to the present.

I successfully answered the question regarding what was SSR and was it being achieved in Central America. It is being achieved in El Salvador. However, as I conclude this study, a crucial aspect of security and development is not addressed in my findings. The question remains, is security sector reform enhancing security? That question remains to be answered. Now that we know comprehensive security sector reform is more-or-less successfully occurring in El Salvador, we should find out how it has impacted Salvadoran society.

RECOMMENDATIONS

Although I ultimately discovered differences between the SSR programs of the three Central American countries, I encountered major obstacles in my research, and I am still unable to determine whether the reforms are working. My research design allowed me to determine whether SSR programs had been implemented in the three case countries, but it was not properly set up to determine the *impact* of SSR. Nonetheless, I did discover some areas that need to be looked at in the future before serious policy recommendations can be made.

- There is a lot of research on the concept of SSR, but very little literature on SSR programs. The international community and individual governments acknowledge that each institution that constitutes the security sector impacts every other security institution, yet evaluations of reform are limited to single sectors. There needs to be much more examination of multi-faceted reform programs in practice.
- In relation to the previous recommendation, there must be much more evaluation of the outcomes of SSR. What is the impact, if any, has reform had on the residents of individual countries? We need to ask if people feel safer, and why or why not? From that point we can determine what changes are needed in reform programs to facilitate a greater human impact.
- There is a void in the literature on judicial reform programs. The void may be attributed to the inability of the development, justice and private sectors to determine how judicial reform should be framed and implemented, as a business and economic development issue, or as a human rights issue. However, judicial reform programs must be examined in some manner. I would also argue that they should be evaluated from a human rights perspective.
- Field research would be a good way to start the process of evaluating the outcomes of SSR. An in-depth survey could be administered in countries where SSR programs have been implemented, such as El Salvador, to examine the actual impact of the program. USAID has published technical papers that provide useful indicators to measure different aspects of reform.¹⁰⁸ The Latinobarometro may also serve as a guide.¹⁰⁹

¹⁰⁸ A useful publication is the, Handbook of Democracy and Governance Program Indicators, published by USAID's Center for Democracy and Governance in August 1998 as part of the Technical Publication Series. Available online

<<http://www.dec.org/search/dexs/index.cfm?fuseaction=docs&title=democracy%20and%20governance%20indicators>>

¹⁰⁹ Latinobarometro provides an insight into the sentiments that Latin American hold on many issues, including toward government institutions. Available online <<http://www.latinobarometro.org>>

APPENDIX 1

Summary of findings regarding implementation of reform programs

INDEPENDENT VARIABLES	COUNTRY CASES		
	(General)	El Salvador	Guatemala
Written Agr.	Yes	Yes	Yes
Monitoring Mechanism	Yes	Yes	Yes
DDR	Yes	Yes	Yes
Military			
Separate role from police	Yes	No	No
Training to include H.R.	Yes	No	Yes
Answer to civilian authority	Yes, but needs imprvmnt	No	Yes, but needs imprvmnt
Vetting process	Yes	No	No
Police			
Training to include H.R.	Yes	Very weak	Not specified
Oversight mechanism	Yes	No	Weak
Vetting process	Yes	No	<i>Very little</i>
Judiciary			
Salary improved	Yes	Yes	Yes
Tenure addressed	Yes	No	Yes
Training process	Yes	Yes	Yes
Vetting process	Yes	No	Yes, but minor
DEPENDENT VARIABLES			
Military reform implmntd	Yes	No	Partially
Police reform implmntd	Yes	No	Partially
Judicial reform implmntd	Yes	Partially	Yes
Comprehensive SSR program Implemented	Yes	No	Yes-but weak

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