



# SALVADORAN RECONCILIATION

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PHOTO: Santiago de Jesus Cordero, a former guerrilla, does carpentry work, 23 December 1992. In the background is a peace mural. (AFP, Rutilio Enamorado)

**W**HEN THE BRUTAL 12-year civil war between the Farabundo Martí National Liberation Front (FMLN) and the El Salvador Armed Forces (ESAF) finally ended in 1992, it had claimed more than 75,000 mostly innocent civilian lives and left another 8,000 missing.<sup>1</sup> In its later years, the fighting had bogged down. Neither the FMLN nor the ESAF could muster enough offensive strength to win decisively, so battles increasingly involved irregulars who demonstrated little regard for civilians. Eventually, a UN-sponsored negotiated peace process paved the way for amnesty, reintegration, and reconciliation (AR2).

At times the AR2 approach worked well and showed progress, but at other times it fell far short of potential—in part due to a poorly applied amnesty program. Ultimately, however, even though the process failed to mend the rift completely between the warring factions, an effective reintegration plan did achieve a measure of reconciliation between the two sides. This article examines the implementation of AR2 in El Salvador as a study of conflict resolution.

Interdependent societal dimensions discussed in previous *Military Review* articles about AR2 can serve as analytical reference points to explain El Salvador's partially successful process. These societal dimensions include a security aspect, a political aspect, and an economic aspect. As any review of El Salvadoran history will reveal, these dimensions directly influenced the conflict and the country's ultimately tentative post-conflict stability.

## Background

Since El Salvador's inception as a Spanish colony, its demographics have reflected the legacy of European cultural domination over a dispossessed native population. The particular socioeconomic byproducts of cultural and racial chauvinism familiar to the hemisphere's history have complicated and retarded El Salvador's political and economic development. As with other nations in the Americas, a post-colonial oligarchic social structure constricted upward mobility for the poor and poorly served. El Salvador has thus suffered from a deep-rooted division between the economic and political elites of European extraction and the *campesinos*, the impoverished, mostly native working class.<sup>2</sup>

As is often the case, class division translated into oppression. Oppression was so much a way of life in El Salvador that it became an expectation. In 1985, Clifford Krauss claimed in *The Salvadoran Quagmire*, "El Salvador is

today what it always has been: a nation of betrayal and terror, where military strongmen, wealthy oligarchs, and village thugs seek final solutions of one political extreme or another.”<sup>3</sup> The general tenor of Salvadoran society circa 2008 reflects the echoes of this dominion of thuggery. Thus, Salvadoran history serves as the lens through which this article attempts to analyze conflict resolution under the rubric of an imperfect AR2 process.

## The Salvadoran Truth Commission and Amnesty

Given El Salvador’s history, it is not surprising that the nation’s efforts toward conflict resolution bore mixed results, even though the UN oversaw the process. In the security sphere, all issues were resolved with relative success. Politically, reforms succeeded in creating institutions necessary for democracy, but the participants exploited the reforms to their own advantage. Economically, reforms substantively changed the Salvadoran domestic economy for the good, but an economic regression could play a key role in any future destabilization.

Analysis of AR2 effectiveness requires definition of the terms *amnesty*, *reintegration*, and *reconciliation* as they apply to El Salvador. *Amnesty*, in this case, follows the legal definition from the *Oxford Essential Dictionary of the U.S. Military*: “An official pardon for people who have been convicted of political offenses.” In the case of El Salvador, the amnesty was preemptive in nature. *Reintegration* includes the totality of institutional reforms aimed at incorporating the disenfranchised back into a healthier Salvadoran civil society. *Reconciliation* denotes the process of forgiveness, whereby aggrieved people voluntarily choose not to pursue remedies for perceived or actual offenses committed against them during the conflict.

Theoretically, achieving a full measure of reconciliation requires a pragmatic application of amnesty as a necessary precursor to reintegration. In El Salvador’s case, an inappropriately timed and too-generous amnesty denied the nation a proper closure. Even though truth commission trials put the country in position to achieve fuller reconciliation, hasty government action truncated the AR2 process prematurely, preventing it from realizing greater benefits.

