

Transition Modes and Institutional Outcomes in El Salvador and Guatemala

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Democratization and, more recently, the shift towards the choice of institutions in newly democratic countries have emerged as two fertile arenas for comparative analysis. Central America has captured substantial attention from the first perspective, giving rise to important contributions in comparative democratization¹. However, few studies have applied a comparative perspective to the institutional outcomes emerging from Central American transitions. Still fewer works have sought to examine formal institutional outcomes in Central America in light of existing contemporary explanations about institutional choices.

This paper compares institutional outcomes in El Salvador and Guatemala and argues that the modes of transition in these countries helped to shape the different institutional outcomes emerging in each of them. Two conditions serve initially to support this argument. First, Guatemala and El Salvador shared very similar conditions before they underwent their processes of transition. Both had political economies based largely on labor-repressive institutions, highly unequal societies, and military-authoritarian regimes based on an alliance between the military and a reactionary economic elite. In spite of these pre-transition similarities, their respective transitions produced very different institutional outcomes. Second, the outcomes in these countries are quite consistent with the expectations about institutional outcomes that the literature associates with the different modes of transition. Although both these conditions tend to support the argument presented here, this paper is careful not to assume a mechanical relationship between the modes of transition and the institutional outcomes in both countries. In a closing section, the validity of the argument presented is discussed and contrasted with alternative explanations accounting for the choice of institutions.

The outcomes analyzed in this paper include three different institutional dimensions: civil-military relations, electoral rules and institutional schemes. For each dimension, the paper shows that different outcomes emerged in each country according to the modes of transition. In the following section I discuss the connections between the modes of

transition and the institutional outcomes in both countries. The discussion builds on the existing literature about institutional choices to specify the connections between modes of transition and institutional outcomes.

Transition Modes and Institutional Outcomes

Two characteristics of the transitions in El Salvador and Guatemala seem to have had the most significant impact on institutional outcomes. The first characteristic refers to the character of the force controlling the transition in each country: the military or the civilian forces. The second characteristic refers to the relative bargaining power of the incumbents and the opposition in the transition. Depending on each side's relative bargaining power, the relationship between incumbents and opposition may be balanced, or it may be unbalanced in favor of one side.

Let us now try to define Guatemala and El Salvador's transitions based on the character of the force controlling the transition –the military or the civilians– and on the specific balance between the incumbent and the opposition. In both these dimensions, Guatemala and El Salvador show important differences. In Guatemala, the military played a dominant role in the transition, by deciding the timing of the process, by shaping the rules of the transition, and by controlling events at least up to the first democratic elections (Arévalo, 1998). In Guatemala, also, incumbent forces enjoyed greater bargaining power than the opposition at the negotiation table, leaning the balance in favor of the former side. In contrast, in Salvador, civilian forces played the dominant role in the transition, by deciding the timing of the process and dictating the rules of the transition. In El Salvador, also, incumbent and opposition forces both enjoyed some bargaining power, making for a more balanced incumbent-opposition relationship at the negotiation table².

According to Felipe Agüero, two conditions characterizing the initial stages of a transition tend to have the greatest impact on civil-military outcomes: the force controlling the transition –the military or the civilians– and the type of transition³. If the transition is controlled by the military and is “from above” –meaning that the incumbents have the power to impose their

preferences on the other side— we can expect that the military will enjoy greater autonomy in the democratic order and that civil-military relations will tend to be unbalanced. The opposite is also true. If the transition is controlled by the civilian forces and is “negotiated” —meaning that no party has enough bargaining power to impose its preferences on the other— we may expect that the military will enjoy less autonomy in the democratic order and more balanced civil-military relations will ensue.

Agüero's argument is that outcomes in civil-military relations are shaped substantially by the initial conditions characterizing transitions. He argues that the initial conditions of transitions help to shape the distribution of power between the military and the civilian forces in the first post-authoritarian order. Once a certain distribution of power between the military and the civilian forces has been established and institutionalized in the first post-authoritarian order, the costs on unsatisfied actors to change it increase and thus the possibilities for reversing it decrease. Agüero thus relies on the “path dependence” argument to stress the importance of the initial conditions in civil-military outcomes⁴.

Agüero's emphasis on the initial conditions structuring transitions seems well suited to my cases and becomes a good predictor of civil-military outcomes in El Salvador and Guatemala. As I will show, the military's dominant position in the first stage of the transition in Guatemala helps to explain the military's greater autonomy in this country, and speaks more eloquently to the important continuities that remain with the military-authoritarian past. In contrast, the military's much more limited role in the Salvadoran transition —due to the United States intervention and a stronger military challenge posed by the opposition— helps to explain the military's lower degree of autonomy and the more balanced civil-military relations in this country⁵.

The specific incumbent-opposition balance characterizing each country's transition seems to be the other powerful variable influencing institutional outcomes in each country. In situations in which this relationship is unbalanced in favor of the incumbents, as in Guatemala, the chances of winding up with majoritarian institutions increase. In contrast, in

situations in which the incumbent –opposition relationship is either balanced (as in El Salvador) or unbalanced in favor of the opposition, it is most likely that pluralist institutions will prevail⁶.

Consider the following two situations in which the incumbents dominate. In both situations, the incumbents control the process of transition but have different electoral expectations. In the first situation, the incumbents control the conditions of change, but they are uncertain about their electoral chances. In this situation, most authors predict that pluralist institutions will emerge because the incumbents will not want to risk losing all by choosing majoritarian institutions.

In the second situation, the incumbents are powerful enough to impose the conditions of change and their preferences on other side and they are optimistic about their electoral chances. In this situation, it is almost certain that majoritarian institutions will prevail because 1) based on their electoral expectations, the incumbents will tend to prefer majoritarian to pluralist institutions, and 2) they will have the power to impose this result on the opposition⁷. This scenario does not assume, however, that the incumbents are necessarily right about their electoral expectations. In fact, the incumbents might be utterly wrong in the electoral calculus and, based on their erroneous beliefs, still choose majoritarian institutions. Some factors tend to increase the possibility of error in the electoral calculus. For example, these probabilities tend to increase if no previous democratic election has taken place before the choice of the institutions. The timing of the first election also may affect the incumbents' electoral expectations. In general, the closest the first election is to the moment of the transfer of power, the likelier it is that the incumbents will overestimate their electoral chances. In Guatemala, as I will discuss later, both the results of the first election and the timing of the second election led the incumbent parties to overestimate their electoral chances.

Now consider a scenario in which the bargaining power of the incumbents and the opposition is relatively well balanced and no side is in a position to impose its preferences on the other. From this scenario, two situations may arise. In the first situation, no side is certain about its

electoral chances, and both prefer pluralist institutions as a way of minimizing the risk of losing all and of maximizing the possibility of gaining some representation. In the second situation, at least one side is optimistic about its electoral chances but, because it cannot impose its preferences on the other side, both must compromise on a “mixed” formula that may not be purely pluralist but also may not be purely majoritarian.

The chances of winding up with pluralist institutions are even greater. For example, in situations in which the opposition rather than the incumbents control the transition, we also can expect pluralist institutions. The underlying logic for this, as evidenced in the Eastern European transitions, is that the opposition prefers pluralist institutions because it anticipates that it will split after the transition and therefore tries to maximize the chances of the different factions⁸.

