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JPRS-LAM-84-020

10 February 1984

Latin America Report

19980814 024

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SURINAME, BRAZIL SIGN ENERGY COOPERATION TREATY

Paramaribo DE WARE TIJD in Dutch 10 Dec 83 pp 1,12

[Text] Last Wednesday, a cooperative treaty with Brazil was signed at the Ministry of Natural Resources and Energy [NHE] by Minister Eric Tjon Kie Sim on behalf of his government.

On the part of Brazil, the treaty was signed by Brazilian Ambassador Luiz Felipe P. Lampreia.

Cooperative Treaty

The cooperative treaty, which provides for the development of a program for technical cooperation in the area of energy, resulted from the basic agreement for scientific and technical cooperation which was reached between the two countries on 22 June 1976 in Brasilia. The final treaty signed Wednesday came about after a visit to Brasilia by Prime Minister Alibux in May of this year and after talks between an NHE team, under the leadership of Minister Tjon Kie Sim, and representatives of the Brazilian Electrical Company, the Auxiliary Company of Brazilian Electrical Enterprises (CAEEB).

This cooperation between Brazil and Suriname must be seen within the framework of the intensification of South-South relations and in the spirit of the Cartagena Declaration and the Buenos Aires Platform.

Summary of Technical Cooperation

Technical cooperation between Suriname and Brazil will primarily focus on:

- The Phedra hydroelectric project, with a transmission line to Paranam.
- The Saramacca III hydroelectric project, with a transmission line to Paranam.
- The Saramacca IV hydroelectric project with a transmission line to Saramacca III.

--Wood-fired energy project.

--Energy planning and formulation of an energy model and energy balance sheets.

--A personnel training program.

Brazil's concrete contribution to the cooperation will in part consist of supplying needed materials and assisting in the construction and management of the transmission lines and hydro-electric works and assisting technically in the preparation of draft plans. Brazil will also put together a plan for the training of middle and high-level officials in the area of energy.

Suriname will prepare the technical and economic feasibility studies and put together the final draft plans and tender documents.

Breakthrough in Energy Problems

This intensive cooperation between Suriname and Brazil is of special significance for our country, in view of our hitherto large dependence on imported oil products, allocated for our energy supplies. By decisively taking our energy problems into our own hands through setting up hydro-electric plants and searching for alternative energy sources, considerable savings in our foreign exchange supply will be possible in the future.

It is clear that, in spite of the oil crisis of 1973 and 1979, the import of petroleum is showing a rising tendency. It is thus essential that measures be taken to minimize the harmful effects on our economy.

Consequently, a contract was recently concluded by NHE with the advisory engineering office, Consulting Services, which will carry out a study on the occurrence and the possible applications of pegasse (peat) for the generation of energy.

The study to be carried out by Consulting Services includes, among other things, the scouting out and primary sampling of river banks in the Kabalebo River basin between the Avanavero Falls and the mouth of the Kabalebo.

Up to now, the best types of peat have been found in this area. The quality of it is such that it is no longer a question of pegasse but of peat. This is a refined form of pegasse with higher energy content. At the same time, this study includes a fixed statement of the quantity and quality of present pegasse (peat) formations.

The pegasse project will last eight months.

Apart from this, a similar short-term study is planned for the Coronie swamp area. Minister Eric Tjon Kie Sim of NHE will give a short-term overview of energy problems and possible models for solutions.

12271

CSO: 3214/14 .

BRIEFS

OIL PRODUCTION--Ecuadoran oil production during 1983 increased by 12 percent over the previous year. Total production was some 86,552,000 barrels, or an average daily production of about 237,132 barrels. [Summary] [PA190306 Quito Voz de los Andes in Spanish 1130 GMT 16 Jan 84]

GAS PRODUCTION FIGURES--Gas production at the Chuchufindi plant increased by 158 percent during 1983. This represents an increase of 13,095 metric tons of liquefied petroleum gas, for a grand total of 21,408 metric tons of gas in 1983. [Summary] [PA231714 Quito Voz de los Andes in Spanish 1130 GMT 23 Jan 84]

CSO: 3348/243

VARIOUS PHASES IN GOVERNMENT-LABOR CONFRONTATION REVIEWED

Buenos Aires CLARIN in Spanish 19 Dec 83 pp 14-15

[Article by Luis Sartori: "Friction with Last Name and First Name"]

[Text] The foreseeable reason for friction between the Peronist labor unions and the administration already has a last name and a first name: The wage hike and the labor union election call draft.

The former, because the 1,000 pesos announced on Friday amount to half of the figure asked by the general confederations of labor, during a month in which prices kept going up. Not to mention the unpleasant surprise facing the workers and managers in the government enterprises who would get 400 pesos.

The latter, since it forces obligatory inclusion of the minorities within the leadership of the labor unions at a percentage (33.3 percent) which is higher than the planned percentage.

The radical administration however did leave some openings to permit future negotiations. When all is said and done, the labor unions however will continue in the hands of the first minority.

And it agreed that the powerful unions (UOM [Metal Workers Union], UOCRA [Construction Workers Union of the Argentine Republic], Railroad Union, SMATA [Trade Union of Mechanics and Related Automotive Transportation Workers], among others) should now hold elections without losing their national action sphere.

This latter issue had last week been the element of major concern for the leadership of the CGT [General Confederation of Labor]. Peronist labor union leaders frequently allude to Decree 969, issued in 1966, by the then President Arturo Illia, providing for the validity of the bylaws that established national, first-rank jurisdictions, as in the case of the above-mentioned labor unions.

Over the weekend, a way was found to eliminate that irritating factor: The administration will not promote the repeal of Article 5 of the labor union law issued by the administration of Jorge Videla which eliminates the unions but, "for this one and only time" it will authorize them to retain their national

structure. In exchange, the election of their top leaders in sections or branches will have to be direct.

Strictly speaking, the labor union "reorganization" law (in addition to the inclusion of the minorities that get 25 percent of the vote) contains other points which will certainly be badly received by the Peronist leadership of the general confederations of labor.

It does not require seniority (also "for this one and only time") if a person wants to run for any elective office, both in the internal committees and on the various labor union organization leadership levels; for the future, it especially reduces that requirement with respect to the military law: The time is cut from 2 years to 6 months in the case of the delegates and from 4 years to 2 years in the case of labor union leadership posts.

Nor does it demand the backing of a certain percentage of signatures in order to present and officially secure acceptance for a slate in the next union elections. Until now, the bylaws approved during the term of office of President Reynaldo Bignone had included that requirement which gave rise to various demands from sectors that were unable to participate in the elections that had already been held. The most notorious case (cited as an example by the current radical administration) was the case of the metallurgical supervisors where a minimum of 20 percent of the members was fixed as backing for the presentation of the slate. There was only one slate.

Both the elimination of seniority and the elimination of signatures will facilitate the presentation of candidates and slates that may have sprung up in recent times. It is precisely this detail that worries the majority of the current leadership groups; they are afraid that the Alfonsinist flood will lead to the reproduction of men and slates that are involved with other ideologies.

In this sense, the audience which the president last week gave to the Blue Slate of the SUPE [United Trade Union of State Petroleum Workers] was quite suggestive; it opposes the leader of the state petroleum worker union and leader of the Peronist block of deputies, Diego Ibanez. This legislator was one of the labor union leaders accused by Raul Alfonsin of negotiating with the military leaders who were in power at that time.

Looking at the topic of the slates, we are struck by the difference introduced in the draft that was sent to Congress as compared to the body of laws approved by Videla. Now, presentation must be made not only before the labor union authorities but also and simultaneously copies must be sent to the board of elections and to the Labor Ministry. And only the board of elections is authorized to admit or reject the slate in question.

The always delicate preparation of the [voter] lists will likewise not escape government control. The labor unions will have 2 months to draw them up and the Ministry will be authorized to appoint inspectors to check on this matter.

Fast Removal

But before any other step, the administration will directly take action with respect to the current labor union leadership. For this purpose it will group them in four major groups and with each of them it will proceed in a different manner although aiming at the same objective: As quickly as possible removing those leadership groups that are not representative.

That was the main demand presented to Minister Antonio Mucci on Friday by the National Movement for Labor Union Renewal, the only labor union sector present in the Ministry 4 days before, when the undersecretaries of the rejuvenated Labor Ministry took office.

According to the draft, only those leaders can rest easy who have just been elected (290) and who have not been challenged.

The text sent to Congress does not clearly state the deadline for the submission of challenges. If it is the day the law was passed, the courts will, effective today, be flooded with charges and it will be difficult for any of those unions to escape accusation.

The big organizations, mostly with temporary commissions (with the exception of UOCRA, which has a normalizer) remain exposed to replacements or expansions in the number of that emergency administrative body.

The eyes of Minister Mucci basically were directed at the Railroad Union. On Thursday, this topic triggered a series of closed-door meetings by leaders of the temporary railroad commission with radical and Peronist legislators (Marcelo Stubrin and Lorenzo Pepe, among others) and a conference is scheduled today between the labor unionists and the labor minister.

Another alternative for these big unions is the appointment of an administrator although it seems more feasible that the latter would be the way chosen by the Ministry for cases of labor unions that are still intervened or that have leadership sections whose terms of office were extended from the very first days of the military government onward.

The fact is that the Alfonsin administration only spent the first week in revising a law which it considers vital to its stewardship.

But, in the meantime, the general confederations of labor do not look inclined to accept the new instrument as is, nor do the Peronist legislators.

The men led by Saul Ubaldini and Jorge Triaca visited Congress on Thursday with greater expectations than would have been realistic: They were unable to get a look at the labor union draft which was being jealously guarded by the radicals, until they saw it in the newspapers yesterday.

They will return today to visit the Senate. But it is probable that they will not come with empty hands. A general meeting of the CGT-RA will analyze the topic this morning and may approve a detailed study on the specific request for

the repeal of the worker laws approved by Videla in 1979, which the administration is not thinking of eliminating at this time.

That Thursday visit was more formal than practical. Perhaps the general confederations of labor are not forceful enough on the topics that are dearest to them as a result of the ever postponed reunification.

The possibilities that the latter might come about are no closer in spite of the moving ceremony in the Plaza Hotel where Isabel Peron blessed the accord.

An accord which is still only on paper and which continues to be something that--under other conditions of Peronism and the labor movement--could turn into a strong reaction in the face of a no less strong administration.

For the time being, the wage issue is still up in the air and that could be the cause of the first big strike against Alfonsin: The 48-hour strike by UOM starting tomorrow. And the bill only produced individual statements. Specific action will depend on the necessary strengthening of democracy.

As for the foreseeable dissent and debate, Argentina once again has wide open natural channels which had been obstructed for so many years.

5058

CSO: 3348/198

CGTS DRAFT COUNTERPROPOSAL TO GOVERNMENT LABOR REFORMS

Buenos Aires LA PRENSA in Spanish 7 Jan 84 p 3

[Text] The labor union normalization draft disseminated on Wednesday by the two CGT [general confederations of labor] makes it possible--upon comparison with the administration proposal for labor union reorganization--to spell out the main aspects which will be debated by the legislators when the topic is analyzed by Congress.

Below we list the main points of the CGT-RA [General Confederation of Labor--Argentine Republic] and the CGT-Azopardo which differ from the draft sent to Parliament by the Executive Branch.

Let general elections be called throughout all professional worker associations which have not yet been normalized as of this date.

Let Law 22.105 be repealed and let the standardizing content of Law 20.615 be restored and let it be furthermore applied to everything that does not conflict with this law.

Bylaws

The call for elections will be issued in accordance with the procedures spelled out in the bylaws.

The bylaws currently applicable in each labor union will be considered to be in effect.

Extended Terms of Office

Labor union officials whose term of office has been extended will continue in their jobs until the elected officials take over their posts.

Temporary Commissions

The temporary commissions which currently administer the labor unions shall continue to operate until the elected officials take over. They may be recalled only by decision of the highest deliberative body provided for in the bylaws.

Intervened Organizations

Labor union organizations which are currently intervened [taken over by the government] or which are administered by delegates from the Ministry of Labor shall hereafter be administered by temporary commissions. Their members shall be appointed by the highest deliberative body.

Call to Elections

All conditions required in accordance with the bylaws for calling elections, appointment of board of elections, and presentation of slates are hereby in force.

Voting

Voting shall be direct and secret for members.

Competence

Labor justice [courts] shall be competent to hear cases arising out of the implementation of this law. The Ministry of Labor shall be the implementation authority.

Executive Branch Draft

The provisions in the draft of the Executive Branch on these same points are as follows:

General elections to be called in all worker union associations. If there are any challenges in those that were normalized during the military process, they shall be brought before the board of elections [electoral justice].

Articles 13, 14, 15, 16, 17, 18, and 19 of Law 22.105 shall be amended so as to be in line with the law.

Bylaws

The bylaws in force regarding the award, to the minority which wins a minimum of 25 percent of the vote, one-third of the posts on the board of directors, a body which shall have at least nine members, shall be amended. The principle of majority and minority shall prevail also regarding the establishment of the internal committees. The terms of office for the leadership bodies may not exceed 3 years with the possibility of only one re-election after which a period of no less than 3 years without any office will have to pass before a person can again be elected.

The winning candidates will have to have 2 years of seniority in continuous or discontinuous activity although for the latter alone, seniority shall not be required.

Extended Terms of Office

The terms of office of all leaders whose terms of office were extended by the military government shall be terminated. The Ministry of Labor shall rule whether they may temporarily continue in their jobs or whether an administrator will be appointed to replace them.

Temporary Commissions

In the shortest time possible, the Ministry of Labor will call elections in the labor unions, with temporary commissions, and from that moment on, it may appoint an administrator or it may continue, expand, or modify those commissions.

Intervened Organizations

The Ministry of Labor shall appoint an administrator for intervened organizations.

Call to Elections

The bylaws shall be amended. Official approval of the slates merely requires presentation of the slates signed by the authorized agent [attorney] and by the candidates constituting them.

The only challenges to be processed shall be those that are made among the slates themselves.

Voting

Voting shall be secret, direct, and obligatory and failure to cast a vote without a justified cause shall lead to a fine equivalent to half a day's pay or wage.

All workers at the particular establishment shall obligatorily vote in the elections of delegates and internal committees even if they are not affiliated with any labor union association.

Competence

The election process shall take place under the control of the boards of election which, on request of the workers, of the union association, or the Ministry of Labor, may appoint one or more voting inspectors.

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CSO: 3348/198

LABOR LEADER IGLESIAS OBJECTS TO UNION REORGANIZATION

Buenos Aires LA PRENSA in Spanish 30 Dec 83 p 7

[Text] Cordoba--The Peronist leader in the Province of Buenos Aires, Herminio Iglesias, said here that penalties for violations of human rights must be applied to everybody equally "so that we are not going to have some subversives coming around now and turning themselves into heroes. Everybody will have to pay for what he did," the Justicialist leader said.

Commenting on some opinions expressed by former President Maria Estela Martinez de Peron during her visit to Argentina, he said that "I know that she questioned some leaders for having negotiated with the military but what about all those who negotiated with the social democrats?"

Bad Start

He also said that "the national government is off to a bad start in social, economic, and labor union matters because it is not consulting the popular interest."

Nevertheless, he explained that "we must await the coming decisions to be made by President Alfonsin before we can come up with a more precise evaluation."

He also said that, during the 30 October elections, "I was elected by the members in the Province of Buenos Aires, I was elected by the rank and file, and I said that we were going to get 2.4 million votes and so we did, not counting the polls that were not opened and the votes that were challenged."

"So, what can they question me about?" Iglesias asked in rejecting criticisms by the Peronist governor of La Rioja, Carlos Menem.

He also emphasized that, if the president of the nation is the commander-in-chief of the Armed Forces, he must "decide what has to be done, how to judge the guilty, and he must see to it that the necessary penalties are applied and he must not fall back on committees of both houses when dealing with human rights violations."

Iglesias' statements were made to the local daily LA VOZ DEL INTERIOR.

Former Lady President

He also said that "she came on invitation of the present government and it is my understanding that she will return within a month and then we will talk about politics."

He emphasized that, when Mrs Peron returns to Argentina once again, "she will decide what is to be done, if it seems that some leader did not follow Peronista principles; that person will then have to go and another one will be elected."

Iglesias also questioned the bill on labor union reorganization and said that "it is badly done because it would favor sectors that are not precisely worker sectors."

"The only thing it will bring about is anarchy in the labor union movement," he remarked.

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CSO: 3348/198

MILITARY CONCERN OVER PUNISHMENTS IN ARGENTINA DISCUSSED

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 14 Jan 83 p 5

[Article by Carlos Chagas: "Vengeance Major Fear"]

[Text] There is really no cause for great concern among our military, or should not be; despite the close proximity and many similarities between the complementary countries, the basic historical, cultural and political differences are greater. Thus what happens there does not necessarily happen here, and vice versa. Nonetheless, because the military, by training, always consider more than one hypothesis (generally every imaginable hypothesis), our armed forces are, if not apprehensive, at least wary and concerned. For a long time, they have had the upper hand in shunning the defendant's box. Since the beginning of the current liberalization process, certainly; it is not by chance that, on the walls of certain former military organs of repression (fortunately already dissolved), a phrase of Gen Walter Pires has been written in large letters-- that it will never be permitted to stir up the past in the court of justice.

In more than one incident, from the beginning of the present government to date, things have become very clear. When a former political prisoner was encouraged by opposition sectors to identify a house in Petropolis, Rio de Janeiro, where he was tortured in the past times of the dictatorship, the initiative was nipped in the bud. The red light--ironically--came from the barracks and the matter was dropped. At the same time, if more daring opposition legislators, even in 1979, sought to create a CPI [Parliamentary Investigating Committee] to investigate violations of human rights, they were soon dissuaded by their own leaders. Then came "Riocentro," and there could be no clearer indication that it was forbidden to stir up certain hornets' nests. There was a succession of signals; the light houses blinked back and forth, reinforced by the Law of Amnesty and counterbalanced (justice prevails) by the armed forces' broad and unreserved adherence to the process of restoring the country to democracy. The posturing, attitudes and threats of the likes of Gen Newton de Oliveria e Cruz (I believe) have been and continue to be repudiated by the military class.

Even without major cause, however, the military are still concerned. Most significant is the unrestrained comment of the minister of the army at the last "reveille," which was reported by former Deputy Jose Pedroso in Rio. He told Senator Amaral Peixoto: "If they stick their necks out, they will be hurt." Gen Walter Pires was referring, in response to a question, to the excesses that might occur in the campaign recently initiated by the PMDB [Brazilian Democratic

Movement Party] for a return to direct elections. Ironically, the PMDB did not start anything; it was Gen Joao Figueiredo who began it, in the current phase, with his words from Africa. It is not really important which came first, the chicken or the egg.

In any event, based on the real or imagined threat of a return to direct elections, what is happening in Argentina is giving the Brazilian military goose flesh. Former presidents-generals held incommunicado; open trials against dozens of individuals who were responsible for or actively participated in the of repression; jeers and attacks against military officers at the doors of the courts which they are now entering, not as judges, but as defendants: all this, even though it is happening in Argentina, is having consequences here.

If it was already difficult, it has become impossible to give the people back the right to choose their government any time soon. There is fear, not only of the emergence of a tropical Alfonsin, but of the creation and spread of revanchist sentiments in public opinion, which the military feel could gradually begin to germinate in the belly of a campaign for direct elections.

Unbiased observers, if there are any, would say that there is no great cause for concern because, whereas we "speak," the Argentines "talk." At times like these, however, dispassionate arguments may carry less weight than the passions themselves. It is clear that the repression here did not reach the levels it did in Argentina, although between 1968 and 1978, with some antecedents and some prolongation, the repression reached levels never before recorded here, except in the times of the New State. Moreover, in Argentina the military were driven from power after losing a disastrous war. Here, even though the military turned back to the barracks of their own free and spontaneous will, they continue to be in command of the situation, and things have gone according to their rules up to now, starting with the presidential succession.

For now, it is important to note a kind of embellishment of positions. After saying "yes" to the revocation of AI-5 [Institutional Act No 5], to direct elections for governor and to the assumption of office by the elected, even by such old werewolves of the past as Leonel Brizola, now the military are saying a vehement "no" to direct elections or any other prospect seen by them as a destabilization of the slow, gradual and peaceful process of institutional normalization. The process will have to be conducted with [the participation of] the military, never without them or, worse yet, against them.

This is the picture for the time being, with warning lights lit up in the middle of the natural scramble for the succession. For those who have held power for so long, there must be no confusion. They are withdrawing; they are not fleeing. They are accepting conciliation step by step, not a headlong capitulation. They accept that civilians should assume the presidency of the republic, starting with the next presidential mandate, and the military are turning more and more to their constitutional duties. Just as most of them disavow the excesses and poppycock of a Newton de Oliveira e Cruz (I believe), an equal or greater number refuse to accept any possibility that the drama occurring in Argentina will be replayed on Brazilian television. Although there is actually no indication that this will happen, they are wary. Except as individual citizens, they do not discuss whether the next president will be Paulo Maluf, Aureliano Chaves,

Mario Andreazza, Helio Beltrao, Marco Maciel or even Tancredo Neves, as long as the man anointed by a privileged body of electors reaches Planalto Palace by the short and narrow route of indirect elections, but they rebel against the possibility that Ulysses Guimaraes, Leonel Brizola or any other candidate will come to power by the direct route, and it matters little that the governor of Rio de Janeiro or the president of the PMDB have also rejected, more than once, the possibility of bringing them to trial. In any case, they do not intend to run any risk of it.

6362

CS0: 3342/54

PROSPECTS FOR EXPANDING TRADE WITH IRAQ VIEWED

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 19 Jan 84 p 28

[Text] During the luncheon reception for Iraqi Trade Minister Hassan Ali, yesterday in Brasilia, Planning Minister Delfim Neto and Camilo Penna, minister of industry and commerce, declared that the prospects for increased trade with the Arab country are very great and could be expanded this year. The Iraqi minister confirmed that possibility.

However, Roberto Vidigal, president of ABDIB (Brazilian Association for the Development of Base Industries), said that Brazil has not yet found the path to successful negotiations with the Arabs, and always loses out to the Europeans, who have over 300 years of "know how" in dealing with the Arabs, whereas Brazil has none. It is not the lack of competitiveness nor the quality of the Brazilian products, he observed, but the lack of understanding of the Iraqi administrative machinery and unfamiliarity with the decision-making process.

Jose Luis Whitaker, president of ENGESA [Specialized Engineers, Inc], was at the reception and was asked if any negotiations with the Iraqi Government involving weapons and other products are underway at the moment. He had no comment.

Foreign Minister Saraiva Guerreiro said he was optimistic about the results of the proceedings of the ad hoc committee formed to insure payment of the added costs to two Brazilian firms which have construction projects in Iraq: Mendes Junior and ESUSA. The former is building a railroad and a highway and the latter is constructing some hotels.

In a telex to the Sao Paulo Securities Exchange, Construtora Mendes Junior S/A, of Belo Horizonte, confirmed yesterday that its subsidiary, Mendes Junior International Co, had requested, through the Foreign Affairs Ministry of the Brazilian Government, reimbursement for the added costs resulting from the railway and highway projects which the company is engaged in in Iraq.

The clarification by the company was in response to an inquiry from the Sao Paulo Exchange regarding newspaper reports on 16 January that the \$300 million debt owed by the Iraqi Government to Mendes Junior might be one of the matters to be discussed during the fourth meeting of the Fourth Brazil-Iraq Joint Commission, which began day before yesterday in Brasilia.

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SKETCHES OF MAJOR PLAYERS IN SUCCESSION ISSUE PUBLISHED

Sao Paulo ISTO E in Portuguese 14 Dec 83 pp 24-26

Text They Have the Ball: Who's Who in the Succession Contest

The rehearsals for the presidential succession that will be staged on 15 January 1985 in a single recital give one the idea that the show will be more than an operetta: a poor plot, characters who stumble over their own feet, many arias and few chorales. See below who has the votes, who has strength, who is dreaming and who is only bluffing in that race that is still in its first paces:

Joao Figueiredo:



Reserve general, 65 years old; leaped from chief of the National Intelligence Service (SNI) to the Presidency of the Republic through the helping hands of Generals Ernesto Geisel and Colbery do Couto e Silva. Today he is estranged from both. He transformed the program of relaxation into political liberalization, sponsored amnesty and direct elections for governor. He backed off from direct elections for president because he felt resistance among the military, but may propose them for the selection of his successor's successor because he dreams of going down in history

as the president who restored democracy. In indirect elections, he prefers Andreazza, does not like Aureliano because he set up shop as a harder-working president than he, and detests Maluf.

Leitao de Abreu:



Professor of administrative law, retired justice of the Federal Supreme Court, former president of Gremio Porto-Alegrense [soccer club], chief of the Civilian Household of the Presidency of the Republic, 68 years old. He wants to untie the knots of Brazilian politics, which is why he left his presidential palace office to negotiate with politicians of all parties such complications as a caretaker term, party loyalty and reform. He believes that a president with a term of only 2 years, after Figueiredo, can reestablish direct

elections. He does not speak about names of candidates since he will go with whomever Figueiredo names.

Rubem Ludwig:



Division Major general, former minister of education, chief of the Military Household of the Presidency of the Republic, 57 years old. Encourages Leítao de Abreu in his efforts to untie the knots that are blocking the succession. He never speaks of names of candidates but perhaps likes Aureliano. He even prefers the French parliamentary system of government (See glossary).

Octavio Medeiros:



Division Major general, chief of the National Intelligence Service (SNI), 61 years old. Was once considered a powerful candidate. Since the SNI was caught in various imbroglios (Riocentro bomb, the Baumgarten case, Capemi), he lost prestige along with it. He is Figueiredo's closest adviser. He does not want direct elections, prefers Andreazza, does not accept Aureliano.

Walter Pires:



General, army minister, 68 years old, childhood friend of Figueiredo. His leadership is the guarantee of the army's cohesion around the president. He never speaks in public or confides in politicians but it is rumored that he does not want direct elections, nor Maluf or Andreazza in Planalto Palace. Perhaps he wants Aureliano, whose performance during the time he replaced Figueiredo he praised more than once. Formerly, when the politicians did not do exactly what he wanted, the president threatened to call Pires.

They would respond. Today, it does not work any more. There are serious doubts that, if called, Pires would go.

Maximiano da Fonseca:



Admiral, navy minister, 64 years old. He concurs in direct elections but not now; perhaps in 1991. He would like a civilian in the presidency of the Republic, preferably Aureliano. Maluf, perhaps; Andreazza, no.

Delio J. de Mattos:



Brigadier, minister of aeronautics, friend and heir of National Democratic Union (UDN) hero, Brigadier Eduardo Gomes, 67 years old. He is against direct elections on principle. In the indirect election, he prefers Aureliano since the critical and public success gained during his replacement of Figueiredo. He does not accept Andreazza but was the first military minister to acknowledge that Maluf is not all that bad.

Ernesto Geisel:



Reserve general, former president of the Brazilian Petroleum Corporation (PETROBRAS), former president of the republic, 75 years old. Started the democratic liberalization process, which he called relaxation. He likes things well-organized and under control; for that reason, he believes that the democracy should not attain direct elections just yet. He prefers Aureliano, could go with Marco Maciel; Maluf and Andreazza, not even on a silver platter.

Emilio Medici:



Reserve general, rancher in Bage, Rio Grande do Sul, 78 years old. He became president of the republic in 1969, after heading the SNI, in a direct election in which only the generals such as he participated. He does not think it is good to extend the privilege to all of the population. He roots rabidly for Gremio Porto-Alegrense, in soccer, and more moderately for Paulo Maluf, in the succession.

Golbery do Couto e Silva:



Reserve general, creator and first chief of the SNI, former chief of the Civilian Household in the Geisel and Figueiredo administrations, director of the City of Sao Paulo Bank and rancher in Luisiania, Goias, 72 years old. He prefers indirect elections, detests Andreazza, supports Maluf openly and believes Aureliano is too ethical for the presidency. There are those who believe that is only a quirk of Golbery's, an inveterate reader of Machiavelli. As a matter of fact he would prefer Aureliano. His resignation from the

Civilian Household after the Riocentro explosion marked the beginning of the decline of the SNI's prestige.

Aureliano Chaves:



Electrical and mechanical engineer, former governor of Minas Gerais by indirect election, vice president of the republic, 54 years old. A good Minas politician, he likes direct elections. In any case, his candidate will be himself. He has the support of Geisel, the lack of support of Figueiredo, some popularity in the opposition and the preference of the military ministers. He is considered excellent for a caretaker term (See glossary).

Helio Beltrao:



Lawyer, economist, expert in administration, former minister of planning, of social welfare and of debureaucratization, 66 years old. He is a "debureaucratized" candidate like the small businesses he always defended; he does not have any support in Planalto Palace, the Social Democratic Party (PDS) or the opposition. If he does not make it, he may support Aureliano to help defeat Maluf and Andreazza.

Mario Andreazza:



Reserve colonel, minister of the interior, former minister of transportation in the Costa e Silva and Emilio Medici administrations, 65 years old. He is the candidate preferred by Figueiredo and, in Planalto Palace, he has the support of the chief of the SNI, Octavio Medeiros. He has just lost the support of Planning Minister Delfim Netto because he criticized the economic policy. On the outside, he lacks the support of Geisel and the military ministers. He supports indirect elections because in direct elections he would not

be president, minister or office chief. He will return to being merely and only a reserve colonel.

Paulo Maluf:



Businessman, federal deputy with 672,000 votes, former indirect governor of Sao Paulo, 52 years old. He is his own candidate. He prefers personally to obtain the support he needs within the PDS, repeating the tactic that worked in winning the governorship of Sao Paulo and, wherever he goes, he leaves a trail of suspicion about the methods he uses. He appears to be irretrievably victorious in the party convention that will pick the official candidate, that is why changes in the Electoral College are being organized against him.

He prefers indirect elections but says he is prepared to run as a candidate also in direct elections.

Marco Maciel:



Lawyer, professor, former indirect governor of Pernambuco, former president of the Chamber of Deputies, senator, 43 years old. He is his own candidate, the second preference of Geisel and the ideal vice president for all the other would-be candidates. If he cannot make it, he will support Aureliano Chaves with whom he vies for the preferences in the same areas. He is the only would-be candidate to express himself openly in favor of direct elections.

Jose Sarney:



Senator, former direct governor of Maranhao, president of the PDS, 53 years old. He supports indirect elections by duty of office. He does not have a candidate, wants to be somebody's vice president.

Moacir Dalla:



Lawyer, notary public, president of the senate, 56 years old. He will be the president of the Electoral College in 1985. He is considered a Maluf supporter. He proposed a plebiscite to learn if the people really prefer direct elections. He must have been chastized because he does not talk about any more.

Franco Montoro:



Law professor, lawyer, former senator, former deputy, former councilman, direct governor of Sao Paulo, 67 years old. He wants direct elections when it is possible. He does not dare dream about the presidency because he would be only the third from the Brazilian Democratic Movement Party (PMDB).

Thales Ramalho:



Lawyer, federal deputy, former secretary general of the Brazilian Democratic Movement (MDB), 60 years old. Friend of Leitaó de Abreu, with whom he concocts formulas to improve Brazilian politics: caretaker term, party reform, direct elections. He does not have a candidate.

Flavio Marcilio:



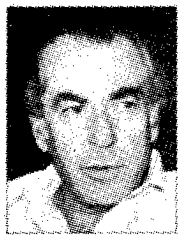
Lawyer, professor, president of the Chamber of Deputies, 66 years old. He wants to be vice president, supports Maluf and opposes direct elections.

