

**Preliminary Report
of the
2009 NLG Election Observation Delegation to El Salvador**

El Salvador, the smallest and most densely populated Central American country with the most extreme disparity of wealth and poverty, has turned a new page. For the first time in its history, a party dedicated to structural improvement of the lives of the majority poor has come to power with the historic March 15, 2009 election of Mauricio Funes, candidate of the FMLN (Faribundo Martí National Liberation Front – the party of the 1980-1992 Civil War guerilla resistance) over Rodrigo Avila, candidate of the ultra-rightwing ARENA party that has governed the country for the past 20 years.

A delegation of 20 members of the National Lawyers Guild joined several thousand international election observers accredited by the national Supreme Electoral Tribunal to monitor the polls from set-up to ballot count. Guild members, who were posted at voting centers in the capital city of San Salvador and the state of Sonsonate, were unanimous in their praise of the civic engagement of the Salvadoran people that pervaded the actual balloting process.

During the week leading up to the election, NLG members met with and accompanied Salvadorans working to overcome the right-wing's well-financed disinformation and fear campaign in order to generate confidence among the population that a vote for change would not be met with reprisals. Our Salvadoran colleagues told us that the presence of international observers, in particular US attorneys, was vital to defend the right to free elections and transparent results.

Despite numerous polls over the last six months indicating a strong victory for Funes, the race tightened considerably in the final weeks leading up to the election, as local media generated tension and fear and local employers threatened to move their businesses abroad or shut them down if the FMLN won. Nevertheless, on Election Day, FMLN and ARENA representatives sat side by side at thousands of voting tables throughout the country for 12 full hours, resolving ballot disputes and agreeing on final vote counts. In the days following the election, even the most right-wing media outlets reported widespread cooperation at the polls, and the defeated ARENA party – founded and still associated with death squad leader Roberto D'Aubuisson – was openly signaling its plans to overhaul its leadership and re-brand the party.

Within days of arriving in El Salvador, Guild members held a well-attended press conference in San Salvador to protest the spreading fear campaign generated by overblown media amplification of statements made on the floor of the US Congress. Republican Reps. Dana Rohrabacher and Dan Burton had proposed that a win by Funes of the FMLN should result in (1) discontinuance of the Temporary Protected Status (TPS) accorded thousands of Salvadoran residents of the US, and (2) the declaration of El Salvador as a "terrorist state", which would effectively block receipt of money ("remittances") sent home by the approximately 25% of the Salvadoran population who live and work in the US – funds that constitute a vital 18% of El Salvador's GDP. The Salvadoran media and ARENA spokespeople were talking of little else.

Guild members demanded, along with thousands of others in the US, that the US Embassy and State Department clearly and publicly declare the neutrality of the US government in the Salvadoran electoral process and its intention to work constructively with whichever candidate and party won the election. Two days before the election, the US Charge d' Affaires, Robert Blau, finally announced the intention of the US to remain neutral and further clarified that the threats of the two Republican representatives did not represent the position of the Obama administration. Blau's statement resulted in the US TPS and remittance controversies disappearing from the headlines of the local print and broadcast media on the final day before the election.

While celebrating the Funes victory, many Salvadorans and international observers questioned what the margin of that victory might have been had business owners and the media not pushed a campaign of fear that jobs and remittances would be lost if the FMLN won the election. The Guild is proud of its role, along with that of other progressive groups, in pressing the State Department to issue a statement of neutrality. We also believe that our presence as certified observers on Election Day contributed to a climate in which people could vote as they wished.

We will issue a report of our delegation activities and observations, as well as make recommendations to the Supreme Electoral Tribunal, in order to contribute to the ongoing process of democratization and movement toward a fair and just society in El Salvador. However, we acknowledge that structural impediments to reform remain, and President Funes will begin to face these challenges as early as June 1, 2009 – Inauguration Day.

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