From this discussion, two conclusions follow. The first is that majoritarian institutions tend to flourish under narrower conditions than pluralist institutions, which are likely to emerge in a broader range of situations. The second is that *only* in situations in which the incumbents control the process of transition, as was the case in Guatemala and not in El Salvador, do majoritarian institutions have any chance to prosper. In all other situations, pluralist institutions are more likely to be the outcome.

On the basis of this discussion, I may have the following expectations regarding institutional outcomes in Guatemala and El Salvador. In Guatemala, where the transition was controlled by the military and dominated by the incumbents, I should expect the military to enjoy greater autonomy, civil-military relations to be more unbalanced, and political institutions to be more majoritarian. In El Salvador, where the civilian forces played a more important role in the process and the transition was negotiated, I should expect the military to enjoy less autonomy, civil-military relations to be more balanced, and political institutions to be more pluralistic.

Defining the Dependent Variables

This paper attempts to link transition modes with institutional outcomes in two different dimensions: civil-military relations and formal political institutions. In this sense, the paper considers two sets of variables. The first set is related to the first dimension, civil-military relations. The second set, which is related to the second dimension, is composed in turn of two subsets of variables: electoral rules and institutional schemes.

The first set of variables that this paper takes into account includes three different aspects of civil-military relations: a) military reform; b) civilian control; and c) military presence in the political life. Both the first and the third aspects should inform us about the military's institutional and political autonomy in the new democratic order, helping us to identify the continuities or discontinuities with the military-authoritarian past. The second aspect should help us to measure how balanced civil-military relations are in both countries. This paper will use a variety of indicators to measure the three aspects. For the first aspect, the indicators are military cuts, evolution of the military budget as a percentage of GDP and central government spending, the military reform in light of the peace accords, etc. For the second aspect, certain provisions included in the peace accords to ensure civilian supervision of the military, such as the creation of a legislative commission to control state intelligence activities in Guatemala, will be looked at. To measure the last aspect, I will consider the number of military or former military officials occupying public office, the military's situation regarding human rights violations, and the persistence of military structures linked to the authoritarian past.

The second set of variables includes two different political institutions: electoral rules and institutional schemes. I compare electoral rules in the two countries for the presidency, the legislatures and the municipalities. Although all these rules are taken into account, I focus on the rules governing the election of the legislatures where the most important differences are found. With regard to the institutional schemes, no differences are found in their main constitutional features. Both share one institution (presidentialism) that favors the division of powers, and two institutions (a unicameral legislature and a centralized state) that are more

majoritarian. Thus, to measure the pluralist or majoritarian character of these countries' institutional schemes, I focus on less formal institutional provisions that tend to increase or decrease the chances of divided government and power-sharing. These institutional mechanisms or provisions are the following: the concurrency or non-concurrency elections, at both the horizontal and the vertical level and the areas of power-sharing, specially regarding the appointments to relevant institutions.

Institutional Outcomes

Civil-Military Relations

According to the relationship specified in the previous section, I should expect the following outcomes in civil-military relations. In Guatemala, given a military-led and "from above" transition, I should expect greater autonomy of the military and more unbalanced civil-military relations. In El Salvador, given a civilian-led and negotiated transition, I should expect lesser autonomy and more balanced civil-military-relations.

The peace accords provide the necessary point of departure to analyze civil-military outcomes in both countries because they redefine the role of the military and reshape civil-military relations in a democratic order. The agreements in both countries define a new role for the Armed Forces limited to external defense functions and affirm civilian supremacy over the military. In addition, similar reforms are envisioned to achieve these goals. First, the accords include a military reform that contains similar aspects, such as the formulation of a new military doctrine, a redeployment consistent with external defense, education reform and military reduction. Second, they establish the return of public security functions to civilian control by eliminating the old repressive and paramilitary organizations, turning over intelligence activities to civilian control, and creating a new civilian police dependent no longer on the Ministry of Defense but on a civilian Ministry of Governance. To ensure civilian control of the military, the accords also establish certain mechanisms to ensure legislative oversight of the Armed Forces.

Despite the similarities, the accords show some differences in important areas affecting the institutional and political autonomy of the military. These key areas, affecting “core” interests of the military, are education and human rights violations. In both these areas, the Salvadoran agreements go much further than the Guatemalan accords, reflecting the differences in the relative power of both countries’ militaries. For example, in the area of education, the Guatemalan accords recognize the necessity of reforming the military’s educational system to make it consistent with the new democratic values, but they do not specify concrete mechanisms to achieve this goal. In contrast, in El Salvador, the accords explicitly assign civilians a role in the education of the military by creating a mixed Academic Council as the ruling body of the Military School, charged, among other things, with supervising the academic curriculum of the School.

The other important area in which the agreements differ affects the assessment of the military’s role in human rights violations. Given this issue’s centrality in most transitions from military rule in Latin America and its definition as a “core” interest of the military, the outcome in this area is even more revealing of the military’s relative bargaining power in both countries. In this area, the military in Guatemala was able to maintain important prerogatives, while the military in El Salvador was not. In both countries, the agreements created special commissions⁹ to investigate the truth about human rights violations during the war, but with very different consequences in each country. In Guatemala, none of these commissions was given the political mandate to investigate the role of the institution in human rights violations or the behavior of individual military members in these episodes. In contrast, in El Salvador, the Ad-Hoc Commission was specifically assigned the role to assess and evaluate the behavior of individual military members, including high-ranking officials, in episodes of human rights violations during the war and to issue recommendations on the basis of these evaluations.

The political consequences of this provision in El Salvador were not minor. As a result of the Ad-Hoc Commission’s work, and on the basis of its

recommendations, 103 military officers were purged from the institutions by the end of 1993. Although the government long resisted this measure, the pressures of the international community forced the Cristiani government finally to act on the Commission's recommendations and dismiss the 103 officers by 1993. The purges had an even greater impact in that they reached the highest level of the institution, affecting high-ranking officers such as the former Minister of Defense, Rene Emilio Ponce, and the Vice Minister of Defense, Juan Orlando Zepeda.

In Guatemala, in contrast, the military has managed to escape political accusations of human rights violations both collectively and individually. The military's continuing influence in this area is illustrated in the fact that the Report on the Reconstruction of the Historical Memory (REMHI) and the revelations of the Commission for the Historical Learning (CEH) had no political consequences for the institution and its individual members. More specifically, the power and influence of the Guatemalan military is shown in the fact that it continues to resort to the same practices of the past to divert political accusations and block judicial investigations of military members in connection with human rights violations. These practices, which consist of "threats" and intimidation tactics combined with disinformation campaigns, as used in the well-known cases of Mack and Gerardi's assassination, show that the military continues to maintain a powerful network based both on connections within the Judiciary and on its continuing active role in intelligence activities.

Other aspects show the continuing influence of the military in Guatemala's new order and the important continuities with its military past. First, the Constitution has not yet been reformed to embrace the new civil-military relations. This not only is revealing of the strength that the old forces continue to have, but also hinders the overall transformation of these relations. The unreformed Constitution creates an institutional anomaly whereby the peace accords define the new civil-military relations, while the Constitution still reflects the old order. This discrepancy already has become an obstacle for the normalization of civil-military relations. It has prevented the new government from appointing a civilian as the new

Minister of Defense at the beginning of its administration. The executive's intention to appoint a civilian as the new Minister of Defense was soon blocked by the Constitutional Court when it declared the appointment unconstitutional. The failure to pass the constitutional reforms, in May of 1999, also has hindered all progress in the area of civilian control over the military by delaying the creation of a legislative commission encharged of controlling state intelligence activities.