**The truth commission.** The Chapultepec Peace Accords of 1992 directed the creation of a

truth commission under the oversight of the UN’s Observer Mission in El Salvador (ONUSAL). This measure had the potential to serve as the foundation for real reconciliation. Unfortunately, the commission’s mission and scope were flawed from the start. As Judge Thomas Buergenthal, one of the commission’s three members, pointed out, truth commissions themselves lack any true measure of judicial authority; most simply exist as fact-finding bodies, with some even lacking the authority to name names when appropriate (though the Salvadoran commission did retain this power).<sup>4</sup> To achieve accountability, a court of law must act upon the commission’s findings and recommendations. In the Salvadoran case, the commission reported to ONUSAL and was not supplemented by any international or domestic court that could translate its results into punitive measures.<sup>5</sup> Given the Salvadoran government’s later implication in upwards of 95 percent of extra-judicial killings, a specific requirement to address commission findings in the nation’s own judicial system would likely have doomed the peace accords.<sup>6</sup>

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Nevertheless, the commission’s mandate stipulated that all major human rights violations be investigated. Deliverables included recommendations to help the country achieve reconciliation.<sup>7</sup> While the commission’s findings did not claim to serve as a complete record of abuses that took place during the 12-year war, the group went so far as to identify, by name when evidence was sufficient, individuals responsible for particular human rights violations.

**The amnesty.** Any real impact the truth commission report could have had was superseded only days after its release when the legislature approved a sweeping amnesty law.<sup>8</sup> That legislature was controlled by the Alianza Republicana Nacionalista (ARENA), a right-wing party in power since 1989 whose founder, Roberto D’Aubisson, had been credibly linked to death squads.<sup>9</sup> According

to ONUSAL, the amnesty effectively preempted any practical attempt to identify and prosecute individuals associated with extra-judicial killings during the war.<sup>10</sup>

The amnesty law thus provided the Salvadoran government an expedient vehicle for distancing its criminal past while still fulfilling the accords' letter. The state avoided a long, drawn-out battle between factions looking to place blame, and it escaped having to challenge its heretofore protector, the army, over allegations of excessive violence. To be fair, rumored threats of a military takeover probably led the political establishment to approve the excessively generous amnesty as an act of self-preservation.<sup>11</sup>

Furthermore, by foregoing justice in the name of reconciliation, the law denied the populace any deterrent to the commission of future violations.<sup>12</sup> It also demonstrated the vulnerabilities inherent in ONUSAL's oversight: its already weak authority could be circumvented by passage of a domestic law. In any event, the Salvadoran people felt the general amnesty's greatest impact, since it eliminated any legal recourse for civil war victims and drastically reduced the chances for a full national reconciliation.<sup>13</sup>

**Limited success.** Measures to establish official state recognition of accountability have not improved in the last decade, probably signaling a permanently truncated AR2 process. In fact, as late as 2003, government officials testified in front of the UN that the three most publicized killings (those of Archbishop Romero of San Salvador, six Jesuits priests, and the massacre at El Mozote) were still under investigation, even though the truth commission had effectively established accountability.<sup>14</sup> According to the officials, only the investigation into the murder of Archbishop Romero had met with any success—and that marginal, with the murder attributed to the actions of one lone man. Given the killing's patently political motive, this was hardly a convincing conclusion.<sup>15</sup>

If these officials reflect the nation's unwillingness to adjudicate past crimes, it appears that progress in El Salvador is over. The state's power brokers feel no compelling need to reconcile their society's disparate segments. In short, by failing to provide even limited avenues of redress to the aggrieved, the government's hasty amnesty undercut reconciliation. Amnesty set the conditions under which the reintegration process

could proceed, but it forestalled full reconciliation. The interconnecting influences across El Salvador's societal dimensions illuminate this partially successful but truncated AR2 process.