Tancredo Neves:



Lawyer, former prime minister, former minister of justice, former deputy, former senator, former councilman, direct governor of Minas, 72 years old. He will accept what comes: direct elections, indirect elections, caretaker term, full term. He wants to be president.

Leonel Brizola:



Engineer, former exile, former governor of Rio Grande do Sul, former deputy governor of Rio. Supports coalition governments, extension of Figueiredo's term and direct elections. He wants to be president but the military will not let him.

Antonio C. Magalhaes:



Doctor, former deputy, former indirect governor of Bahia twice, 55 years old. Wants to be vice president, loves Andreazza, quarreled with Maluf. He favors indirect elections.

Ulysses Guimaraes:



Lawyer, law professor, poet in his youth, federal deputy, president of the PMDB, 67 years old. He wants direct elections and nothing but direct elections. With direct elections, he will be the best opposition candidate for the presidency.

Brazilian People:



Hard-working, poorer and poorer, a debtor almost in default, 130 million population. Prefers direct elections, perhaps that is why they have had indirect ones since 1966.

Glossary--The Key Words in the Succession Contest and Their Meaning:

Electoral College: Meeting of the 680 citizens who, under the present rules, will replace the people in the election of the future president of Brazil.

Consensus: The selection of an indirect candidate who has strong support in the PDS and the PMDB, a foot in civilian society and the commitment to select his successor by the direct route. A word that sounds like music to the ears of Tancredo and Aureliano.

Convention: Meeting at which the parties will nominate their candidates.

Divestiture [Desincompatibilizacão]: The first risk run by a candidate who holds a position in the public administration, whether as governor, mayor or minister of state. Months before the election, he must resign it.

Direct Election: That in which the people vote.

Indirect Election: That in which the people do not vote.

Party Loyalty: Similar to marital fidelity--it is possible to have dealings with other partners but if the interested party is caught in the act, it can lead to divorce. In this case, the congressman loses his seat.

Caretaker Term [Mandato-Tampão]: A period of 2 to 3 years in which it is supported that the future indirect president will prepare the direct election of his successor.

French Parliamentary System: Political system in which the president is stronger than the prime minister.

Brazilian Parliamentary System: Political system in which the prime minister governs and the president handles national security.

Presidentially Eligible [Presidenciavel]: Brazilian, over 35 years of age, in possession of his political rights, who wants to enter the contest for the office of president. [The coined term "presidenciavel" is also used in the sense of "presidential hopeful" or "presidential timber."]

Ramp: Concrete passageway that connects the ground level of Three Powers Square with the second floor of Planalto Palace and, above all, the painful crossing that Deputy Ulysses Guimaraes, president of the PMDB, would have to surmount to talk with President Joao Figueiredo.

Open Vote: That in which everybody gets to know for whom the person voted. The same as patrolled Vote.

Secret Vote: A gain of the 1930 revolution intended to prevent election frauds. A thousand ways have already been invented to circumvent it. The most modern one was used in Rio by the Proconsult computer.

Disloyal Vote: A hare raised by Minister Leitaõ de Abreu. It is the vote cast by the voter of one party for the candidate of another party. It also counts. Ulysses and Aureliano believe it does not.

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CS0: 3342/53

ARMS INDUSTRY DISPUTES CRISIS PREDICTION

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 19 Jan 84 p 6

[Excerpt] Brasilia--Engineer Jose Luiz Whitaker Ribeiro, president of ENGESA [Specialized Engineers, Inc] and IMBEL [Ordnance Industry], and Gen Jose Albuquerque, chief of the Army Department of War Materiel, yesterday contested the prediction made by two U.S. military officers: Army Maj Colin K. Winkelman and Air Force Capt A. Brent Merrill. In an article written for the MILITARY REVIEW, the officers stated that the expansion of the Brazilian arms industry would be hampered by the economic problems deriving from the "massive foreign debt and the continuing balance of payments deficit resulting from the petroleum imports." According to the two officers, these problems will lead Brazil to become dependent on foreign military aid in the foreseeable future.

Whitaker called the Americans' prediction "poppycock," observing that the growing debt spurs the country to export, which the war materiel industry is doing. Regarding dependence on foreign military aid, Whitaker declared: "That's what they want, but we are producing with our own 'know-how.'"

Jose Whitaker Ribeiro predicted that exports of war materiel would grow to pass coffee on Brazil's export list, but he does not think it will happen this year: "Coffee prices are very good."

Regarding weapons exports in general, he would make no predictions. "This is a highly political year and it is difficult to make predictions; there may even be changes in the exchange rate."

Whitaker has returned from the Middle East and is preparing for another business trip, this time to the Far East (Indonesia, Malaysia and Australia), where he will go on Sunday, accompanied by Finance Minister Ernane Galveas. In Australia, he plans to negotiate sales of ENGESA's line of civilian products. He noted that, on each trip, he closes an average of five export contracts.

Progress

For his part, Gen Jose Albuquerque (who is also chairman of the administrative council of IMBEL, in his capacity as chief of the War Materiel Department) said that Brazil's weapons industry "is not going to go backward." He explained: "No one believed 5 years ago that it would reach its current stage of development."

We will go on to reach even higher levels."

Regarding the article by Major Winkelman and Captain Merrill, General Albuquerque declared that this is "their own particular point of view" and does not reflect the thinking of the U.S. Government.

Asked about the possibility of interchange between Brazil and the United States in the industrial-military area, Albuquerque advocated cooperation, depending on what meaning is given to the word, because it is "such a broad word."

Although he is on vacation, General Albuquerque met yesterday with Army Minister Gen Walter Pires to discuss official matters, along with Whitaker and Luiz Aratangy, vice president of ENGESA.

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CSO: 3342/55

DNPM PREDICTS 15 PERCENT GROWTH IN MINING SECTOR IN 1984

Brasilia CORREIA BRAZILIENSE in Portuguese 8 Jan 84 p 14

[Report by Roberto Penteado]

[Text] Petroleum, gold, export minerals and industrialized minerals for export will be the major factors in the vitalization of the Brazilian mineral sector, which should grow 15 percent this year. It is a primary sector, which cannot be compared with the information systems sector, which showed a growth of 100 percent, sparking a new industrial revolution. Even in 1983, a year in which the Gross Domestic Product fell 3.4 percent, the mineral sector grew between 10 and 12 percent, according to estimates of the DNPM [National Department of Mineral Production].

In the beginning of President Joao Figueiredo's administration, exports in the sector covered only 27 percent of imports. At that time, the Ministry of Mines and Energy began a diagnostic study of the sector, to draft a plan that would make it possible, at short range, to achieve the minimum dependence on other countries for mineral raw materials and to intensify production of known mineral resources that were already being exploited.

Among other things, the study concluded that Brazil's investments in prospecting were not consistent with the country's mineral potential, that the production sector was not adequate to the known reserves; in short, that there was a great potential and the technological capacity to exploit it, but it was not being exploited.

The Brazilian Mineral Model was then designed, with four lines of priority.

The first took in minerals and ores for domestic consumption: limestone, clay, crushed rock and ornamental stone. The second included minerals which could contribute to reducing imports: copper, aluminum, gold and mineral fertilizers. In third place came minerals related to increased exports: iron, manganese, aluminum, nickel, tin and niobium. The fourth line is energy minerals: petroleum, coal, peat, shale and uranium.

The results achieved to date make it possible to predict an end to the mineral deficit at medium range, since petroleum contributes most to the deficit and national production is growing at an accelerated rate. Production should reach

500,000 barrels per day this year and 1 million barrels by 1993, when we will have achieved self-sufficiency in petroleum.

Coal production should reach 10.5 million tons, most of it energy coal. The cement industry has increased the demand for domestic coal, to replace imported petroleum, but Pro-carvao [Coal Production Program] still depends on basic investments in other areas, such as railway transport and port infrastructures, to gain more impetus.

Priority has also been given to the use of coal, lignite and peat in production plants. Thus, in Rio Grande do Sul and in Santa Catarina, mineral coal is being used increasingly to generate electric power and as a fuel in the petrochemical center in the south. In the northeast, particularly in Bahia, Sergipe, Pernambuco, Paraiba and Rio Grande do Norte, studies are being conducted on the use of coal to generate power and of coal gas for industrial and domestic consumption.

Regarding uranium, NUCLEBRAS [Brazilian Nuclear Corporations, Inc] should sign two contracts this year, which will place Brazil among the exporters of uranium concentrate. In Itatiaia, Ceara, NUCLEBRAS should sign a contract to sell the concentrate to France in exchange for provision of the technology for the use of uranium, with production of phosphate as a by-product. In Lagoa Real, the parties to the contract are the Germans. Brazil is already exporting "yellow cake" produced in Poco de Caldas, also with French technology.

Regarding minerals related to increased exports, their contribution to mineral production should increase significantly as the mineral province of Carajas goes into production. The CVRD (Companhia Vale do Rio Doce) sold 53.1 million tons of iron ore in 1983, of which 37.7 million tons went to the international market, bringing in about \$890 million in foreign exchange. The contracts already signed for the sale of the Carajas ore between 1988 and 1999 total 25 million tons per year, which will go to several countries.

With regard to the other minerals, aluminum and aluminum ore should make the country one of the major exporters in the aluminum sector. Valesul and Mineracao Rio do Norte have already gone into operation; the former is producing aluminum and the latter bauxite. The Albras, Alumar and Alunorte projects will go into operation in 1985, generating more foreign exchange.

There are also projects for copper and manganese in Carajas. With regard to copper, the nation should be self-sufficient in 1988. In 1983, the country became self-sufficient in aluminum, nickel and tin, and began to produce titanium, a strategic metallic mineral, using Brazilian technology exclusively, in Tapira, Minas Gerais.

Fertilizers are another area in which foreign dependency has been significantly reduced. The country stopped importing nitrogen and phosphates, and this year will see the inauguration of the only potassium plant in the southern hemisphere: Petromisa, in Sergipe. The only area in which the country is still deficient is sulfur, because of technical problems with the economical exploitation of the known deposits. The cheapest process, which is being used increasingly

around the world, is to produce sulfur from natural gas, as a by-product of GLP [Liquified patroleum gas].

Another promising area is that of natural gas, with the discoveries on the coast of Para and the superfield in Jurua, in Alto Amazonas, which could mean energy independence for the north and a gas supply for the entire central south, with a national fuel at suitable prices.

Then there is gold, which has also been breaking successive production records. In 1979, Brazil produced 4.9 [sic] tons of the yellow metal. In 1980 production reached 13.8 tons; in 1981 it was 15.8 tons and in 1982, 24.6 tons. This year the DNPM expects production of 52.5 tons, but it should not stop there, because the DNPM predicts that production will reach the 100-ton mark in 1985 and 400 tons in 1993, which, at today's prices, represents a value of \$5 billion.

Table: Development of Gold Production, in Tons

<u>Year</u>	<u>Tons</u>	<u>Year</u>	<u>Predicted Tons</u>
1979	4.3 [sic]	1985	100
1980	13.8	1993	400
1981	15.8		
1982	24.6		
1983	52.5		

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CS0: 3342/55

EARLY ASSESSMENT OF CROP LOSSES FROM DROUGHT PUBLISHED

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 19 Jan 84 p 30

[Text] Campinas--The prolonged dry spell which is affecting Sao Paulo's agriculture has already caused losses of 502,886 tons of grains, according to reports, albeit partial, released yesterday by the Sao Paulo State Secretariat of Agriculture. According to the survey, the damages amount to about 101.6 billion cruzeiros and could increase in the days to come if the high temperatures and drought conditions persist.

Corn continues to be the crop most severely affected throughout the interior, according to the official estimates which will be reported next week to Agriculture Minister Amaury Stabile. It is estimated that the loss totals 331,773 tons, which means a loss of 55.3 billion cruzeiros. The most affected region is Ribeirao Preto, with a loss of about 1.2 million 60-kg sacks, followed by Campinas and Rio Preto, with a loss of about 1 million sacks each, and Marilia, with a loss of 890,000 sacks.

Rice is apparently in second place, with losses up to yesterday estimated at 98,301 tons of unhulled rice, or 18 billion cruzeiros. Soybeans were also severely affected. According to the Agriculture Secretariat's information network, soybean losses yesterday reached 62,467 tons, valued at about 20 billion cruzeiros. The drought is also affecting the cotton (losses of 10,000 tons, or 7.4 billion cruzeiros) and lowland beans (90 tons, or 63 million cruzeiros).

Although the state-wide survey, requested as an emergency measure by Secretary Nelson Nicolau, is concentrating on grains and exports crops, the problem is also affecting fruit orchards and truck farms. For example, it is certain that 940 tons of low-growing tomatoes and 420 tons of watermelons have been lost in the Marilia region alone, according to the local Regional Agriculture Division. In the Campinas area, the vineyards have been damaged, as has the entire green belt, which produces leafy greens and legumes and supplies the capital itself.

On the coast of Sao Paulo State, the crop most affected is upland rice, especially the October planting. State technicians have also confirmed that there has been a drop in the supply of milk from all the herds in the state, also attributable to the drought. In the region of Ribeirao Preto, the loss is estimated to be at least 5 percent. Some producers in Campinas region admit the milk supply could be substantially reduced if the weather conditions registered since the start of the month persist.

In Mogi-Mirim, Waldemar Antunes, president of the region's Mixed Agricultural-Livestock Cooperative, declared that losses in the rice, corn and soybean crops have already reached at least 20percent "and if the drought continues, there will be a disaster." According to the president, within a week the losses could reach 50 percent. "The worst of it," he said, "is that farm insurance does not cover losses of this kind; it only covers such phenomena as hail storms and frosts."

Cassio Amaury de Azevedo, coordinator of CATI [Coordination of General Technical Assistance] in Campinas, yesterday calculated that at least 20 percent of the rice crop had been lost. He said that future developments are unforeseeable. "Another 2 or 3 days of hot weather, depending on the locale and the type of soil, could cause the loss to mount geometrically." CATI technicians stressed yesterday that the so-called "veranico" normally occurs in the period from 20 or 25 November to 17 or 20 December, but this summer it is late and is more intense than the farmers had anticipated. In 4 years out of every 10, the "veranico"--the dry, hot spell--occurs in January.

The bean harvest is even benefiting from the drought, especially in the Sorocaba region. In Itatata Municipio, about 98 percent of the bean crop has already been harvested and the harvest is underway in the other municipios. About 90 percent of the crop has also been harvested in the area of Marilia, with a yield of 10 to 15 sacks per hectare.

Losses in Ribeirao Preto Amount to 21 Billion Cruzeiros

Ribeirao Preto--With the already irreversible losses to the corn, soybean and rice crops, the result of the drought and heat as the year begins, the damages in the region of Ribeirao Preto amount to over 21 billion cruzeiros, according to a report forwarded yesterday by the DIRA (Regional Agriculture Division) to the Secretariat of Agriculture.

Corn losses already amount to 7 percent in the 80 municipios of the region, a loss of 72,483 tons, with soybeans registering a loss of 4 percent (21,232 tons) and rice suffering a loss of 15 percent (18,831 tons). There is also a 5-percent drop in milk production. A light rain fell yesterday on some cities in the region, but did not alter the picture, which is growing worse with each new day of drought, according to DIRA technicians.

In Ribeirao Preto's hospitals, 45 children have been admitted suffering from dehydration. The maximum temperatures in the last few days reached 36 degrees [Celsius] in the shade. The director of DAERP (Ribeirao Preto Water and Sewer Department) appealed yesterday to the people not to use water to hose sidewalks or wash cars, because there is already a water shortage in several parts of the city, after a 25 percent increase in consumption during this period.

Soybean Loss of 8.9 Percent in Rio Grande do Sul

Porto Alegre--FECOTRIGO (Brazilian Federation of Wheat and Soybean Cooperatives) has released a new survey of the developing soybean and corn crops in Rio Grande do Sul, indicating that, as a result of the drought in December, the soybean crop will be at least 8.9 percent below the initial estimates. The corn crop will be 26.69 percent smaller than initially expected.

If the initial forecasts of the IBGE [Brazilian Institute of Geography and Statistics] are used as a reference, the FECOTRIGO study indicates that the losses would be smaller, with soybeans 6.46 percent and corn 10.66 percent [below the IBGE initial estimates]. According to the producers, if the rainfall returns to normal--it has rained a lot this month--some of the losses could be recovered.

Noting that its study covered 68 percent of the total area planted in soybeans (estimated by the IBGE at 3,679,159 hectares), FECOTRIGO reported that the average yield is being predicted at 1,548 kg per hectare. The federation estimates that the yield could be as high as 1,700 kg per hectare, which would bring production to 6,254,570 tons. In practice, however, FECOTRIGO noted that only 5,695,338 tons should be produced, a difference of at least 8.9 percent. The IBGE predicted a yield of 1,655 kg per hectare, which would bring production to 6,089,160 tons. In this case, the difference between the initial estimate and the actual production would be 6.46 percent.

Last year Rio Grande do Sul produced 5,268,869 tons of soybeans on 3,402,803 hectares, with a yield of 1,548 kg per hectare. The state, which was also affected by the drought, produced 36 percent of the soybeans harvested throughout the country.

Corn

With respect to corn, the survey covered 60.85 percent of the total area planted, estimated by the IBGE at 1,911,186 hectares. The federation was hoping for a yield of 2,532 kg per hectare, which would bring production to 4,839,122 tons. It is now predicting an actual yield of only 1,856 kg per hectare, with an estimated production of 3,547,716 tons, or 26.68 percent lower than the original estimate. Using the IBGE figures, the loss would be smaller. The INGE initially forecast a yield of 2,078 kg per hectare, which would bring production to 3,971,393 tons. [Hence the FECOTRIGO's current estimate of 3,547,716 tons represents a decline of only 10.66 percent from the IBGE's initial estimate.]

Last year 1,778,999 hectares were planted in corn. The yield was 1,785 kg per hectare, with production of 3,174,771 tons, representing 17 percent of the nation's total production. The drought also caused serious damage in 1983.

Drought 20 Days Old in Minas Gerais

Belo Horizonte--Farmers in Minas Gerais are worried about the drought which has been going on for 20 days throughout the state, causing considerable damage to the corn crop in the north of the state, particularly in Janauba Municipio. According to a survey taken yesterday by EMATER-MG [expansion unknown], the situation could turn critical in 17 of its 18 regions if it does not rain within the next 10 days.

The EMATER study revealed that some rain had fallen in Unai, in Alto Paranaiba, the state's largest rice-producing region, preventing greater losses. EMATER does not yet have definitive data regarding each crop, but it is certain that cotton, which can grow in a dry climate, and beans, which are already being harvested, are not suffering from the drought. The biggest problems are with

the corn crop in the north of Minas Gerais, where production this year is estimated at 3.3 million tons (25 percent more than last year), and with the rice crops in the Triangle.

Major Expansion

The first bean crop, of lowland beans, is already being harvested. This is the crop which gained the most acreage: 278,058 hectares were planted, with a production of 130,929 tons, for an increase over last year of 48.1 percent in acreage and, possibly, of 95.7 percent in production.

The soybean harvest will soon follow, with an acreage of 330,306 hectares, production of 616,948 tons and an average yield of 1,638 kg per hectare, for an increase of 28.3 percent in area and 29.3 percent in estimated production. Corn will live up to expectations, according to the GCEA [expansion unknown] technicians, because the planted area of 1,632,352 hectares should produce an estimated 3,327,775 tons, with an average yield of 2,039 kg per hectare--an increase of 14.3 percent in acreage and 29.5 percent in production over the previous crop.

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CS0: 3342/55

MILITARY PREFERENCE FOR TRANSITION GOVERNMENT VIEWED

Brasilia CORREIO BRAZILIENSE in Portuguese 12 Jan 84 p 3

[Article by Haroldo Hollanda]

[Text] A PMDB [Brazilian Democratic Movement Party] legislator who talks frequently with Brazilian military men, including one of the key figures in the present government, recently attended an informal luncheon in Brasilia; he got the impression that the prevailing sentiment in the armed forces is that President Figueiredo should be succeeded by a civilian government of national transition, with a 4- or 5-year mandate, through which the country could be prepared for direct elections under a new constitution. During this period, the National Congress would regain the prerogatives which it has lost.

Although they have no personal reservations about the candidacy of Deputy Paulo Maluf, since they consider and respect the former governor as a highly successful businessman, the military who lunched with the PMDB congressman indicated that they would like to see a man of the political caliber of Aureliano Chaves or Tancredo Neves as president of the republic. They do not think that Tancredo Neves has the same dynamism as the vice president of the republic, even by reason of his age, but feel that he is a calm and balanced man, whom many of them admire particularly for his extraordinary grasp of our political realities.

According to the opposition politician (who was deprived of his political liberties for many years, a period in which he devoted himself to private enterprise), he learned during yesterday's luncheon and in several other meetings that the Brazilian military were deeply concerned when President Figueiredo went to Africa and said he favored direct elections for the presidency of the republic. As soon as the president returned to Brazil from his African trip, the military leaders sought him out, apprehensive about the scope which the campaign for direct elections was assuming. They were soon put at ease, reaching the conclusion that President Figueiredo had taken the position in a moment of frenzy and indignation against his party and against candidate Paulo Maluf.

Recent events in Argentina have greatly influenced the Brazilian military against direct elections, deepening their fears that Brazil could see a repeat of the behavior of President Alfonsin, who has brought several Argentine Armed Forces chiefs to trial. The opposition legislator admits, however, that even before the political events which have been shaking Argentina since President Alfonsin

took office, the Brazilian military were convinced that the reestablishment of direct elections should be postponed for 4 or 5 years, and preceded by an indirectly elected civilian government which would prepare the country for full political, economic and social normalization.

Again according to the PMDB politician, direct elections would now meet with great resistance from the armed forces. All its members fear the ever present possibility that Governor Leonel Brizola could emerge the victor. The military have not yet entirely forgiven Governor Brizola for his part in various political episodes prior to 1964, especially the movement of the enlisted men and sergeants, in which the principle of hierarchical discipline was violated.

In the view of the military who lunched with the opposition congressman, President Figueiredo has honored the commitments which he made with former President Ernesto Geisel to lead the country to democracy. The military believe that the real father of democratic "abertura" [liberalization] was President Ernesto Geisel, but they also honor and give credit to President Figueiredo, who has earned recognition and a special place in the future political history of Brazil. They disagreed with "Riocentro"; many of them felt that the events that occurred there should be properly investigated, but they recognize that it has been assimilated over a period of time without any major political trauma. Nor did they agree with the inopportune positions assumed publicly by Gen Newton Cruz, as commander of the Planalto Military Garrison.

During his lunch with the group of military leaders, the PMDB legislator also got the impression, through its chiefs, that the Armed Forces are apprehensive about the sensitive picture of economic and social problems confronting the country, including our large foreign debt. They are paying close attention and voice their concern about the country's recessive economic policy. The other day, one of these military chiefs related what he had said to President Figueiredo:

"I met recently with an opposition deputy, who told me that the Brazilian recession is a hot soup which could suddenly spill over and scald all of us."

As the opposition congressman told the military chiefs at the luncheon, he feels the PMDB has been adapting since its last national convention to the new era of "abertura" with which the country has been experimenting, perhaps not yet at the desired pace. However, he believes that, as the months pass, the PMDB will be increasingly dominated by the thinking of an expressive moderate majority.

6362

CSO: 3342/55

BUSINESSMEN CITE DISTORTIONS IN ECONOMIC POLICY

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 8 Jan 84 p 44

[Article by Fatima Turci]

[Text] With a coherent economic program aimed at austerity and attacking the major problems from inflation to the public debt, from the exchange policy to the foreign debt, there will be a change in the nation's expectations, even permitting a growth of 1 percent in the industrial product. This expectation--"optimism based on reality"--of Luis Eulalio de Bueno Vidigal Filho, president of FIESP (Sao Paulo State Federation of Industries), runs up against the lack of any prospect of recovery in the capital goods industry and the late entry of the shoe sector into the crisis.

Vidigal explains that , without being expansionist, but also without aggravating the recession, the current policy is not incoherent and, if it were carried out, it would mean: a reduction in inflation (not below 100 percent), because the public debt has already been worked out; some industrial growth and major agricultural development, with a recovery of the employment levels in agriculture and services; it would also permit the \$9 billion surplus in the trade balance, with increased exports because of the [recovering] world economy, particularly the U.S. economy.

Although they agree with some points in this thinking, two presidents of business associations point precisely to the distortions in the economic policy. The major inconsistency is in the tight monetary budget, which, according to Sebastiao Burbulhan, president of the Shoe Industry Association, shifts the problems and does not solve them. "Only when the economy heats up, and not with recession, will we have more production and lower prices." For this reason, instead of the cuts in the budgets of the state companies, he advocates more government investment, but in a rational form and without wastefulness. "The state companies must become more efficient, they must cut costs, without the frightful fiscal voracity which only thinks about revenues and not about reducing expenses, because the present model will only benefit state companies, multi-nationals and companies which export."

Everyone Suffers

Roberto Caiuby Vidigal, president of ABDIB (Brazilian Association for the Development of Basic Industry), goes much further, advocating less government interference

in the economy. He agrees that it is necessary to control the public debt and complains that, once again, this has been done by reducing investments more than expenses, but he notes that, since the state is the nation's largest businessman, all the sectors suffer. The capital goods sectors cries out the most, because the state companies are responsible for 70 percent of it and today only 30 percent of its capacity is being used, with orders trickling in by the "eye dropper" and with no prospect of recovery before 1986.

With earnings declining from \$3.2 billion to \$2.1 billion over the last 3 years, and with jobs reduced to 170,000 as a result of a 23-percent drop in production last year, the sector should see a decline of another 20 percent this year because, according to Caiuby Vidigal, the only possibilities lie in exportation. "Although the U.S. economy is recovering, we have fewer incentives, with the withdrawal of the subsidies in Resolution 674, and the price should go up, robbing us of competitiveness with Europe and Japan." However, the president of FIESP feels that the withdrawal of the subsidies will be offset by greater access to credit and a flexible exchange policy to keep up with the rising value of the dollar. He is certain that some new measure must be adopted for long-range financing, creating special provisions for capital goods.

Predictions

Regarding the other segments, Vidigal [sic] predicts: difficulty for the machine industry; improvement for fertilizers, the automobile industry, automotive parts and farm implements because of agriculture's good performance and, consequently, for trucks and tractors; continued level of performance for the electro-electronic sector because of the restrictive wage policy; and an indefinite future for the textile sector, depending on the international market. According to Burbulhan, however, if the direction of the economic policy is not changed, 1984 will be a copy of 1983, and worse for some sectors, such as the shoe industry, which still managed to grow 2.8 percent last year, with \$660 million in exports.

In Burbulhan's opinion, one of the major problem areas which must be altered to avoid another recession in 1984 is the foreign debt. The president of FIESP sees some relief there (which was blocked last year) with a broader renegotiation at the government level if Brazil shows some results in this first quarter, but Burbulhan believes the creditors must show a willingness to allow the country to pay off the debt. "We acknowledge the debt, but we can only pay it off with money, not with renegotiation. For this, we must sell enough to have a trade balance surplus and money in the bank."

In this regard he has two criticisms. On one hand, he asks if it is fair to penalize nations (those of the Third World, which owe \$660 billion) whose debt is equal to the money spent on the world arms trade. On the other hand, he raises doubts about the validity of a positive trade balance of \$9 billion for Brazil, based on exports which jeopardize the domestic market supply and on such strict controls over imports that they also threaten the domestic supply.

On one point, however, all the businessmen appear to agree: the current recessive psychosis must end, because, as Vidigal notes, the psychological factor is the principal element of the crisis, aside from its severity.

NETTO DENIES POSSIBLE MAXIDEVALUATION; EDITORIAL COMMENT

Denial

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 19 Jan 84 p 26

[Excerpt] Both Planning Minister Delfim Netto and Jose Luis Silveira Miranda, director of the banking area of the Central Bank, yesterday ruled out the possibility that a maxidevaluation of the cruzeiro would be decreed. The minister said such predictions are "poppycock," and Miranda observed that the speculators will end by "digging their own graves."

Delfim Netto foresaw a resumption of growth, starting in the second half of 1984, and reported that he is leaving tonight for the United States, but that no date has been set for the signing of the "jumbo loan" of \$6.5 billion which is being negotiated with international creditors.

According to Delfim, everyone is speculating about the maxidevaluation, but no one is looking at the figures. The declared imbalance between the cruzeiro and the European currencies because of the over-valuation of the dollar has not occurred, he said, because the exports to the United States and the European countries continue to increase. "No one pays attention to the figures. They just keep talking, which is a real virtue."

The minister would not predict how much the economy will grow this year, and he disavowed the prediction of 2 percent growth made by his economic advisor Akihiro Ikeda ("He is only a professor"), but he said he thought it would be possible to gain some room for growth after the second half of the year, if the crops are good.

He did not guarantee that enough jobs would be generated to take care of the unemployed manpower, or that any new jobs would be created. Regarding the first half of the year, he ruled out the possibility of growth and disagreed with the prediction of Julien Chacel, director of the Getulio Vargas Foundation, that inflation would reach 9 to 10 percent this month. Netto said that the price surveys had not yet been completed for the second 10 days of the month. He said the government had not set any inflation goal with the IMF.

Exchange Rate

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 20 Jan 84 p 3

[Editorial: "Exchange Rate and Expectations"]

[Text] There is a saying that a devaluation can be feared when members of the government begin to say that they are not considering one. The violent reaction of Minister Antonio Delfim Netto, calling predictions of a new maxidevaluation "poppycock," certainly contributed to increasing speculation regarding a change in the exchange rate. It must be recognized, however, that in matter of the exchange rate he is in a very delicate situation; unless a country has great foreign exchange reserves at its disposal, speculators often make a devaluation inevitable when it is not justified from an economic standpoint. Thus, if the government wants to prevent this from happening, it must convince the public that a maxidevaluation is unnecessary and, on the contrary, would be quite harmful.

In Brazil, it is thought that, with inflation as it is now, the only way to increase exports is to maintain an aggressive exchange rate. This idea, often vehemently expressed, is actually belied by the example of other countries. When the industrialized member nations of the IMF were obliged to maintain a fixed rate, Italy, for example, managed to maintain its rate in relation to the dollar from 1953 to 1970, even with an inflation rate of 70.2 percent. In counterpart, its exports in dollars grew 768 percent. We could refer to a developing country which shares characteristics with Brazil: South Korea. From 1972 to 1982, that country had an inflation rate of 445.6 percent; its exchange rate underwent a devaluation of only 86.1 percent and its exports increased 1,150.6 percent (as against only 41.9 percent in Brazil's case). As can be seen, there are ways to increase exports without resorting to the exchange area.

The arguments presented to justify a new maxidevaluation are not convincing. According to proponents of the proposal, we have lost the advantage obtained with last year's "maxi," particularly considering the higher cost of credit for exportation. On the other hand, the increased value of the dollar in relation to the other currencies of the industrialized countries would call for a major devaluation of the cruzeiro.

In the first place, it should be recognized that, in 1983, it was possible to increase Brazilian exports of semi-manufactured products by 24.7 percent and finished products by 9.5 percent, despite significantly lower prices per ton. This means that the exchange rate was adequate. If we examine the geographic distribution of those exports (data available for the first 9 months of 1983), we see that our sales to the United States grew 21.4 percent; they grew 2.7 percent to the EEC and 7.3 percent in the case of Japan, whereas they declined 28.4 percent to the member nations of ALADI [Latin American Integration Association] and by 20.8 percent to Nigeria. The reason for the success of Brazil's foreign trade was the economic recovery of some countries; the reason for the miracle was not the exchange rate but the situation of the clients.