Second, the military body officially responsible for protecting and assisting the president and involved for decades in intelligence and illegal activities –the so-called Estado Mayor Presidencial (EMP)– has not yet been dismantled. The resilience of the EMP hinders the normalization of civil-military relations in important ways. First, it helps to maintain the influence of individual military elements in the country's political life. Despite not having organic links to the military, the militarized EMP always has worked as a platform for individual military officers, generally linked to the military intelligence, to access and influence the president's decisions. Not only did this not change, but it intensified with the rise of civilian presidents¹⁰. Second, the existence of the EMP continues to give members of the military an active role in intelligence activities in direct violation not only of the peace accords but also of the separation of powers and the rule of law¹¹. In addition, the military's continuing role in intelligence activities is tightly linked to the surge in organized crime in post-war Guatemala – including, bank robberies, car thefts, kidnappings and drug trafficking– and thus it is at the heart of the Guatemala's enormous security problems.

In contrast, in El Salvador, the Constitution has been changed to include the new civil-military relations, intelligence activities successfully have been returned to civilian control, and the military virtually has vanished from public life.

These pieces of evidence demonstrate that the military in Guatemala enjoys greater autonomy and prerogatives than the military in El Salvador. As a result, civil-military relations in Guatemala tend to be more unbalanced than in El Salvador. By this I do not mean to say that civil-military relations are completely normalized in El Salvador or that no

progress has been achieved in Guatemala concerning these relations. In the following section I compare civil-military outcomes in a more systematic fashion, according to the three dimensions mentioned earlier: military reform, civilian control and military presence in public life.

Comparing civil-military relations

If I compare civil-military relations in El Salvador and Guatemala according to these dimensions –military reform, civilian control and military presence in public life– I find that Guatemala has made some progress in the area of military reform, while it lags in the areas of civilian control and military presence in public life. In contrast, El Salvador ranks much better in the area of military presence in public life, has done similarly equally well in the area of military reform, and shares problems with Guatemala in the area of civilian control.

The most important advances in both countries are found in the area of military reform (or military conversion). In both countries, the new role assigned to the military in a democratic society has been accompanied by efforts to create a new military doctrine consistent with this role¹². In both countries, the military has undertaken this effort in collaboration with civilians. The process of military reform also has included severe reductions in troop size in the two countries. The reductions have been more drastic in El Salvador than in Guatemala, but the Armed Forces in El Salvador also were larger than their Guatemalan counterparts, both in absolute numbers and in the number of troops per 1,000 persons¹³. In both countries, the reductions have been accompanied by a territorial redeployment of the military consistent with external defense needs rather than more traditional internal security concerns such as population control. Although this process has been completed in El Salvador, it is still underway in Guatemala. In an interview with an official working in the UN mission for the verification of the peace accords in Guatemala (MINUGUA), he describes the military's process of territorial redeployment as quite successful, with two notable exceptions. The military has resisted abandoning the old conflictive triangle of Ixil arguing that the people do not

want them to leave the territory for security purposes, and for the moment it continues to maintain a territorial presence in the area for the alleged purpose of population control. In addition, until very recently the civilian units of the regional military divisions were still engaging in intelligence activities¹⁴. Finally, as part of the process of military reform, the military budget has been reduced as a percentage of total central government spending and as a percentage of GDP. In the case of El Salvador, the military budget has been reduced to 5 percent of total government expenditures, down from 7 percent. In the case of Guatemala, the cuts in the military budget have been less sensitive, although this is due to the specific timing established in the peace accords.

In contrast to the relative successes achieved in the area of military reform (or military conversion), the two countries have made the least progress in the areas of civilian control and supervision of the military. Antonio Martinez-Uribe, a Salvadoran scholar who specializes in military issues, argues that no effective civilian control of the military exists in El Salvador, primarily because i) no national security or defense policy has been formulated; ii) the National Security Council created in September 1993 is not working properly; iii) there is no effective control of the military budget process; and iv) the Modernization Plan of the Armed Forces, known as Arce 2000, was created exclusively by the military. Martinez-Uribe also tends to attribute the slow progress in this key area of civil-military relations to the neglect and inaction of the civilian forces with respect to military issues. In Guatemala, the most elemental mechanisms needed to facilitate and enforce civilian control of the military –such as the creation of a legislative commission to ensure civilian control of intelligence operations– have not yet been established; in fact, they were rejected as part of a package of constitutional reforms in the popular consultation of May 1999. The lack of civilian control over the Guatemalan military is even more problematic because of the military's continuing role in intelligence activities and its presence in the country's public life.

The differences between the two countries are especially visible in the degree to which the military remains involved in public life. In El Salvador,

the military has all but vanished from the country's political and public life over the past eight years. In the years immediately following the peace accords, the military had an interest in lowering its public and political profile for fear of becoming the object of further purges and political attacks. But over the past few years the military has complained that it is being neglected by civilian politicians¹⁵. As Martínez-Urbe suggests, the scant progress made in asserting civilian control over the military is probably due to a lack of interest on the part of the civilians in military affairs. While weak civilian control over the military does not contribute to healthy civil-military relations, the underlying reason for it –civilian neglect– also could suggest that El Salvador has left its military past behind.

The same cannot be said about Guatemala. The country's military past continues to have a highly visible presence in public life despite the military's internal efforts to adopt a professional profile. The continuing vitality of the military's public role is manifested at different levels. First, certain structures tightly linked to Guatemala's repressive military past –the EMP, for example– have not yet been dismantled. Although, the EMP is an autonomous institution whose links to the military exist only on an individual level, it continues to function as a platform for individual military officials to influence the country's political life. In addition, the EMP allows military elements to continue to be engaged in intelligence activities. The powerful role that this institution continues to play in blocking investigations involving military members repeatedly has been illustrated in internationally publicized cases such as Gerardi and Myrna Mack's assassinations, among others. Second, many former military officials in Guatemala occupy prominent public office's positions. To cite only the two most visible and striking examples, the presidency of the legislature is occupied by General and former president Ríos Montt, and the chief of the Ministry of Public Security, Byron Barrientos, is a former military officer with links to military intelligence. Third, it is no secret that the old ex-civilian patrol structures are making a comeback in certain communities of the western highland and that some of these old military structures are behind the "linchamientos" that the United Nations Mission has been reporting over the past few years.

Finally, the military's past continues to live, institutionalized and frozen, in a Constitution that has not been reformed following the negative results of the popular consultation in May 1999.

Electoral rules

In this area, given the modes of transition, I should expect El Salvador to have more inclusive electoral rules than Guatemala. Regarding the rules for the presidential election, no differences are found between the two countries. The rule that both countries use to elect president is the double-ballot, meaning that if no candidate obtains an absolute majority of the vote in the first round, the election is decided in a second round between the two highest vote-getters. Considering the intrinsic exclusionary nature of a presidential election –in that it allows only one winner, and the winner is not even one party but one person– this is considered to be the most inclusive rule, since it includes the median voter. Regarding the rules governing local elections, no significant differences are found between the two countries. El Salvador has a plurality system, while Guatemala has a quasi plurality system¹⁶.