## Security Dimension

The Chapultepec Accords directed the FMLN to disarm and demobilize, a prerequisite for peaceful transition. Conducted in five stages, the process was declared complete by the UN in 1993.<sup>16</sup> FMLN demilitarization ended the military standoff and ensured that the civil war did not resume. It also laid the foundation for transitioning guerrilla forces into society. In exchange, the ESAF relinquished its role as a domestic law enforcer and assumed a defensive stance against external threats.<sup>17</sup>

The accords also laid out a plan to reform the government's forces. First, the ESAF was directed to establish an ad hoc commission to purge its officer corps of members linked to extra-legal killings during the war.<sup>18</sup> It was also directed to dismantle its covert intelligence service, the National Guard, and the Treasury Police while reducing the army's size by 50 percent. Finally, the military was placed under civilian control.



AFP, Francisco Campos

The counterinsurgency Jose Arce Battalion performs a final exercise 6 February 1993. The battalion was the last to disband, reducing the Salvadoran armed forces from 63,000 troops to 31,500 as provided for in the peace agreement between the government and rebel groups.

These measures met with varying degrees of success. The commission removed complicit officers from the command structure, the intelligence service was disbanded, and the army was reduced; however, the National Guard and Treasury Police were never dismantled—the ESAF merely renamed them and transferred their entire structures into the regular army.<sup>19</sup> Additionally, it took several years for the military to hand over control of intrinsically nonmilitary government institutions to civilian authorities.

The disparity between the letter and spirit of the accords and their results is attributable to the leverage the military continued to exercise over politics and the economy. Not only did the army retain great sponsorship in the legislature, but most of the ad hoc commission's members came from the military. Moreover, the commission exercised its responsibilities after the FMLN de-armed;<sup>20</sup> thus the ESAF, with its long-time enemy bereft of military strength, felt no immediate need to show good faith and air its dirty laundry. The reforms were meant to redefine and transform the military—they were vital for reconciling both the guerrillas and the ESAF with the rest of society. Piecemeal implementation by the government would set the conditions for an unenergetic reconciliation process.

The Chapultepec Accords also called for dissolution of the *Policía Nacional* (PN) and establishment of a new force, the *Policía Nacional Civilista* (PNC). The founding of the PNC marked the “first time that internal security was separated from the military.”<sup>21</sup> Sixty percent of the new force was composed of civilians who were not associated with the conflict, while 20 percent came from the old PN and 20 percent from the FMLN.<sup>22</sup> It was a creative way to develop a buffer between the people and the state while also limiting the economic impact of the expected influx of ex-FMLN fighters (many of whom lacked any basic skills beyond those required for waging war) into a state system that was experiencing a nearly one-in-five unemployment rate.<sup>23</sup> However, in keeping with its historical reluctance to change, the Salvadoran government delayed PNC activation, blaming a lack of funds to train and deploy the force.<sup>24</sup>

At this juncture, ONUSAL—and the reform process—lost traction. Mandated to monitor and verify changes, not enforce them, ONUSAL could do little to keep the reform ball rolling. It also had

to contend with a perception problem; for example, if it pushed for security changes to move forward, it ran the risk of seeming to favor the FMLN, a perception that could have undermined the mission's domestic and international credibility.<sup>25</sup> The government exploited the mission's vulnerability to perception and its lack of judicial teeth by using the amnesty law to shroud its degree of complicity in the killings from the international community. The government found it could declaw ONUSAL's security recommendations by delaying or relaxing standards as it saw fit. Caught between the Scylla of judicial impotence and the Charybdis of fragile credibility, ONUSAL could only stand silently by and watch the government procrastinate. It took obvious, direct violations of the accords to elicit a confident ONUSAL censure.

Over time, fears that the government's machinations would prevent full reintegration and reconciliation have given way to a sense that security concerns, at least, have been alleviated. Simultaneously, reformation of the ESAF has contributed to political reconciliation by halting the violence and by giving the populace an objective civilian law-enforcement unit that buffers them from military authority and allows for economic revitalization. The security dimension's primacy in the peace process, therefore, allowed political and economic reforms to develop, albeit at a laggard's pace.

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## Political Dimension

Given El Salvador's oligarchic history, the FMLN probably chose its ideology, Marxism, because it was appropriate to the socioeconomic nature of the group's dissent. It was also convenient: Marxism was the politic *du jour* in the 1980s, and adopting it allowed the guerrillas to tap into a continuous flow of tangible support from ideological sympathizers, namely Cuba, Nicaragua, and the Soviet Union. Put

simply, Marxism was an understandable, pragmatic response to an oppressive situation; it was the form the FMLN insurgency took, not the motivator of that insurgency. Under the Chapultepec Accords, the FMLN's transition from an outlaw organization to a legal political party has borne this out: opposition to economic injustice has proven far more important than adherence to ideology.

