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THE NATIONAL DEMOCRATIC INSTITUTE'S REPORT ON ELECTIONS IN EL SALVADOR

● Mr. MOYNIHAN. Mr. President, on March 19 the voters of El Salvador will elect a new President. This most important event is the subject of a report issued by the National Democratic Institute for International Affairs, an organization that has done much to promote democratization around the world. Indeed, the nonpartisan political development programs NDI has conducted in Chile, Pakistan, the Philippines, and elsewhere exemplify why this organization merits our continued support.

"The 1989 Salvadoran Election: Challenges and Opportunities" concludes that the election may well lead to a lawful and orderly transfer of power, an important step toward the consolidation of democracy in El Salvador. More specifically, the NDI report concludes, in response to the questions that had been raised in the past few weeks, that—

The process established by laws and regulations for the conduct of the March 19 presidential election in El Salvador is basically sound.

Mr. President, a brief word about the provenance of this judgment. The National Democratic Institute is the nonprofit international affairs institute associated with the Democratic Party which conducts nonpartisan political development programs abroad. Working with political parties and other institutions, NDI seeks to promote, maintain, and strengthen democratic institutions and pluralism in new and emerging democracies.

Although NDI's work is supported by private contributions, it also receives public funds—which suggests that the Congress should inform itself as to the work NDI performs. Senators will be familiar with NDI's important work in Chile, the Philippines, Pakistan, and Northern Ireland, among its numerous programs. In the case of this report on the upcoming Salvadoran election, it is fair to say that NDI has performed an important service for the international community.

The report is based on the findings of an international team of independent experts in election law, who contributed their expertise and their time on a pro bono basis. The team included: Jorge Mario Garcia LaGuardia, alternate magistrate of the Constitutional Tribunal of Guatemala; Enrique Raven, director of operations, Supreme Electoral Council of Venezuela; Samuel Quinones, director of the Center for Electoral Studies for the State Election Commission, in the Commonwealth of Puerto Rico; Eva Loser, research associate at the Center for Strategic and International Studies, in Washington; George Vickers, director of the Institute for Central American Studies at the City University of New York. The project director for NDI was Stephen J. Del Rosso, who was assisted by Michael Stoddard.

This team visited El Salvador February 18 to 23 and conducted interviews with elections officials, leading members of all parties, civic leaders, and independent analysts. The examination focused on the newly enacted electoral code reforms, the administration preparations for the election, the campaign climate, and recent proposals by the Farabundo Marti National Liberation Front [FMNLN] as they relate to the electoral process.

The team determined that the Salvadoran electoral system has, overall, accommodated the basic needs of the political parties and the electorate. Despite the country's politically polarized atmosphere and increasing climate of violence, the following conclusions were set forth:

A comprehensive framework for a procedurally correct election has been devised;

Remaining concerns about the impact of certain electoral code reforms do not undermine the basic integrity of the electoral process;

The central election council has thus far fulfilled its responsibilities in a generally fair and expeditious manner;

The contending parties themselves are satisfied with the commitment of the authorities to the electoral process, and they do not view present conditions as an insurmountable obstacle to their participation in the election;

Although general preparations for the election appear, by and large, to be progressing smoothly, an extension of the deadline for delivery of voting cards would have allowed a greater number of Salvadorans to exercise their right vote;

Unless carefully scrutinized, the electoral reforms contained in the FMLN proposals could cause considerable problems in their implementation.

These are important observations to have before us as election day approaches, all the more valuable because they come from a group of independent and recognized experts in the field of elections law in Latin America.

The most important assessment of the Salvadoran electoral process, however, as NDI notes in its conclusion, will be made by the people of El Salvador on election day and in the days that follow. We are all better able to understand their situation, as we develop our own response and policies, thanks to the good work of the National Democratic Institute for International Affairs.

Mr. President, I ask that the executive summary and conclusion of the report I have cited be printed at this point in the RECORD.

The material follows:

[National Democratic Institute for International Affairs]

THE 1989 SALVADORAN ELECTION: CHALLENGES AND OPPORTUNITIES

(A Pre-Election Survey Report February 18-23, 1989)

EXECUTIVE SUMMARY

An international delegation, sponsored by the National Democratic Institute for International Affairs (NDI), visited El Salvador February 18-23, 1989 to review the legal and administrative framework for the March 19 presidential election. The delegation met with a variety of government and non-government officials, including representatives of the Central Election Council, the Supreme Court, the political parties, the Catholic Church, human rights groups, the Ministry of Defense, labor organizations, lawyer federations and the academic community.

Given NDI's continuing interest in supporting democratic institutions, including electoral systems, the delegation focused its

efforts on the newly-enacted Electoral Code reforms, the administrative preparations for the election, the campaign climate and the recent proposals by the Farabundo Marti National Liberation Front (FMLN) as they relate to the electoral process.

Based on the information received while in El Salvador, the delegation offers the following summary conclusions:

The process established by laws and regulations for the conduct of the March 19 election is basically sound. A comprehensive framework for a procedurally correct election has been devised.

The Central Election Council has thus far fulfilled its responsibilities in a generally fair and expeditious manner.

The actual implementation of the legal and administrative procedures in the period preceding, during and after election day will determine the ultimate fairness of the election.

Observations on the specific issues reviewed are as follows:

Electoral code reforms

A recent agreement between the executive and legislative branches formally resolved a three-month dispute over reforms to the Electoral Code. Remaining concerns about the impact of certain reforms do not undermine the basic integrity of the electoral system.

Administrative process

General preparations for the election appear, by and large, to be progressing smoothly. Nevertheless, concerns were raised that as many as 15 percent of the eligible electorate would not be able to vote because of problems with the processing and delivery of voting cards. Analysis of the electoral results may indicate whether the delays were the consequence of bureaucratic problems or an attempt to disenfranchise certain segments of the population for political reasons, or some combination of the two.

The campaign climate

The electoral campaign has occurred within a climate of increasing violence. Despite the undeniable hardship this situation has created, the contending parties are generally satisfied with the commitment of the authorities to the electoral process, and they do not view present conditions as an insurmountable obstacle to their participation.

FMLN reforms

The electoral reforms contained in the recent FMLN proposals—relating to the extension of the vote to Salvadorans living outside of the country, the expansion of the Central Election Council, and the role of the military in the electoral process—merit appropriate study and consideration. The FMLN claims the proposals are designed to increase participation and confidence in the process. However, unless carefully scrutinized, they could cause considerable problems in their implementation.

In summation, the delegation concludes that, despite current circumstances in El Salvador, the electoral system has accommodated the basic needs of the political parties and the electorate. Thus, the potential exists for a free and fair presidential election. The delegation hopes that all Salvadorans will recognize that a vibrant democratic system offers the best means for resolving societal conflicts, and for resisting the challenges posed by extremists who take up arms to advance their cause.

CONCLUSION

El Salvador's electoral system is a product of the country's developing democracy. Still young and largely untested, its deficiencies are well known to those familiar with it. However, as described in this report, the system, by and large, has proven responsive to the basic needs of the political parties and the electorate. Thus, the potential exists for a free and fair presidential election. Although a free and fair election can play a vital role in promoting a stable and democratic transfer of power, post-election developments will ultimately determine whether Salvadoran democracy can be sustained.

It is hoped that this report will assist prospective election observers by shedding light on certain aspects of the electoral process. Such information can help provide a basis for evaluating the legitimacy of the election. The final judgment, however, must be made by the Salvadoran people who will live with its consequences.●