The most important differences between the two countries are found in the rules governing legislative elections. As I shall show, certain elements of the electoral system –such as, the electoral formula used to allocate seats in the assembly, the size of the smallest district, and the average district magnitude for the lower districts– vary between the two countries to produce more or less proportional effects.

Table 1
Characteristics of the Electoral Systems of Guatemala and El Salvador

	Tier	Electoral Formula	Smallest District	District Magnitude	Number of districts	Assembly size	Legal Threshold	Effective Threshold
GUA	H	d'Hondt		22	1	113	NO	3.2
	L	d'Hondt	1.2(9)	3.9	23			
ES	H	LR- Hare		20	1	84	NO	3.5
	L	LR-Hare	3 (8)	4.5	14			

Source: Based on Arend Lijphart: *Electoral Systems and Party Systems*, New York, Oxford University Press, 1994

In Guatemala, the combination of the d'Hondt formula –the least proportional of the PR formulas–, the size of the smallest district (1), and the large number of small districts (9) with a size of 1 and 2, gives the system a strong majoritarian bias¹⁷. This bias can be illustrated in the following figures: The electoral system in Guatemala has created a one-party winner in three out of four elections; that is, in 75 percent of the elections, the electoral system has produced an absolute winner in the assembly. In all of these elections, except in the last one, the electoral system has manufactured a party majority, increasing by almost 15 (in 1986) and 20 points (in 1995) the difference between the first party's vote share and seat share. In contrast, the electoral system has worked to the disadvantage of second and third parties, which always have seen their seat share with regard to their vote share reduced. This disproportionality is only partially compensated by the existence of a national district, since the national district allocates only 1/4 of the seats in the assembly, while the other 3/4 are allocated through the lower districts. Despite this, the existence of a national district reduces the effective threshold allowing a party to obtain representation with a relatively low percentage of votes 3.2. In turn, this may help to explain why, despite the majoritarian effects of the Guatemalan electoral system, a large number of parties (larger than in El Salvador) obtain some representation in the assembly¹⁸.

In contrast, in El Salvador, the combination of the LR-Hare formula – the most proportional of the PR formulas– and the size and number of the smallest districts tends to produce more proportional effects. This is easily illustrated by looking to the few times that the electoral system has produced a one-party majority (in only 2 out of 7 elections). Thus, the electoral system in El Salvador has produced an absolute winner in the assembly in only 28 percent of the elections. Moreover, in the only two occasions that the electoral system produced a one-party majority in the legislature (in 1985 and 1988), the size of the assembly was extremely reduced (60) and a higher district that allocates 1/3 of the seats in the assembly had not yet been introduced. Since the number of

representatives in the assembly increased (from 60 to 84) and the national district was introduced in 1991, the electoral system has not again produced a single-party majority in the assembly. The greater proportionality of the Salvadoran electoral system, however, does not affect as much the number of effective parties in the assembly (lower than in Guatemala) as it affects the vote/seat distribution among the three largest parties. Compared to Guatemala, in El Salvador, the largest deviation produced by the electoral system for the largest party has never exceeded 2.1 points and for other parties it has never been superior, as an average, to 5.2 points. Thus, the more proportional effects of the Salvadoran electoral system can be observed in smaller deviations in seat shares as regards to vote shares affecting the largest parties. Moreover, the system tends to benefit slightly the third party over the second, and the second over the first. For example, in five out of seven elections, the third party was rewarded with a greater share in seats than its vote share, compared to only three times in which the second and first party obtained a slightly higher seat share than their vote share. This slight deviation in the proportionality favoring the third party can be explained as a result of applying the LR-Hare formula in a high number of districts (more than half or 53 percent) with the minimum size of three seats.

The greater proportionality of the Salvadoran electoral system helps to explain why, almost from the first democratic elections of 1982, multiparty agreements and coalitions dominated the dynamics of the legislature in El Salvador. In turn, the effects of multiparty negotiations in the assembly have been to produce intermediate and more moderate agreements that have satisfied the preferences of a greater number of voters.

Institutional Schemes¹⁹

El Salvador and Guatemala appear to have similar institutional schemes. They both are presidential systems with a unicameral parliament and a centralized state. However, when viewed more closely, important elements of their institutional schemes are different. More importantly, these differences seem to be crucial in explaining the more or less

pluralistic effects of their institutional schemes. Political pluralism exists when different parties control relevant institutions and have an opportunity to participate in the decisions. Thus, a particular institutional scheme is more pluralistic if it increases the chances of different parties controlling different relevant institutions. Conversely, an institutional scheme is less pluralistic if it increases the chances of only one party controlling all the relevant institutions.

Pluralism, or divided government, has both a horizontal and a vertical dimension. In presidential systems, horizontal pluralism or horizontally divided government refers to a situation in which different majorities control different branches of power, mainly the executive and legislative branches. This, in turn, is highly dependent on whether the elections for the different government offices are concurrent or not, and on the particular balance of power between the executive and the legislative or, in other words, on the degree of power-sharing. Similarly, vertical pluralism or vertically divided government refers to a situation in which different parties control different levels of government, mainly the central and regional or local levels. Like horizontally divided government, vertically divided government depends on whether elections for the central offices and for the regional ones are concurrent or not, and on the degree of federalism and decentralization of power.

Based on the previous discussion, in the following paragraphs I look at institutional schemes in El Salvador and Guatemala. If my argument is correct, I should expect El Salvador, where the transition was negotiated, to have more pluralistic institutions at both the horizontal and the vertical levels. Conversely, I should expect Guatemala, where the transition was “from above”, to have more restrictive and majoritarian institutions at both the horizontal and the vertical level. To discern this, I look to the following elements. At the horizontal level, I discuss a) the concurrency or non-concurrency of presidential and legislative elections and b) certain areas of power-sharing between the two branches of government. At the vertical level, I look to a) the concurrency or non-concurrency of central and local elections and b) the formal division of power at the vertical level.

Horizontal Institutional Schemes

Concurrent and Non-Concurrent Elections. Concurrent or non-concurrent elections tend to have a strong impact on horizontal pluralism, increasing or decreasing the chances of divided government, by influencing the parties' and the voters' strategies. In general, non-concurrent elections increase the chances of divided government by allowing the parties to run on different issues for the different government offices, creating incentives for a sincerely divided vote, and by making strategic divided vote safer for voters. By contrast, concurrent elections increase the chances of unified government by inducing parties to run on the same issues for the different offices, inducing a concentrated vote and making strategic divided vote more risky for voters²⁰.

Voting patterns and outcomes in El Salvador and Guatemala tend to support this evidence. In Guatemala, where elections for the different branches and levels of government are concurrent, only one of four elections produced a divided government. In the other three elections (that is, in 75 percent of the cases), the president's party won a majority in the assembly. In Guatemala, in the first two democratic elections, an additional institutional device tended to increase the chances of a unified government. Both the presidential candidates and the representatives from the national list were elected in a single ballot, precluding any possibility of splitting the vote among them. This device was eliminated with the constitutional reforms of 1994, and thus it has not been in place in the last two elections.