Last year the cruzeiro was devalued by 289.4 percent in relation to the dollar, with the rate of inflation at 211 percent. If, however, one considers the prices

of manufactured products (wholesale prices)--which might justify a maxidevaluation--we see an increase of only 197.5 percent. In relation to all the large industrialized nations, the devaluation of the cruzeiro exceeded the overall rate of inflation and was much greater than the increase in the prices of manufactured products. In the worst case, that of France, last year the cruzeiro was devalued 213.7 percent in relation to the franc. We are not ignoring the inflation in these countries, which, although it was low, was not negligible (5.4 percent for the countries in the OECD).

For the time being, there is no justification for a maxidevaluation, unless it is to make a bigger profit from foreign sales or even to favor the importers in the wealthy countries, to whom we are going to offer lower prices. This does not, however, lead us to conclude that there will not be a maxidevaluation.

There is no justification for it, but the pressure on the government could lead to a situation in which it might become inevitable. It would be the end of any dream of controlled inflation and a weaker recession. We can only hope that the government will have the strength to resist the pressure of a minority of interests.

6362

CSO: 3342/54

COST OF LIVING REPORT ISSUED

Santiago TERCERA DE LA HORA in Spanish 6 Jan 84 p 12

[Text] The December CPI increased 0.6 percent, raising the cumulative cost of living for the 12 month period by 23.1 percent, according to information released yesterday by Luis Gatica, head of the Department of Prices, National Statistics Institute [INE].

The greatest change was noted in the food sector which experienced a drop of minus 0.3 percent due to decreases in the prices of family shopping basket items such as green vegetables, potatoes, tubers, milk products and eggs; this drop was counteracted in part by increases in the prices of fruits. The housing sector experienced a change of plus 0.3 percent due to price rises for water, fuel and electricity. The clothing sector experienced an increase of 0.1 percent due to minimal changes in the prices of women's, girls', babies', men's and boys' clothing.

The miscellaneous category increased by 0.5 percent due principally to price rises in the sectors of private transportation and education. Finally, the INE emphasized that during the past month quarterly surveys were conducted on rents and medical-dental costs, whose percentages will be publicized in the near future.

Of the 347 items which make up the family shopping basket of the INE's CPI, 191 went up in price, 88 dropped in price and 68 maintained their prices.

INE Explanation

Luis Gatica, head of the INE Department of Prices, said that 0.6 percent of the CPI for December is reflection "of the behavior of each of the principal groups of this index."

"For a long time," he said, "there has not been a balance among the various factors. The entire adjustment process, the value of the dollar and the financial system in general produces this balance, in spite of the drop in the price of copper. This CPI favors the lowest stratum of workers, which is being corroborated by a decrease in wholesale prices. During the winter, there were big price increases for items such as green vegetables, potatoes and lemons, which are now reflecting a favorable change of 0.5 percent in the index. The

arrival of lemons from Arizona has also not been factored in; this will surely be reflected in future indices.

WPI

The wholesale price index experienced a drop of 2.3 percent in the month of December compared to the preceding month.

INE's figures underscore the fact that this price drop was due mainly to lower food prices in the agricultural-livestock and fish and shellfish categories.

8143

CSO: 3348/213

BRIEFS

WAR MATERIEL EXHIBITED--The governments of several Middle East countries, including Jordan, Egypt, plus India and Thailand, have shown interest in war materiel manufactured by the Chilean company Cardoen S.A. at its plant in the industrial sector of the Free Zone in Iquique. This information was provided by the sales manager of that industry, Daniel Prieto Vial. Prieto headed a mission of executives which took part in the International Middle East Defense Exhibition held in Amman, capital of Jordan. Models of anti-tank mines, grenades and other products manufactured by the Cardoen Defense Division were on display there. The official added that there were also displays of scale models of armored cars, including the multiple purpose "Alacran-Escorpion," a half-track which has aroused much interest because it is the first non-Soviet, postwar armored half-track; it is especially suitable for operation in desert countries or countries with marshy terrain and big quagmires in the winter. Prieto emphasized that the experts showed much appreciated admiration for the level of technological sophistication in Chile's defense sector, which has been attained in a few years. He also said that Chile's booth at the exhibition in Amman was visited by several civilian and military officials from Jordan, including the commander in chief of that country's army, Lt Gen Zeid Ben Shaker, who was accompanied by members of his staff. [Text] [Santiago LA NACION in Spanish 10 Jan 84 p 12] 8143

UNEMPLOYMENT DECREASES 15.9 PERCENT--Unemployment dropped by 0.9 percent during the September-November quarter, which represents 42,700 new jobs, according to information released yesterday by the head of the Labor Department of the National Statistics Institute, [INE], Hector Kappes. The unemployment rate for this period was 15.9 percent, compared to 16.8 percent for the previous quarter. Kappes said that more jobs at the rate of 21,533 additional employees every month in annual terms means an increase in employment of 8.3 percent, comparable only to what happened from 1979 to 1980. For its part, the Ministry of Economy emphasized that this increase in employment will probably taper off in the future but that, nevertheless, it is representative of the efforts being made by the government to resolve the problem and of the renewal being experienced by the national economy. "The new jobs were produced by greater activity in the past 90 days; and, therefore," the Secretariat of State adds, "they are all productive jobs, as the number of persons employed in emergency programs has decreased by 8,600. During the same period, the Minimum Employment Program was reduced by 80,300 persons and the Heads of Household Program increased by 71,700, improving the productivity and remuneration of the workers active in

special programs." According to statistics provided by the INE, current unemployment in the different regions of the country is as follows: Region 1, 18.4 percent; Region 2, 18.5 percent; Region 3, 6.8 percent; Region 4, 16.1 percent; Region 5, 18.9 percent; Region 6, 16.0 percent; Region 7, 16.2 percent; Region 8, 11.6 percent; Region 9, 12.6 percent; Region 10, 13.7 percent; Region 11, 16.2 percent; Region 12, 11.5 percent; and Metropolitan Region 17.4 percent. [Text] [Santiago TERCERA DE LA HORA in Spanish 6 Jan 84 p 12] 8143

CSO: 3348/213

CARLOS RAFAEL RODRIGUEZ ON RELATIONS WITH BRAZIL

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 14 Jan 84 p 5

[Article by Chico Dias]

[Text] Quito--The Cuban Government has many points in common with Brazilian foreign policy, but it is in no hurry to restore diplomatic relations with Brazil or any other country. So said Carlos Rafael Rodriguez, vice president of Cuba's Council of Ministers--one of the "strong men" in Fidel Castro's regime--in an exclusive interview with O ESTADO DE SAO PAULO and the JORNAL DA TARDE. Rodriguez was heading his country's delegation to the Economic Conference for Latin America.

On the question of restoring relations, he said that Latin America is going through a time of reappraisal "that will enable all of us to make a new evaluation of our respective ways of approaching relations with the different countries." The Cuban delegation considers that "the speech by Minister of Foreign Affairs Saraiva Guerreiro that we heard was very satisfactory and enables us to coordinate increasingly the positions of Brazil and Cuba, which have coincided on many occasions, in international forums."

According to the Cuban vice president, "it is entirely up to Brazil to decide when it considers a restoration of relations appropriate, and it is up to Cuba also to decide that the proper time has arrived. But at the moment, there is nothing to keep us apart. There are many things--such as this conference--leading us to agree in our actions. Our people are friends with each other, and that is enough. Cuba is in no hurry, but it is always ready for greater understanding with the countries of Latin America."

Asked how Cuba views the changes that are occurring in South America--especially the Argentine elections and the Brazilian political process--Carlos Rafael Rodriguez said that in their process of historical development, the Latin American continent and the Caribbean region have reached a point where it has been demonstrated that the forces of repression--which use only the worst methods, as the reactionary forces in Brazil did for a time, as the military authorities in Argentina were doing until just recently, and as they still are doing in Chile--merely proved their ineffectiveness. "They made use of every kind of brutality. In Argentina, it turns out that about 25,000 people have disappeared, with a number of assassinations that are known and public. But despite all that, they cannot hang on."

We asked: "How does Cuba view Brazil's action today in the context of the Third World?"

He answered: "We are following Brazil's action in the Third World with close attention, and it seems very interesting to us. It seems to us that Brazil possesses advanced technology providing it with economic conditions--despite its enormous difficulties with its debt--that are favorable to cooperation with the countries of the Third World."

According to the vice president, Brazil "can make an even greater contribution to what is called the South-South cause, to which Cuba is also committed. And to the extent that there are countries in a position technologically and from the standpoint of more or less advanced development--as is the case with Brazil, naturally--to take the lead in our relations with the South-South countries within the limits established at the Latin American conference, that presence will be of great importance."

11798

CSO: 3242/2

BANK PRESIDENT SEES NEGATIVE IMPACT OF EARNED INTEREST TAX

Santo Domingo LISTIN DIARIO in Spanish 12 Dec 83 pp 1, 13

[Article by Jose Romero]

[Text] The president of Banco Popular, Alejandro Grullon, said yesterday that the 12 percent levy on interest earned on time deposits is likely to accelerate the current tendency toward capital flight from banks and other financial firms to the informal or unregulated extra-bank sector.

Grullon said that this is not where the problem lies, and that no important amount will be collected through that tax.

He explained that its consequences are negative, and that the authorities ought to see this, since when a flight of deposits from the formal to the informal sector occurs, financial costs increase, and consequently less taxes are collected. In other words, the state comes out the loser in the long run.

Besides, banks and financial institutions direct their resources for the most part toward projects beneficial to the economy in accordance with directives in regulations of the monetary council.

The banker rejected the claim that banks are not losing deposits. And he said that it is a probable fact that the commercial bank sector, percentagewise, is losing its capacity to attract resources.

He cited figures that in 1982 the savings and loan associations won a 17 percent share of the increase in deposits, and that in the present year the mortgage banking sector dropped from a 34 percent to an 18 percent share of that increase and the commercial banking sector went down 2 percent. Grullon said he thought it would be useful for the authorities to study this situation and see what is happening.

He said that analyses to this effect have been presented to the authorities in view of concern that the same thing would occur as occurred with the currency exchange houses, which siphoned off for themselves the greatest percentage of the dollars in circulation on the parallel market.

If this happened, he said, we would be returning to the financial epoch of "Concho Primo" [symbol representing the Dominican people].

Grullon said that it is possible that this capital flight is due to a number of causes, among them apprehensions about the Monetary Fund, the rather large Christmas purchases, etcetera. But whatever the cause, he said, the trend exists.

He was interviewed on the program, "You Be the Jury," produced by Alberto Amengual for Dominican Republic Television.

12383

CSO: 3248/295

CENTRAL BANK HEAD CITES FOREIGN INVESTMENT INCENTIVES

Santo Domingo EL CARIBE in Spanish 10 Dec 83 p 1C

[Article by David R. Lorenzo]

[Text] The governor of the Central Bank said yesterday that the Dominican Republic, in addition to having improved the climate for developing the private sector, has also adopted measures to stimulate foreign investment. Attorney Bernardo Vega pointed out that those measures adopted by the government guarantee a stable and profitable yield to investment in "a country which has always been characterized by its respect for property, and where there have never been expropriations."

Vega made these observations by means of a speech delivered by Attorney Rafael Hernandez Machado, deputy governor of the Central Bank, representing the governor, who is abroad.

Machado read the paper at a luncheon at the Sheraton Hotel, during the celebration of the Dominican Republic Minority Business Development Agency Management Meeting.

Vega said that for the reasons mentioned, the government has consulted with various management sectors and introduced modifications to Dominican laws, and eliminated certain restrictions which formerly obstructed the investment initiative of the external sector.

He said that incentives to invest in areas which the government considers essential for the country's development plans were strengthened, and the law on foreign investment was made more flexible, in line with a suggestion by the U.S. Chamber of Commerce.

He added that within the general policy of development, the government has designated four priority areas for investment; tourism, agroindustry, mining and industrial free zones.

Vega said, by means of the speech read by Machado, that in the tourism area, the state has taken measures to liberalize currency regulations, with the objective of making local costs in that sector more competitive.

He explained that restrictions on the use of credit cards have been liberalized, and that the requirement of permission in advance from the executive for the acquisition by foreigners of real estate in tourist areas has been eliminated.

He said that in the agroindustrial area, President Salvador Jorge Blanco announced his policy of advancing this sector through coinvestment by the public and private sectors.

He said that Jorge Blanco has invited foreign investors to develop projects such as the cotton, African palm and pineapple projects.

He added that the recent increase in the support price of corn and sorghum has stimulated the sowing of those products, and that law 409 guarantees investors in those sectors 100 percent exemption from taxes.

The Central Bank governor said also that an important measure adopted in the mining sector was the revocation by the government of a legal decree which in 1971 had held that the country constituted a mining reserve, which, he explained, meant that mining explorations were prohibited to the private sector.

Vega also said that as far as the industrial free zones are concerned, the Dominican authorities have adopted incentives in addition to those which already existed.

He said these measures include 100 percent exemption from taxes and tariffs applied to raw materials, semifinished products and goods-in-process. He said that similar treatment is being applied to machinery and imported equipment in good condition for purposes of the industries of the free zones, as well as oils and lubricants used in the industrial process.

12383

CSO; 3248/295

IDB APPROVES TWO LOANS TOTALING \$20 MILLION

Santo Domingo LISTIN DIARIO in Spanish 16 Dec 83 p 1B

[Text] The Inter-American Development Bank announced the approval of two loans totaling \$20 million, granted to the Dominican Republic for carrying out the first stage of a Community Roads Rehabilitation and Improvement Program.

The loans--\$17 million of ordinary capital and the equivalent of \$3 million from the Special Operations Fund--were granted to the Dominican Republic for a program, the purposes of which are to integrate zones connected by community roads into the national economy, to provide permanent access to areas which at present cannot develop their full productive potential, and to lower transport costs of agricultural products and passengers.

The Dominican Republic has 5,000 kilometers of paved roads, which permit good land communication between the various cities of the country. The 6,000 kilometers of community roads, on the other hand, are for the most part dirt roads, and prove to be of difficult transittability even in the dry season, they lack drainage construction and they are subject to erosions which make any maintenance operation impossible.

Projects for completion in this first stage include the rehabilitation of 600 kilometers of existing roads through substructure consolidation, replacement of culverts, overlaying of subgradient, and construction of gutters and drains. The Public Works and Communications Department already has in hand final plans for projects to be carried out on 24 roads totaling 241 kilometers in length, while plans for the other roads are being worked on.

The total cost of the project is estimated at \$28.34 million, of which the loans from the Bank will cover 70.6 percent.

The bank loans include:

-- 17 million dollars of ordinary capital for a period of 20 years with a variable interest rate applicable to each year's disbursements, adjusted to the cost of loans which the bank will raise on the international capital market. The loan will be amortised through semiannual payments, the first of which will become due 4 1/2 years after the date of the contract. It will be disbursed wholly in foreign currency;

-- the equivalent of \$3 million in local currency, from the Special Operations Fund, for a period of 40 years with an interest rate of 1 percent for the first 10 years and 2 percent for the remaining 30 years. It will be amortised through semiannual payments, the first of which will be due 10 1/2 years after the date of the contract.

12383

CSO: 3248/295

PRESIDENT UNDERLINES IMPORTANCE OF LOPEZ-ANGOSTURA PLANT

Santo DOMINGO EL CARIBE in Spanish 17 Dec 83 p 2C

[Article by Miguel A. Matos: "Jorge Considers Hydroelectric Plant as Greatest in Country"]

[Text] Sabana Iglesia, Dec 16. President Salvador Jorge Blanco stated here today that the Lopez-Angostura hydroelectric project is one of the greatest engineering structures ever built in the country, according to the information provided to him by Dominican and Spanish technicians.

The president stated this after inspecting the work to divert the Bao River on the site where the Lopez Dam is being built.

During his visit, he received explanations about the progress of the work from the general manager of the Corporacion Dominicana de Electricidad (CDE), engineer Marcelo Jorge Perez. Mr. Perez stated that this is a "very significant" ceremony because it marks the diversion of the Bao River. Now the actual dam will be built, to a height of 25 meters.

He explained that such a dam "will allow the control and conservation of water when it comes out in spurts and will deliver it continuously, in such a way that it will reconcile the conflicts about the use of the water, and it will serve to generate energy."

The CDE manager pointed out that the project is very important "because it is going to use all the capacity of the Tavera Dam, that is, up to 96,000 kilowatts."

He recalled that the project "was initiated during the previous visit of President Jorge Blanco on 3 November 1982."

Mr. Perez considers the Lopez-Angostura hydroelectric project "the most important work being built at present by the government."

He reported that the first phase of the project will be finished in 1984, approximately in August, and the second phase, which is the Central de Angostura, will be finished in December 1985.

He pointed out that with this complex there are now three hydroelectric projects under construction.

Mr. Perez announced the construction of the access roads to the hydroelectric project of Rio Blanco and recalled that "here, at this place, a contract was signed last week for the construction of the hydroelectric project of Baiguaque, which is an affluent of the Bao River. To the south, a little bit further, a small project of 1,100 kilowatts will be started in January."

President Jorge Blanco arrived here at 8:30 in the morning, accompanied by his wife, Mrs. Asela Mera de Jorge, and by the secretary of defense, Lt Gen Ramiro Matos Gonzalez, as well as by other civilian and military officers.

This project forms the third phase of the Tavera-Bao Hydroelectric Complex. It will use the turbinated waters of the Tavera Dam through the construction of an equalizing reservoir with a capacity of 44 million cubic meters, as well as a diversion tunnel and a loading tunnel, which will be the most important underground engineering work in the country.

This project also includes the construction of a spillway and the Central de Angostura, with an 18,000-kilowatt turbine, which will increase the production of the Tavera Complex by 120 million kilowatts-hour per year. The Lopez Dam will regulate the discharges of the Central de Tavera. In that way, there will be a continuous supply of water to irrigate the 31,400 hectares of the Yaque del Norte irrigation project.

The project Lopez-Angostura is being built at a cost of \$63.5 million, of which \$44.5 million is being provided by the IDB, \$14.5 million will be provided by the Fondo de Inversiones de Venezuela, within the terms of the San Jose Agreement, and \$4.8 million will be provided by the Dominican Government.

The American-Dominican consortium Harza-Hanson Rodriguez Engineering International, S.A., is supervising the construction of the project, with counterpart personnel from CDE, under a contract signed in October 1982.

The civilian component of the project was contracted in June 1982 to the firm Agroman, Empresa Constructores, S.A. The work officially started on 2 February of this year.

The mechanical component of the project was contracted in July 1982 to Neyrpic Espanola, S.A.; the work began on 1 November of last year.

Lastly, the hydroelectrical component of the Lopez-Angostura project was contracted in August 1982 to the firm Brown Boveri & Co, and the work officially started on 6 November 1982.

In addition to engineer Jorge Perez, also present were CDE engineers Fernando Luciano, director of Hydroelectric Development; Hector Roamer, manager of the Lopez-Angostura project; and Tuvia Tratjord, resident engineer of the consulting firm Harza-Hanson Rodriguez Engineering International, S.A.

Representing Agroman were engineers Luis Valverde, operations coordinator, and Manuel Benegas, zone director.

The Lopez Dam and incorporated works consist of a rockfill bed with silt shoulders and boulders obtained downstream, and a waterproof central core.

The volume of the refill is approximately 160,000 cubic meters. The plans to protect the dam call for gabions, which will be anchored to the body of the dam and protected at the crest and foot downstream with a layer of asphaltic concrete. The dam has been designed as an overflow structure.

When the river diversion to permit construction of the dam was started, the channel to connect the Tavera-Bao reservoirs was finished. It will be open to divert the Bao River, with an expected flow of 90 cubic meters per second from the peak discharge of Tavera. The diversion tunnel will be used later as a sluiceway and as a regulating device for irrigation emergencies if the Central Angostura is offline.

The installation of the arc gate for the diversion tunnel has been planned as the last activity at the site of the Lopez Dam. Then the equalizing reservoir can start operating. During the installation, the spillway will be used for a reduced diversion discharge.

A loading tunnel fully lined with concrete has been planned to join the Lopez equalizing reservoir with the adopted Central Angostura. The tunnel will first go through some 400 meters of flysch layers, then through 1,500 meters of marls and calcareous conglomerates of the Baitoa strata. In the last 200 meters, it will go through the limestones of the Baitoa massif.

A Francis-type turbine with a vertical axis of 18 megawatts of power will be installed in the Central Angostura. The turbine discharges 50 cubic meters per second at the normal minimum level of the equalizing reservoir, at the 217 meter elevation. The annual average production of net power will be 128 gigawatts per hour.

The Central will be located at approximately 800 meters upstream from the exit of the canyon of Angostura, on its left bank.

12501

CSO: 3248/296

BRIEFS

ITABO II CONSTRUCTION BEGINS--The government announced yesterday the beginning of the construction work of the thermoelectric complex Itabo II, which will add 125,000 kilowatts of energy capacity to the Corporacion Dominicana de Electricidad [CDE], at a cost of \$74 million. The CDE, in charge of the project, provided an initial counterpart funding amounting to more than 9 million pesos and dollars to the contractor firms General Electric, Marubeni, Otto Wolf & Sade, to start such important work in the southern part of the country. The secretary of finance, Dr. Jose Rafael Abinadar, stated that a credit contract for \$19,830,000 had been signed with the Export-Import Bank. This hydroelectric dam, expected to be ready in 34 months, will have the same energy generation capacity as Itabo I, which the government plans to put into operation early next year. [Excerpt] [Santo Domingo LISTIN DIARIO in Spanish 18 Dec 83 pp 1, 14] 12501

CSO: 3248/296

BRIEFS

FOREIGN INVESTMENT--The Ministry of Industries, Commerce, and Integration has reported that foreign investment grew by 29.5 percent during 1983. This ministry authorized foreign investments of 3,951,000,000 sucres, compared to 3,057,000,000 in 1982. [Summary] [Quito Voz de los Andes in Spanish 1230 GMT 15 Jan 84]

CSO: 3348/243

POLITICAL CONSTITUTION OF 1983 PUBLISHED

San Salvador LA PRENSA GRAFICA in Spanish 29, 30, 31, Dec 83, 1, 3, Jan 84

[Political Constitution of the Republic of El Salvador 1983, a publication of LA PRENSA GRAFICA for its readers]

[29 Dec 83 pp 35-36]

[Text] Decree No 38.

We, the representatives of the Salvadoran people gathered in a Constituent Assembly, with our trust placed in God, our desires being the best future of the country, and in the exercise of the sovereign power the people of El Salvador have conferred upon us, driven by the fervent desire to establish the foundations of national coexistence on the basis of respect for the dignity of the human being in the construction of a more just society, the essence of democracy, and for the spirit of freedom and justice, values of our humanistic inheritance.

Decree, approve and proclaim the following Constitution:

TITLE I
ONLY CHAPTER
THE HUMAN BEING AND THE PURPOSES OF THE STATE

Article 1. El Salvador recognizes the human being as the beginning and end of the activity of the state, which is organized for the attainment of justice, legal security and the common good.

Therefore, it is the obligation of the State to insure for the inhabitants of the Republic the enjoyment of liberty, health, education, economic welfare and social justice.

TITLE II
BASIC PERSONAL RIGHTS AND SAFEGUARDS
CHAPTER I
INDIVIDUAL RIGHTS AND RULES OF EXCEPTION
SECTION I
INDIVIDUAL RIGHTS

Article 2. Every person has the right to life, physical and moral integrity, liberty, security, work, property and ownership, and to be protected in the preservation and protection of them.

The right to honor, personal and family privacy and own ideas is guaranteed. Indemnification is established pursuant to the law for damages of a moral nature.

Article 3. All persons are equal before the law. Restrictions on the enjoyment of civil rights may not be established on the bases of differences in nationality, race, sex or religion.

Hereditary employment or privileges are not recognized.

Article 4. Every person is free in the republic.

No one who enters its territory shall be a slave nor shall he who trafficks in slaves be a citizen. No one may be subjected to servitude nor to any other condition which undermines his dignity.

Article 5. Every person has the freedom to enter and remain in the territory of the Republic and to depart from it with the exception of the restrictions established by law. No one may be forced to change his domicile or residence unless by an order of a legal authority in special cases and pursuant to the requirements established by law.

No Salvadoran may be expatriated nor may his entry into the territory of the republic be denied nor may a passport or other documents of identification for his return be denied to him. His departure from the country may not be forbidden except by a resolution or sentence of a pertinent authority pursuant to the law.

Article 6. Every person may freely express or disseminate his thoughts, provided he does not subvert public order nor prejudice the morality, honor or private life of others. The exercise of this right shall not be subject to prior examination, censorship or condition; however, those who make use of it and violate the laws shall answer for the crime they may commit.

In no case may a printing press, its accessories or any other means destined for the dissemination of thought be seized as an instrument of crime.

The enterprises which devote themselves to written, broadcast or televised communication, as well as other publication enterprises, may not be the object of state or national seizure whether by expropriation or any other process. This ban is applicable to the stock and partnership shares of their owners.

The aforementioned enterprises may not establish different rates or any other type of discrimination because of the political or religious nature of what is published.

The right of reply is recognized as a protection of the fundamental rights and safeguards of the human being.

Public performances may be subject to censorship pursuant to the law.

Article 7. The inhabitants of El Salvador have the right to associate freely and to gather peacefully without arms for any legal purpose. No one may be forced to belong to an association.

No person may have his exercise of any legal activity restricted because of the fact that he does not belong to an association.

The existence of armed groups of a political, religious or trade union nature is forbidden.

Article 8. No one is obliged to do anything the law does not order nor may he be deprived of anything the law does not forbid.

Article 9. No one can be forced to perform work or render personal services without fair remuneration and without his full consent except in cases of public disaster and in others established by law.

Article 10. The law cannot authorize any action or contract which implies the loss or irreparable sacrifice of the liberty or dignity of a person. Neither can it authorize accords in which outlawing or exile is agreed upon.

Article 11.. No person may be deprived of the right to life, liberty, property and ownership, nor of any of his other rights without first having been heard and defeated in a trial pursuant to the law, nor can he be tried twice for the same infraction.

Every person has the right to habeas corpus when any authority or individual legally restricts his freedom.

Article 12. Every person who is accused of a crime shall be presumed innocent as long as his guilt is not proven pursuant to the law and in public trial in which all the necessary safeguards for his defense are insured.

The person arrested must be informed immediately and clearly of his rights and the reasons for his arrest and he may not be forced to make a statement. The prisoner is guaranteed the aid of a defender in the proceedings of the auxiliary bodies of the administration of justice and in legal trials pursuant to the terms the law may establish.

Statements obtained against the will of the person shall lack validity and whoever obtains and uses them shall incur a criminal liability.

Article 13. No government body, authority or official may issue arrest or imprisonment orders except in conformity with the law and those orders must always be in writing. When a criminal is caught in the act, he may be held by any person to be delivered immediately to the pertinent authority.

Administrative arrest shall not exceed 72 hours, within which period the person arrested must be remanded to the order of the pertinent judge together with whatever proceedings may have been effected.

Detention for the purpose of investigation shall not exceed seventy two hours and the pertinent court shall be responsible for notifying the detainee in person of the reason for his detention, for receiving the results of the investigation and for ordering his release or provisional detention within said period.

For reasons of protecting society, those persons, who because of their anti-social, immoral or harmful behavior reveal a dangerous state and present an imminent danger to society or individuals, may be subjected to reeducational or readaptive security measures. Those measures must be strictly regulated by law and subject to the jurisdiction of the Court.

Article 14. The court is the only one with the authority to impose penalties. However, administrative authority may punish, through resolution or sentence, and after the pertinent trial, violations of laws, regulations or ordinances with arrest of up to 15 days or with a fine, which may be exchanged for a proportional jail term.

Article 15. No one may be tried except pursuant to the laws approved prior to the incident in question and by those courts which may have been previously established by law.

Article 16. The same judge may not officiate in the different proceedings of the same case.

Article 17. No government body or authority may take over pending cases nor open closed cases.

In case of a reversal in penal matters, the state shall indemnify the victims of duly confirmed legal errors pursuant to the law.

Article 18. Every person has the right to present his petitions in writing in a decent manner to legally constituted authorities so that they may resolve them for him and inform him of the results.

Article 19. The search or investigation of a person may only be done to prevent or investigate crimes or violations.

Article 20. The home is inviolable and it may be entered only with the consent of the person dwelling there, by means of a legal order, in cases of flagrante delicto, the imminence of the commission of a crime or because of serious danger to persons.

The violation of this right shall lead to reclamation for indemnification of damages and harm done.

Article 21. Laws may not have a retroactive effect except in cases of public order and in penal matters when the new law is favorable to the criminal.

The Supreme Court of Justice shall always have the authority to decide, within its jurisdiction, whether a law is or is not of public order.

Article 22. Every person has the right to freely dispose of his goods pursuant to the law. Property is transferrable in the manner determined by law. There shall be free probate.

Article 23. The freedom to contract pursuant to the law is guaranteed. No person who has the free administration of his property can be deprived of the right to conclude his civil or commercial affairs by means of transaction or arbitration. As for those who do not have that free administration, the law shall decide the cases in which they may exercise it and the required prerequisites.

Article 24. Correspondence of all types is inviolable. Intercepted correspondence shall have no validity nor may it be used in any action except in the cases of insolvency and bankruptcy. Obstruction and monitoring of telephone communications is forbidden.

Article 25. The free exercise of all religions is guaranteed without any other restriction than that established by morality and public order. No religious event shall serve for establishing the civil status of persons.

Article 26. The legal status of the Catholic Church is recognized. The other churches may obtain the recognition of their status in accordance with the law.

Article 27. The death penalty may only be imposed in those cases stipulated by military laws during the state of international war.

Imprisonment for debt, life sentences, defaming sentences, proscription and all types of tortures are forbidden.

The state shall organize the penitentiaries so as to correct criminals, educate them and shape their work habits, seeking their rehabilitation and prevention of crime.

Article 28. El Salvador grants asylum to the alien who resides in its territory with the exception of those cases stipulated in the laws and international law. Whoever is pursued only for political reasons cannot be included in the exceptional cases.

Extradition may not be ordered in any case with respect to nationals nor with respect to aliens for political crimes, even though as a result of them ordinary crimes may have resulted.

SECTION II EXCEPTIONS

Article 29. In case of war, invasion of the territory, rebellion, sedition, catastrophe, epidemic or other general calamity or serious disturbances of the public order, the guarantees established in Articles 5, 6, first paragraph, 7 and 24 of this constitution may be suspended, except when it is a matter of meetings or associations for religious, cultural, economic or sports purposes. Such suspension could affect all or part of the territory of the republic and will be accomplished by means of a decree by the Legislative Body or the Executive Body, depending on the case.

The period of suspension of constitutional safeguards shall not exceed thirty days. When that period has passed, the suspension can be extended for a like period by means of a new decree if the circumstances which led to it continue. If such a decree is not issued, the suspended safeguards will be fully reestablished.

Article 30. With the suspension of constitutional safeguards declared, special military courts will be responsible for dealing with crimes against the existence and organization of the state, its international or domestic status and against public peace, as well as with crimes of international scope. In the decree of suspension of constitutional safeguards the handling by special military courts of one or some of the crimes aforementioned may be excluded because of the circumstances which led to the suspension of those safeguards.