Despite the peaceful political transition, however, El Salvador has yet to realize true political reintegration. By forming coalitions with tangential political entities, ARENA has dominated the legislature and the presidency and continues to maintain a steady grip on political leadership.<sup>26</sup> The party has been known to control its coalitions using patently corrupt measures.<sup>27</sup> The FMLN, which is excluded from these coalitions, lacks any true measure of power on the national level. Thus, while El Salvador maintains the trappings of democracy, real political competition at the national level has proven elusive.<sup>28</sup> Flawed implementation of the Chapultepec Accords has done virtually nothing to mend the economic fractures and political discontent that gave rise to the FMLN and the war; the process simply established structural avenues by which the FMLN could espouse and legally seek political support for its views. It legitimized the opposition, but could not empower it. As a result, political reconciliation in El Salvador has not led to the birth of any true spirit of democracy. This failure was apparent in 2004, when the FMLN boycotted President Antonio Saca's inauguration.<sup>29</sup>

Such circumstances should come as no surprise to those familiar with El Salvador. The country's history resonates with examples of power brokers using the political process to defend their selfish interests at the expense of mutually beneficial policies issuing from a more enlightened self-interest. Their narrow agendas inevitably involve hoarding political power in order to accumulate wealth.

## Economic Dimension

Economic exploitation lay at the root of the El Salvadoran conflict, and it continues to limit reconciliation. Historically, the country's rich elite manipulated the economic and political dimensions of society for their own benefit while using the army for protection. Elizabeth Wood described the pre-1992 Salvadoran government as "coalitions of



AFP: Edgar Romero

**Elias Antonio Saca, of the right-wing Nationalist Republican Alliance (ARENA), holds a press conference in El Salvador to explain the final stages of his presidential campaign, 19 October 2004.**

economic elites and military hardliners [defending] labor-repressive institutions and practices until the civil war."<sup>30</sup> Moderating influences have been slow to gain traction in the Salvadoran government.

These conditions originated in the oligarchic politics of the colonial era, when a few Salvadorans were very rich, a multitude were very poor, and there was virtually no middle class.<sup>31</sup> Although similar class strata had developed in other Latin American countries, El Salvador by the mid-80s became known as the region's poorest country. As late as 2002, 48 percent of the populace still lived in poverty.<sup>32</sup> Economic improvement, like political progress, has been slow in coming.

Today, El Salvador has the second-highest GDP in Central America, but that testifies less to its economic health than to the moribund economic conditions of the region's other, similarly exploitative, economies.<sup>33</sup>

Another failure of the Chapultepec Accords was land reform. In the 1930s, coffee became El Salvador's major export. Economic dependence on the crop created intense competition for land in a country with little arable turf. Consequently, the rich few—10 percent of the population—bought up or otherwise acquired all the land. Land-reform movements prior to the civil war sought to rectify this inequity with a constitutional amendment that limited private landowners to 245 hectares. Unfortunately, though predictably, government leaders ignored this provision, since enforcing it would have adversely affected their own wealth and power base.<sup>34</sup> After the Chapultepec Accords,

land reformers (led primarily by FMLN leaders) sought to implement the constitutional restriction. Mass protests eventually forced the government to partially comply with the constitution, but movement leaders shifted emphasis: having obtained land for themselves in exchange for assuming debt, they dropped land redistribution as an issue in favor of debt relief. Land reform essentially halted.<sup>35</sup>

The reform that did occur caused havoc with the fragile economy. In many cases, the new landowners became subsistence farmers, something for which the government had failed to plan. The economy's perpetual heavy reliance on coffee exports therefore compounded and encouraged continuing poverty, even after dilatory attempts at economic reform. From a macroeconomic standpoint, land that once contributed to the nation's overall wealth and indirectly fed many, now fed only those who farmed it. The percentage of agriculturally productive land dropped precipitously. Only then did the government modify its conservative economic policies to account for the new reality.<sup>36</sup>

Fortunately, by the time these marginally progressive land reforms and overdue, relatively meager economic measures were enacted, the security and political dimensions had changed enough to ensure stability that could withstand prolonged economic recalcitrance. On the downside, there was little impetus from those dimensions to push through with timely and serious economic reform.