In El Salvador, in contrast, non-concurrent elections for the different branches of government progressively have created a pattern of divided vote and divided government. Divided government has been a more frequent outcome as the number of parties competing in the elections and holding different positions regarding the different issues have increased. In this sense, the 1994 elections, the first elections in which the leftist FMLN competed, can be taken as a turning point. Before these elections, unified government was the outcome in 100 percent of the cases, while after these elections divided government has become the dominant tendency. In the legislative elections of 1997, the president's party (ARENA) saw its majority

in the assembly significantly reduced, from 39 to 28 seats out of a total of 84 (in percentage terms, from 46.4 to 33.3 percent of all seats). In the same elections, the main opposition party saw its minority position increase from 21 to 27 seats (in percentage terms, from 25 to 32.1 percent). In the legislative elections of 2000, the president's party (ARENA) lost its majority in the assembly to the main opposition party, the FMLN. Currently, the FMLN holds a plurality in the assembly with 31 seats (a 37 percent share) against the president's party, ARENA, which has 29 seats (a 34.5 percent share).

Power-Sharing. The pluralistic effects of divided government can be greatly enhanced when power-sharing prevails in a large number of areas. In general, when power-sharing prevails in a large number of areas relations tend to be more cooperative and decisions more plural since they are necessarily the result of an intermediate agreement.

In particular, the pluralistic effects of power-sharing in El Salvador and Guatemala can be seen in an area that the executive and legislative powers in a presidential system traditionally share: the appointments to several relevant institutions. Power-sharing in this area can be achieved by having different institutions concurring to appoint different positions to relevant institutions or, as in El Salvador, by having the assembly elect most positions by a qualified majority, since the latter necessarily entails negotiations and some degree compromise among the political parties in the assembly. Power-sharing in this area enhances pluralism by promoting cooperative relations between the different branches of government and by producing intermediate and more moderate candidates.

Democratization in El Salvador and Guatemala provided an opportunity to redefine the area of power-sharing for institutional appointments as new institutions were created and old ones were reformed. Consistent with the modes of transition, power-sharing in this area is larger in El Salvador than in Guatemala. In El Salvador, as I already mentioned, power-sharing is achieved by imposing a qualified majority (2/3) in the assembly to elect the positions to most institutions that were created or reformed in the peace accords²¹. This qualified majority has forced the

political parties in the assembly to engage in negotiations and achieve some degree of compromise in order to elect the candidates. In contrast, in Guatemala, fewer positions are appointed by the Congress and by no qualified majority and many more are left to the presidency to decide unilaterally²².

As a result, in Guatemala the number of institutions controlled by the president's party is much larger than in El Salvador. If I add the fact that unified government tends to prevail in Guatemala as a result of concurrent elections, I must conclude that the president's party controls almost all relevant institutions. In contrast, in El Salvador, as a result of non-concurrent elections and power-sharing, a much more pluralistic picture emerges. Not only is the government divided in El Salvador, with the right controlling the presidency and the left controlling the assembly, but, as a result of power-sharing mechanisms promoting cooperative relations, pluralism is extended to other important institutions, such as the Supreme Court and the Human Rights' Office.

Vertical Institutional Schemes

Concurrent versus Non-Concurrent Elections. Pluralism has not only a horizontal but a vertical dimension as well. Vertical pluralism or vertically divided government can be measured by the proportion of regional and local executives whose party is not in the national government. This proportion tends to be lower when national and regional or local elections are concurrent. Conversely, it tends to be higher when central and local elections are non-concurrent.

In Guatemala, where elections for the national and local governments are concurrent²³, the party that wins the presidency also tends to win a high number of municipal elections. The president's party has won an overwhelming majority of local governments in all elections except for the first democratic election (in which the national and local elections were non-concurrent) and the 1990 election (in which the president's party did not win a majority in the assembly). In 1995, the party that won the presidency and a majority in the assembly, the PAN, also won a majority (50 percent)

of the municipalities, followed by the second largest party. In the last elections, in 1999, the local map shifted as a different party, the FRG, won the national government (both the presidency and the legislative) and a majority of the municipalities (153 municipalities or 48 percent). With the number of the municipalities (108) and the percentage (32 percent) obtained by the second largest party –the PAN– in these elections, the two largest parties controlled an 80 per cent of the local governments.

In El Salvador, between 1985 and 1997, the president's party also controlled most local governments. However, this pattern has been shifting towards a more pluralistic scenario, as divided government has been established at the national level. As the tendency to vote for different parties at the horizontal level has increased, this tendency also has been reflected at the local level. One reason for this is that elections for the legislature and for the municipalities are concurrent, while both are non-concurrent with the presidential election. The power that the FMLN has acquired at the national level by winning the majority in the assembly is mirrored by an even larger proportion of local units in control of the party. In the last elections, the FMLN won 26 more local governments. While the president's party, ARENA, still controls 126 municipalities, the FMLN has increased the number of municipalities under its control from 54 to 80. More importantly, since the FMLN controls the local governments in 8 out of the 14 departmental capitals that include the largest municipalities in terms of population, more people are governed by the FMLN at the local level than by ARENA.

A Centralized versus a Decentralized State. El Salvador and Guatemala are both unitary states with Constitutions that recognize local autonomy and thus different levels of government. In practice, though, they are not only unitary but also centralized states. The unitary character of the state is eloquently reflected at the regional level. The two countries are divided into several regional units or departments (22 in Guatemala and 14 in El Salvador). But these units serve only as administrative divisions of the state, with no separate powers or even the administrative capacity to carry out policy. Nevertheless, in both countries, a governor is appointed by the

president to represent each regional department. The unitary character of the state, and the lack of intermediate units with separate powers, might explain the absence of a second chamber.

Despite the unitary character of the state, the existence of local governments permits measurement, at least to some extent, of the degree of decentralization in each country. From a constitutional and legal framework, there are no significant differences between El Salvador and Guatemala with regard to the degree of autonomy of their local governments. In general, despite a constitutional principle recognizing municipal autonomy, local governments have little or no autonomy. The lack of autonomy is illustrated best by the fiscal limitations affecting the local governments. The municipalities do not even have ultimate decision-making power concerning local taxes and tax rates. As a positive sign, the constitution in Guatemala and a law in El Salvador guarantee that 10 percent and 6 percent, respectively, of the national budget must go to the municipalities. But again, these funds are managed and distributed by several central government institutions instead of being directly transferred to the municipalities.

In spite of these similarities, trends in each country regarding decentralization processes already show some differences as a result of more or less favorable national conditions. In Guatemala, where the president's party controls all the institutions at the national level (despite recent talks about decentralization), the tendency in practice has been to concentrate more power by trying to extend one-party control to the local level. From the beginning of this administration, many municipalities (among them, Ixcán and the largest municipality in the country, Guatemala City) have complained that the central government discriminates against the local units controlled by different parties. In El Salvador, in contrast, divided government at the national level—that is, different parties having power in relevant institutions at the national level— not only has been mirrored by increasing political diversity at the local level, but also has worked to the advantage of these local units. Recent progress in decentralization and local autonomy, which includes the legislation granting

6 percent of the national budget to local governments, has been achieved under conditions of divided government at the national level²⁴.

How Much do Transition Modes Explain?

Of all the institutional outcomes considered here, at least two of four in El Salvador and one of four²⁵ in Guatemala, respectively, were the direct outcome of the peace negotiations. The one outcome in both countries that directly emerged from the peace accords concerns civil-military relations. In this area, the outcomes clearly reflect the differences in the relative bargaining power of the military and the opposition in both countries. In Guatemala, where the military retained strong bargaining power –due in part to its initially dominant role in the transition and to the fact that it defeated militarily the opposition– the outcome was greater political and institutional autonomy for the military and more unbalanced civil-military relations. In El Salvador, where the military's bargaining power was weaker due to its strong dependence on the US aid and a much stronger opposition, the outcome was further limitations on its political and institutional autonomy and more balanced civil-military relations.

