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A TEST FOR DEMOCRACY

FORUM COLUMN

By Chris Ford

The recent presidential election in El Salvador was mostly peaceful and respectful of the democratic principles, paving the way for voters in the diminutive Central American nation to choose their first left-wing president, former television journalist Mauricio Funes.

Nonetheless, for El Salvador to ensure truly free and fair elections, it must increase transparency, take further steps to prevent electoral fraud, prosecute perpetrators of political violence and impose controls on campaign spending.

Salvadorians have suffered keenly under decades of military and oligarchic rule, supported by the United States, with most of the population living in deep poverty amidst elevated levels of violence. The nation endured 12 years of civil war between 1980 and 1992, during which U.S. tax dollars funded government death squads and massacres of political opponents. The ghosts of that war continue to haunt the nation, and nearly one-third of Salvadorians have left the country, mostly for the United States.

That the left-of-center Farabundo Marti National Liberation Front, former guerilla group known as the FMLN, defeated the far-right ARENA party is an impressive feat. ARENA (Spanish-language acronym for Republican Nationalist Alliance), whose founders and leaders are linked to the civil war death squads, manipulated government institutions and carried out a campaign of fear and violence in its attempts to dissuade Salvadorian voters from choosing change.

The most significant irregularities and injustices in the period leading up to the March 15 presidential election included ARENA's manipulation of and refusal to disclose the voter registry, busing in voters from neighboring countries, carrying out political violence with impunity, conducting a disinformation campaign designed to scare voters away from supporting the FMLN and politicizing the Supreme Electoral Tribunal, the government agency charged with overseeing elections. Further election-related problems include the way in which voters are assigned to polling places, electioneering in or near the polling places and vote-buying.

According to a group of U.S. professors who study Latin America, the ARENA-controlled government unilaterally changed the opening day in September 2008 of the electoral period so that the voter registry would be based on El Salvador's 1992 census rather than the 2007 count. The 1992 census lists about 4.2 million voters, while the 2007 census includes fewer than 3.3 million.

Thus, ARENA's move opened the door wide to ballot stuffing and voter fraud by making available the names of deceased voters and émigrés. That Funes was ahead by 8 to 20 percent in polls leading up to the election but squeaked by with less than 3 percent in the actual balloting is evidence that manipulation or fraud affected the final tally.

Indeed, an FMLN complaint center received numerous calls from citizens who sighted busloads of voters from neighboring Guatemala, Honduras and Nicaragua. Mysterious green lines appeared on San Salvador streets just before election day, presumably to guide the foreign buses to their destinations. ARENA reportedly had arranged to house the foreigners in public buildings.

FMLN supporters planned and carried out efforts to intercept the buses. Meanwhile, the right-leaning Diario de Hoy newspaper ran an article warning that the government would not tolerate any impediment to "international transit" on Salvadorian highways.

Moreover, ARENA refused to share the full voter registry, including voter addresses, with the FMLN or other parties prior to the election, preventing political opponents from verifying the registry. One excuse offered was that to do so would compromise voter privacy - a weak argument, considering ARENA itself had that information.

The professors point out that the daily homicide rate in El Salvador shot up from eight to 13.5 between October 2008 and February 2009. They cite an "atmosphere of impunity" and note that the victims were leaders of trade, community or religious organizations or FMLN supporters, suggesting that the added homicides were political in nature.

While government and popular media sources maintain that much of the violence in El Salvador is attributable to street gangs, known as maras, a study revealed that in 2007, only 31 percent of the homicides examined were gang-related, while 69 percent were "death squad-style" and "social cleansing" crimes.

Another study documents death-squad slayings of 27 young social movement activists and members of the political opposition between 2006 and 2008. The El Salvador Human Rights Commission warned that such assassinations generate a climate of fear.

During the campaign, ARENA supporters openly resorted to fear tactics. On Feb. 9, ARENA presidential candidate Rodrigo Avila arrived for a rally in the hamlet of Cinquera, an FMLN stronghold, accompanied by more than 100 riot police and busloads of party sympathizers.

The rally, fortified with drum sets and loudspeakers, disrupted classes at a nearby high school. The students were dismissed because of the noise. They later returned and spontaneously engaged in a counter-demonstration. The minister of education blamed the high school principal and two teachers for the counter-protest and sued them for "negligence."

The mostly right-wing press in El Salvador published articles giving exaggerated voice to a few cold warrior Congress members who warned that if the FMLN were to win, the United States would cut off remittances from U.S.-based Salvadorians, which account for nearly 20 percent of El Salvador's foreign earnings, end temporary protective status for Salvadorian immigrants in the U.S. and break diplomatic relations with El Salvador.

The ARENA campaign trumpeted these threats in hopes of intimidating voters. In addition, in a September 2008 speech in Washington D.C., El Salvador's foreign minister, Marisol Argueta de Barillas, all but invited the U.S. government to intervene in the elections.

The U.S. Embassy in San Salvador eventually disavowed the threats and made clear that it would work with whoever won the election, but not until just two days remained until the election and only after much advocacy for such a disavowal.

Additionally, campaign funding in El Salvador is unregulated. Not surprisingly, advertisements for ARENA, heavily funded by business and the wealthy, accounted for 71 percent of political publicity between January 2008 and January 2009, with only 19 percent put forth by the FMLN.

Further, El Salvador assigns polling locations based on the first letter of a voter's surname rather than where she or he lives. The government initiated a pilot program under which voters cast their ballots at the polling place nearest their homes. This program should be expanded nationwide.

To reduce the possibility of manipulation or fraud in future elections, President-elect Funes' administration should focus serious efforts on reforming the electoral system. First, Funes should ensure that the voter registry is based on the most updated census and corresponds with information on file with the national identification card centers, make the registry available for public scrutiny, ban electioneering from within a fixed distance from polling places and allow people to vote in polling places based on their place of residence.

The president-elect also should aggressively prosecute those involved with political assassinations or other violence. Further, he should de-politicize the Supreme Electoral Tribunal and require that it hew to the election code, and he should regulate campaign financing.

It is true that Funes will have much on his plate when he takes the reins of power on June 1. To protect El Salvador's burgeoning democracy, however, he must focus his government's resources on reforming the electoral system.

Chris Ford, a civil rights and appellate lawyer in Los Angeles, took part in a delegation with the National Lawyers Guild and SHARE Foundation as an observer in the March 15 presidential election in El Salvador.

This article appears on Page 6