Those trials, which at the time of suspension of safeguards may be pending before ordinary authorities, shall continue to be handled by them.

Once constitutional safeguards are reestablished, the special military courts will continue dealing with the cases which may be pending before them.

A special law on procedures will regulate this matter.

Article 31. When the circumstances which led to the suspension of constitutional safeguards have disappeared, the Legislative Assembly or the Council of Ministers, depending on the case, shall reestablish such safeguards.

CHAPTER II SOCIAL RIGHTS FIRST SECTION FAMILY

Article 32. The family is the fundamental base of society and shall have the protection of the state, which shall issue the necessary legislation and create the appropriate bodies and services for its integration, welfare and social, cultural and economic development.

The legal base of the family is matrimony and it rests on the legal equality of the spouses.

The state shall promote matrimony but its absence shall not affect the enjoyment of the rights which may be established in favor of the family.

Article 33. The law shall regulate personal and patrimonial relationships between the couple themselves and between them and their children, establishing the reciprocal rights and duties on equitable bases, and it shall create the institutions required to insure their applicability. It shall also regulate family relationships resulting from the stable union of a man and a woman.

Article 34. Every minor has the right to live in family and environmental conditions that will allow his complete development and for which he will have the protection of the state.

The law shall determine the duties of the state and shall create the institutions for the protection of mothers and children.

Article 35. The state shall protect the physical, mental and moral health of minors and shall guarantee their right to education and medical attention.

The antisocial behavior of minors, which may constitute a crime or a violation, shall be subject to a special legal system.

Article 36. Children born in or out of wedlock and adopted children have the same rights from their parents. It is the obligation of the latter to provide their children with protection, medical care, education and security.

There will be no description of the nature of relationships in the entries of the Civil Registry nor will the marital status of the parents be entered in birth certificates.

Every person has the right to have a name which identifies him. The pertinent law shall regulate this matter.

The law shall also determine the methods for investigating and establishing paternity.

SECOND SECTION WORK AND SOCIAL SECURITY

Article 37. Work is a social function, it enjoys the protection of the state and is not considered an article of commerce.

The state shall employ all the resources within its reach to provide employment to the worker, manual or intellectual, and to insure for him and his family the economic conditions for a decent living. In like manner it shall promote the work and employment of persons with physical, mental or social handicaps or disabilities.

Article 38. Work shall be regulated by a code which shall have as its main objective the harmonizing of relations between employers and workers, establishing their rights and obligations. It shall be based on general principles which will tend to improve living conditions for the workers and will particularly include the following rights:

1st. In the same enterprise or establishment, and under identical circumstances, equal work must mean equal pay for the worker regardless of sex, creed or nationality.

2nd. Every worker has the right to receive a minimum wage, which shall be established periodically. In establishing this wage, the cost of living, the type of work, the different systems of remuneration, various zones of production and other similar criteria shall be primarily considered. This wage must be enough to satisfy the normal needs of the worker's home in the material, moral and cultural order.

In piecework employment, it is mandatory that the minimum wage is earned each day of work through adjustments or increases in pay.

3rd. Wages and social benefits in the amounts determined by law may not be seized and cannot be compensated for nor withheld except for amounts owed for meals provided by the employer. Other withholdings may be for social security obligations, union dues or taxes. The worker's tools may not be seized.

4th. Wages must be paid in legal currency. Wages and social benefits are privileged credits with respect to the other credits which may exist against the employer.

5th. Employers shall give their workers a bonus for each year of work. The law shall establish the way in which its amount will be determined with respect to wages.

6th. The ordinary work shift during daylight hours shall not exceed eight hours and the work week shall not exceed forty-four hours.

The maximum overtime hours for each type of work shall be determined by law. Night shifts and that shift spent at dangerous and unhealthful work shall be shorter than the day shift and shall be regulated by law.

The restriction on the working day shall not apply in the case of an act of God.

The law shall determine the length of the pauses which must interrupt the work day for taking care of biological needs, when the pace of the work so requires, and those pauses which must exist between two workdays.

Overtime and night work shall be remunerated with extra pay.

7th. Every worker has the right to a paid day of rest per work week in the form required by the law.

The workers who do not enjoy a rest on the days previously indicated shall have the right to extra pay for services rendered those days and to a compensatory rest.

8th. Workers shall have the right to paid rest on holidays established by law. It shall determine the types of work in which this provision does not apply, but in such cases the workers shall have the right to extra pay.

9th. Every worker who performs the minimum of services during a given period shall have the right to paid annual vacations in the manner prescribed by law. Vacations may not be compensated for in money and the obligation of the employer to grant them must be matched by that of the worker to take them.

10th. Those under 14 years of age and those who having reached that age continue to be subject to compulsory education because of the law, may not be employed in any type of work.

Their employment may be authorized when it is considered necessary for their subsistence or that of their family, providing it does not prevent compliance with the minimum mandatory education requirement.

The workday for those under 16 years of age may not be more than six hours per day and 34 hours per week in any type of work.

Work under unhealthful or dangerous condition is prohibited for those under 18 years of age and for women. Night work is forbidden for those under 18.

The law shall decide which are dangerous or unhealthful occupations.

11th. The employer who dismisses a worker without justified cause is obliged to indemnify him pursuant to the law.

12th. The law shall determine the conditions under which the employers are obliged to pay their permanent workers who resign their employment an economic benefit; that amount will be established with relationship to wages and length of service.

Resignation becomes effective without the need for acceptance by the employer, however, the refusal by him to pay the corresponding benefits constitutes legal presumption of an unjustified dismissal.

In case of total and permanent disability or death of the worker, he or his beneficiaries shall have the right to the benefits they would receive in the case of a voluntary resignation.

Article 39. The law shall regulate the conditions under which contracts and collective work agreements will be entered into. The stipulations these may contain shall be applicable to all the workers of enterprises which may have signed them, even though they do not belong to the contracting union, and to all the other workers who join such enterprises during the existence of said contracts or agreements. The law shall establish the procedures for standardizing working conditions in the various economic activities on the basis of the provisions contained in the majority of the collective work contracts and agreements in each type of activity.

Article 40. A system of professional training is established for attracting and training human resources.

The law shall regulate the scope, extension and form in which the system shall be placed in effect.

The apprenticeship contract shall be regulated by law for the purpose of insuring that the apprentice receives training in an occupation, decent treatment, equitable pay and benefits of welfare and social security.

Article 41. The cottage industry worker has the right to an officially established minimum wage and to the payment of an indemnification for any time he may lose because of the delay by the employer in ordering or receiving work, or for the arbitrary or unjustified suspension of same. The cottage industry worker shall be recognized to have a legal status similar to that of the other workers, taking into consideration the peculiarity of his work.

Article 42. The working woman shall have the right to paid leave before and after maternity and to the preservation of her employment.

The laws shall regulate the obligations of employers for the installation and maintenance of nurseries and child-care centers for the workers' children.

[30 Dec 83 pp 35-36]

[Text] Article 43. Employers are obligated to pay indemnification and provide medical, pharmaceutical and other services, which the law may establish, to the worker who has suffered a work accident or profession-related illness.

Article 44. The law shall regulate the conditions which must be met by shops, factories and workplaces.

The state shall maintain a technical inspection service charged with seeing there is strict compliance with legal regulations on work, medical attention, welfare and social security, so that it may check their results and suggest pertinent reforms.

Article 45. Farm and domestic workers have the right to protection in the matter of wages, work shifts, rest periods, vacations, social security, indemnification for dismissal and social services in general. The scope and nature of the rights previously mentioned shall be determined by the law pursuant to the conditions and peculiarities of the work. Those who provide services of domestic nature in industrial, commercial industries, social entities and similar enterprises shall be considered to be manual workers and shall have the rights pertaining to them.

Article 46. The state shall promote the creation of a bank owned by the workers.

Article 47. Private employers and workers, without distinction as to nationality, sex, race, creed or political ideas, and regardless of their activity or type of work they perform, have the right to associate freely for the defense of their respective interests and to form professional associations or unions. Workers of the autonomous official institutions shall have the same right.

Said organizations have the right to a legal status and to be duly protected in the exercise of their functions. Their dissolution or suspension may only be effected in the cases, and pursuant to formalities, established by law.

Special rules for the creation and operation of professional and union organizations in the rural area and the city must not inhibit the freedom of association. Any discriminatory clause is forbidden.

The members of union leaderships must be Salvadoran by birth and during the period of their election and mandate, and for a year after having ceased their functions, they may not be removed from their work, they may not be dismissed, disciplinarily suspended, transferred or downgraded in their working conditions except by a just cause previously confirmed by competent authority.

Article 48. Workers have the right to strike and employers the right to stop work. For the exercise of these rights, a prior determination shall not be necessary, after the solution to the conflict which leads to them has been sought through the phases for their solution established by the law. The effects of the strike or stoppage shall be retroactive to the moment they were initiated.

The law shall regulate these rights with respect to their conditions and exercise.

Article 49. Special labor jurisdiction is established. Procedures in labor matters shall be regulated in such a way that they will allow rapid solution of conflicts.

The state has the obligation of promoting conciliation and arbitration in such a way that they constitute effective means for the peaceful solution of labor conflicts. Special administrative boards may be established for conciliation and arbitration and for the solution of collective conflicts of economic nature or interests.

Article 50. Social Security is a public service of mandatory nature. The law shall regulate its scope, reaches and form.

Said service shall be provided by one or several institutions which must maintain among themselves the suitable coordination to insure a good policy of social protection in a specialized form and the optimum use of resources.

Employers, workers and the state shall contribute to the payment of social security in the form and amount to be determined by the law.

The state and employers shall be exempted from the obligations imposed on them by the law in favor of the workers to the degree that the obligations are covered by Social Insurance.

Article 51. The law shall determine the enterprises and establishments, which because of their special conditions are obliged to provide the worker and his family with suitable housing, schools, medical care and other services and attentions required for his welfare.

Article 52. The rights established in favor of the workers are irrevocable. The listing of the rights and benefits to which this chapter refers does not exclude others which may be derived from the principles of social justice.

THIRD SECTION
EDUCATION, SCIENCE AND CULTURE

Article 53. The right to education and culture is inherent in the human being; therefore, it is a primary obligation and purpose of the state to preserve, promote and disseminate it.

The state shall promote research and scientific work.

Article 54. The state shall organize the educational system, for which purpose it shall create the institutions and services that may be required. Natural and legal persons have the freedom to establish private centers of learning.

Article 55. Education has the following objectives only: The achievement of the integral development of the personality in its spiritual, moral and social dimensions; contributing to the construction of a more prosperous, just and human democratic society; inculcating respect for human rights and the observance of corresponding duties; fighting all spirit of intolerance and hate, knowing the national situation and identifying with the values of the Salvadoran nation and promoting the unity of the Central American people.

Parents shall have the right to choose the education of their children.

Article 56. All inhabitants of the republic have the right and duty to receive primary and basic education which shall qualify them to act as useful citizens. The state shall promote the creation of special education centers.

Primary, basic and special education shall be free of charge when provided by the state.

Article 57. The education imparted in official educational centers shall be essentially democratic.

Private educational centers shall be subject to regulation and inspection by the state and may be subsidized when they are not profit oriented.

The state may take exclusive charge of the training of teachers.

Article 58. No educational establishment may refuse to admit students for reasons of the nature of the union of their parents or guardians nor for social, religious, racial or political differences.

Article 59. Literacy is of social interest. All inhabitants of the country shall contribute to it in the manner the law shall determine.

Article 60. To be a teacher, accredited capability shall be required in the manner the law may establish.

In all public or private, civilian or military teaching centers, the teaching of national history, civics, morality, the Constitution of the Republic, human rights and the preservation of natural resources shall be mandatory.

National history and the Constitution must be taught by Salvadoran teachers.

The freedom of teaching is guaranteed.

Article 61. Higher education shall be ruled by a special law. The University of El Salvador and others of the State shall enjoy autonomy in the teaching, administrative and economic aspects. They must provide a social service, respecting the right to teach. They shall be ruled by statutes contained within the general principles of the aforementioned law, which shall establish the general principles for its organization and operation.

Each year in the state budget there will be allocated the amounts destined for the support of the state universities and those sums required for insuring and increasing their patrimony. These institutions shall be subject, in accordance to the law, to the supervision of the pertinent state agency.

The special law shall also regulate the creation and operation of private universities, respecting the right of teaching. These institutions shall be subject to the supervision of the pertinent state agency pursuant to the law. The special law shall also regulate the creation and operation of private universities, respecting the freedom of teaching. These universities shall provide a social service and shall not be profit oriented. The same law shall regulate the creation and operation of official and private technological institutes.

The state shall insure the democratic operation of higher education institutions and their proper academic level.

Article 62. The official language of El Salvador is Spanish. The government is obliged to insure its perservation and teaching.

Native languages spoken in national territory are part of the cultural patrimony and shall be the object of perservation, dissemination and respect.

Article 63. The artistic, historical and archeological wealth of the country is part of the Salvadoran cultural treasure under the protection of the state and subject to special laws for its perservation.

Article 64. The national symbols are: The National Standard or Flag, the Coat of Arms and the National Anthem. A law shall regulate everything concerning this matter.

FOURTH SECTION PUBLIC HEALTH AND SOCIAL ASSISTANCE

Article 65. The health of the inhabitants of the republic is a public asset. The state and people are obliged to insure its preservation and reestablishment.

The state shall determine the national health policy and shall control and supervise its application.

Article 66. The state shall provide free care to the sick who lack resources and to the inhabitants in general when treatment constitutes an effective means for preventing the spread of a transmissible disease. In this case, every person is obliged to submit to said treatment.

Article 67. Public health services shall be essentially technical. The health, hospital, paramedical and hospital administration careers are established.

Article 68. A Superior Public Health Council shall concern itself with the health of the people. It shall be made up of an equal number of representatives of medical, dental, chemical-pharmaceutical and veterinary medicine trade unions. It shall have a president and a secretary appointed by the Executive Body who will not belong to any of the aforementioned professions. The law shall determine its organization.

The practice of the professions closely related with the health of the people shall be watched by legal bodies made up of academicians belonging to each profession. These bodies shall have the authority to suspend the professional practice of the members of the trade union under their control when these members practice their profession with manifest immorality and incompetence. The suspension of professionals may be decided by the pertinent bodies by means of the moral strength of proof alone.

The Superior Public Health Council shall handle and decide on the appeals made against the resolutions made by the bodies to which the foregoing paragraph refers.

Article 69. The state shall provide the necessary and indispensable resources for the permanent checking of the quality of chemical, pharmaceutical and veterinary products by means of supervisory agencies.

Likewise, the state shall check the quality of food products and the environmental conditions which may affect health and welfare.

Article 70. The state shall take under its care the indigent, who because of age or physical or mental disability are not fit for work.

CHAPTER III
FIRST SECTION
POLITICAL RIGHTS AND DUTIES
AND THE ELECTORAL BODY

Article 71. All Salvadorans of more than 18 years-of-age are citizens.

Article 72. The political rights of citizens are:

1st. The vote.

2nd. Association to form political parties according to the law and to join those which are already formed.

3rd. To seek public positions, complying with the requirements established by this constitution and complementary laws.

Article 73. The political duties of a citizen are;

1st. To vote.

2nd. To comply with, and see to it that the Constitution of the Republic is complied with.

3rd. To serve the State in conformity with the law.

The exercise of the right to vote also includes the right to vote in direct popular consultations contemplated in this constitution.

Article 74. Rights of citizenship are suspended for the following reasons:

1st. Formal prison sentence.

2nd. Mental disability.

3rd. Legal interdiction.

4th. Refusal to perform, without just cause, a service to which one is elected by popular vote. In this case the suspension shall last all the time that the service refused should have lasted.

Article 75. The following citizens lose their rights:

1st. Those of notoriously vice-ridden behavior.

2nd. Those sentenced for crime.

3rd. Those who buy or sell votes in an election.

4th. Those who sign documents, proclamations or documents of support to promote or support the reelection or continuation of the president of the republic or use direct means aimed at that purpose.

5th. The officials, authorities and agents who compromise the freedom of that suffrage.

In these cases the rights of citizens are recovered by an express rehabilitation declared by a competent authority.

Article 76. The electoral body is made up of all the citizens able to cast a vote.

Article 77. To exercise the right to vote, it is necessary to be registered in the Voter Registry prepared autonomously by the Central Election Council and which is different than any other public registry.

Article 78. The vote shall be free, direct, equal and secret.

Article 79. The territory of the Republic shall be divided into electoral districts to be determined by law. The basis of the electoral system is population. For elections for deputies, the system of proportional representation shall be used. The law shall determine the form, time and other conditions for the exercise of suffrage.

The date of elections for president and vice president of the republic shall take place no fewer than 2 months nor more than 4 months before the beginning of presidential term.

Article 80. The president and vice president of the republic, the deputies of the Legislative Assembly and the members of the Municipal Councils are popularly elected officials.

When in the elections for president and vice president of the republic no political party or coalition of participating political parties have obtained an absolute majority after the votes are counted, a second election will be held between the two political parties or coalition of political parties which may have obtained the greater number of valid votes. This second election must be held in a period no greater than 30 days after the results of the first election have been declared valid.

When because of an act of God or a fortuitous happening, duly categorized by the Legislative Assembly, the second election cannot be held within the period stated, the election shall be held within a second period no greater than 30 days.

Article 81. Electoral publicity shall only be allowed, even without previous convocation, 4 months before the date established by the law for the election of president and vice president of the republic; 2 months before, when it is a matter of deputies and 1 month before in the case of Municipal Councils.

Article 82. The ministers of any religious denomination and the members in active service of the armed forces may not belong to political parties nor obtain positions of popular election.

They may not carry out electoral publicity in any way.

The exercise of the vote shall be performed by citizens at the places determined by the pertinent law and may not be done in the sites of military installations.

TITLE III THE STATE, ITS FORM OF GOVERNMENT AND POLITICAL SYSTEM

Article 83. El Salvador is a sovereign state. Sovereignty resides in the people who exercise it in the manner prescribed in, and within the limits of the constitution.

Article 84. The territory of the republic over which El Salvador exercises jurisdiction and sovereignty is irreducible and, in addition to the continental part consists of:

The insular territory composed of the islands and keys which were ennumerated by the decision of the Central American Court of Justice issued on 9 March 1917 and which, moreover, belong to it pursuant to other sources of International Law; also other islands, islets and keys which also belong to it pursuant to International Law; the territorial and common usage waters of the Gulf of Fonseca, which is a traditional bay with the characteristics of a closed sea, whose usage is determined by international law and by the decision mentioned in the foregoing paragraph.

The pertinent airspace, subsoil and the continental and insular shelf and, in addition, El Salvador exercises sovereignty and jurisdiction over the sea, subsoil and seabed to a distance of 200 nautical miles starting from the line of the lowest tide, all in conformity with the regulations of international law.

The limits of national territory are as follows:

TO THE WEST, with the Republic of Guatemala pursuant to the provisions of the Treaty of Territorial Limits signed in Guatemala on 9 April 1938.

TO THE NORTH AND EAST, in part with the Republic of Honduras in the sections delimited by the General Treaty of Peace signed in Lima, Peru, on 30 October 1980. With respect to the sections awaiting delimitation, the limits shall be those which may be established pursuant to the same treaty, or if pertinent, to any of the means of peaceful solution of international controversies.

TO THE EAST and in the remainder, with the republics of Honduras and Nicaragua in the waters of the Gulf of Fonseca.

TO THE SOUTH, the Pacific Ocean.

Article 85. The government is republican, democratic and representative.

The political system is pluralist and is expressed by means of the political parties, which are the only instrument for the exercise of representation of the people in the government. Their norms, organization and operation shall be subject to the principles of representative democracy.

The existence of a single official party is incompatible with the democratic system and with the form of government established in this constitution.

Article 86. Public power emanates from the people. The bodies of government shall exercise it independently within the respective authorities and competencies which are established by this constitution and the laws. The authority of the bodies of the government may not be delegated but they collaborate among themselves in the exercise of public functions.

The fundamental bodies of the government are the Legislative, Executive and Judicial. Government officials are delegates of the people and have no other authority than that expressly given to them by the law.

Article 87. The right of the people to insurrection is recognized, but only for the sole purpose of reestablishing constitutional order which has been altered by the violation of norms having to do with the form of government or political system established, or for grave violations of the rights established in this constitution. The exercise of this right shall not produce the abrogation or reform of this constitution and shall be limited to removing, as much as is necessary, the transgressing officials, replacing them in a transitory manner until they are replaced in the manner established by this constitution.

The authorities and competencies which correspond to the fundamental bodies established by this constitution may not be exercised in any case by the same person or by a single institution.

Article 88. The rotation in the exercise of the Presidency of the Republic is indispensable for the maintenance of the form of government and political system established. Violation of this norm forces insurrection.

Article 89. El Salvador shall encourage and promote the human, economic, social and cultural integration of the American Republics, particularly those of the Central American Isthmus. Integration could be effected by means of treaties or covenants with the affected republics, which could contemplate the creation of bodies with supranational functions.

It shall also advocate the total or partial reconstruction of the Republic of Central American in a unitary, federated or confederated form, with full guarantee of respect for the democratic and republican principles of the individual and social rights of its inhabitants.

The plan and bases for the union shall be submitted to a plebescite.

TITLE IV NATIONALITY

Article 90. The following are Salvadorans by birth:

- 1st. Those born in the territory of El Salvador.
- 2nd. The children born abroad of a Salvadoran father or mother.
- 3rd. Those natives of the other states which made up the Federal Republic of Central America, who having a home in El Salvador express before the pertinent authorities their desire to be Salvadorans without it being required that they give up their nationality of origin.

Article 91. Salvadorans by birth have the right to enjoy double or multiple nationality.

The status of Salvadoran by birth is lost only through an express renunciation before pertinent authority and is recovered by a request to them.

Article 92. The following may acquire Salvadoran status through naturalization.

1st. The Spaniards and Spanish-Americans by birth who have lived in the country for a year.

2nd. Aliens of any origins who have lived in the country 5 years.

3rd. Those who for outstanding services rendered to the republic obtain that status by means of Legislative Order.

4th. The foreign male married to a Salvadoran female or the foreign female married to a Salvadoran male who have lived in the country for 2 years prior to, or after, their marriage.

Nationality by naturalization is granted by the pertinent authorities pursuant to the law.

Article 93. International treaties shall regulate the form and conditions in which the nationals of countries which did not make up the Federal Republic of Central America may preserve their nationality, despite having obtained Salvadoran citizenship through naturalization, providing the principle of reciprocity is respected.

Article 94. The status of naturalized Salvadoran citizen is lost:

1st. For living more than 2 consecutive years in the country of birth or for being absent from the territory of the republic for more than 5 consecutive years, except in the case of permission granted in conformity with the law.

2nd. Because of a final sentence in the cases determined by law. Whoever loses his nationality in this manner may not recover it.

Article 95. Persons with a legal status pursuant to the laws of the republic and who have a legal domicile in the country, are Salvadorans.

The regulations the law may establish for the benefit of Salvadorans may not be contravened by persons who are legally Salvadorans and whose partners or capital are mainly foreign.

Article 96. From the instant they arrive in the territory of the republic, aliens shall be strictly obliged to respect the authorities and obey the laws and they acquire the right to be protected by them.

Article 97. The laws shall establish the cases and the form in which an alien may be denied entry or stay in national territory.

Aliens, who directly or indirectly participate in domestic politics of the country, lose the right to live in it.

Article 98. Neither Salvadorans nor aliens may in any case demand any indemnification whatsoever from the government for damage or harm caused to their person or property by factions. They may only demand them from the guilty officials or individuals.

Article 99. Aliens may not resort to diplomatic means except in the case of denial of justice and after all legal recourses they may have pending have been exhausted. It shall not be considered a denial of justice when a final sentence unfavorable to the claimant has been issued. Those who contravene this disposition shall lose the right to live in the country.

Article 100. Aliens shall be subject to a special law.

TITLE V ECONOMIC ORDER

Article 101. Economic order must essentially respond to principles of social justice which shall tend to insure a decent living for a human being to all the inhabitants of the country.

The state shall promote economic and social development by means of increases in production, productivity and the proper use of resources. For similar purposes, it shall promote the various sectors of production and protect the interests of the consumers.

Article 102. Economic freedom is guaranteed in that which is not opposed to the interests of society.

The state shall promote and protect private enterprise within the conditions required for increasing national wealth and for insuring the benefits of it to the greatest number of inhabitants of the country.

Article 103. The right to private property in terms of society is recognized and guaranteed.

Similarly, intellectual and artistic property is recognized for the time and in the manner determined by law.

The subsoil belongs to the state, which may grant concessions for its exploitation.

Article 104. Real estate belonging to the state may be transferred to natural or juridical persons within the limits of and in the form established by law.

Rural state property suitable for agricultural-livestock raising, which is not necessary for the activities of the state itself should be transferred to the beneficiaries of the Agrarian Reform after the pertinent payment. It may also be transferred to public utility corporations.

Article 105. The state recognizes, promotes and guarantees the right to private ownership of rural land whether it be individual, cooperative, communal or in any other associative manner, and may not by any means reduce the maximum area of land which the constitution establishes in the right to ownership.

The maximum area of rural land belonging to a natural or juridical person may not exceed 245 hectares. This restriction shall not be applicable to peasant cooperative or communal associations.

The owners of land to which the second paragraph of this article refers may transfer, sell, consign, divide or rent it freely. The land belonging to peasant cooperatives, communal associations and to beneficiaries of the Agrarian Reform shall be subject to a special system.

The owners of rural lands whose area is greater than 245 hectares, shall have the right to determine immediately which part of the land they wish to keep, segregating it and registering it separately in the corresponding Register of Real Estate and Mortgages.

Rural real estate which exceeds the limits established by this constitution and is in a state of joint ownership, may be the object of partition among the coowners.

The lands which exceed the areas established by this constitution may be transferred for any purpose to peasants, small farmers, peasant cooperative and communal societies and associations. The transfer to which this paragraph refers must be made within a period of 3 years. A special law shall determine the purpose of the lands which may not have been transferred at the end of the period of time previously established. In no case shall the excess lands to which the previous paragraph refers be transferred for any purpose to relatives within the fourth degree of consanguinity or second degree of relationship by marriage.

The state shall promote the establishment, financing and development of agro-industry in the various departments of the republic in order to insure the employment of the working force and the transformation of raw materials produced by the national agricultural-livestock sector.

Article 106. Expropriation shall take place for reasons of public benefit or the interests of society which have been legally confirmed and after a fair indemnification.

When expropriation is the result of reasons resulting from war, public disaster or when it is for the purpose of providing water or electric power or the construction of housing or highways, roads or public thoroughfares of any type, indemnification may not be prior to expropriation.

When the total amount of the indemnification which must be acknowledged for the property expropriated pursuant to the foregoing paragraphs justifies it, payment may be in time payments, which overall may not exceed 15 years, and in which case the person whose property has been expropriated shall be paid the corresponding bank interest. Said payment shall be preferably made in cash.

Those entities created with public funds may be expropriated without indemnification.

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[Text] Confiscation, whether as a penalty or for any other reason, is prohibited. The authorities who contravene this precept shall always answer with their persons and their property for the damage caused. Property confiscated is imprescriptible.

Article 107. All types of encumbrances are forbidden except:

1st. Those trusts established in favor of the state, municipalities, public entities, welfare or cultural institutions and those who are legally incompetent.

2nd. The trusts established for a period which do not exceed that established by the law, and whose management is in the care of banks or legally authorized credit institutions.

3rd. Good of the family.

Article 108. No civil or ecclesiastic corporation or foundation, regardless of its denomination or purpose, shall have the legal capability to retain real estate as property or administer real estate property with the exception of that whose immediate and direct purpose is the service or objective of the institution.

Article 109. The ownership of rural real estate may not be acquired by aliens in whose native countries Salvadorans do not have the same rights, except when it is a matter of land for industrial establishments.

Foreign societies and the Salvadorans to which the second paragraph of Article 95 of this constitution refer, shall be subject to this rule.

Article 110. No monopoly, except one by the state or the municipalities, when the interests of society make it necessary, may be authorized. Stores where goods that are a monopoly of the state are sold may be established.

In order to insure entrepreneurial freedom and to protect the consumer, monopolistic practices are prohibited.

Discoverers and inventors and those who improve productive processes may be granted privileges for a limited time.

It is the responsibility of the state by itself, or through autonomous official institutions, to provide mail and telecommunications services. It may take other public services upon itself, when the interests of society require it, providing them directly or by means of the aforementioned institutions or municipalities. Also it is responsible for authorizing the rates for public services provided by private enterprises and the supervisions of those services.

Article 111. The authority to issue monetary specie belongs exclusively to the state, which may exercise it directly or through an issuing institute of public nature. The monetary, banking and credit systems shall be regulated by law.

The state must direct the monetary policy for the purpose of promoting and maintaining the most favorable conditions for the orderly development of the national economy.

Article 112. The state may administer the enterprises which provide essential services to the community for the purpose of maintaining the continuity of services when the owners or entrepreneurs resist obeying legal provisions on economic and social organization.

It may also seize the property belonging to citizens of countries with which El Salvador finds itself at war.

Article 113. Associations of economic type, which tend to increase national wealth by means of a better use of natural and human resources and promote a fair distribution of the benefits deriving from its activities, shall be encouraged and protected. In addition to private individuals, the state, municipalities and public utility entities may participate in those types of associations.

Article 114. The state shall protect and encourage cooperative associations, facilitating their organization, expansion and financing.

Article 115. Small-scale commerce, industry and provision of services are the patrimony of those who are Salvadoran by birth and native Central Americans. Their protection, promotion and development shall be the object of a law.

Article 116. The state shall promote the development of small rural properties. It shall facilitate technical help, credit and other means required for the acquisition and better use of his land to the small farmer.

Article 117. Protection, restoration, development and use of natural resources shall be declared of importance to society. The state shall create economic incentives and provide the necessary technical help for the development of suitable programs.

Protection, conservation and improvement of natural resources and the environment shall be the object of special laws.

Article 118. The state shall adopt population policies for the purpose of insuring the greatest welfare of the inhabitants of the Republic.

Article 119. The construction of housing shall be declared of importance to society. The state shall seek to have the largest possible number of Salvadoran families owning their own home. It shall seek to have every owner of rural property provide resident workers with hygienic and comfortable dwellings and suitable installations to temporary workers; for this purpose, it shall facilitate the necessary means to the small landowner.

Article 120. In every concession granted by the state for the establishment of docks, railroads, canals or other material projects of public service, it should be stipulated as an essential condition that after a certain time has passed--not more than 50 years--said projects shall pass by rule of law in perfect conditions of service into the hands of the state without any indemnification whatsoever.

These concessions should be submitted to the Legislative Assembly for its approval.

TITLE VI
BRANCHES OF THE GOVERNMENT
AUTHORITIES AND JURISDICTIONS
CHAPTER I
LEGISLATIVE BODY
FIRST SECTION
LEGISLATIVE ASSEMBLY

Article 121. The Legislative Assembly is a collegiate body consisting of deputies who are elected in the manner established by this Constitution, and fundamentally it has the authority to legislate.

Article 122. The Legislative Assembly shall meet in the capital of the Republic to initiate its session, without the need for a convocation, on the first day of May of the year its members are elected. It may go to another part of the Republic to hold its sessions when it agrees to do so.

Article 123. A majority of the members of the Assembly shall be sufficient for deliberations.

To adopt a resolution, the favorable vote of one half plus one of the elected deputies is required, except in the cases in which pursuant to this constitution a different majority is required.