The other institutional outcome that emerged from the peace accords in El Salvador, and from the 1985 Constitution in Guatemala, concerns the area of power-sharing in executive/legislative relations, and more specifically the role of these branches of government in appointing positions to new institutions such as the Constitutional Court (in Guatemala only), the Supreme Court, the Electoral Court, the Human Right's Office, the Attorney General and the Contralor. The differences that have been pointed out in this area between both countries might well reflect the asymmetry concerning the point in time along the transition in which these new institutions were shaped. Despite important differences in the relative bargaining power of the incumbents in each transition, in both countries the relative bargaining power of the incumbents was at its most at an early stage of the process. In Guatemala, where the incumbents' bargaining power was always stronger, most of these institutions emerged from the 1985 Constitution, that is, at the earliest stage of the transition when the

incumbents relative bargaining power was most powerful. In contrast, in El Salvador, most of these institutions were either reformed or created in the peace accords reflecting the much more balanced bargaining power between the incumbents and the opposition.

The basic rules of the electoral system were chosen in both countries at an early stage of the process rather than at the final stage of the peace accords²⁶. This helps to explain certain characteristics of the electoral systems, since as I have already mentioned at an early stage of the process regime elites played a much more decisive role in the transitions of both countries than at any later stage of the process. For example, the fact that these rules were shaped at an early stage of the process when regime elites were most powerful might explain the continuities of certain elements in the electoral systems of both countries, such as the electoral formula and the average district magnitude, with regard to the rules prevailing in the authoritarian regime²⁷. This means that some of the fundamental differences affecting the proportionality and the degree of inclusiveness of the electoral rules in both countries (such as the electoral formula and the average magnitude of the lower districts) trace back to choices made under authoritarian rule. Overall, however, the changes that were introduced during the process of democratization (such as the introduction of a national district and an increase in the size of the assembly) increased the proportionality of both electoral systems bringing down the effective threshold from an average of 12 to 14 to an average of 3.2 to 3.5 per cent approximately.

Finally, with the exception of certain areas of the executive and legislative powers, the choice of institutional schemes also shows much continuity with regard to the schemes prevailing under the authoritarian regime. This is not only the case with presidentialism, centralism and unicameralism, but more specifically with the one institutional device that has been stressed here, such as the concurrency or non-concurrency of the elections, which traces back to choices made under authoritarian rule²⁸.

From the previous discussion I may conclude that at least half (two out of four) of the institutional outcomes considered here, mainly civil-military

relations and power-sharing in executive/legislative relations, were directly the result of the transitions; one institutional dimension, mainly the institutional schemes, was the result of continuity; and one last outcome, the electoral rules, combined both some continuity and change in the essential elements making up the electoral system.

If I divide the elements of the electoral systems in two groups, one composed of the elements that suffered some change –such as, the size of the assembly and the effective threshold through the introduction of a national district– and the other by those that did not change –such as the electoral formula and the size of the lowest districts–, I have that two out of five institutional outcomes exhibit some continuity with the regard to the authoritarian past.

Table 2
Institutional Outcomes in Guatemala and El Salvador

Civil-Military Institutional Schemes			Electoral System					
Military autonomy	Civil-military relations	Electoral Formula	Smallest District	Higher District	Assembly size	Elections	Power-sharing	
GUA	High	Unbalanced	d'Hondt	1	22 (1/4)	113	Concurrent	Low
EL	Low	Balanced	LR-Hare	3	20 (1/3)	84	Non-concurrent	High

Source: Author

Thus, the question is what accounts for this continuity in the choice of institutions? Noting that the institutions in Latin America exhibit more continuity with previous models than Eastern Europe, Geddes suggests the following explanation. In Latin America, in contrast to Eastern Europe, the rise of military dictatorships did not suppose the outlawing and annihilation of the old parties and structures; these parties and structures continued to live underground during the authoritarian regimes. As a result, “when the dictatorship, in preparing to relinquish power, allows the reemergence of parties, the old parties still have essentially the same interest they had before, and they represent the same societal groups and benefit from the same features of the institutional environment; thus they have little to gain from making risky changes in political rules”²⁹.

This argument applies to Central America with some clarifications. In Central America, in contrast to the countries that Geddes has in mind and which experienced re-democratization, the few competitive institutions and structures that managed to survive after the transition were shaped not in previous democratic periods but, paradoxically, under the long-lasting authoritarian regimes. Since the long-lasting authoritarian regimes of Central America combined repressive institutions and strategies with some degree of pluralism and political contestation in the form of regular elections, some competitive institutions and parties existed under authoritarian rule. Some of these structures and institutions survived precisely because of the logic of democratization and the choices of self-interested actors.

As I have alluded sporadically, in El Salvador and Guatemala two very different moments structured the process of democratization³⁰. The first moment brought the disintegration of the authoritarian alliance and its replacement by competitive institutions, such as elections and parties. The second moment brought the political inclusion of the long-excluded left and established the foundations of the new democratic regime in the peace accords. Each moment had its own characteristics and, more importantly, was defined by a different distribution of power between the incumbents and the opposition. In both countries, despite the differences in the relative strength of the incumbents, the regime elites played a much more decisive role in the first stage of the transition than in any further stage of the process. The influence of regime elites in the first stage of the transition helps to explain the continuities that the first electoral legislation exhibited with regard to the authoritarian past³¹. Moreover, given the distributional effects of the rules, once established these rules tended to persist, since the forces that were in a position to change them were most likely the ones that most benefited from them.

This interpretation, however, still leaves many questions unanswered. For example, one could still wonder why more inclusive electoral rules were adopted in El Salvador under authoritarian rule, while in Guatemala more majoritarian and restrictive institutions dominated. The choice and

confirmation of majoritarian rules in the case of Guatemala raises other interesting questions, since majoritarian institutions tend to prevail under very narrow conditions, and typically not in ethnically divided societies³².

From a strategic perspective, majoritarian institutions typically prevail when: a) the incumbents dominate the transition and are able to impose the conditions of change on the other side; and b) the incumbents and/or their civilian allies are optimistic about their electoral chances. In Guatemala, the first condition clearly was met: the incumbents, and more particularly the military, controlled the first transition, up to the first democratic elections, from the beginning to the end and were able to impose the conditions of change on the civilian forces. The second condition, however, is not so self-evident if I take into account that the first democratic elections to choose a Constitutional Assembly gave no party a dominant position on which to base an optimistic electoral calculus. In spite of this, the parties in the assembly chose to confirm the majoritarian institutions inherited from the authoritarian regime instead of switching to a more pluralistic institutional scheme.

Several possible explanations might account for this. The first explanation assumes that, despite the results, the incumbent parties had relatively high electoral expectations. This supposition is based on two additional pieces of information. First, although no party alone obtained more than 25 percent of the electoral vote and parliamentary representation, the incumbent parties (the MLN/CAN and the PID) together controlled a plurality of the electoral vote and seats. Moreover, adding the votes and seats obtained by the closest ideological party, the UCN, the incumbent parties controlled a majority in the assembly. If I add the fact that the timing of the elections to choose the first democratic president and legislature tended to favor the incumbent parties (since it was close in time to the first elections), it might be understood why the incumbent parties had optimistic electoral expectations. The absolute majority obtained by the opposition party, the DCG, in the 1985 elections proved how weakly based these expectations were.