From the viewpoint of the AR2 framework, security assurances came first; the most visible political reforms then followed (at a leisurely pace). Political restructuring created just enough space for confrontation over pertinent economic issues. In lieu of effective economic reform, however, an unprogressive stagnation ensued. El Salvador still faces obstinate political and economic challenges, many of them due to the quick, immoderate amnesty that short-circuited the overall reconciliation effort. That all parties to the agreement were so quick to meet the letter of the law and then act so slowly in implementing meaningful change toward reconciliation reveals volumes about their self-interested, inherently flawed approach to AR2.

## Conclusion

Analysis of the AR2 process in El Salvador suggests that certain salient factors affected outcomes:

- The lack of a real mechanism to enforce the findings of a truth commission or other such investigative body derailed real reconciliation and reform. In El Salvador, ONUSAL was mandated only to oversee, not enforce, reforms—it was basically an impotent spectator whose recommendations were opposed by entrenched parties. ONUSAL's need to appear neutral further weakened its effectiveness. When the mission confronted a societal context that actually favored a strong central government, its limitations became insurmountable. An armed reconciler is probably a necessity for effective AR2.

- The government's linear algebra of sustained selfishness consistently frustrated attempts at reform. AR2 is more art than science, and it requires an integrating calculus of enlightened self-interest, not the defense of entrenched interests. A government's performance in AR2 depends almost entirely upon its *raison d'être*. The Salvadoran case demonstrated a need not only for structural reformation of a narrowly self-interested government, but also for a shift in philosophy that would enable the intended spirit of the reform to be realized along with the letter. This moral epiphany did not occur in El Salvador.

- The government's quick amnesty put the AR2 process on a bad footing from the outset. Although this amnesty applied only to government misdeeds—the FMLN's misdeeds were never even brought to light—the inherent unfairness of this prospect still does not absolve the government from enacting amnesty in a socially conscious fashion. Amnesty cannot be viewed in isolation; it must be considered within the context of the overall AR2 objectives. Amnesty may be a prerequisite for reintegration, and both may be necessary to achieve genuine societal reconciliation, but a full and properly pragmatic consideration must be given to what each step entails. How amnesty is applied remains as important a decision to the end of the AR2 process as it is to its inception. In the Salvadoran example,

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blanket amnesty may have created the conditions for reintegration, but it covered guilty tracks and clouded the transparent process of reconciliation. In doing so, it adversely affected the degree to which real reconciliation was possible. Even wholesale reintegration could not overcome the lingering resentment born of an immoderately quick and pervasive amnesty.

- Placing the onus of change upon parties complicit in the original conflict—effectively leaving the former combatants to their own devices—is not the most efficacious way to proceed. The fact that there was no decisive winner in this conflict further highlights the issue. This point is a corollary of the need for a potent, armed reconciler.

- The heart of conflict resolution involves adequate redress of grievances. In this case, the driving grievances, or root causes, involved economic inequity. To the extent El Salvador does not maintain an economic balance, there exists a chance for resumption of violence.

If nothing else, the Salvadoran case study shows that reconciliation is an ongoing process, dependent



AFP, Orlando Sierra

**An agent of the National Civil Police walks next to a charred Toyota Land Cruiser where three Salvadoran deputies of the Central American Parliament were assassinated and torched by alleged hit men 20 February 2007, in El Jocotillo, El Salvador.**

on the effective application of amnesty and reintegration across the security, political, and economic dimensions. **MR**

## NOTES

1. Clifford Krauss, "The Salvadoran Quagmire," *Inside Central America* (New York: Touchstone, 1999), 55.

2. Elisabeth Jean Wood, *Forging Democracy from Below* (Cambridge, UK: Cambridge University Press, 2000).

3. Krauss, 57.

4. Thomas Buergenthal, "Truth Commissions: Between Impunity and Prosecution," *Case Western Reserve Journal of International Law* (2006/2007): 219-20.