Article 124. The members of the Assembly shall be renewed every 3 years and may be reelected. The period of their functions shall begin 1 May of the year they are elected.

Article 125. The deputies represent all the people and are not bound by any imperative mandate. They are immune and at no time will they be held responsible for their opinions or votes.

Article 126. In order to be elected a deputy one is required to be more than 25 years-of-age, a Salvadoran by birth, a child of a Salvadoran father or mother, of well-known honesty and education and not have lost citizens rights in the 5 years prior to the election.

Article 127. The following may not be candidate for deputy:

1st. The president and vice president of the republic, the ministers and vice ministers of the state, the president and judges of the Supreme Court of Justice, officials of the electoral bodies, active duty military and, generally, those officials who exercise jurisdiction.

2nd. Those who have administered or managed public funds as long as they have not obtained a settlement of accounts.

3rd. Contractors of public projects or enterprises paid for by state or municipal funds, their underwriters, and those who because of the results of those projects or enterprises have pending claims in their own interest.

4th. The relatives of the president of the republic within the fourth degree of consanguinity or second degree of relationship by marriage.

5th. Debtors of the public or municipal treasury who are in arrears.

6th. Those who have contracts or concessions pending with the state for the exploitation of national wealth or public services, as well as those who have accepted being the representatives or administrative agents of them or of foreign societies which may be involved in the same cases.

The ineligibilities to which the first numbered subparagraph of this article refers, affects those who may have held the indicated positions within the 3 months prior to the election.

Article 128. Deputies may not be contractors or underwriters of public projects or enterprises funded by state or municipal funds, nor may they obtain concessions from the state for the exploitation of national wealth or public services, nor may they accept being the representatives or administrative agents of national or foreign persons who have those contracts or concessions.

Article 129. The active deputies may not hold paid public offices during the term for which they have been elected except those of an educational or cultural nature and those related to professional services of social welfare.

However, they may hold the position of minister or vice minister of state, presidents of autonomous official institutions, chiefs of diplomatic missions, consulates, or perform special diplomatic missions. In these cases, when their task is over, they rejoin the Assembly if the period for which they were elected is still in force.

Those who replace them temporarily may hold public employment or positions without their acceptance and performance causing them to lose their status as temporary replacements.

Article 130. Deputies shall cease to exercise their position under the following conditions:

1st. When a final sentence is imposed on them for serious crimes.

2nd. When they become involved in the activities prohibited by Article 128 of this constitution.

3rd. When they resign without justified cause considered as such by the Assembly.

In these cases, they shall be ineligible to hold any other public office during the period for which they were elected.

Article 131. The Legislative Assembly shall:

1st. Decree its internal regulation.

2nd. Accept or reject the credentials of its members, receive from them the constitutional oath, and impose responsibilities on them in the cases stipulated by this constitution.

3rd. Handle the resignations presented by deputies, accepting them when they are based on a legally confirmed just cause.

4th. Call upon deputy alternates in the case of death, resignation, nullification of election, temporary leave or inability to attend of the principals.

5th. Decree, genuinely interpret, reform and abolish secondary laws.

6th. Order taxes, rates and other levies on all types of goods, services and incomes in an equitable manner and in case of invasion, legally declared war or public disaster, decree forced loans in the same manner if ordinary public revenues are not sufficient.

7th. Ratify treaties or pacts the Executive Branch may enter into with other states or international agencies, or refuse their ratification.

8th. Decree the Income and Expenditures Budget of the Public Administration and its reforms.

9th. Create and abolish vacancies and assign salaries for officials and employees pursuant to the Civil Service System.

10th. Approve its own budget, as well as its reforms, first consulting the president of the republic for the sole purpose of insuring that the necessary funds for compliance with it exist. Once that budget is approved, it will be integrated into the Budget of Income and Expenditures of the Public Administration.

11th. Decree in a general way the fiscal incentives or those of any type for the promotion of cultural, scientific, agricultural, industrial, commercial or service activities.

12th. Decree laws on the acknowledgement of the public debt and create and assign the necessary funds for its payment.

13th. Establish and regulate the national monetary system and decide on the admission and circulation of foreign money.

14th. Receive the constitutional oath and invest with their office the citizens who, in accordance with the law, must exercise the Presidency and Vice Presidency of the republic.

15th. Decide on resignations presented and on leaves requested by the president and vice president and appointees after personal confirmation by them before the assembly itself.

16th. Mandatorily disavow the president of the republic or whoever acts for him when his constitutional term has been concluded but he continues occupying the position. In such case, if there is no person legally called upon to hold the Presidency, it shall appoint a provisional president.

17th. Elect, for the entire pertinent presidential term, in nominal and public election, two persons who in the character of appointees shall exercise the Presidency of the Republic in the cases and in the order determined by this constitution.

18th. Receive the report on tasks which must be submitted by the Executive Branch, through its ministers, and approve or disapprove it.

19th. Elect the following officials in nominal and public election: the president and judges of the Supreme Court of Justice, the president and members of the Central Elections Council, the president and judges of the Court of Accounts of the republic, the attorney general of the republic, and the procurator general of the republic.

20th. Declare, with no fewer than two-thirds of the votes of the elected deputies, the physical or mental incapacitation of the president or vice president of the republic and that of the officials elected by the Assembly, for the exercise of their positions after the unanimous decision by a commission of five doctors appointed by the Assembly.

21st. Determine the authorities and jurisdictions of the different officials when it has not been done by this constitution.

22nd. Grant titles to persons or populations, honorific awards and gratifications compatible with the form of government established, for important services rendered to the country.

However, it is forbidden that such titles, awards and gratifications be granted to the following officials while they are performing their duties: the president and vice president of the republic, ministers and vice ministers of the state, deputies of the Legislative Assembly and the president and judges of the Supreme Court of Justice.

23rd. Grant permission to Salvadorans so that they may accept honors granted by foreign government.

24th. Grant temporary permits or privileges for cultural or scientific activities or works.

25th. Declare war and ratify peace on the basis of reports provided by the Executive Branch.

26th. Grant amnesty for political crimes or common crimes linked to them, or for common crimes committed by a number of persons no fewer than 20; and to grant pardons after a favorable report from the Supreme Court of Justice.

27th. Suspend and reestablish constitutional safeguards pursuant to Article 29 of this constitution in nominal and public voting with no fewer than two-thirds of the votes of the elected deputies.

28th. Grant or deny permission to Salvadorans to accept diplomatic or consular positions which must be exercised in El Salvador.

29th. Allow or deny the passage of foreign troops through the territory of the republic and the stationing of military ships or aircraft of other countries for a period longer than that established in international treaties or customs.

30th. Approve the concessions to which Article 120 of this constitution refers.

31st. Impose jurisdictions and establish duties at the proposal of the Supreme Court of Justice so that the respective officials may try all types of criminal, civil, mercantile, labor, administrative-law, agrarian and other types of cases.

32nd. Appoint special committees for the investigation of matters of national importance and adopt the agreements or recommendations it deems necessary on the basis of the report of those committees.

33rd. Decree the national symbols.

34th. Question the ministers or those in charge of offices and the presidents of the autonomous official institutions.

35th. Make the official decision as to Acts of God or fortuitous events to which the last paragraph of Article 80 refers.

36th. Receive the report on tasks, which must be submitted by the attorney general of the republic, the procurator general of the republic, the president of the Court of Accounts of the republic and the president of the Central Reserve Bank of El Salvador.

37th. Recommend to the Presidency of the Republic the dismissal of the ministers of state or to the pertinent agencies for the dismissal of officials of autonomous official institutions when it believes it suitable as a result of investigations by its special committees or of questioning, whichever the case may be.

38th. Exercise the other authorities established by this constitution.

Article 132. All public officials and employees, including those of the autonomous official institutions, and the members of the armed forces, have the obligation of collaborating with Special Committees of the Legislative Assembly, and the appearance and making of statements by them, as well as by any other person summoned by the aforementioned committees, shall be mandatory under the same precautionary provisions observed in a judicial proceeding.

The conclusions of the special investigating committees of the Legislative Assembly shall not be of mandatory action for the courts nor will they affect the procedures of judicial resolutions despite the fact that the results will be forwarded to the Attorney General of the Republic for the application of pertinent actions.

SECOND SECTION
THE LAW, ITS FORMATION,
PROMULGATION AND FORCE

Article 133. Only the following may propose laws:

1st. The deputies.

2nd. The president of the republic through his ministers.

3rd. The Supreme Court of Justice in matters relative to the Judicial Body, the practice of the notary profession or the profession of law and in the jurisdiction and venue of the courts.

4th. The Municipal Councils in matters of municipal taxes.

Article 134. Every draft law bill approved must be signed by the majority of the members of the board of directors. One copy will be kept in the Assembly and two will be sent to the Executive Body.

Article 135. Every draft law bill, after being discussed and approved, shall be sent no more than 10 days later to the Executive Body and if it has no objections, it will give its ratification and have it published as a law.

Ratification by the Executive Body shall not be necessary in the cases of the 1st, 2nd, 3rd, 4th, 15th, 16th, 17th, 18th, 19th, 20th, 32nd, 34th, 35th, 36th and 37th subparagraphs of Article 131 of this constitution and in preliminary hearings in the Assembly.

Article 136. If the Executive Body finds no objections to the draft received, it will sign two copies, return one to the Assembly, leave another in its files, and publish the text of it as a law in the pertinent official publication.

Article 137. When the Executive Branch vetoes a draft law bill, it shall return it to the Assembly within the 8 days following its receipt, pointing out the reasons on which its veto is based. If it is not returned within the term mentioned, it will be considered ratified and published as a law.

In case of a veto, the Assembly shall reconsider the draft and if it were to ratify it by no fewer than two-thirds of the votes of the elected deputies, it shall send it to the Executive Body once more and the latter should ratify it and order it published.

If it were to return it with remarks, the Assembly shall consider them and decide whatever it considers proper by the majority established in Article 123 and then send it to the Executive Body, which should ratify it and order it published.

Article 138. When the return of a draft law bill is due to the fact that the Executive Body considers it unconstitutional, and the Legislative Body ratifies it in the manner established in the foregoing article, the Executive Body should turn to the Supreme Court of Justice within the 3rd day, so that it, after hearing the reasons from both bodies, may decide whether it is constitutional or not. If the court were to decide that the draft is constitutional, the Executive Body will be under the obligation of ratifying it and publishing it as a law.

Article 139. The period for the publication of laws shall be 15 days. If within that period the Executive Body does not publish them, the President of the Assembly will publish it in the Official Daily or any other daily of those with the greatest circulation in the republic.

Article 140. No law is binding except by its promulgation and publication. For a law of a permanent nature to be mandatory, no fewer than 8 days must pass after its publication. This period may be extended but it may not be shortened.

Article 141. In the case of an obvious error in the printing of the text of the law, it will be published again no later than within 10 days. The last publication shall be considered as the genuine text and the period for its effectiveness shall be counted from the date of the new publication.

Article 142. To interpret, reform or revoke laws, the same steps will be taken as for their creation.

Article 143. When a draft law bill is discarded or not ratified, it may not be proposed again for the next 6 months.

THIRD SECTION TREATIES

Article 144. International treaties between El Salvador and other states or international agencies become laws of the republic when they go into effect pursuant to the provisions of the treaty itself and of this constitution.

The law may not modify or cancel that which is agreed upon in a treaty which is in effect for El Salvador. In case of a conflict between the treaty and the law, the treaty shall prevail.

Article 145. Treaties which restrict or in some way affect constitutional provisions may not be ratified unless such a ratification is made with the pertinent reservations. Provisions of the treaty on which reservations are made shall not be laws of the republic.

Article 146. No treaties shall be made or ratified or concessions granted whereby in some way the form of government is changed or the integrity of the territory, sovereignty, and independence of the republic, or the basic rights and safeguards of the human being are harmed or undermined.

The provisions of the foregoing paragraph apply to international treaties or to contracts with governments or national or international enterprises in which the Salvadoran State subjects itself to the jurisdiction of a court of a foreign state.

The foregoing does not prevent the Salvadoran State, in treaties as well as contracts, from submitting a decision to arbitration or to an international court in case of controversy.

Article 147. For the ratification of any treaty or pact whereby any question related to the boundaries of the republic is submitted for arbitration, a vote of no fewer than three-fourths of the elected deputies is necessary.

Any treaty or covenant which is entered into by the Executive Body with respect to national territory shall also require the vote of three-fourths of the elected deputies.

Article 148. The Legislative Assembly is responsible for authorizing the Executive Body to contract voluntary loans inside and outside the republic, when a grave and urgent need so requires, and to guarantee debts contracted by state or municipal entities of public interest.

Commitments contracted pursuant to this provision shall be submitted to the attention of the Legislative Body, which may not approve them with fewer than two-thirds of the votes of the elected deputies.

The legislative decree in which the granting or contracting of a loan is authorized, should state clearly the purpose for which the funds will be used and in general all the essential conditions of the operation.

Article 149. The authority to declare the inapplicability of the provisions of any treaty which are contrary to constitutional precepts shall be exercised by the courts within the power to administer justice.

The declaration of the unconstitutionality of a treaty, generally and mandatorily shall be done in the same way stipulated by this constitution for laws, decrees and regulations.

CHAPTER II EXECUTIVE BODY

Article 150. The president and the vice president of the republic, the ministers and vice ministers of state and their subordinate officials, make up the Executive Body.

Article 151. To be elected president of the republic the following is required: be a Salvadoran by birth, be the child of a Salvadoran father or mother, be a layman, be more than 30 years-of-age, of well known morality and education, have the rights of a citizen and have had them for the 6 years preceding the election and be a member of one of the legally recognized political parties.

Article 152. The following may not be president of the republic:

1st. Whoever has been president of the republic for more than 6 months, consecutive or not, during the period immediately preceding, or within the last 6 months prior to the beginning of the presidential term.

2nd. The spouse and relatives within the fourth degree of consanguinity or second degree by marriage of the persons who may have held the presidency in the cases of the foregoing numbered paragraph.

3rd. Whoever has been president of the Legislative Assembly or president of the Supreme Court of Justice during the year previous to the beginning of the presidential term.

4th. Whoever has been minister or vice minister of state, president of some official autonomous institution within the last year of the presidential term immediately prior to this one.

5th. Professional military men on active duty or who may have been on active duty during the 3 years prior to the beginning of the presidential term.

6th. The vice president or designated president, who called legally to be the president in the period immediately previous, refuse to accept it without just cause, it being understood that just cause exists when the vice president or designated president express their intention to be a candidate for the Presidency of the Nation within the 6 months prior to the beginning of the presidential term.

7th. The persons referred to in the 2nd, 3rd, 4th, 5th and 6th numbered subparagraphs of Article 127 of this constitution.

Article 153. The provisions of the two foregoing articles shall be applied to the vice president of the republic and those designated to the presidency.

Article 154. The presidential term shall be 5 years and shall begin and end on the first day of June and the person who may have exercised the Presidency up to then may not continue in his office for even one more day.

Article 155. In the absence of the president of the republic because of death, resignation, removal or other cause, he will be replaced by the vice president; if he is absent, one of the designated presidents in the order of his nomination shall replace him and if all of them are absent for any legal reason, the Assembly shall designate a person who will replace him.

If the reason which prevents the president from exercising his office lasts for more than 6 months, the person who replaces him pursuant to the previous paragraph shall complete the presidential term.

If the disability of the president is temporary, the substitute shall exercise the office only while such disability lasts.

Article 156. The offices of president and vice president of the republic and those of designates may be resigned from only for grave reasons duly confirmed by the Assembly.

Article 157. The president of the republic is the Commanding General of the Armed Force.

Article 158. The president of the republic is forbidden to leave national territory without the permission of the Legislative Assembly.

Article 159. To carry out state business, there shall be the State Secretariats required, among which will be distributed the different branches of the administration. Each secretariat shall be under a minister, who will act with the collaboration of one or more vice ministers. The vice ministers shall replace the ministers in the cases determined by law.

Article 160. To be a minister or vice minister of state it is necessary to be a Salvadoran by birth, more than 25 years-of-age, a layman, of well-known morals and education, have citizenship rights and have had them for 6 years prior to his appointment.

Article 161. The persons listed in the 2nd, 3rd, 4th, 5th and 6th numbered subparagraphs of Article 127 of this constitution may not be ministers or vice ministers.

Article 162. It is the responsibility of the president to name, remove, accept resignations and grant leaves to the ministers and vice ministers of state.

Article 163. Decrees, agreements, orders and dispositions of the president of the republic must be authorized and disseminated by the ministers in their respective branches or by the vice ministers, depending on the case. Without these prerequisites they will have no legal force and should not be obeyed.

Article 164. All decrees, agreements, order and resolutions the officials of the Executive Body issue and which exceed the authority this constitution establishes, shall be null and should not be obeyed even though they make the reservation that they will submit them to officials in charge for the approval of the Legislative Assembly.

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[Text] Article 165. The ministers or officials in charge of the office and presidents of official autonomous institutions must go to the Legislative Assembly to answer questions which may be asked of them.

The officials called for interrogation, who without just cause refuse to present themselves, shall, because of that fact, be removed from their positions.

Article 166. There shall be a Council of Ministers consisting of the president and vice president of the republic and the ministers of states or those who substitute for them.

Article 167. The Council of Ministers shall:

1st. Decree the Internal Regulations of the Executive Body and its own regulation.

2nd. Prepare the general plan of government.

3rd. Prepare the draft income and expenditure budget and present it to the Legislative Assembly no fewer than 3 months before the new fiscal year begins. It shall also handle the reforms to said budget when it is a matter of the transfer of allocations among the various branches of public administration.

4th. Authorized the spending of sums which may not have been included in the budgets in order to satisfy the needs deriving from war, public disaster or a serious disturbance of order if the Legislative Assembly is not in session, immediately informing the Presiding Body of the Assembly of the reasons which led to such a measure so that when the Assembly does meet, it may or may not approve the pertinent credits.

5th. Propose to the Legislative Assembly the suspension of the Constitutional guarantees to which Article 29 of this constitution refers.

6th. Suspend and reestablish constitutional guarantees to which Article 29 of this constitution refers if the Legislative Assembly is not in session. In the first case it shall immediately notify the Presiding Body of the Legislative Assembly of the reasons which led to such measure and the actions it has taken with respect to it.

7th. Convoke the Legislative Assembly to extraordinary session when the interests of the republic require it.

8th. Examine and decide on all the subjects submitted for its consideration by the president of the republic.

Article 168. These are the authorities and duties of the president of the republic:

1st. Comply with, and cause compliance with the constitution, treaties, laws, and other legal dispositions.

2nd. Maintain the sovereignty of the republic and the integrity of its territory intact.

3rd. Seek social harmony and preserve domestic peace and tranquility and the security of the human being as a member of society.

4th. Make international treaties and agreements, submitting them to ratification by the Legislative Assembly and supervising their compliance.

5th. Direct foreign relations.

6th. Present to the Legislative Assembly, through the ministers, within the 2 months following the end of each year, the report of the work done by the state Administration during the past year. The minister of finance shall also present within the 3 months following the end of each fiscal year the general accounting of the last budget and the status showing the situation of the state treasury and fiscal patrimony.

If within those periods these obligations are not fulfilled, the minister who fails to do so shall be dismissed and the president of the republic shall be notified immediately so that he may appoint a substitute. The latter shall present the pertinent report within the next 30 days. If in this case the provision is still not complied with, the new minister shall be removed.

7th. Give the Legislative Assembly the reports it may request, except when it is a matter of secret military plans. As far as political negotiations which may have to be kept secret are concerned, the president should warn of this fact so that they may be discussed in secret session.

8th. Ratify, promulgate and publish laws and cause them to be executed.

9th. Provide officials of the judicial branch the help they need to make their orders effective.

10th. Commute sentences after a report and favorable determination of the Supreme Court of Justice.

11th. Organize and maintain the armed force and award military grades pursuant to the law.

12th. Prepare the armed force for the maintenance of sovereignty, order, security and tranquility of the republic and to call into service the forces necessary in addition to the regulars for the fulfillment of those purposes.

13th. Direct war and make peace and immediately submit to the Legislative Assembly the treaty entered into for the latter for ratification.

14th. Decree the regulations which may be necessary to facilitate and insure the application of the laws whose execution is his responsibility.

15th. Supervise the effective execution and realization of state business.

16th. Propose the lists of persons from among whom the Legislative Assembly must elect the two designates to the Presidency of the republic.

17th. Exercise the other authorities conferred upon him by law.

Article 169. The appointment, removal and acceptance of resignations and the granting of leaves to the officials and employees of the state administration and the armed force shall be ruled by the internal regulations of the Executive Body or other laws and regulation which may be applicable.

Article 170. Career diplomatic and consular representatives accredited by the republic must be Salvadorans by birth.

Article 171. The president of the republic, the vice president of the republic, the ministers and the vice ministers of state, are entirely responsible for the acts they authorized. The ministers present or those substituting for them shall be responsible for the resolutions adopted in the Council of Ministers, even if they withhold their votes, unless they present their immediate resignation after the resolution is adopted.

CHAPTER III JUDICIAL BODY

Article 172. The Supreme Court of Justice, the Courts of Second Instance and the other courts established by secondary laws, make up the Judicial Body. This body has the exclusive power to make judgement and to cause the execution of that judgement in constitutional, civil, penal, mercantile, labor, agrarian and litigious administrative matters, as well as in others the law may determine.

The organization and operation of the Judicial Body shall be determined by law. The magistrates and judges are independent in that which refers to the exercise of the jurisdictional function and are subordinate only to the constitution and the laws.

Article 173. The Supreme Court of Justice shall be made up of the number of magistrates the law may determine who will be elected by the Legislative Assembly and one of them shall be the president. He shall be the president of the Judicial Body.

The law shall determine the internal organization of the Supreme Court of Justice in such a way that the authority pertaining to it may be distributed among various courts.

Article 174. The Supreme Court of Justice shall have one Court for Constitutional Affairs, which will hear and resolve the claims of unconstitutionality of laws, decrees and regulations, proceedings for relief, habeus corpus, controversies between the Legislative Body and the Executive Body to which Article 138 refers, and the cases mentioned in the 7th subparagraph of Article 182 of this constitution. The Court for Constitutional Matters shall consist of five magistrates appointed by the Legislative Assembly, one of whom shall be the president of the Supreme Court of Justice, who will also preside over it.

Article 175. There will be Courts of Second Instance consisting of two magistrates each, Courts of the First Instance and Offices of Justices of the Peace. Their number, jurisdiction, authority and residence shall be determined by the law.

Article 176. To be a magistrate of the Supreme Court of Justice, the following is required: be a Salvadoran by birth, a layman, older than 40 years-of-age, a lawyer of the republic, of well-known morality and well-known abilities; have performed work as a judge of the second instance for 6 years or held a judgeship

of the first instance for 9 years or have obtained the authorization to practice the profession of lawyer for no fewer than 10 years before his election; be enjoying the rights of citizenship and have had them for the 6 years prior to performing his office.

Article 177. To be a magistrate of the Courts of Second Instance, the following is required: be a Salvadoran, a layman, be more than 35-years-of-age, be a lawyer of the republic of well-known morality and ability; have served in a court of first instance for 6 years or have obtained the authorization to practice the profession of lawyer no fewer than 8 years prior to his election, be in the possession of the rights of a citizen and have had them for 6 years prior to working in his post.

Article 178. The following may not be elected magistrates of the Supreme Court of Justice nor of the same Court of the Second Instance: spouses of sitting judges or relatives of them within the fourth degree of consanguinity or second degree of relationship by marriage.

Article 179. To be a judge of the First Instance the following is required: be a Salvadoran, a layman, a lawyer of the republic, of well-known morality and ability, have served as a justice of the peace for a year or have obtained the authorization to practice the profession of law 2 years before his appointment, be in full possession of the rights of citizenship and have had them in the 3 years prior to assuming his office.

Article 180. The minimum requirements for being a justice of the peace are: be a Salvadoran, a layman, more than 21-years-of-age, of well-known morality and ability, be in possession of the rights of citizenship and have had them in the 3 years prior to his appointment. The term of his functions will be 2 years.

Article 181. The administration of justice shall be gratuitous.

Article 182. The Supreme Court of Justice has the following authority:

1st. To hear processes of relief.

2nd. To determine questions of authority which may arise among the courts of any jurisdiction or type.

3rd. To hear maritime cases and those which are not reserved for other authority, to direct the flow of appeals or activities of rogatory commissions, which may be created for operations outside the state; to order complementation of those which come from other states, without prejudice to the provisions contained in treaties, and to grant extradition.

4th. To grant permission for the execution of sentences imposed by foreign courts pursuant to the law and whenever necessary.

5th. To insure that quick and full justice is administered, for which purpose it shall adopt the steps it may deem necessary.

6th. To consider the responsibility of public officials in the cases established by law.

7th. To hear the cases of suspension or loss of citizen's rights in the cases contained in the 2nd and 4th numbered subparagraphs of Article 74 and the 1st, 3rd, 4th and 5th numbered subparagraphs of Article 75 of this constitution, as well as of the corresponding rehabilitation.

8th. To issue a report and decision on the requests for pardon or commutation of sentence.

9th. To appoint the magistrates of the Courts of Second Instance, the judges of Second Instance and Justices of the Peace, doctors of forensic medicine and the employees of the departments of the court itself, dismiss them, handle their resignations and grant them leaves.

10th. To appoint associate justices in the cases determined by the law.

11th. To administer, by itself or through the officials it may assign, the constitutional oath to the officials it may appoint.

12th. To practice the admittance into practice of lawyers and authorize them to practice their profession; suspend them for noncompliance with their professional obligations, for serious negligence or ignorance, for bad professional conduct, or for notoriously immoral private behavior; disbar them for venality, bribery, fraud, misrepresentation or other reasons established by the law, and to rehabilitate them pursuant to legal procedures. In the cases of suspension or disbarment, it shall proceed in the manner the law establishes and shall make the decision solely on the strength of proof. It will exercise the same authority with respect to the notaries.

13th. To prepare the draft budget for the salaries and expenses of the administration of justice and present it to the Executive Body for its inclusion without change in the draft of the General State Budget. The budgetary adjustments the Legislative Assembly may consider necessary to make in that draft shall be done in consultation with the Supreme Court of Justice.

14th. Others which this constitution and the law may determine.

Article 183. The Supreme Court of Justice, through the Division of Constitutional Affairs, shall be the only court authorized to declare the unconstitutionality of laws, decrees, and regulations in their form and content in a general and binding way, and may do so at the petition of any citizen.

Article 184. The Courts of Second Instance of the capital, depending on the subject, will make the preliminary hearing in suits against the state, and the respective division of the Supreme Court of Justice shall hear it in second instance.

Article 185. Within the authority to administer justice, it is the responsibility of the courts, in the cases where it has to pronounce sentence, to declare the inapplicability of any law or provision of other bodies, which are contrary to constitutional precepts.

Article 186. The judicial career shall be established.

The judges of the Supreme Court of Justice shall be elected by the Legislative Assembly for one term of 5 years and by operation of the law shall continue for similar periods except that at the end of each period the Legislative Assembly could decide the contrary or they could be dismissed for legal reasons. The magistrates of the courts of second instance and the judges of the first instance shall have stability in their positions.

The law shall regulate the requirements and the forms of entry into the judicial career, promotions, steps upward, transfers and disciplinary sanctions of the officials included in it.

Article 187. The National Council of Judicature is the body charged with proposing candidates for the positions of magistrates to the courts of second instance and of judges of the first instance.

The law shall determine the method for the designation of its members, their requirements, the term of their functions and other matters having to do with the council.

Article 188. The status as a magistrate or judge is incompatible with the practice of law and with that of an official or employee of the other bodies of the state except that of teacher or diplomat on a temporary mission.

Article 189. The jury is established for the judgement of common crimes as determined by the law.

Article 190. The right of a court to hear cases outside its regular jurisdiction is prohibited.

CHAPTER IV PUBLIC MINISTRY

Article 191. The Public Ministry shall be presided over by the attorney general of the republic, the procurator general of the republic and the other officials the law may determine.

Article 192. To be the attorney general or procurator general of the republic requires the same qualifications as those for being a magistrate of the courts of the second instance. They shall hold office for a period of 3 years and may be reelected.

Article 193. The Attorney General of the Republic must:

1st. Protect the interests of the state and society.

2nd. Officially or at the petition of parties, promote the action of justice in defense of legality and human rights protected by the law.

3rd. Supervise investigations of crime and intervene in them from the police phase and, officially or at the petition of parties, promote penal action.

4th. Denounce or personally accuse officials charged with legal infractions before the Legislative Assembly or Supreme Court of Justice when judgement is within the purview of those bodies.

5th. Protect fiscal interests and represent the state in all types of suits and in contracts for the acquisition of real estate in general, and property subject to bids, as well as others determined by law.

6th. Work for the trial and punishment of those accused of crimes of attacks against authorities and for contempt.

7th. Appoint special committees for the performance of his functions.

8th. Appoint, remove, grant leaves and accept resignations of the attorneys of the Supreme Court of Justice, the courts of the second instance, military courts and the courts of first instance and of the Finance Ministry attorneys. He shall employ similar authority with respect to the other officials and employees subordinate to him.

9th. Organize and direct the specialized agencies in the investigation of crime.

10th. Insure that in the concessions of any type granted by the state, the requirements, conditions and objectives established in them are complied with and take whatever actions are necessary in that respect.

11th. Perform the other functions established by law.

Article 194. The Procurator General of the Republic must:

1st. Insure the protection of the family and the persons and interests of minors and others who cannot care for themselves.

2nd. Give legal assistance to the persons with few economic resources and represent them legally in the defense of their individual freedom and labor rights.

3rd. Appoint, remove, grant leaves, and accept resignations of the Auxiliary procurators of all the courts of the republic, the labor procurators and all the other officials and employees of his department.

4th. Perform the other functions established by law.

CHAPTER V COURT OF ACCOUNTS OF THE REPUBLIC

Article 195. The supervision of state finances in general, and the execution of the budget in particular, shall be the responsibility of an independent department of the Executive Body, which shall be named the Court of Accounts of the Republic and have the following functions:

1st. Supervise the collection, custody, commitment and distribution of state funds, as well as the abolition of taxes, tariffs, duties and other levies when the law determines it.

2nd. Authorize every disbursement of funds from the state treasury in accordance with the budget, intervene preventively in every action which directly or indirectly harms the state treasury or the wealth of the state, and authenticate actions and contracts relative to the public debt.

3rd. Supervise, inspect and audit the accounts of the officials and employees who handle state property and be aware of the trials those accounts may lead to.

4th. Oversee the economic activities of state institutions and enterprises of autonomous nature and the entities which are financed with treasury funds or receive grants or subsidies from it. This oversight shall be done in a manner suitable to the nature and purposes of the organization concerned in keeping with what the law may determine in that respect.

5th. Examine the account on the activities of the state treasury submitted by the Executive Body to the Assembly and inform the latter on the results of its examination.

6th. Issue the regulations required for the fulfillment of its functions.

7th. Inform the president of the republic, the Legislative Assembly and the respective ranking superiors of relevant irregularities proved against any state official or employee in the handling of property or funds subject to supervision.

8th. Make sure that debts to the state and the municipalities are paid.

9th. Perform the other functions the law may impose on him.

Article 196. The Court of Accounts of the Republic shall be divided into a court of second instance and the courts of first instance the law may establish for the performance of its functions.

The court of second instance shall consist of the president of the court and two magistrates, whose number could be increased by law.