An alternative explanation to the confirmation of more majoritarian institutions by the democratic forces in Guatemala would support Shuggart and Carey's argument regarding the strong relationship between weak parties and strong presidencies. Interviews with the leaders of some of the parties represented in the Constitutional Assembly and the high fragmentation and volatility characterizing Guatemala's party system would support this hypothesis. The Guatemalan case also would support the evidence found in Eastern Europe regarding the strong relationship between weak parties and strong political leaders and the choice of majoritarian institutions.

Finally, the choice of majoritarian institutions in the Guatemalan case casts some doubt on Lijphart's argument concerning the influence of ethnically divided societies in the choice of more pluralistic institutions. Guatemala stands as a counter-example because with a percentage of indigenous people representing around the 40 percent of the population, it has one of the most majoritarian institutional schemes in all of Central America.

In the case of El Salvador, the confirmation of more inclusive and pluralistic institutions in the first stage of the transition (1980-1982) was only reinforced by the logic of democratization and the mode of transition. For example, while some essential features of the electoral system –such as the LR-Hare formula and the size of the lowest districts– were fixed in the 1983 Constitutions and later in the 1988 Electoral Code, the participation of the left in the 1991 legislative and local elections led to significant changes –such as increasing the number of representatives and introducing a national district– that increased the proportionality of the electoral system. These rules were later confirmed in the peace negotiations.

The pluralism of the Salvadoran institutional system, however, cannot be completely explained by the transition mode –or for the matter by the specificities structuring the point of departure. Once established, institutions tend to persist because the only actors in a position to change them are those most likely to benefit from them³³. This point, which emphasizes the

self-reinforcing nature of institutions, has been made even more forcefully for pluralistic institutions than for majoritarian ones. By their win-win nature, pluralistic institutions are expected to gather the support of a larger number of actors than the more restrictive, win-lose majoritarian institutions. The Salvadoran case provides a good illustration of how self-reinforcing pluralism may work to deepen the pluralistic character of the institutions, and of how the forces unleashed by a pluralistic institutional scheme tend to work to deepen the pluralism of the institutions.

Conclusions

In this paper I have compared institutional outcomes in El Salvador and Guatemala and argued that the transition modes in each country helped to shape these different institutional outcomes. In general, the modes of transition helped to shape the following outcomes: Where the transition was military-controlled and “from above”, as in Guatemala, civil-military relations turned out to be more unbalanced and more majoritarian political institutions prevailed. Conversely, where the civilian forces played a more important role and the transition was negotiated, as in El Salvador, more balanced civil-military relations emerged and more pluralistic institutions resulted.

We have been careful to argue, however, that all the institutional choices considered in this paper were the direct outcome of the transition modes. In fact, in at least half of the outcomes, including certain features of the electoral system and some characteristics of the institutional schemes, continuity played a prominent role in the institutional choices. These institutional continuities, as I have also argued, do not call into question, but rather are embedded in, the explanations emphasizing the logic of democratization and the choice of self-interested actors. Nor, however, can they be explained by a static category such as the transition mode. Instead, the continuities can be captured only by breaking down the process into different moments and recognizing the changes affecting the relative bargaining power of the different forces at different points along the process.

The comparison between these two cases provides the following lessons about the processes of democratization and institutional outcomes in Central America. First, democratization has not moved these countries away from their differences and set them on a path of political convergence, as some authors like to believe. Instead, these cases suggest that democratization marks a new turning point in an increasingly divergent institutional path. This paper shows that Guatemala and El Salvador, two countries that shared many similarities before their transitions, not only are growing increasingly apart, politically and institutionally, but also that, given the similarities between them, a good part of this institutional divergence stems from the specific way in which each one made its transition to democracy.

The second lesson tends to confirm the conventional wisdom about institutional change. The example of these countries shows that 1) once established, institutions tend to persist, and 2) institutional persistence is independent of the character of the institutions, since it applies to both majoritarian and pluralistic institutions. Although by this I do not mean that no institutional change has been attempted and carried out in these countries, I do mean that changes always have tended to move in the direction of reinforcing the actual majoritarian or pluralistic character of institutions.

Finally, these cases help to illustrate the political effects associated with different institutional schemes. Although this subject cannot be developed further here, at least a few general comments can be made to illustrate the point. If I take, for example, three relevant dimensions of policy—such as the level of political conflict, the continuity of policy and the stability in the rules—I find that important differences separate El Salvador and Guatemala in these dimensions. In general, in El Salvador, the level of conflict has been lower, the policies have enjoyed greater continuity, and the rules have tended to be more stable. In contrast, in Guatemala, the level of conflict has tended to increase with each election, the policies have grown more discontinuous, and greater instability has affected the rules. All of these differences may well be the result of the countries' different

institutional schemes. In this sense, it is plausible to think that more inclusive and pluralistic institutions have contributed to a lower level of conflict (and a higher level of compromise); a greater continuity in policy; and a greater institutional stability that has lasted for years after the transition. Conversely, the winner-take-all character of Guatemalan institutions probably has helped to increase the level of conflict and political confrontation in each election as well as to create greater discontinuity in policy and instability in the rules.

Notes

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1. Important contributions to the processes of democratization in Central America from a comparative perspective include Jeffery Paige: *Coffee and Power: Revolution and the Rise of Democracy in Central America*. Cambridge, Harvard University Press, 1997; Deborah J. Yashar: *Demanding Democracy: Reform and Reaction in Costa Rica and Guatemala, 1870s-1950s*. Stanford: Stanford University Press, 1998; Elisabeth J. Wood: *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador*. New York, Cambridge University Press, 2000.
2. These differences in the modes of transition between Guatemala and El Salvador can be explained by the outcome of civil conflict in both these countries. Where conflict ended in a draw, because no side was strong enough militarily to defeat the other, as in El Salvador, the military paid a price, and power in the bargaining table was equally shared by the incumbent and the opposition forces. In contrast, where the incumbent regime won the war, imposing a military defeat on the opposition, as in Guatemala, the military was able to dictate the rules of the transition, and the incumbent forces enjoyed more power than the opposition in the bargaining table.
3. Felipe Agüero: *Militares, Civiles y democracia: La España postfranquista en perspectiva comparada*. Madrid, Alianza Editorial, 1995.
4. For a discussion of the different arguments used in the literature to account for institutional persistence, see Alexander Gerard: "From Hard to Soft Dictatorship and Soft to Hard Democracies", Paper Draft, 2000.
5. Even if the initial conditions stressed by Agüero are a good predictor of civil-military outcomes in El Salvador and Guatemala, in these countries another

factor influenced civil-military outcomes: the military conflict. In this sense, the fact that the military in Guatemala defeated militarily the opposition and in El Salvador did not, also contributed to the outcomes of greater autonomy of the military and more unbalanced civil-military relations in Guatemala and lesser autonomy of the military and more balanced civil-military relations in El Salvador.