5. *Ibid.*, 218-19.

6. Nicole Hertvik, "El Salvador: Effecting Change From Within," *United Nations Chronicle Online Edition*, September-November 2002. The government of El Salvador had for the most part disassociated itself with right-wing death squads by the time of the peace accords, but it still had to account for the practices of previous administrations. Discussed in an email on 17 December 2007 with Ambassador David Passage, charge d'affaires with the U.S. Embassy, El Salvador, regarding the Salvadoran civil war.

7. Buergenthal, 218.

8. Richard Stahler-Sholk, "El Salvador's Negotiated Transition: From Low Intensity Conflict to Low Intensity Democracy," *Journal of Inter-American Studies and World Affairs* 36, no.4 (1994): 10-11.

9. Krauss, 73.

10. United Nations Human Rights Committee, *Concluding Observations of the Human Rights Committee: El Salvador, Committee Proceedings* (Geneva: Office of the United Nations High Commissioner for Human Rights, 2003).

11. Steven J. Pope, "The Convergence of Forgiveness and Justice: Lessons from El Salvador," *Theological Studies* (2003): 815. Pope's contention has been challenged by Ambassador Passage, who believed this to be a spurious allegation.

12. Mike Kaye, "The Role of Truth Commissions in the Search for Justice, Reconciliation and Democratization: The Salvadoran and Honduran Cases," *Journal of Latin American Studies* (1997): 695.

13. The amnesty law covered only those offenses attributed to government action. The peace process was never designed to obtain redress for FMLN victims, making amnesty a moot issue. Email with Ambassador Passage.

14. United Nations Human Rights Committee.

15. Up until his death, Archbishop Romero was an outspoken defender of the poor and a vehement activist who publicly criticized the government's oppressive tactics. During a mass celebrating the life of a radical journalist's mother, an assassin stepped into the center aisle and shot him through the heart with a high-powered rifle. The assassin was never found, but later investigations attributed the murder to

the activities of a right-wing element within the government. For more information regarding the government's role in this murder, see Krauss.

16. Stahler-Sholk, 12.

17. *The United Nations and El Salvador (1990-1995)*, United Nations Blue Book Series (New York: United Nations Department of Public Information, 1995).

18. *Ibid.*

19. Stahler-Sholk, 15.

20. T. David Mason, "The Civil War in El Salvador: A Retrospective Analysis," *Latin American Research Review* (1999): 195.

21. Stahler-Sholk, 15.

22. *Ibid.*, 16.

23. Passage.

24. A. Douglas Kinkaid, "Demilitarization and Security in El Salvador and Guatemala: Convergences of Success and Crisis," *Journal of Interamerican Studies and World Affairs* (Winter 2000): 44.

25. United Nations Observer Mission in El Salvador (ONUSAL) Mandate, United Nations, 2003.

26. David Holiday, "El Salvador's 'Model' Democracy," *Current History* (February 2005): 78.

27. *Ibid.*, 80.

28. The FMLN has met with moderate success in sub-national elections.

29. Saca is a member of ARENA. Claire Ribando, *El Salvador: Political, Economic, and Social Conditions and Relations with the United States*, Report for Congress (Washington, DC: Congressional Research Service, 2005).

30. Wood, 25.

31. Victor Bulmer-Thomas, "Economic Development Over the Long Run—Central America Since 1920," *Journal of Latin American Studies* (1983): 265.

32. Kevin Sullivan, "El Salvador: On Unfinished Road to Reform; Despite Being Hailed by the U.S. as a Success Story, Economic Problems Persist," *Washington Post*, 24 March, 2002, A-26.

33. "El Salvador: Ten-year Growth outlook," Economist Intelligence Unit Views Wire, New York, 13 July 2007.

34. Lisa Kowalchuk, "Asymmetrical Alliances, Organizational Democracy and Peasant Protest in El Salvador," *The Canadian Review of Sociology and Anthropology* (August 2003): 295-96.

35. *Ibid.*, 301.

36. Stahler-Sholk, 18-19.