These officials shall be elected for a period of 3 years and may not be separated from their posts except for just cause by means of a decision of the Legislative Assembly. The court of second instance shall appoint, remove, grant leave and accept the resignations of the judges of the courts of first instance.

A special law shall regulate the functioning, jurisdiction, authority and administrative system of the Court of Accounts and its courts.

Article 197. Whenever a proceeding is submitted to the attention of the Court of Accounts of the Republic, and in its opinion it violates some law or regulation in effect, it must notify the officials who in the exercise of their legal duties have brought the proceeding to its attention and the proceeding in question shall be suspended.

The Executive Body may ratify the proceeding totally or partially, providing that it considers it legal, by means of a reasoned resolution adopted in the Council of Ministers and communicated in writing to the president of the court. Such a resolution must be published in the Official Daily.

Once the ratification is duly communicated, it shall cancel the suspension of the proceeding, providing that the observations of the Court of Accounts do not consist of notes telling of shortages or lack of budgeted credit, which will result in an expenditure, because in such a case the suspension must be maintained until the deficiency in credit has been made up.

Article 198. The president and magistrates of the Court of Accounts must be Salvadoran by birth, older than 30 years, of well-known honesty and ability, be in the exercise of the rights of citizenship and have had them for 3 years prior to their election.

Article 199. The president of the Court of Accounts shall render a detailed and documented report to the Legislative Assembly on the work of the court. This duty must be complied with within the 3 months following the end of the fiscal year.

Noncompliance with this obligation shall be considered reason for dismissal.

CHAPTER VI
LOCAL GOVERNMENT
FIRST SECTION
OFFICES OF GOVERNORS

Article 200. For the purposes of political administration, the territory of the republic is divided into departments whose number and size shall be set by law. In each of these shall be a proprietary governor and an alternate appointed by the Executive Body, whose functions shall be determined by law.

Article 201. To be a governor, the following is required: be a Salvadoran, a layman, more than 21 years-of-age, be enjoying the rights of citizenship and have had them in the 3 years prior to his appointment, of well-known morality and education and be a native or resident of the pertinent department. In the latter aspect, 2 years of residence immediately before the appointment are required.

SECOND SECTION
THE MUNICIPALITIES

Article 202. For the purposes of local government, the departments are divided into municipalities, which shall be governed by councils made up of a mayor, an auditor and two or more councilmen, whose number shall be proportional to the population.

The members of the Municipal Councils shall be older than 21 years-of-age and be natives or dwellers of the municipality. They shall be elected for a period of 3 years, may be reelected, and their other requirements shall be determined by law.

Article 203. The municipalities shall be autonomous in economic, technical and administrative matters and shall be ruled by a Municipal Code, which shall establish the general principles for its organization, functioning and the exercise of its autonomous functions.

The municipalities shall be obliged to collaborate with the other state institutions in national or regional development plans.

Article 204. The autonomy of the municipality allows it to:

1st. Create, modify or suppress public taxes and levies for the accomplishment of certain projects within the limits which a general law shall establish. Once the public taxes and levies have been approved by the Municipal Council, the pertinent agreement shall be ordered published in the Official Daily and 8 days after such publication, compliance with it shall be mandatory.

2nd. Decree its budget of revenues and expenditures.

3rd. Act freely in matters within its purview.

4th. Appoint and remove officials and employees in its departments.

5th. Decree local ordinances and regulations.

6th. Prepare its tax rates and reforms to them so as to propose them as laws to the Legislative Assembly.

Article 205. No law or authority may exempt or excuse payment of municipal taxes or levies.

Article 206. Local development plans must be approved by the pertinent Municipal Council and the institutions of the state should collaborate with the municipality in the development of them.

Article 207. Municipal funds may not be centralized in the General State Fund nor used except for services and for the benefit of the municipalities.

The municipalities may associate or enter into cooperative agreements among themselves in order to collaborate in the accomplishment of projects or services which may be of common benefit for two or more municipalities.

To insure the development and economic autonomy of the municipalities, a fund for the economic and social development of them will be created. A special law shall establish the amount of that fund and the mechanisms for its use.

The Municipal Councils shall administer the patrimony of their municipalities and shall render a detailed and documented account of their administration to the Court of Accounts of the Republic.

The execution of the budget shall be examined subsequently by the Court of Accounts of the Republic pursuant to the law.

CHAPTER VII
CENTRAL ELECTIONS COUNCIL

Article 208. The Central Elections Council shall consist of three members elected by the Legislative Assembly from each one of the lists of three candidates submitted by the three political parties or legal coalitions which may have obtained the largest number of votes in the last presidential election.

Three alternate members shall be elected in the same manner. The president of the council shall be from the majority party. They will remain in their functions for 5 years.

If for any reason no three-candidate list is submitted, the Legislative Assembly shall make the pertinent election without it.

Article 209. The law shall establish the necessary bodies for the reception, recount and scrutiny of the votes and other activities pertaining to the exercise of suffrage. The Central Elections Council shall be the supreme authority in this matter, without prejudice to the recourses this constitution may establish for violation of the constitution.

Competing political parties shall have the right to watch over the electoral process.

Article 210. The state recognizes the political debt as a mechanism of financing of competing political parties aimed at promoting their freedom and independence. The secondary law shall regulate that which refers to this matter.

CHAPTER VIII
THE ARMED FORCE

Article 211. The armed force is instituted to defend the sovereignty of the state and the integrity of its territory, maintain public peace, tranquility and security and compliance with the constitution and other current laws.

It shall particularly insure the republican form of government and the representative democratic system is maintained, that the practice of alternation in the presidency of the republic is not violated, and that the right to vote and respect for human rights is guaranteed.

It shall collaborate with the other departments of the Executive Body in the programs of national development, particularly in cases of emergency.

Article 212. The Armed Force of El Salvador is an institution fundamentally for national security of permanent nature, essentially apolitical and obedient, and shall not deliberate in matters of the service.

Article 213. The organization and accomplishment of the activities of the armed force shall be subject to special laws, regulations and provisions. Its members shall be set annually by the Executive Body in the Defense and Public Security Branch pursuant to the needs of the service.

Article 214. The military career is professional and in it only the ranks obtained on a restricted list and pursuant to the law may be recognized.

Military personnel may not be deprived of their ranks, honors and benefits except in the cases determined by the law.

Article 215. Military service is mandatory for all Salvadorans between the ages of 18 and 30 years.

In case of need all Salvadorans capable of performing military tasks shall be soldiers.

A special law shall regulate this matter.

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[Text] Article 216. Military jurisdiction is established. For the trial of purely military crimes and misdemeanors there will be special procedures and courts.

Final appeals of the decisions of Courts Martial to the Commanding General of the Armed Force or to the pertinent chief of operations in the field shall be allowed.

Members of the armed force on active duty shall be tried under the military code for purely military crimes and misdemeanors.

Article 217. The manufacture, importation, exportation, commerce, possession and bearing of arms, ammunition, explosives and similar articles may only be done with the direct authorization and supervision of the Executive Body in the Defense and Public Security Branch.

A special law shall regulate this matter.

TITLE VII
ADMINISTRATIVE SYSTEM
CHAPTER I
CIVIL SERVICE

Article 218. Public officials and employees are at the service of the state and not of a certain political faction. They may not take advantage of their position to practice party politics. Whoever does so shall be punished in conformity with the law.

Article 219. The administrative career is established.

The law shall regulate civil service, particularly the conditions for entry into the administration, promotions and upward movements based on merit and ability, transfers, suspensions and dismissals, duties of public servants and the appeals against the resolutions which may affect them; it shall also guarantee public employees stability in employment.

Officials or employees who hold political positions or of trust may not be included in the administrative career, particularly the ministers and vice ministers of state, the attorney general of the republic, the procurator general of the republic, the secretaries of the Presidency of the Republic, the ambassadors, the directors general, the department governors, and the private secretaries of those officials.

Article 220. A special law shall regulate those things pertinent to the retirement of state and municipal officials and employees; it will set the percentages of retirement for those who have that right, depending on the years of service and the salaries drawn.

The amount of retirement pay received shall be free of all fiscal and municipal taxes or levies.

The same law shall establish the other benefits to which state and municipal servants shall have the right.

Article 221. Strikes by state and municipal workers as well as the collective abandonment of their positions are forbidden.

Militarization of civilian public services shall take place only in cases of national emergency.

Article 222. The provisions of this chapter are applicable to municipal officials and employees.

CHAPTER II STATE TREASURY

Article 223. The State Treasury consists of:

- 1st. Its funds and liquid assets.
- 2nd. Its active credits.
- 3rd. Its property and real estate.
- 4th. The rights deriving from the application of laws relative to taxes, assessments, and other levies, as well as those which under any other name pertain to it.

Acknowledged debts and those which have their origins in duly authorized public expenditures shall be obligations chargeable to the State Treasury.

Article 224. All the income of the State Treasury shall form a single fund, which shall be allocated in a general manner to the needs and obligations of the state.

However, the law may assign certain revenues to service the public debt.

Donations may likewise be assigned for the purposes indicated by the donor.

Article 225. When the law so authorizes, the state, in the achievement of its objectives, may separate property from the bulk of that owned by the State Treasury or assign resources for the creation or increase of special endowments allocated to public institutions.

Article 226. The Executive Body shall have the handling of state finances, through the pertinent department, and it shall be particularly obliged to maintain the balance of the budget as far as is compatible with fulfillment of the purposes of the state.

Article 227. The State General Budget shall contain an estimate of all the revenues it expects to receive pursuant to the laws existing when it is voted on for each fiscal year, as well as the authorization for all expenditures which are judged proper for accomplishing the purposes of the state.

The Legislative Body may reduce or reject the credits requested but it may never increase them.

The budget shall authorize the floating debt the government may contract each year to remedy temporary shortfalls in revenues.

The state institutions and enterprises of autonomous nature and the entities which are financed with funds from the State Treasury or are subsidized by it, except credit institutions, shall be ruled by special budgets and wage systems approved by the Legislative Body.

A special law shall establish those things concerning the preparation, voting, execution and rendering of account of the budgets and shall regulate the procedure which must be followed when the budget for the new fiscal year is not yet in effect at the end of the fiscal year.

Article 228. No sum may be committed or allocated and charged against state funds unless it is within the framework of a budgeted credit.

Every commitment, allocation or payment must be made pursuant to provisions of the law.

Funds from future fiscal years may only be committed with legislative approval for projects of public or administrative benefit or for the consolidation or conversion of the public debt. An extraordinary budget may be voted for such purposes.

There shall be a special law which will regulate subsidies, pensions and retirements charged to state funds.

Article 229. The Executive Body, with the legal formalities, may make transfers between allocations of the same administrative branch or body except those which are declared nontransferrable in the budget.

The Judicial Body shall have the same authority with respect to the allocations of its budget, complying with the same legal formalities.

Article 230. For the reception, custody and expenditure of public funds, there shall be a General Treasury Service.

When public property is disposed of in violation of legal provisions, the official who authorizes the operation will be held responsible, as will the executor of the operation if he does not prove his innocence.

Article 231. No levies may be imposed except through a law, and for public benefit.

Churches and their departments devoted immediately and directly to religious service shall be exempt from taxes on real estate.

Article 232. Neither the Legislative nor Executive Bodies may refrain from paying the amounts allocated to the officials and employees who handle fiscal or municipal funds, nor debts to the State Treasury or municipal treasuries.

Article 233. The real property of the State Treasury and those of public benefit may only be donated or given in usufruct as a credit or rental, with the authorization of the Legislative Body, to organizations of general benefit.

Article 234. When the state has to enter into contracts to carry out projects or acquire chattles, contracts in which public funds or property have to be committed, those projects or supplies must be submitted for public bidding except in those cases determined by law.

No contracts shall be entered into in which the decision in case of litigation shall be the purview of courts of a foreign country.

The provisions of the foregoing paragraphs shall apply to the municipalities.

TITLE VIII RESPONSIBILITIES OF PUBLIC OFFICIALS

Article 235. Before taking office every civilian or military official shall swear on his word of honor to be loyal to the republic, obey, and make the constitution obeyed, complying with its text regardless of whatever laws, decrees orders or resolutions may exist; promising, moreover, an exact compliance with the duties his position may impose and for violation of which he will be responsible pursuant to the law.

Article 236. The president and vice president of the republic, deputies, those designated to the Presidency, the ministers and vice ministers of state, the president and magistrates of the Supreme Court of Justice and the Courts of Second Instance, the president and magistrates of the Court of Accounts of the Republic, the attorney general of the republic, the procurator general of the republic, the president and members of the Central Electoral Council and the diplomatic representatives, shall answer to the Legislative Assembly for official and common crimes they may commit.

The Assembly, hearing an attorney from its midst and the accused or a special defender, whichever may be the case, shall declare whether there is or is not cause for the making of a case. In the first case, the documentation shall be passed to the Court of Second Instance which the law may determine so that it may make a preliminary hearing, and in the second case, the documents shall be placed in the archives.

From the decisions of the aforementioned court, one of the divisions of the Supreme Court of Justice shall hear the case in the second instance, and any appeals to which these resolutions may lead shall be heard by the full court. Any person has the right to make known the crimes to which this article refers and to show his participation, if he has the required qualifications established by law.

Article 237. From the time the Legislative Assembly or the Supreme Court of Justice declares that there is cause for the making of a case, the accused shall be suspended from his position and for no reason shall he continue in it. If he does, he shall be guilty of the crime of prolongation of functions. If the sentence were to be condemnatory, for that very fact he shall be removed from his position. If it were to be absolutory, he shall return to the performance of his functions if the position is one of those which is given for a certain period of time and providing that the period of his election or appointment has not expired.

Article 238. The deputies may not be tried for serious crimes they may commit from the day of their election until the end of the term for which they were elected unless the Legislative Assembly declares beforehand that there is cause for making a case against them pursuant to the procedure established in the foregoing article.

For less serious crimes and misdemeanors they may commit during the same period, they may not be arrested, imprisoned or called upon to make depositions until after the term for which they were elected has expired.

If the president or vice president of the republic or a deputy were to be caught in flagrante delicto, from the day of their election until the end of the term for which they were elected, they may be arrested by any person or authority who will then be obliged to place them at the disposal of the Assembly immediately.

Article 239. The judges of the first instance, the departmental governors, the justices of the peace and other officials determined by law, shall be tried for official crimes they may commit by common courts after there has been a statement by the Supreme Court of Justice that there is cause for making a case. The aforementioned officials shall be subject to ordinary procedures for the common crimes and misdemeanors they may commit.

The members of the Municipal Councils shall answer to the pertinent judges of the first instance for official or common crimes they may commit.

Article 240. Public officials and employees who enrich themselves without just cause at the expense of the State or Municipal Treasury shall be obliged to repay the state or municipality for everything they may have acquired illegally, without prejudice to the guilt they have incurred in accordance with the law.

Illicit enrichment is presumed when the amount of capital of the official or employee, from the date in which he took possession of his office until the date on which he concluded his functions is notably greater than that which he normally would have been able to acquire as wages or emoluments legally and from the increases in his capital or income from any other just cause. For the determination of such increase, the capital of his income as an official or employee, that of the spouse and his children, shall be considered together.

The officials and employees, who the law may determine, are obliged to make a financial status declaration before the Supreme Court of Justice in conformity with the foregoing paragraphs within 60 days after they have taken possession of their positions. The court has the authority to take whatever steps it believes necessary to confirm the truth of such statement, statement which will be kept secret and serve only for the purposes set forth in this article. When the aforementioned officials and employees leave their positions, they must make a new financial statement. The law shall determine the punishment for noncompliance with this obligation.

The trials for illegal enrichment may only be instituted within the 10 years following the date on which the official or employee left the position whose exercise led to said enrichment.

Article 241. Public, civilian or military officials who have knowledge of official crimes committed by officials or employees who are subordinate to them, should communicate it as soon as possible to the pertinent authorities for trial and if they do not do it in a timely manner, they shall be considered accessories and shall acquire the pertinent criminal responsibilities.

Article 242. The statute of limitations on official crimes and misdemeanors shall be regulated by general rules and shall begin to be counted from the time the guilty official left his position.

Article 243. Despite the approval the Legislative Body may give to official acts in cases prohibited by this constitution, the officials who may have participated in such acts may be tried for official crimes as long as the period of the statute of limitations has not expired.

The approval of memoranda and accounts presented to the Legislative Body gives no more value to the acts and contracts to which they refer than that which they have pursuant to law.

Article 244. Violation, infraction or alteration of constitutional provisions shall be particularly punished by the law and the civil or penal responsibilities which public, civilian or military officials acquire for such reason shall not be the object of amnesty, commutation or pardon during the presidential term during which they were committed.

Article 245. Public officials and employees shall answer personally, and the state subsidiarily, for the material or moral damages they may have caused as a result of the violation of the rights contained in this constitution.

TITLE IX
SCOPE, APPLICATION
REFORMS AND ANNULMENTS

Article 246. The principal rights and obligations established by this constitution cannot be changed by the laws which regulate their exercise.

The constitution prevails over all laws and regulations. The public interest has primacy over private interest.

Article 247. Any person may seek redress from the Constitutional Division of the Supreme Court of Justice for the violations of the rights granted by this constitution.

Habeus Corpus may be asked from the Constitutional Division of the Supreme Court of Justice or from the Courts of Appeals which may not be located in the capital. The decision of the court which would deny the freedom of the petitioner may be the object of review at the request of the interested party by the Constitutional Division of the Supreme Court of Justice.

Article 248. The reform of this constitution may be agreed upon by the Legislative Assembly with the votes of one-half plus one of the elected deputies.

In order for such a reform to be decreed, it must be ratified by the next Legislative Assembly with the vote of two-thirds of the elected deputies. Once ratified, the pertinent decree shall be issued and will be ordered published in the official daily.

A reform may only be proposed by no fewer than 10 deputies.

The articles of this constitution which refer to the form and system of government, the territory of the republic and to the rotation of the exercise of the Presidency of the Republic, may not be reformed in any case.

Article 249. The constitution promulgated by Decree No. 6 dated 8 January 1982, published in the Official Daily No 110, Volume 194, dated 16 January 1982, adopted by Constituent Decree No 3 dated 26 April 1982, published in Official Daily No 75, Volume 275 of that same date, its system of exceptions, as well as all those provisions which may be against any precept of this constitution, are hereby abolished.

TITLE X
TEMPORARY PROVISIONS

Article 250. As long as the secondary legislation is not modified in the pertinent parts, the crimes which may be punishable by death and are not contained in Article 27 of this constitution, shall be punished by the maximum sentence of imprisonment. This provision shall apply to the persons who were sentenced to death by writs of execution.

Article 251. Until the law on procedures cited in the last paragraph of Article 30 of this constitution goes into effect, the law which regulates this matter shall remain in effect, however, its effectiveness cannot go beyond 28 February 1984.

Article 252. The right established in numbered subparagraph 12 of Article 38 of this constitution shall be applicable until it is regulated by secondary law, which may not have a retroactive effect.

Article 253. The provisions contained in Constituent Decree No 36 dated 22 November 1983, published in Official Daily No 225, Volume 281 dated 5 December of the same year, are incorporated in this Title.

The dispositions of the 3rd, 4th, and 5th numbered subparagraphs of Article 152 of this constitution shall not be applicable to the next elections for president and vice president of the republic; the provisions of Constituent Decree No 36 dated 22 November 1983 published in Official Daily No 225, Volume 281 dated 5 December of the same year, shall apply.

Article 254. The persons to whom this constitution confers the status of Salvadorans by birth shall enjoy the rights, and have the duties inherent to it, from the date of its effectiveness, without requiring any additional process of recognition of their nationality.

Article 255. The present organization of the Supreme Court of Justice shall continue to be effective until 30 June 1984 and the magistrates of the court elected by this Constituent Assembly will remain in their functions until that date on which the laws relative to its organization and authority to which Articles 173 and 174 of this constitution refer, shall be in conformity with it.

The magistrates of the Courts of the Second Instance and the Judges of the First Instance now sitting shall finish out their respective terms and the new judges elected pursuant to the provisions of this constitution shall enjoy the stability in their positions to which it refers and should fulfill the requirements it contains.

Article 256. The president and judges of the Court of Accounts of the Republic elected by this Constituent Assembly shall remain in their positions until 30 June 1984.

Article 257. The vice presidents of the republic shall remain in the exercise of their duties until 31 May 1984 with the authorities established by Constituent Decree No 9 dated 6 May 1982, published in Official Daily No 91, Volume 275 dated 19 May of the same year.

Article 258. The powers, authority and other functions which the laws or regulations confer on the subsecretaries of state shall be exercised by the vice ministers of state except that of forming part of the Council of Ministers unless they are substituting for them.

Article 259. The attorney general of the republic and the procurator general of the poor appointed pursuant to the Constitution of 1962 and ratified by this assembly in keeping with its system of exceptions, shall remain in their positions until 31 May 1984.

Article 260. The Municipal Councils appointed pursuant to Constituent Decree No 9 dated 6 May 1982, published in Official Daily No 91, Volume 275 dated 19 May 1982, shall remain in their assignment until 31 April 1985.

If during the period between 31 May 1984 and 30 April 1985 there is a vacancy for any reason, it shall be filled in conformity with the law.

Article 261. In case ministers and vice ministers of state are appointed during the period between the effective date of this constitution and the date the president and vice president of the republic, elected pursuant to Constituent Decree No 36 dated 22 November 1983 published in Official Daily No 225, Volume 281 dated 5 December of the same year, assume their office, they will have to be confirmed by the Legislative Assembly.

Article 262. The creation, modification and suppression of taxes and levies to which the first numbered paragraph of Article 204 of this constitution refers, shall be approved by the Legislative Assembly as long as the general law to which the same constitutional provision does not go into effect.

Article 263. The members of the Central Electoral Council appointed on the basis of Constituent Decrees Nos 17 and 18 dated 3 November 1982, published in Official Daily No 203, Volume 277 dated 4 November of the same year, shall continue in their positions until 31 July 1984.

Article 264. As long as the agrarian jurisdiction is not established, the same institutions and courts, which pursuant to the law have such powers, will continue to handle these matters, applying the same procedures established in them.

Article 265. The applicability of all laws and decrees relative to the process of the Agrarian Reform in everything that does not contradict the text of this constitution, is recognized.

Article 266. It shall be the obligation of the state to establish the mechanisms necessary for insuring payment of the price or indemnification for real estate which by nature, implementation and assignment is for agriculture, livestock raising and forestry, expropriated as a result of legal orders which introduced changes into the system of property or possession of it.

A special law shall regulate this matter.

Article 267. If the land which exceeds the maximum limits established in Article 105 of this constitution is not transferred within the period stipulated there because of a reason imputed to the owner, it could be the object of expropriation by force of law and prior indemnification would not have to be mandatory.

The concepts "peasant" and "small farmer" must be defined by law.

Article 268. In addition to the minutes of the plenary session of the Constitutional Assembly, the sound and video recordings which contain the motions and participation of the constituent deputies in the discussion and approval of the constitution, as well as similar documents prepared in the Commission writing the draft of the constitution, shall be held as reliable documents for the interpretation of this constitution.

The rules committee of the Legislative Assembly shall issue the pertinent orders to guarantee the authenticity and preservation of those documents.

Article 269. If because of an Act of God or fortuitous event, duly categorized by the Legislative Assembly, elections for president and vice president of the republic could not be held on the date stipulated in Constituent Decree No 36 dated 22 November 1983, published in Official Daily No 225, Volume 281, dated 5 December of the same year, the Assembly shall set a new date. To categorize the event, as well as for setting a new date for the holding of elections, a vote by three-fourths of the elected deputies shall be required.

Article 270. The provisions of the third numbered subparagraph of Article 106 of this constitution shall not be applied to indemnifications resulting from expropriations made before the effective date of this same constitution.

Article 271. The Legislative Assembly shall harmonize the secondary laws of the republic and specially created laws and other provisions which rule the autonomous official institutions with this constitution within the period of one year counted from the time of its effective date, for which purpose the pertinent bodies must present their respective plans within the first 6 months of the period indicated.

Article 272. Every civilian or military official must swear the oath to which Article 235 refers when this constitution goes into effect.

Article 273. This Assembly shall become Legislative on the day on which the constitution becomes effective and it shall conclude its term on 30 April 1985.

TITLE XI EFFECTIVE DATE

Article 274. The present constitution shall go into effect on 20 December 1983 after publication in the Official Daily of 16 December 1983.

GIVEN IN THE HALL OF SESSIONS OF THE CONSTITUENT ASSEMBLY OF THE LEGISLATIVE PALACE. San Salvador, on the 15th day of the month of December 1983.

ROBERTO d'AUBUISSON ARRIETA
PRESIDENT
Depty for San Salvador Department

HUGO ROBERTO CARRILLO CORLETO
VICE PRESIDENT
Deputy for Santa Ana Department

MARIA JULIA CASTILLO RODAS
VICE PRESIDENT
Deputy for San Salvador Department

HUGO CESAR BARRERA GUERRERO
FIRST SECRETARY
Deputy for San Salvador Department

JOSE FRANCISCO MERINO LOPEZ
FIRST SECRETARY
Deputy for San Miguel Department

RAFAEL MORAN CASTANEDA
FIRST SECRETARY
Deputy for Ahuachapan Department

HECTOR TULIO FLORES LARIN
SECOND SECRETARY
Deputy for Usulután Department

ANTONIO GENARO PASTORE MENDOZA
SECOND SECRETARY
Deputy for San Salvador Department

MERCEDES GLORIA SALGUERO ROSS
SECOND SECRETARY
Deputy for Santa Ana Department

ALFONSO ARISTIDES ALVARENGA
Deputy for San Salvador Department

RICARDO GONZALEZ CAMACHO
Deputy for San Salvador Department

JOSE HUMBERTO POSADA SANCHEZ
Deputy for San Salvador Department

LUIS NELSON SEGOVIA
Deputy for San Salvador Department

CARLOS ALBERTO MADRID ZUNIGA
Deputy for Sonsonate Department

RICARDO EDMUNDO BURGOS
Deputy for La Libertad Department

JUAN FRANCISCO PUQUIRRE GONZALEZ
Deputy for La Libertad Department

HECTOR MANUEL ARAUJO RIBERA
Deputy for Usulután Department

FANTINA ELVIRA CORTEZ
Deputy for Santa Ana Department

JUAN RAMON TOLEDO
Deputy for Santa Ana Department

HERBERT PRUDENCIO PALMA DUQUE
Deputy for San Miguel Department

DAVID HUMBERTO TREJO
Deputy for San Miguel Department

MANUEL MARTIN NOGUERA
Deputy for La Libertad Department

LILIANA ROSA RUBIO DE VALDEZ
Deputy for La Libertad Department

LUIS ROBERTO HIDALGO ZELAYA
Deputy for Usulután Department

RICARDO ARNOLDO POHL TAVARONE
Deputy for Usulután Department

ANGEL ARMANDO ALFARO CALDERON
Deputy for Sonsonate Department

CARLOS ALBERTO MADRID ZUNIGA
Deputy for Sonsonate Department

MAURICIO ADOLFO DHEMING MORRISSEY
Deputy for La Unión Department

MAURICIO ADOLFO DHEMING MORRISSEY
Deputy for La Union Department

HERNAN ANTONIO CASTILLO GARZONA
Deputy for Sonsonate Department

JORGE ALBERTO ZELADA ROBREDO
Deputy for Sonsonate Department

JOSE SEPTALIN SANTOS PONCE
Deputy for La Union Department

MACLA JUDITH ROMERO DE TORRES
Deputy for La Paz Department

JOSE NAPOLEON BONILLA ALVARADO
Deputy for La Paz Department

JOSE ALBERTO BUENDIA FLORES
Deputy for La Paz Department

JESUS ALBERTO VILLACORTE RODRIGUEZ
Deputy for La Paz Department

LUCAS ASDRUBAL AGUILAR ZEPEDA
Deputy for Chalatenango Department

CARLOS ARNULFO CRESPIN
Deputy for Chalatenango Department

RODOLFO ANTONIO CASTILLO CLARAMOUNT
Deputy for San Salvador Department

GUILLERMO ANTONIO GUEVARA LACAYO
Deputy for San Salvador Department

JULIO ADOLFO REY PRENDES
Deputy for San Salvador Department

MAURICIO ARMANDO MAZIER ANDINO
Deputy for San Salvador Department

JUAN ANTONIO MARTINEZ VARELA
Deputy for San Salvador Department

FELIX ERNESTO CANIZALEZ ACEVEDO
Deputy for Santa Ana Department

RAFAEL ANTONIO PERAZA HERNANDEZ
Deputy for Santa Ana Department

HERNAN ANTONIO CASTILLO GARZONA
Deputy for Sonsonate Department

JORGE ALBERTO ZELADA ROBREDO
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JOSE NAPOLEON BONILLA ALVARADO
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JOSE ALBERTO BUENDIA FLORES
Deputy for La Paz Department

ALFREDO MARQUEZ FLORES
Deputy for Morazan Department

JESUS ALBERTO VILLACORTA RODRIGUEZ
Deputy for La Paz Department

LUCAS ASDRUBAL AGUILAR ZEPEDA
Deputy for Chalatenango Department

CARLOS ARNULFO CRESPIN
Deputy for Chalatenango Department

PEDRO ALBERTO HERNANDEZ PORTILLO
Deputy for Chalatenango Department

MARINA ISABEL MARROQUIN DE IBARRA
Deputy for Cuscatlan Department

CARMEN MARTINEZ CANAS DE LAZO
Deputy for Cuscatlan Department

JORGE ALBERTO JARQUIN SOSA
Deputy for Cuscatlan Department

ANTONIO ENRIQUE AGUIRRE RIVAS
Deputy for Ahuachapan Department

LUIS ANGEL TREJO SINTIGO
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JOSE LUIS CHICAS
Deputy for Morazan Department

CARLOS ALBERTO FUNES
Deputy for San Miguel Department

RAFAEL SOTO ALVARENGA
Deputy for San Miguel Department

DANIEL RAMIREZ RODRIGUEZ
Deputy for San Vicente Department

JESUS DOLORES ORTIZ HERNANDEZ
Deputy for Cabanas Department

RAMIRO MIDENCE BARRIOS ZAVALA
Deputy for Morazan Department

OSCAR ARMANDO MENDEZ MOLINA
Deputy for San Vicente Department

MARIO ENRIQUE AMAYA ROSA
Deputy for Cabanas Department

ROBERTO ISMAEL AYALA ECHEVERRIA
Deputy for Cabanas Department

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✓ CSO: 3248/192

UPD STATES VIEWS OF NEW CONSTITUTION

San Salvador EL MUNDO in Spanish 20 Dec 83 p 27

[Communique issued by the UPD Political Committee in San Salvador on 16 December 1983; passages in slantlines printed in boldface]

[Text] Appealing to the conscience of the Salvadoran people and the consciences of all the peoples of the world, the Popular Democratic Union (UPD) states:

1. That yesterday, the 15 December of this year, at 2000 hours, the constituent deputies signed our country's new Magna Charta after more than 20 long months full of relentlessly pursued efforts, uneven but similar discussions and proposals in which there were even agreements in the disagreements, threats of a "coup" and desperation at the polls, according to political observers.

2. That on 28 March 1982 at least 34 of the elected deputies in practice demonstrated that the promises made by their political parties to workers and peasants before that date, during the previous election campaign, promises that should have been carried out but were not, were merely promises without any political sincerity, because, having been given the opportunity to do so, they did not in this new Constitution succeed in resolving the people's fundamental problems, the problems of the majority segments of the population composed of over 3 million workers and peasants. What they have really done is to leave these problems unresolved, further hindering the political solution the people were seeking as an alternative to the violent solution other radical factions have been promoting to provide a solution to the Salvadoran conflict.