6. See Josep M. Colomer: "Strategies and Outcomes in Eastern Europe", *Journal of Democracy*, 6, 1995, p. 75-78.
7. See Josep M. Colomer: "Strategies and Outcomes in Eastern Europe", p. 75. See also Barbara Geddes: "Initiation of New Democratic Institutions in Eastern Europe and Latin America" in Arend Lijphart and Carlos Waisman (eds.): *Institutional Design in New Democracies*. Boulder, Westview Press, 1996.
8. See Josep M. Colomer: "Strategies and Outcomes in Eastern Europe", p. 76. See also, Barbara Geddes: "Initiation of New Democratic Institutions in Eastern Europe and Latin America".
9. These commissions were, in El Salvador, the Truth Commission and the Ad-Hoc Commission, and, in Guatemala, the Commission for Historical Learning or the Comisión para el Esclarecimiento Histórico (CEH). In Guatemala, the creation of the later commission was accompanied by a similar initiative coming from the Office of Human Rights of the Archbishop, which gave way to the Report on the Reconstruction of the Historical Memory (REMHI).
10. See Jennifer Schirmer: *Las intimidaciones del proyecto político de los militares en Guatemala*. Guatemala, Flacso, 1998.
11. See Rachel Garst and Iduvina Hernández: "Intelligence Reform in Guatemala", paper delivered at the 2000 meeting of the Latin American Studies Association, Hyatt Regency Hotel, Miami, p. 4.
12. The concept of military doctrine is used here in a limited sense that refers to role of the military in a democratic society and not to the military's operational art.
13. Reports of the UN mission in El Salvador, ONUSAL, calculated the number of troops in El Salvador before the end of the war as numbering approximately 60,000. In Guatemala, in contrast, the number of military troops before the peace accords was reported to be about 43,000 (Minugua). The larger size of the Salvadoran Armed Forces is further illustrated in the following figures: In 1994, when the size of the Salvadoran Armed Forces already had been reduced by half, and Guatemala's Armed Forces had not yet suffered any reduction, the number of troops per 1,000 persons was still two points higher in El Salvador than in Guatemala. See Philip J. Williams and Knut Walter: *Militarization and Democratization in El Salvador's Transition to Democracy*. Pittsburgh, University of Pittsburgh Press, 1997, p. 174.
14. See also MINUGUA's report of September 2000.

15. Interview with Antonio Martínez-Uribe, member of the Academic Council and an expert in civil-military relations.
16. Guatemala uses a “mixed” system to elect local officials. Both, the mayor and the officials working close to the mayor (sindicos) are chosen by a plurality, while the rest of the local representatives (the concejales), which vary in number with the population, are elected by a proportional system. Because the proportion of local officials elected by a plurality and the proportion elected by proportional representation varies with the population, the effects of the system also are different depending on the size of the municipality. In large municipalities, this mixed system allows some room for proportional representation, while in small municipalities it works virtually as a plurality system. For examples, see Edelberto Torres Rivas and Secundino González: “La difícil legitimidad: elecciones en Guatemala”. Guatemala, Flacso, 1999.
17. In their analysis of the Guatemalan electoral system, Edelberto Torres Rivas and Secundino González arrive at similar conclusions.
18. Of course, a low effective threshold discriminates poorly among the parties competing for representation but, by itself, does not explain the high number of parties sharing some representation in the assembly. To explain parliamentary fragmentation, other factors ought to be taken into account, such as the combination of a run-off system in presidential elections with concurrent elections for the legislature and the presidency, and the fragmentation and volatility of the party system. See Ana Sofía Cardenal: “Rendimientos institucionales: Clasificando y evaluando las relaciones ejecutivo-legislativo en Centroamérica” in Ana Sofía Cardenal and Salvador Martí: *América Central, las democracias inciertas*. Madrid: Tecnos, 1998. See also Edelberto Torres Rivas and Secundino González: “La difícil legitimidad: Elecciones en Guatemala”.
19. This section draws heavily on Josep M. Colomer: *Political Institutions: Democracy and Social Choice*. Oxford, Oxford University Press, 2001.
20. See discussion in Josep M. Colomer: *Political Institutions: Democracy and Social Choice*, p. 180-183.
21. The institutions that required a qualified majority in the assembly to be elected include the Supreme Court, the Human Rights Ombudsmen Office, the Attorney General, the Accounting Office and the Supreme Electoral Body; that is, all the institutions that were created or reformed in the peace accords. By contrast, only the position of contralor is elected by a simple majority in the assembly.
22. In Guatemala, only two institutions are plural concerning the way they are appointed, the Constitutional Court and the Supreme Electoral Court. In the election of the positions to these two institutions, both the executive and the legislative power participate among other institutions with the appointment of one official. As of the rest, three institutions are elected by Congress by a simple majority: the Supreme Court, the Human Rights’ Ombudsmen and the

- Contralor, and two more are unilaterally appointed by the presidency: the Attorney General and the Procurador General de la República.
23. Before 1994, not all the 330 municipalities were elected in a single event and in the same day of the presidential and legislative elections. Some municipalities were elected in separate days. After the constitutional reforms of 1994, however, all 330 municipalities are elected in a single event coinciding with the day of the presidential and legislative elections. See *Inforpress Centroamericana*, 1345, November 1999, p. 3. See also Edelberto Torres-Rivas and Secundino González: "La difícil legitimidad: Elecciones en Guatemala".
 24. The idea that vertical pluralism is positively related to horizontal pluralism is also found in Josep Colomer: *Political Institutions: Democracy and Social Choice*. The assumption is that the concentration of power at the national level tends to produce more concentration of power by extending to the regional and local level. In contrast, divided government and pluralism at the national level tends to have multiplying effects, which extend to the regional and local levels.
 25. The four main institutional outcomes considered here include: civil-military relations, electoral rules, and two characteristics of the institutional schemes, the concurrency and non-concurrency of elections and power-sharing in executive and legislative relations.
 26. Electoral reform was a central aspect of the peace negotiations in both countries. But the electoral reform included in the peace accords was directed towards making effective voting rights by transforming certain institutions guaranteeing them. Consistent with this, the reform included certain aspects aimed at achieving greater standardization of the electoral processes, increasing independence of the electoral institutions and more simplified voting procedures.
 27. Both in El Salvador and Guatemala, the introduction of the electoral formula (the LR-Hare in El Salvador and the d'Hondt in Guatemala), dates back respectively to 1963 and 1965, when under the military-authoritarian regimes government officials decided to switch to a proportional system to elect the assembly.
 28. The concurrency of elections in Guatemala dates back to 1965 and the non-concurrency of elections in El Salvador exist since the 1950s. See Dieter Nohlen (coord.): *Enciclopedia Electoral Latinoamérica y del Caribe*. San José, Instituto Interamericano de Derechos Humanos, 1993.
 29. See Barbara Geddes: "Initiation of New Democratic Institutions in Eastern Europe and Latin America", p. 31.
 30. Edelberto Torres Rivas prefers to speak of two transitions in order to differentiate these two different moments of the process.
 31. In Guatemala, the first electoral legislation was passed by the Consejo de Estado under the military *de facto* government of Ríos Montt (1982-1983). In

El Salvador, the rules governing the first democratic election to elect a Constitutional assembly were passed as transitory laws in 1982, also under a *de facto* junta de gobierno formed by the military and the Christian Democratic Party (PDC).

32. See Arend Lijphart: "Democratization and Constitutional Choices in Czechoslovakia, Hungary, and Poland, 1989-91", *Journal of Theoretical Politics*, 4 1992, p. 207-223.
33. For a critical view, see Alexander Gerard, "From Hard to Soft Dictatorship and Soft to Hard Democracies".

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