In the section on labor and social security they neglected public, state and municipal employees' right to form labor unions, thus refusing to accept a social reality like the existence of ATMAG [expansion unknown], ATMOP [expansion unknown], AGEPYM [expansion unknown], ANDES [Salvadoran National Teachers Association] and other associations which are in practice true labor unions, the right to strike was banned, workers were excluded from participating in company profits, the right to worker "seniority" was denied and the watered-down freedom of peasants to organize was relegated to a special law.

3. That the big Salvadoran problem has to do with land ownership, which is historically the problem that has generated the most violence since the first

armed uprising at the end of the last century, the 1932 peasant revolt and the present armed conflict in which all of us Salvadorans have been immersed for over 4 bloody years now and which does not yet show any clear signs of coming to an end soon; it has also remained unresolved and aggravated by the approval of Articles 105 and 106 of the Constitution, governing economic affairs, by the ARENA [expansion unknown], PAISA [expansion unknown], PPS [Salvadoran Popular Party] and PCN [National Conciliation Party] parties. At the UPD they have no doubt that, when the country's rightist factions feel that their minority interests are threatened, they unite. For this reason there is nothing strange about what happened in the Constituent Assembly when the agrarian reform issue was discussed and even less so when they voted against it.

4. That in Article 105 the amount of land a person could own was specified as 245 hectares, or 350 manzanas [1 manzana = 1.75 acres], without it being possible to "under any circumstances" reduce this maximum expanse of landed property. But this same article states that it can be freely transferred, sold, parceled, divided or rented. We ask ourselves what the honorable deputies who voted for this article really meant by "under no circumstances," since owners are permitted to transfer, parcel and divide the land. So it is obvious that what they mean is "under no circumstances"... through agrarian reform, either present or future. And where, honorable deputies, does application of Decree 207 enter the picture here? On the streets, of course. The article, however, goes on to further state: "Land belonging to the cooperative associations, rural commonalties and /Agrarian Reform Program beneficiaries/ (first and third phases) will be subject to /special regulations/."

We are much disturbed by these special regulations too because yesterday, in the provisional articles, the deputies approved a ruling to the effect that they were going to adapt the laws, regulations, decrees and decisions of the ministries and autonomous departments to the standards of the new Constitution for another 6 months. Only the 34 votes of the ARENA, PAISA, PPS and PCN will determine what is going to happen to FINATA [expansion unknown] or ISTA [Salvadoran Institute of Agrarian Transformation], but it is easy to predict what will happen to the UPD once they have seen fit to pass those votes on through the paths of reactionism.

5. That Article 105, which limits a person's land holdings to 245 hectares, theoretically makes approximately 18,000 hectares available, presumably to launch a second phase of the Agrarian Reform Program on a voluntary basis (3 years to effect land transfers). This is the hope they plan to offer to over 150,000 peasants who still hope to gain access to land.

The UPD notes that this is just one more deception. Because actually it will not be offered, because the same article also authorizes property in excess of 245 hectares to be held in partnership among the co-owners of undivided legacies. In El Salvador most of the undivided land is co-owned by siblings and relatives. In this event how are they going to apply a law to the effect that surplus lands may in no case be transferred to relatives? Obviously it will have no meaning, will merely be a constitutional dead letter.

The worst of it is that these surplus lands can be transferred to any entity, including /companies/. This fact alone makes it impossible for a landless peasant who is a member of a poor cooperative to buy land because such cooperatives are composed of people without capital.

It is easy to foresee that in 3 years time there will no longer be any land to expropriate and that the landowners will continue to be the same ones as now.

6. That also in Article 106 expropriation to benefit the public or in the national interest, as is indisputably the case with the agrarian reform process, such expropriation will have to be compensated for in advance, /preferably in cash/ (not even in the form of a check). How big-hearted they are... with themselves!

In short, the second phase of the Agrarian Reform Program has died before being born.

7. The UPD views with deep disappointment and no less great concern the way in which these two articles, 105 and 106, were hastily approved because, through this constitutional violation of the rights of the immense majority of workers and peasants, over 3.5 million inhabitants of this country, they have betrayed the honest and loyal military who wanted to restore contact with the people through the resurgence of 15 October 1979 in search of /peace, democracy, liberty and bread/.

The negative effects this antipopular attitude displayed in Articles 105 and 106 may have on the landless peasants will merely favor an intensification of the armed conflict. The UPD holds those rightist groups that are trying to return to a past that will never again be the same for them responsible for the consequences.

8. That, distressed by this adversity, the UPD is courageously continuing its fight to gain an extension of the benefits of Article 9 of Decree 207.

To that effect we are now formally presenting this request to the Legislative Assembly so that this extension may guarantee an increase of over 35,000 more beneficiaries, that they may be permitted to petition for their title deeds, and what is more those who because of the violence have been unable to invoke this right, and that the objections and dispossessions come to an end.

At the same time we warn all responsible Assembly deputies and all political parties that still expect to win the votes of workers and peasants that, if they kill this last hope of the peasant, to succeed in owning his own piece of land, it will be hard for them to be encouraged to participate in the next election since they will have realized that this path is really a dead-end street for them.

9. Likewise, the UPD is prepared to fight the extension of Article 11 of Decree 544, which freezes wages, and it will not allow unfair taxes like the planned VAT to fall back on the shoulders of the people as has always been the case.

/We say yes to the general extension of Decree 207 for one more year. For liberty, true democracy, social justice, independence and national sovereignty./

Political Committee
San Salvador, 16 December 1983

Ramon A. Mendoza - UCS [Salvadoran Communal Union]
12-4-001848

Francisco Hernandez - CTS [expansion unknown]
1-1-58925

Marco Salazar - ASTA [expansion unknown]
4-10459975

Jorge Ruiz Camacho - ACOPAI [expansion unknown]
4-1-018983

Fermin Garcia - ANIS [expansion unknown]
11-9-000233

11,466
CSO: 3348/184

COPREFA ISSUES STATEMENT ON CONFLICT WITHIN FARN

San Salvador LA PRENSA GRAFICA in Spanish 14 Dec 83 pp 2,80

[Communique: "Differences Revealed; Extremists Captured"]

[Text] A student and a tailor have been arrested and brought before a military tribunal, charged with extremist activities in the ranks of the FARN (Armed Forces of National Resistance)-RN [National Resistance] organization.

Those arrested are Jose Eduardo Martinez Umana and Luis Arnulfo Gomez Gonzalez, who indicate that there are also differences of opinion in the ranks of that terrorist organization, as there are in the others.

In the following we publish the text of the communique issued yesterday by the Armed Forces Press Committee (COPREFA). It reads as follows:

"At the FARN-RN armed squad level serious differences have arisen these past few days which have led to an open confrontation among the squads themselves. This was revealed by the recently captured terrorists, Jose Eduardo Martinez Umana (alias "Oscar") and Luis Arnulfo Gomez Gonzalez (alias "Baltimore").

Both belong to the FARN-RN, a terrorist organization that has caused countless harm to Salvadorans. The second of them, Gomez Gonzalez, previously belonged to the Salvadoran Revolutionary Student Movement (MERS), which was an FPL [Popular Liberation Forces] mass organization.

According to investigations conducted by the National Guard, there is a serious split within the FARN that could lead to a new wave of "purges" among its members. They say that they have already "executed" some of them, ridding themselves of traitors to the movement to permit members who have deserted the FPL to enter it.

They specifically referred to the San Ramon sector squad, composed of five members and under Commander "Madrid's" command, all ex-members of the FPL, who are identified as traitors to the movement, which is why the Ciudad Delgado and Cuscatancingo sector squads, under the command of Commander "Jose Rolando," were ordered to execute them, despite the fact that the three squads form a "platoon" according to the way they are organized.

Martinez Umana stated that he is a student and 19 years of age, that he is a member of the FARN-RN, resides in the San Jacinto section of town and that a fellow called "Mario" had recruited him for the organization. "Mario" had offered him a monthly wage, but during the 9 months he was a member of the organization he only received 2 months wages, having been offered 150 colons a month.

"Mario" works in the domain of politics and is a UCA [expansion unknown] student, the terrorist said. They used to meet to talk in the corridors of a house located near the Metro Cinema in this capital city and on La Pringa Hill in Cuscatancingo, and he added that the three squads operate in the metropolitan area of San Salvador. They have modern weapons like the M-16 and G-3 rifles, shotguns and 38 and 45-mm revolvers. The conversations centered about the revolutionary and political struggles, Marxist-Leninism and other similar topics.

Gomez Gonzalez said that his alias is "Baltimore," that he is 23 years old and is a tailor without a workshop and that in September they offered him 300 colons a month to work for the FARN. He revealed that he had been recruited by "Madrid."

He said that from 1980 to January 1981 he belonged to the guerrilla organization and was assigned to a camp the FPL had in the La Loma area in the department of La Libertad, which was under the command of Commander "Martin," but that during that month the Armed Forces broke up the camp, an action he took advantage of to return to his usual work. But he said that 3 months ago he met with "Madrid," who had been a comrade of his in the FPL camp, and, unemployed at the time, he joined the FARN. 13 December 1983."

11,466
CSO: 3348/187

TERRITORIAL, LAND OWNERSHIP LIMITS APPROVED

San Salvador LA PRENSA GRAFICA in Spanish 14 Dec 83 pp 56, 60

[Text] After a regrettable argument based on political insults and after 4 hours of debate, the delegates approved, by 34 votes, the first article on agrarian reform. The political bloc was made up of ARENA-PAISA-PCN and PPS against the 24 votes of the PDC and the AD, which voted for its own motion. The session ended at 10:15 p.m. in the evening. The drafting of the new constitution will continue at 11:00 a.m. this morning.

The motion by ARENA regarding Article 104, which deals with land ownership laws, was the following:

"The state recognizes, promotes and guarantees the law of private ownership of rural land in individual, cooperative, communal or any other associative form, and will for no reason be able to reduce the maximum amount of land established as a property law by this constitution.

"The landowners referred to in the second paragraph of this article shall be able to transfer, dispose of, share, divide or rent the land freely. Land that is the property of cooperative associations, peasant communal associations or beneficiaries of agrarian reform will be subject to a special regime.

"Owners of rural lands larger than 245 hectares shall have the right to determine immediately which part of the land they wish to keep, separate it and register it separately in the appropriate record of real estate and mortgages.

"Rural properties that exceed the size limit established by this constitution and which are being held for division may be shared among co-owners.

"Lands exceeding the size limit established by this constitution may be transferred under any title to peasants, small farmers, cooperative societies or associations or peasant communal associations. The transfer referred to in this paragraph must take place within a period of 3 years. A special law shall determine the disposition of lands that have not been transferred at the conclusion of the previously established time period.

"Under no circumstances may the excessive lands referred to in the previous paragraph be transferred under any title to relatives within four degrees of consanguinity or two degrees of family relationship.

"The state shall promote the establishment, financing and development of agroindustry in the different departments of the republic in order to guarantee the use of manpower and the transformation of raw materials produced by the national agriculture and livestock sector."

The draft of Decree 105 on the same economic theme, also to be proposed by ARENA today at 10:00 a.m. is the following:

"Article 105 - Expropriation shall proceed for motives of public use or social interest which have been legitimately proven and with a prior, just indemnization in money.

"When the expropriation is motivated by war or public calamity or when its purpose is to supply water or electric power or to build housing or roads, prior indemnization is not obligatory, but shall still be in the form of money. In the exceptional cases cited, when justified by the amount of the indemnization that must be made for the land expropriated, payment may be made in installments which shall not exceed a total of 10 years. In this case, appropriate interest shall be paid to the person whose land has been expropriated.

"Entities established with public funds may be expropriated without indemnization.

"Confiscation is prohibited, as a penalty or for any other reason. Officials who violate this precept shall be held responsible at all times with their person and their property for damage inflicted. Confiscated properties are imprescriptible."

200 Marine Miles and Borders with Honduras

In the same plenary session of the constitutional assembly yesterday, the deputies unanimously approved the definition of the territorial borders of our republic, which were constitutionally established as follows:

"Article 84. The territory of the republic over which El Salvador exercises jurisdiction and sovereignty is irreducible and in addition to the continental territory it includes:

"The island territory made up of the islands, islets and keys listed in the Decision of the Central American Court of Justice of 9 March 1917, and which belong to it according to other sources of international law; the same is the case for other islands, islets and keys that belong to it according to international law.

"The territorial waters in common with the Gulf of Fonseca, which is an historical bay with the character of an enclosed area, whose regime is

determined by international law and by the decision mentioned in the previous paragraph.

"The air space, subsoil and continental and insular shelf; furthermore, El Salvador exercises sovereignty and jurisdiction over the sea, subsoil and marine bed up to a distance of 200 marine miles starting from the lowest tide mark, all in accordance with the regulations of international law.

"The boundaries of the national territory are the following:

"To the west, with the Republic of Guatemala, as established in the Treaty of Territorial Borders, signed in Guatemala on 9 April 1938.

"To the north and east, partially, with the Republic of Honduras, in the sections described in the General Peace Treaty, signed in Lima, Peru on 30 October 1980. Regarding the sections pending description, the borders shall be those established in accordance with the same treaty, or in cases that arise, in accordance with any means for the peaceful solution of international controversies.

"In the remaining area of the east, with the Republics of Honduras and Nicaragua, in the waters of the Gulf of Fonseca.

"To the south, with the Pacific Ocean."

The text of the above draft was approved by the members of the Salvadoran Section of the Joint Committee on Borders, Dr Rene Padilla y Velasco, Dr Jose David Escobar Galindo, Lieutenant Colonel Rene Emilio Ponce, Col Mauricio Daniel Vides Casanova and Mr Jose Alberto Gonzalez Garcia, who sign the respective document of approval, which is attached to this record, and which furthermore was seen and studied by the above-mentioned Technical Advisory Committee.

Signed in the city of San Salvador, on this day 2 December 1983.

12351

CSO: 3348/185

MUYSHONDT DENOUNCES FINATA ABUSES

San Salvador EL DIARIO DE HOY in Spanish 14 Dec 83 pp 3, 87

[Text] Minister of Agriculture and Livestock Miguel Muyschondt Yudice stated emphatically that he is opposed to the abuses being committed in FINATA [National Financing Enterprise for Agricultural Lands]. Officials and guests who were specially invited to the year-end press conference applauded the official when he categorically rejected the maneuvers used by the promoters of the National Financing Enterprise for Agricultural Lands to expropriate land from the peasants.

Muyschondt Yudice said that he would no longer attend any meetings of the FINATA board of governors until the situation was clarified, and unambiguously legal and just action was taken.

When the minister took this position, which was accepted by those in attendance as "virile" and "having true political vision," he refuted Col Jose Galileo Torres, the president of FINATA. Moments before, Torres had said that there were no problems at all in the country and that everything was going smoothly. He said that there were no occupations of land and that the law was being respected at all times.

"FINATA is taking the just and proper path. Its achievements are significant and the results have been only too gratifying in the 1982/83 season and 1983/84 is going to be better," said Galileo Torres.

The official added that 17,000 beneficiaries have already been incorporated into FINATA. Indemnization has been approved in 950 cases and 6,000 clear land titles have been granted.

Minister Muyschondt, referring to the denunciations of land occupations, stated that they have in fact occurred and that he took this stand because the peasants should be given comprehensive assistance which should not be limited to granting just the physical plot of land.

He said that the negative attitudes were leaving behind a trail of hatred and resentment among good and noble people. It must be borne in mind, he said, that if there is anything that peasants will defend to the death, it is their piece of land.

He reported that many denunciations had reached his office saying that the promoters are snatching away land from peasants who have no more than 10 manzanas.

Muyshondt said that this is neither just nor proper, and he added that he did not think that 10 manzanas of land was a large estate.

Galileo Torres said that there had been no land occupations by FINATA, but the minister said that there were land occupations.

FINATA agents, said Muyshondt, are pressuring landowners, or threatening them clumsily, so that they leave their land. He stated that this attitude is totally negative and contrary to the law and respect for private property.

He said that as minister, he is obligated to clear up these anomalous situations and that he is absolutely unwilling to support them or cover them up.

With regard to the second stage of agrarian reform, he stated that he disagreed with the way the first stage was implemented. He said he preferred at all times to use the buy-and-sell system, which was a far cry from a system that seemed more like cross-country plundering.

12351

CSO: 3348/185

COPREFA REPORTS CRISIS WITHIN FMLN

San Salvador LA PRENSA GRAFICA in Spanish 16 Dec 83 pp 97,99

[COPREFA communique, issued 15 December 1983 in San Salvador: "Carpio Groups Against Villalobos"]

[Text] The Armed Forces Press Committee (COPREFA) reports that terrorist Joaquin Villalobos may be the victim of his own methods, turning himself into the chief objective of the Revolutionary Worker Movement (MOR).

According to a public statement issued yesterday by the Army's official spokesman, during the past few days it has been ascertained that "Commander" Joaquin Villalobos, the chief of the "People's Revolutionary Army" (ERP), is today "the most sought-after spoils of war" of the recently created Salvador Cayetano Carpio MOR as a result of the maneuvers he has engaged in by means of intrigue in order to place people whom he trusts at the head of the Popular Liberation Forces (FPL).

The communique issued by COPREFA reads as follows:

"Villalobos in the sights of the ex-FPL. San Salvador. Joaquin Villalobos, the chief of the ERP, is in the sights of the Salvador Cayetano Carpio MOR for being the person chiefly responsible for the division in the FPL, the result of the maneuvers he engaged in to place Leonel Gonzalez at the head of the group.

"Several FPL factions were opposed to the appointment in the administration of elements of the 'petite bourgeoisie' headed by Villalobos and in this case represented by Gonzalez and his 'trusted aides,' which is why they wanted to dissociate themselves from the original group and create the Carpio MOR. In the face of the situation produced by the 'Carpists,' the 'administration' opted to make public the circumstances surrounding the death of Melida Anaya Montes, whose murder Carpio is today charged with.

"Furthermore, to date unknown are the whereabouts of Salvador Guerra, a trusted henchman of Carpio, who after Anaya Montes' death was assigned the mission of commanding harassing operations in the San Pedro Hills, despite the fact that his name figures among the signatures on the document that accused Carpio. To

distract the growing worldwide attention to the FPL's internal problem, the 'petite bourgeoisie' decided to attempt a desperate action and attacked the communication installations on Cacahuatique Hill, which are guarded by military personnel.

"For Villalobos, however, the situation has become more complicated. He will have to deal with the leader of the MOR, who might well be Salvador Guerra, and in that confrontation Villalobos could be the victim of his own methods. So the possibility of an attack on one of them may not be a remote one. The question is": which one first?

"The whole business of intrigues and disarray inside the FMLN [Farabundo Marti National Liberation Front] has been pointed out by the COPREFA on different occasions.

"On 19 September of this year we noted the 'oblivion' into which Carpio had fallen when the group rendered homage only to Melida Anaya.

"A few days later, on 26 September, we spoke of the fact that the FPL was experiencing an exodus of Carpio followers as a result of the appointment of the new FPL leaders.

"In the same report we noted that Carpio was later going to be fingered as the perpetrator of the murder of Melida Anaya.

"And finally, on 7 December we reported that the FMLN was going through severe crises that could get worse with the creation of the Carpio MOR. To date, all this has proven to be so. San Salvador, 15 December 1983."

11,466

CSO: 3348/184

BISHOP REJECTS MILITARY SOLUTION, PROPOSES DIALOGUE

San Salvador EL MUNDO in Spanish 22 Dec 83 p 19

[Text] "In this Christmas season, many people are looking for good-will gestures, by the guerrillas as well, particularly with regard to the prisoners they hold," Mgr Gregorio Rosa Chavez, auxiliary bishop of San Salvador, has said.

The prelate said this when asked about the position of the armed forces concerning the fight against the "death squads." Rosa Chavez commented that "they received the news joyously, and everything that impedes such violent and irrational methods is something positive; nevertheless," he added, "the people are very skeptical, because a lot of promises have been made to them and not fulfilled and they hope that deeds will confirm these promises."

With respect to violence, Rosa Chavez declared that this has been a very violent year and next week the archbishop will provide data on the number of those killed. "We hope that next year will be less violent," he said.

Referring to the country's political problem, he said that it is very complex "and cannot be solved by any one action but only by a series of coordinated actions. Elections could be one step in this process and a new constitution another; in this connection the position of the armed forces can be very important," he added.

"I hope," said Rosa Chavez, "that the politicians will be able to keep calm and expound their points of view respectfully and, above all, that they will present the people with true alternatives for the solution of the nation's difficulties."

With reference to the question of dialogue, he noted that, the longer the difficulties persist, the easier it is to see that this would be "the path to a solution," but he pointed out, "When we speak of a dialogue and a political solution and reject a military solution, we do not say what particular form it should take; we are talking about the fundamental attitude, since there are two contrary views in the country: some think that things can be resolved by the use of arms to eliminate the enemy physically and this is the military solution, but we others think that the solution is to come to some kind of understanding, agreement or arrangement."

Next year, he affirmed, the Church will maintain this position and pursue it more energetically. The people hope that the two sides will understand each other, he added. With regard to whether the Church is divided on this matter, the bishop declared that the very situation in the country, including the political situation, "is of a kind that typically gives rise to a multiplicity of views," but, with respect to the nation's difficulties and means of solution, here is evident unity.

Finally, Rosa Chavez said that, if there are, in fact, priests with the guerrillas, politically committed as in Nicaragua, this is a new development for the Salvadoran Church; however, just like the country's youth, they think a solution can be found to the social problems and take this path, but given the situation, these people have to be shown that this is not correct and "we who believe in peaceful means" have to foster such an approach.

12336

CSO: 3248/328

LEGAL AID OFFICE COMMENTS ON DEATH SQUADS, U.S. POLICY

San Salvador EL MUNDO in Spanish 24 Dec 83 pp 21-22

[Commentary by Cristian Legal Aid representative Alex Samuel Lopez: "To Build Peace All Repression Must Cease"; passages in slantlines printed in caps]

[Text] Once again, celebrating the presence among us of Him who made brothers of us all and called on us to build justice and peace in the world, /Jesus/, who was born in Bethlehem, and with this year of 1983 coming to an end, we cast a vigilant and concerned glance on past days, and once again we feel obliged to raise our voice.

We do so impelled by our institutional responsibility, which imposes on us maximal legal and humanitarian obligations to defend human rights, and is induced by the words and example set by Monsignor Oscar Romero, our leader. We also address ourselves to the nation's conscience, to those governments that lend indiscriminate military aid to the present regime in El Salvador, which is intimately linked with the tragic events we are suffering under.

Our Fundamental Accusation

With objectivity and faithful adherence to the facts, we state this as follows: /In El Salvador human rights continue to be violated in a massive and systematic way and with full impunity. As long as all forms of repression do not cease, it will be impossible for democracy to survive and we will not be able to build peace/.

A Tragic Situation...

The mere statistics could not be more eloquent. In a nation of scarcely 5 million people:

We are rapidly approaching 55,000 violent deaths, which would already represent 1.5 percent of the total population.

There are more than 6,000 who have "disappeared" and there are more than 6,000 families daily searching for their loved ones, suffering the cruellest kind of anguish and confronted with the lack of interest and threatening rejection of the authorities.

Down the length of Central America, from Mexico and the United States, have been scattered over 400,000 Salvadorans who are fleeing from the institutionalized terror created by misery and official persecution, and they are fleeing from the parainstitutionalized terror created by the death squads.

...That Is Not Getting Better, But Worse

Next we present a table drawn up by our office which attempts to sum up and give a general idea of the political violence generated against the defenseless civilian population of El Salvador during the first 11 months of 1983. Each figure represents the number of people /murdered/.

General Table of Political Violence in El Salvador During the
Period Between January and November 1983

<u>Groups</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Total</u>
Peasants	16	74	99	1	6	18	5	3	3	2	15	242
Workers	4	7	13	8	9	17	6	5	2	4	4	79
Students	7	5	2	4	3	1		5	1	3	3	34
Employees	6	12	14	6	5	12	12	3	8	8	11	97
Businessmen	4	1	7	4	5	7	9	7	6	8	4	62
Professionals	2	1	1		1	5		2	2	2	1	17
Teachers		1	2	2			2		1			8
Farmers	2				1	6	1					10
Occupation unknown	19	91	51	53	17	4	46	92	32	56	24	485
Unidentified	<u>318</u>	<u>465</u>	<u>282</u>	<u>377</u>	<u>438</u>	<u>307</u>	<u>350</u>	<u>242</u>	<u>442</u>	<u>571</u>	<u>547</u>	<u>4,339</u>
Total	378	657	471	455	485	377	431	359	497	654	609	5,373

Faced with this disconsolate table, we want to admit its inability to express all the helplessness and suffering undergone by those Salvadoran families that have been assaulted contrary to any form of justice all year long. The testimony of a single one of these families would be enough to touch the conscience of the world.

We have good reason to believe that there are many other cases of murder that have not been reported to this office and have therefore not been entered in our table.

Those who suffer most from this repression are the peasants and the workers. We must take into consideration the fact that the immense majority of the 4,339 unidentified persons displayed traits and characteristics typical of those groups.

The table clearly shows us that the repression has increased these past few months.

Objectives Coincide

While the death squads are now on everyone's lips, on the lips of those who condemn them with words and of those who with facts, however, maintain that it

is clear that not all the repression exercised in El Salvador is the work of these death squads. Moreover, the death squads are not the roots of this repression, but one of its instruments. The repression corresponds to a much more profound and general economic and political determination within the present Salvadoran regime. But with their barefaced methods the death squads expose to the world all the illegality, iniquity and repulsiveness of the repression of the system in general. The death squads reveal the objectives of total repression.

On the basis of their activities the death squads define their objectives as follows:

1. To muzzle any public criticism leveled against the corruption and arbitrary actions of the regime, its institutions and its authorities.
2. To put a stop to the just demands of the majority groups that are being crushed by a situation characterized by a growing economic crisis and misery.
3. To muzzle any denunciation of the widespread repression.
4. To interfere with majority groups' free and spontaneous organization into labor unions, associations, cooperatives, etc.
5. As an essential method, to sow terror among these majority groups. Hence the limitless cruelty, the unimaginable tortures, the inhumanity of the disappearances and in general the absolute and shameless contempt for human rights are neither simple trimmings nor accidents as regards their methods, constituting rather the very essence of their actions. There can be no death squads -- or repression -- without inhuman methods that infringe upon the rights of the individual.
6. To physically and systematically annihilate any opposition to the regime, setting themselves the goal of a military victory and in fact rejecting any kind of political solution and any dialogue.
7. To in all things defend the interests of a privileged minority established in this country for many years now.
8. To lay the foundations for an openly and shamefacedly totalitarian and antidemocratic system.

The death squads' most recent threats and attacks against San Salvador Archbishop Monsignor Arturo Rivera Damas, Bishop Auxiliar, Monsignor Gregorio Rosa Chavez, several leaders of cooperatives and against the authorities, teaching staff, students and workers of the National University must be counted as part of this program of objectives.

Now, despite the regime's continual promises of democratization, despite its election rhetoric and many optimistic statements, in its practical decisions and its actions we note that there is agreement between its objectives and the objectives of the death squads.

Systematic Impunity

The magnitude of and the methods employed in the repression in this country today — particularly the system of torture and disappearances — have profoundly shocked the consciences of the peoples of the world, in human and religious as well as legal terms, and have now turned into one of the major blots on the history of our century. Our laws are not indifferent to this denial [of human rights]. Our penal code condemns these repressive practices and our laws specify the state's serious obligation to arrest and punish — in accordance with the strictness and severity of the case — those directly and indirectly responsible for such crimes. According to those same laws the judiciary branch is charged with pursuing the investigation and judging those responsible, for which purpose it has the right to rely on the unconditional support of its auxiliary organs, the security forces.

But these laws are not respected in El Salvador. None of these serious and fundamental obligations has been carried out. There is nothing surprising about the fact that all sorts of accusations against the regime's connection with the death squads have been extensively aired in the national and international press these past few days, a connection that runs from the indifference and silence of some to the collaboration, complicity and supreme responsibility of others.

We clearly maintain the following conclusion with regard to this agreement of objectives and this systematic impunity: The death squads are not a phenomenon foreign to the regime's general policy — although they do largely contradict what it says for public consumption — nor are they merely an isolated and accidental phenomenon within that policy. In view of the facts, the death squads are probably the spearhead of the present regime's general policy of repression.

Indispensable Conditions for Eradicating Repression

The designation, death squads, may be changed or their immediate leaders may be changed, but, as long as the regime's general policy is not fundamentally changed, the same acts committed today by the death squads will go on sowing grief and blood in our country. This observation leads us to formulate the following indispensable conditions for eradicating repression in El Salvador, something that must be the goal of all men of good will.

1. Publicly identify all those responsible for known crimes and acts of repression. Judging from repeated statements by top-level representatives of the U.S. Government, many of the responsible parties are widely known.
2. Immediately arrest all those known to be responsible. It is obvious that merely discharging those responsible for engaging in repression from their posts or simply transferring them to other posts inside or outside the country would not solve the problem.
3. Immediately launch appropriate investigations through a priority policy to determine all those who are responsible for these acts and arrest them. The

familiar policy of singling out scapegoats from among the members of the lowest classes would be immediately detected and would get them nowhere.

4. With appropriate swiftness initiate and carry out the trying and sentencing of the guilty parties, punishing them with all the rigor of the law.
5. Throughout the entire process effectively guarantee:
 - a. The safety of the judges and other persons involved in the administration of justice.
 - b. The safety of the witnesses.
 - c. The imprisonment and safety of those who have been charged and arrested.
6. Also throughout the entire process promote and guarantee the prompt and adequate reporting of the proceedings, seeing to it that the news effectively reaches the ears of the people of El Salvador and the other peoples of the world.
7. Immediately repeal the repressive decrees now in effect which permit and encourage repressive actions.
8. Immediately and unconditionally release all political prisoners and those who have disappeared as a result of repressive laws and practices.
9. Guarantee recognition of and respect for all Salvadorans' civil liberties and human rights such as the right to life, freedom of thought and expression, physical and moral safety from any attempt at torture, the freedom to organize, etc.
10. Once and for all reject any kind of policy and general strategy of a militaristic nature based on the violent annihilation of the rebel opposition at any cost and publicly and resolutely reject foreign pressures to act in such a manner.
11. Without delay set in motion a policy of and general strategies for a dialogue without either obstacles or impediments to the search for realistic political solutions.
12. Denounce, condemn and outlaw any kind of language that in an explicit or veiled manner implies a threat to the Salvadoran people's right to self-determination, such as would be the case with an invasion of our territory by foreign military forces. Frequently employed in recent times, in addition to damaging even more the system of respect and peaceful coexistence among nations and in addition to the fact that they admit of no justification or extenuating circumstances, such threats are interpreted by everyone as a support and last resort guarantee of the regime's repressive aims and policies.
13. Those governments providing the regime with military aid must immediately stop supplying such aid, which is actually the backbone of repression.
14. Try at all times to humanize the conflict.

Washington's Mistaken Policies

Impending in the face of the magnitude of these proposals -- which cannot be cause of that fail to be absolutely necessary for those who seek peace -- is the temptation to propose false palliatives and substitutes that not only do not solve the problem, but which also attempt to divert people's attention from their consciences and conceal the evil and its roots, thus prolonging and aggravating a situation that has already attained catastrophic proportions as regards the rights of the people of El Salvador.

Recently Washington accused the Salvadoran regime of not taking appropriate action against the death squads that exist in its midst. In itself such an accusation ought to be a welcome one since it corresponds to a reality everyone has been aware of for a long time now. But the way in which the accusation has been stated and handled presents serious problems from the standpoint of eradicating repression. In addition to the fact that Washington is trying to let it be known that the death squads are the be-all and end-all of the evil, an organization foreign to the regime, it also refuses to accept any responsibility for repressive actions. With the aim of looking for the roots of the evil in order to cure it, we must bear in mind the following:

1. The death squads can only exist within a fundamentally repressive regime, and it is precisely the government of the United States that has for years backed and still backs this repressive regime, even in opposition to the constant recommendations and denunciations presented by humanitarian, religious and political institutions.
2. The acts that have now been denounced by the United States have been widely known for some time. The silence maintained until now and the silence that is still permitted with respect to other, equally criminal acts could be characterized as obstruction of justice or complicity.
3. The objectives of the death squads fit in perfectly with the United States' policy and strategy for El Salvador, which in terms of its decisions and actions are defined in the following manner: to annihilate the rebellion at any cost, rejecting an effective search for political solutions to the conflict. This agreement [of objectives and policy] is one of the elements that supports and encourages the actions of the death squads and any system of repression practiced by the Salvadoran regime.
4. The Washington government allows individuals who openly provide economic aid for death squad operations to reside in the United States.
5. Mr Reagan's recent veto of Congress' demand to formally acknowledge the majority position with respect to human rights in El Salvador is perfectly explainable: On the one hand, the total impossibility of the President's continuing to sign such acknowledgments in the face of the obvious intensification of repression in El Salvador; another signing would have raised the clamor of indignation due to world conscience to unsuspected heights. But, on the other hand, like the cardinal and archbishop of Chicago's denunciation in recent statements, with this veto Mr Reagan has given the go-ahead for death squad actions.

In connection with this, the recent outburst of accusations emanating from Washington appears to be motivated by political propaganda considerations -- by a need for self-justification of its policy toward El Salvador among other things -- rather than by an honest search for justice.

Salvadoran Regime Does Not Appear to Have Policies

The Salvadoran regime's reactions to these accusations have been mixed:

1. Some officials and organizations' failure to formulate effective measures, their silence, is highly conspicuous. Here we must point the finger at the provisional president of the republic, the Constituent Assembly, the Supreme Court, the government's Commission on Human Rights and that same government's Peace Commission.
2. They have responded with a campaign of verbal and written declarations against the death squads. But it is quite obvious that these declarations may be signed by death squad leaders without their suffering any major consequences with regard to their operations. These declarations are a continuation of Washington's initial political propaganda maneuvers to provide the Salvadoran regime with military aid. They are trying to make the situation out to be one that is isolated and not connected with the regime.
3. Some authorities have finally begun to speak out against the content of this propaganda, to publicly request aid to settle the problem. The fact that the Salvadoran regime represses its opponents, the people in general and is fighting a guerrilla force that is stubbornly entrenched in this country, that it declares itself to be incapable of dealing with the death squads by itself, alone, is a clear admission that the repression that exists is an ailment affecting the very roots of the regime, an admission that to attack this repression is to attack the regime itself.

The fact that it is primarily the people of El Salvador who are being asked for aid against the death squads is admirable. Does this mean an appeal to the Salvadoran people to exercise their right to rebel against repression? While this would be the most logical way to interpret the appeal, we do not believe that this was the authorities' intention; rather we think that it was a rhetorical and demagogic expression that was probably an attempt to clean up the regime's image of leprosy, repression and oppression. Secondly, aid was requested of the U.S. Government, a fact that seems to us to be extremely serious for two reasons:

- a. The fact that this regime declares itself to be incapable of putting an end to its own dynamics of repression does not mean that there is no other political force in the country that might succeed in accomplishing this fundamental task. The current regime does not exhaust the country's political and democratic possibilities. If this regime feels it is incapable, it ought to make way for other political forces as soon as possible, but under no circumstances may it resort to intervention by foreign governments with interests alien to ours.

The contrary would imply an attempt by this regime to define itself as being the only possible regime in the country, which means defining itself as a totalitarian regime.

b. This request for aid under the present circumstances must be interpreted as an unlimited visa for the invasion of the country by foreign military forces on the empty pretext of defending the people at the price of the "lesser of two evils." If this disaster should occur -- which we all resolutely oppose -- not only would the problem of repression in this country be solved, but it would be raised to unsuspected heights and would be extended to our brother nations of Central America. The entire ignominy and suffering of the peoples of Central America would descend on the conscience and honor of those who might permit and promote such foreign intervention.

/Having expressed these considerations and before entering on the new year of 1984, we make an urgent appeal to the people of El Salvador and the other peoples of the world, to the government of the United States and the government of El Salvador and to all the religious and humanitarian institutions in the world for us all to start the year with this supreme watchword:

Stop all repression -- to build peace!/

San Salvador, 28 December 1983

Alex Samuel Lopez, CIP [expansion unknown] 13-3-002981
Legal representative of the Christian Legal Aid Office

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CSO: 3348/187

INCAFE, BANKS BLAMED FOR COFFEE PRODUCTION DROP

San Salvador EL DIARIO DE HOY in Spanish 7 Jan 84 pp 5, 29

[Text] According to all the indications and in agreement with the opinion of many coffeegrowers, the present coffee harvest will suffer a drastic drop.

It has been pointed out that while INCAFE calculated that the harvest would decrease by only 25 percent, in reality it will fall by more than 40 percent, with a tendency to further drops in future harvests.

According to those affected, the main cause of this reduction was the lack of incentives for producers, since in the last 3 years they have been operating with negative balances, with the present results.

In addition, at one time such consequences were foreseen but the corresponding authorities did not give them the necessary importance.

Other causes of the serious reduction of the present harvest were the nationalization of the coffee bean trade, and the private banking system. Having an equally powerful effect was the climate of legal insecurity created after 15 October 1979 as a result of Christian Democratic misrule.

The coffeegrowers remember what the then president of the ISTA [Salvadoran Institute of Agrarian Transformation], Dr Morales Ehrlich, said at that time that "the present owners should work their lands well so that when the second phase of the Agrarian Reform is implemented the lands would be highly productive," lapidary phrases which still resound today, creating an atmosphere of fear and insecurity.

Abandoned Farms

Owing to this atmosphere, the coffeegrowers say, many coffee farms were practically left abandoned, without pruning, fertilizing, replanting, maintaining shade, etc. As a result, the reserve branches [ramas de reserva] wasted away, causing a dramatic decline in the new harvests, like that of this year.

Another of the related factors is the lack of an adequate buying policy on the part of the INCAFE, which does not buy 100 percent of the harvests but

80 percent or less. The same can be said about the prices paid to the producers--they "are pulled out of a hat."

The slowness with which the banks negotiate loans, and the high interest, are also determining factors in the present weakened state of the coffee-growing industry.

"The banks and the INCAFE are finishing us off," say the coffeegrowers, and point out the contrast with the state banks which show millionaire balances at the expense of the coffee growers association.

Impact of the Low Harvest

The coffeegrowers indicate that a drastic reduction in the harvest, like that of this year, has serious repercussions in various directions, as for example: a substantial decrease in the foreign exchange obtained; a drop in the taxes paid to the Treasury; massive unemployment for families in the countryside; a general fall in the generation of revenue or collateral products and services; a general drop in the country's economy; and, as a final consequence, the people's hunger and despair.

Solutions

The coffeegrowers believe that with good will and a decision to save the country's principal agricultural export, they can contribute to the finding of pragmatic solutions to this serious problem.

Among such measures, it is suggested that 50 percent of the foreign exchange generated by sales of the coffee bean abroad, which should go to the producers, be transferred to the parallel market. With this measure, they believe, their income would improve and it would help to diminish the many problems which have been hanging over them in recent years.

They also propose the freeing of trade, leaving it in the hands of free enterprise, as this would reduce the problems caused by INCAFE's monopoly.

Moreover, they ask for adequate financing, adjusting the amount to the real cost of production and establishing more flexible interest rates. Also they ask for a viable solution to the producers' debts to the financial system, with the object of settling them as soon as possible, without endangering their property, which is their tool for work.

Finally, they said that if some of these measures are not taken to truly help the producers, the coffeegrowing industry will continue to decline, seriously endangering the nation's economic stability, as is occurring with this year's harvest, whose yield will not even be enough to fill the quota assigned to our country by the International Coffee Association.

ARGENTINA DONATES 1365 METRIC TONS OF CORN

San Salvador LA PRENSA GRAFICA in Spanish 22 Dec 83 pp 3, 71

[Text] Argentina has donated 1,365 metric tons of corn by way of helping El Salvador to resolve the serious problems confronting it with regard to basic grains; the corn arrived yesterday and will be sold through the BFA (Agricultural-Livestock Development Bank).

At the port of Acajutla to receive it officially were Roberto Auruccio, counselor of the Argentine mission, representing the Argentine ambassador; Juan Carlos Delconte for the UN; and Carlos Enrique Palomo Castillo, president of the BFA, who explained that this is the first of several shipments that will be sent for the same purpose.

This donation, sent by the Argentine National Grain Board, originated with a formal agreement signed by the said South American nation's embassy and the BFA, with a view to alleviating partially the serious shortage of corn that El Salvador has recently experienced and that considerably affects the economy in various sectors. Palomo Castillo added that the institution he heads will bear the freight charges, which have not yet been established in their entirety.

He noted that the 1,365 metric tons will be sold to poultry farms and that the profits obtained from such transactions will be converted into articles of basic need, which will be distributed to people of limited economic means who have been displaced from their homes as a result of the political violence predominating in our country for several years.

He stressed that this new gesture by the Argentine Government strengthens still further the fraternal ties of friendship existing between the two nations. Such gestures, he declared, raise the spirits of those who are concerned with the financial and productive aspects of the country, because with donations of this kind, any kind of crisis can be overcome, however difficult it may be.

Finally, he said that there are reserves of corn and rice practically sufficient to guarantee national consumption needs will be met during the present agricultural year.

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CSO: 3248/328

INAZUCAR REPORTS FIRST SUGAR EXPORTS TO U.S.

San Salvador EL MUNDO in Spanish 29 Dec 83 p 2

[Text] The production of sugar will be sufficient to cover internal demand and there will even be some for export to U.S. markets, according to an INAZUCAR official who was interviewed by this newspaper.

The official said that "we note with satisfaction that a shipment of Salvadoran sugar from the present harvest for U.S. consumers has already left the country, which means that the country will get foreign exchange for this product without suffering any shortfall in the quantities required for consumption by the Salvadoran people, despite the fact that unexpected rains reduced production a little, even if not to the point of affecting the estimates made by the institute's planning technicians."

He also said that INAZUCAR did not suspend its work during the Christmas/New Year season, "and we are daily receiving reports from sugar mills, informing us that the harvest is proceeding normally and we will have the sugar we need. We can even say that the mills will operate as on any other day on 24 and 25 December, as well as on 31 December and 1 January, so that production will not be slowed."

Finally, the official, who asked not to be identified, said that "we have to thank the Central Reserve Bank, which has financed us up to 260 million colons to enable us to meet all our obligations to the private and state organizations that are helping us with the harvest, though we have given the cane-cutters and truckers priority in this regard. Nevertheless, no organization or company that has signed a contract with INAZUCAR will fail to be paid, because, in one way or another, they have all contributed to the success of the country's present sugar harvest, including also the army which has provided security for the work being carried on in the sugar-raising areas while production is under way."

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CSO: 3248/328

AGRICULTURAL ASSISTANCE PROGRAMS INTEGRATED

San Salvador LA PRENSA GRAFICA in Spanish 22 Dec 83 p 30

[Text] With the cooperation of the UNDP and UNIDA and the participation of various public sector institutions engaged in the promotion and financing of, and technical assistance to, the agroindustrial sector, the Ministry of Planning and Coordination of Economic and Social Development organized a day-long conference at which the various projects to be carried out next year were integrated into a national plan. During the conference, the work program of each of the institutions was discussed and the available technical resources reviewed, in order to consolidate a single overall plan for the agroindustrial sector in 1984.

The objective of such integration of government institutions is to give the private sector the most efficient possible service in the provision of financing, promotion and technical assistance for agroindustrial projects.

At present, the Agroindustrial Promotion and Development Program is operating in the southwestern region of the country and has brought into being and is promoting projects for the processing of milk products from milk produced by the sector's reorganized cooperatives.

Objectives

According to statements by the coordinators of the program, national coordinator Napoleon Molina Nuila, international coordinator Marcio Rodriguez and UN expert Hector Montalvo, the general objectives to be achieved are the following:

--Foster duly planned and organized, sustained growth of the agroindustrial sector, with the state assuming a greater leadership role and participation in the development process.

--Achieve, in short run, a speeded-up process of mutual support and interconnection between the agricultural and stockraising sector and the industrial sector.

--At least maintain the production levels of existing agroindustrial enterprises and seek the reopening of those that have shut down.

--Consolidate the agrarian reform process.

--Replace excessive imports of processed agricultural and meat products and increase the availability for export of nontraditional agroindustrial products.

--Foster the generation of permanent employment and increase income in rural areas.

Some of the specific objectives of the program were also mentioned, such as:

--To give an impulse to the execution of agroindustrial projects subject to rapid implementation and to the rehabilitation of agroindustrial enterprises.

--To formulate criteria and guidelines for the identification, selection and prioritization of projects to be carried out immediately or in the short run.

--Design mechanisms for promotion, financing, technical assistance and institutional support to enable projects to get under way.

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CSO: 3248/328

PRI OFFICIAL: 'DISCONTENT' BEHIND 1983 ELECTORAL DEFEATS

Mexico City UNOMASUNO in Spanish 8 Dec 83 pp 1, 5

[Article by Rene Delgado]

[Text] The national leader of the PRI [Institutional Revolutionary Party], Adolfo Lugo Verduzco, stated yesterday that the PRI members cannot remain passive facing the "emergency situations" the country is going through. He pointed out the need to have a clear awareness and be alert to give the PRI the characteristics that a vanguard party must have.

He made the above statements during a PRI meeting in which the organizational secretary of the party, Manuel Garza Gonzalez, maintained that behind this year's adverse election results "lies the discontent of the people who have been severely affected by the crisis." Garza Gonzalez also felt:

"If for decades we achieved almost unanimous victory in every type of election, it was due, among other things, to the absence of important opposition forces since the social progress of the country was always ahead of political progress."

The PRI meeting was sponsored by the IEPES [Institute for Political, Economic and Social Studies], technical organ of the PRI headed by Angel Aceves Saucedo. At the meeting the secretary for electoral action, Fausto Villagomez Cabrera, noted that the 1984 electoral situation demands "more committed, resolute activity that can be carried out integrally."

At the meeting, other officials of the National Executive Committee of the PRI said that they will carry out studies on the PSUM [Unified Socialist Party of Mexico], the National Action Party and the other forces involved in the political life of the country. All the participants agreed in demanding more active incorporation of the CEPES [Centers for Political, Economic and Social Studies]--state branches of the IEPES--in party activities.

PRI leader Adolfo Lugo Verduzco was interviewed during a break in the meeting. He pointed out that the "most important evaluation" he can make of the PRI this year is that it maintained its position as majority party. He denied that there is a political crisis in the country.

He said: "There is no political crisis; an evaluation of this year shows the preservation of basic values which demonstrates that there is no political crisis. On the contrary, we Mexicans gathered around our convictions and we fight in the political arena from those parties that best correspond to our aspirations and points of view."

However, he recognized the need for the PRI to continue renewing itself, "particularly now that we must face a very severe and intense crisis" that basically afflicts the unemployed masses and those on minimum wage. He pointed out that the government party must recognize that Mexico is a new society with new requirements, demands and aspirations.

He hardly mentioned the election defeats his party suffered. He laconically indicated that elections are won and lost. Lugo Verduzco pointed out: "The party won most of the elections although we also lost some."

Earlier when opening the meeting, the PRI leader stated that these forums must not be used to express "lies and mutual praise." We want the IEPES and the CEPES to be vanguard entities "but with their feet on the ground." He added that, rather than being content with the successes achieved, the PRI members must be concerned about the goals not achieved.

Angel Aceves Saucedo, IEPES director, expressed similar opinions. He demanded a realistic evaluation of achievements and planning for the coming year. He also asked for greater coordination between the IEPES and the CEPES in order to achieve uniformity in plans and general guidelines for action.

The members of the National Executive Committee of the PRI also participated in the meeting. One of them, Manuel Garza Gonzalez, pointed out the need to have an accounting system of members and organizations since "we constantly affiliate with organizations and people without sufficient controls to insure united action based on the party's principles and objectives."

He pointed out the importance of establishing democratic processes for the formation or renovation of the leadership organs since, among other reasons, "it has a magnetic effect that attracts new members."

In another part of his speech, Garza Gonzalez, PRI organizational secretary, pointed out: "Let us remember that active minorities can achieve victory over static majorities. As the majority that we are, it is our duty to rid ourselves of inertia and spontaneity in order to act according to our programs and specify strategies to achieve the egalitarian society we propose. Unorganized masses are disorderly crowds that crush each other. Our party needs efficient organization."

Garza Gonzalez also supported advancing along the road of reforms to keep the revolution effective. "These can occur as vanguard actions to favor social changes or as pressures by reality in order not to remain in the past." He added that PRI organization must not be reduced to "mechanical pragmatism." In that sense, he noted that the crisis must be exploited to correct and strengthen the party.

Fausto Villagomez Cabrera, secretary for electoral action, stated that municipal governments and local congresses will be restored in some states in 1984. Therefore, there must be more committed, resolute and integral activity by the PRI. He announced the most significant electoral activities that should be developed.

These are: to update delegates to electoral organisms; to update secretaries for electoral action on municipal committees; to train candidate and party representatives at the voting booths; and to reproduce and disseminate electoral training materials.

Villagomez Cabrera pointed out that it is "fundamental to strengthen the work and strengthen the unity" of the PRI.

Juan Mariano Acoltzin Vidal, IEPES assistant director for economic studies, stated that the technical instruments of the PRI must not be the monopoly of experts, technicians or the intelligentsia. In that sense, he said that popular consultation must be a routine work system for the PRI.

Acoltzin said: "We must be consistent about what we demand and what we can offer. We need to offer viable things. Therefore, it is necessary to know how to sense the real needs of the community."

Carlos Almada Lopez, IEPES assistant director for political studies, reported that the IEPES has done studies on: the left, particularly on the PSUM Second National Congress; the municipal situation; the economic management of the government; the Mexican right, particularly the National Action Party; and democratization of the Federal District.

He added that studies on all the political parties, pressure groups, the middle classes, the electoral system and the relationship between the PRI and the government will be completed this coming year.

Other participants in the PRI meeting were Gustavo Culebro and Juan Jaime Marroquin.

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CSO: 3248/339

INTERIOR SECRETARIAT SEEN AT CENTER OF ELECTION RIGGING

Mexico City PROCESO in Spanish No 370, 5 Dec 83 pp 10-13

[Article by Francisco Ortiz Pinchetti]

[Text] A year after it came into office, the government of moral renovation has made electoral immorality a norm.

Baja California Norte, Sinaloa, Oaxaca and Puebla are not isolated cases. The election frauds denounced by the opposition in those states--and those predicted for this Sunday, 4 December, in Tamaulipas, Guerrero and Michoacan--have too many common threads. They clearly follow a global federal policy implemented by the Secretariat of Government and carried out as assigned, with individual traits, by the state governments.

It is a hard line.

Nothing for the opposition. Everything for the PRI [Institutional Revolutionary Party]. At any cost. By any means. From alteration of the voter registration list to the theft of ballot boxes.

It is open and very dangerous "political involution," according to Manuel Stephens Garcia, secretary for electoral action of the PSUM [Unified Socialist Party of Mexico]. Deputy Juan Jose Hinojosa of the PAN [National Action Party] calls it a "return to the law of the jungle."

The democratic opening of the Miguel de la Madrid government was used up in Chihuahua and Durango at the beginning of July. A new, albeit ephemeral, political honesty prevailed there and legitimate victories of the opposition were recognized--but only there.

After those cases came the steps backward. Frightened by the popular discontent, the government opted for extreme hardening. Today it is going backward on the slow and difficult road to political reform.

PSUM leader Stephens Garcia said: "With the political reform we had achieved small but significant progress which has now been lost. The position taken by the government is obviously dangerous. If electoral channels are closed, the people will have to find another way. They are being pushed to this and the only one responsible is the government."

Deputy Bernardo Batiz, secretary general of the PAN and coordinator of his party's parliamentary faction, feels that electoral immorality "can lead us to social outbursts." He said that the electoral discontent caused by the frauds can be added now to popular discontent because of the economic situation and the government's lack of prestige. He corrected himself: "Rather than frauds, we now have real plundering."

Direct Thread

According to the PAN leader, the fraudulent maneuvers of the PRI and the government have "increased" in the elections held in Baja California Norte (4 September), Sinaloa (6 November), Oaxaca (20 November) and Puebla (27 November). However, clear constants can be seen in those four cases.

Manipulation of the voter registration list and the actions of the election "aides" were the two keys to the frauds, abetted in every case by illegal "agreements" of the respective CEE [State Electoral Committees] aimed at keeping the opposition from supervising the elections.

The "recipe" was repeated with some variations in the four states as if following a master plan. In all those cases, a type of "instruction" was followed for general control of the elections, the transfer of voters, police and military support for the actions of the "aides" and the collection of ballot boxes.

Therefore, "Operation Dragon" in Baja California Norte was practically the same as the "Borunda Plan" in Sinaloa and the so-called "Operation Rabbit" in Oaxaca.

Another constant was the participation of different federal entities, especially the Secretariat of Communications and Transport, in support of the campaigns of the PRI candidates. There was also open electoral "activism" by municipal presidents, governors and even the president of the republic.

The work tour by President Miguel de la Madrid on the eve of the elections was clear support for the PRI campaign in Baja California Norte where a governor, municipal presidents and local deputies were to be elected. The president inaugurated major public projects and, in his speeches, endorsed the electoral proclamations of Xicotencatl Leyva Mortera, PRI candidate for governor.

Leyva Mortera himself said in an unusual statement that President De la Madrid "personally designed" the PRI campaign in that northern state.

In Sinaloa 15 days before the election for municipal presidents and local deputies, Governor Antonio Toledo Corro unexpectedly announced investments of more than 200 million pesos in public works for Mazatlan, the municipality where the opposition demonstrated greatest strength.

Then 3 days before the elections--while his wife ended a promotional tour in Mazatlan for the PRI throughout the state--Toledo Corro presented titles of

ownership to 100 tenant farmers in Culiacan. He was accompanied by the PRI candidate for mayor of that capital. The governor attributed the negotiations for those deeds to those farms to him.

Oaxaca Governor Pedro Vazquez Colmenares also faithfully followed instructions. He went to Juchitan, the most disputed municipality in his state, to present public projects worth 300 million pesos 4 days before the elections. He was accompanied, naturally, by the PRI candidate for mayor of Juchitan, Javier Fuentes Valdivieso.

"Political espionage" carried out by agents of the Federal Security Directorate of the Secretariat of Government was denounced by the PAN, the PSUM and the PRT [Revolutionary Workers Party] in Baja California Norte, Sinaloa and Oaxaca.

Also federal aid--food, construction materials, vehicles--for the victims of Hurricane "Tico" was used in the election campaign of the PRI candidates in Sinaloa, particularly the candidate for mayor of Mazatlan, Quirino Ordaz Luna.

"Brains" at Secretariat of Government

The support of the federal and state governments for the PRI campaigns, stronger and more open today than ever, was the first stage of the strategy. The second stage is manipulation of the elections.

The "backbone" of the fraud, according to Stephens Garcia, was manipulation of the voter registration lists. The secretary for electoral action of the Central Committee of the PSUM said: "The same thing happened in all four states."

The voter registration list was shamelessly altered by the CEE controlled by the PRI. The elimination of hundreds of voters and the arbitrary relocation of voting booths created a very profitable confusion at the time of the elections.

In Juchitan where the fraudulent maneuvers were worst, there was a real "purge" of the voter registration list to eliminate the names of people identified as sympathizers of COCEI [Labor, Peasant, Student Coalition of the Isthmus]-PSUM.

Then came the CEE "agreements."

This occurred in Baja California Norte. In flagrant violation of Article 98 of the State Electoral Law, the CEE "agreed" that people "will be permitted to vote without voter credentials." Contrary to Article 119, it was decided that "only a joint representative" of the parties and their candidates "will participate." Contrary to Article 121, it was established that "the representatives (of the parties) at the voting booths must reside in that district."

The objective of these agreements was obvious: "to help voters vote several times at different booths and prevent the opposition parties from supervising the process." The PAN, PSUM, PRT and PDM [Mexican Democratic Party] denounced this jointly in Mexicali.

The same recipe was used in Sinaloa.

And then in Oaxaca.

And in Puebla.

The same last minute agreements with the same objectives.

In Sinaloa and Oaxaca, the number of general representatives of the parties in each electoral district was also reduced to five.

In every case, the scheme was completed with the actions of the so-called election "aides" accredited by appointment by the chairmen of the respective CEE.

The number of "aides" was surprisingly high in the four states. There was at least one for every voting booth and they were the key elements in the fraud.

Batiz Vazquez said: "These aides were recruited by the respective state governments although the guidelines for their action evidently came from the federal government. The 'brains' for the scheme are specifically at the Secretariat of Government."

Stephens Garcia indicated that the actions of the "aides" were significant for their power and arbitrariness. "They act like overseers during the elections, use their own discretion and have the manipulation and support of the public force."

Harassment of the representatives of the opposition parties by these aides was a constant in Baja California Norte, Puebla, Oaxaca and Sinaloa. In many cases--like Mexicali, Tijuana, Culiacan, Mazatlan, Juchitan, Puebla, Tehuacan and Huajuapam de Leon--this reached arbitrary and even violent expulsion of representatives.

It was also common for the voting booth chairmen to reject the complaints and claims of the opposition and, in "delicate" places, refuse to hand over copies of the certificates of election according to law.

There were variations at the actual time of the election depending on the case. Some voting booths in Mexicali and many in Mazatlan, Juchitan and Puebla "ran out" of ballots and hundreds and thousands of citizens were prevented from voting.

In Sinaloa where the most deplorable and archaic forms of fraud were revived, they--mainly the election "aides" with open support from the police--resorted to stealing ballot boxes. The PAN, PSUM, PRT and PDM denounced the theft of ballot boxes from 60 percent of the booths in the municipality of Ahome (Los Mochis) and "at least" 100 booths in Mazatlan.

In Puebla, another ruse was revived: the prior stuffing of ballot boxes with votes for the PRI. In the state capital, the PAN made the accusation that

this was done at more than one-third of the voting booths. The voters themselves discovered the fraud at some and opened and burned the stuffed ballot boxes which led to violence. The PAN took and exhibited photographs of ballot boxes filled with PRI votes before the voting began as evidence.

Finally, "alchemy" was used. In the most "difficult" cases, the fraud was consummated at the vote counts.

This reached its peak in Mazatlan. The official count took place amid constant irregularities and lasted for 3 days. They could not find a way to defeat the PAN vote. At the last minute, the vote packages from 11 booths where the opposition had denounced the theft of ballot boxes "appeared." In spite of the protests of the representatives of the opposition parties, the election officials decided to include the contents of these 11 mysterious packages in the count. They contained 2,231 ballots for the PRI and only 48 for the PAN. That was enough. The PRI candidate for mayor, Ordaz Luna, "won" by only 1,793 votes.

This was a fraud that reached "dastardly" proportions, according to Enrique Vega Ayala, PSUM representative to the Mazatlan Municipal Electoral Committee.

In Juchitan they did everything to prevent a COCEI-PSUM victory. The ultimate was the imposition of the PRI candidate by force.

The List Continues

The third step of the strategy is skillful manipulation of the news media, implemented in Mexico by the Secretariat of Government.

Invariably, even before the voting was over, the PRI proclaimed its sweeping victory in each election without ever mentioning any figures.

Invariably, the opposition parties were blamed for the irregularities that occurred at "some booths."

Invariably, the Secretariat of Government issued press bulletins on the same day as each election indicating that the elections were held "in absolute tranquillity, without serious incident and with strict adherence to the law." At the same time, it "unofficially" reported the complete victory of the PRI.

This last was particularly curious in the case of Juchitan.

On the day after the election--Monday, 21 November--the director of social communications of the Secretariat of Government, Mauro Jimenez Lazcano, accidentally discovered the maneuver. After summoning "source" reporters to an "urgent" press conference, he told them of the PRI victory in Juchitan although he warned them that it was an "unofficial" but "resounding" victory. He suggested that they attribute the statement to the Oaxaca Electoral Committee or to "sources close to the government."

The alleged verbal attack by a group of Puebla PAN members against several local reporters the night of the election there was exploited for a campaign

against the PAN. The accusation of the reporters attacked was published in full-page articles in all the Mexico City morning and afternoon newspapers. This cost several million pesos.

There was also widespread publicity of a terse statement written by the national president of the PRI, Adolfo Lugo Verduzco. He accused the PAN of "degrading politics" and resorting to "slander, insults, lies and verbal abuse."

The statement by the PRI leader was attributed to the very same day that an automobile caravan of Puebla PAN members arrived in Mexico City to protest the election fraud to the Secretariat of Government.

The elections held in Tamaulipas, Guerrero and Michoacan this Sunday could be added to this list of cases that have revived electoral immorality.

In Tamaulipas, Governor Emilio Martinez Manautou "legally" prepared the election fraud, according to separate accusations by the PSUM and the PAN.

The Tamaulipas governor resorted to an unusual maneuver: at the last minute, he amended the state election law. The main amendments that were promulgated a week before the elections refer precisely to the same things as the CEE "agreements" in Baja California, Sinaloa, Oaxaca and Puebla: voting without credentials, reducing the number of party representatives at the booths to one and the number of general representatives to five and requiring that the representatives be residents of the corresponding district.

Martinez Manautou also punctually carried out the task of supporting the campaigns of the PRI candidates with the announcement and inauguration of projects on the eve of the elections in dangerous municipalities like Matamoros where the PAN strength is obvious.

The PAN was also sure of victory in Nuevo Laredo, Valle Hermoso, Reynosa and Rio Blanco, among other municipalities. The PSUM had a good chance in Rio Grande, Xicotencatl, Matamoros, El Mante and Estacion Manuel.

In Guerrero the election was hotly contested by the PAN in Taxco, Acapulco and Buenavista de Cuellar and by the PSUM in the "Montana Roja" municipalities.

In Michoacan, the PAN would cause problems for the PRI in Sahuayo, Zacapu and Uruapan and the PSUM at least in Nueva Italia.

Stephens Garcia predicted: "If the government insists on resorting to power and arbitrary methods instead of political solutions, we will soon enter a stage of massive popular demonstrations for respect for the vote." He explained: "Our party holds political and ideological positions which are absolutely irreconcilable with those of the PAN, a party supported by big business and the more reactionary sectors of the church. Unfortunately, it has capitalized most on the just popular discontent. However, we defend respect for the popular vote and we are willing to unite with other parties for that objective, as in Sinaloa."

The PSUM leader concluded:

"To attribute election frauds only to the state governments would be a mistake: the political hardening is a presidential decision. The role of the Secretariat of Government is fundamental in executing and implementing it and the consequences can be very serious."

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CSO: 3248/339

END