

# **EL SALVADOR COUNTRY BRIEF: PROPERTY RIGHTS AND LAND MARKETS**

**Alberto Vargas**

Land Tenure Center, University of Wisconsin–Madison



*Land Tenure Center*

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## 1. INTRODUCTION

The purpose of this Country Brief is to assist in the assessment of USAID's investments in land markets and property rights in El Salvador since 1980. The aim is to provide a summary of the available literature related to land market interventions and its impacts in El Salvador.

The preparation of the Country Brief follows the conceptual and methodological framework prepared by the Land Tenure Center (2002).<sup>1</sup> The methodology to prepare this Country Brief consisted of a search, review and synthesis of relevant materials from USAID, the University of Wisconsin library and the Internet.

After this introduction, the second section presents a brief profile of El Salvador and its agricultural sector. The third section describes chronologically several interventions on property rights and land markets in El Salvador since the late 1970s. The fourth section presents a summary of studies on the impacts of donor assistance in property rights and land markets. The evidence provided in this chapter is expected to be useful for the preparation of an assessment of land market impact in El Salvador. The last section presents some conclusions and recommendations for the assessment team. Appendix I present a profile of El Salvador with selected indicators. It is expected that this Country Brief would assist an evaluation team to assess the validity of the following proposition:

*A key to sustainable rural development is legally-secure entitlement to land on the part of the disadvantaged.*

In the preparation of this Country Brief an effort was made to identify and review materials which would be useful to the evaluation team to answer the following general questions:

- (1) What evidence is there which will enable an estimate of the overall success of land entitlement projects in reaching their developmental goals?
- (2) How have the policy and institutional factors, which affect the success of these activities, been identified and assessed?
- (3) How have the implementation techniques and approaches affected activity success?

In trying to answer these questions it should be noted from the start that El Salvador is an unusual case because it recently went through a severe civil war which lasted twelve years (1980-1992) and cost about 75,000 lives. There is consensus that historical agrarian inequalities were a fundamental cause of the civil conflict (Thiesenhusen, 1995; Mason, 1999; Seligson, 1995; Diskin, 1996; Paige 1996). Some of the interventions in titling and property rights discussed here occurred at the same time of the armed conflict. As one analyst expressed, the

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<sup>1</sup> The following document was used to define the scope of the Country Brief: Stanfield, J. David and Peter C. Bloch, 2002, A Conceptual and Methodological Framework For an Assessment of USAID's Investments in Land Markets and Property Rights. Manuscript. Land Tenure Center and Development Alternatives, Inc. Version April 22, 2002.

Salvadoran government simultaneously undertook “an ambitious agrarian reform program and one of the bloodiest campaigns of repression ever witnessed in contemporary Latin America” (Mason, 1999.) Thus it may not be surprising that one of the general conclusions about the effects of the 1980s land reform is that it showed “... precious little progress in resolving one of the central causes of that war: the problem of landlessness among the peasantry” (Thiesenhusen, 1996). After the Peace Accords were signed in 1992 the issue of land tenure remains in the agenda of El Salvador politics and economy and (Binford, 1993; Eddy, 1993; Paige, 1996; Gonzalez Vega, 1998).

## **2. PROFILE OF EL SALVADOR AND ITS AGRARIAN SECTOR**

In this section a brief description of the geography, history, agricultural use and previous attempts at land reform are presented.

### **2.1 GEOGRAPHY<sup>2</sup>**

El Salvador is the smallest country in Central America, covering 21,040 square kilometers, roughly the size of Massachusetts. It is located on the western side of the Central American isthmus. It is roughly rectangular in shape with 515 kilometers of land boundaries and 307 kilometers of coastline on the Pacific Ocean. El Salvador is bounded by Guatemala to the west and Honduras to the north and east, and it is separated from Nicaragua on the southeast by the Golfo de Fonseca.

With 6.4 million people in 2001, El Salvador is one of the most densely populated countries in the region with about 304 people per square kilometer. About 61.3 percent of the population is urban. (World Bank, 2002).

Much of El Salvador’s terrain is dominated by mountains, but also features a narrow coastal belt and a central plateau. El Salvador’s climate is tropical, with the rainy season from May to October and the dry season from November to April. The country is susceptible to frequent earthquakes and volcanic eruptions.

The physical characteristics of El Salvador have important implications for its agricultural and agrarian sector. Two parallel mountain ranges cross El Salvador east to west with a central plateau between them. A narrow coastal plain hugging the Pacific offers fertile lands for cultivation. These physical features divide the country into two physiographic regions. The mountain ranges and central plateau covering 85 percent of the land comprise the interior highlands. The remaining coastal plains are referred to as the Pacific lowlands.

The northern range of mountains, the Sierra Madre, forms a continuous chain along the border with Honduras. Elevations in this region range from 1,600 to 2,200 meters. The area was once heavily forested, but overexploitation led to extensive erosion, and it has become semibarren. As a result, it is the country’s most sparsely populated zone, with little farming or other development.

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<sup>2</sup> The information for this section is taken from Haggarty, Richard E. 1988. El Salvador: A Country Study; and CIA World Fact Book (<http://geography.about.com/library/cia/blcindex.htm>).

The southern range of mountains is actually a discontinuous chain of more than twenty volcanoes, clustered into five groups. The westernmost group, near the Guatemalan border, contains Izalco and Santa Ana, which at 2,365 meters is the highest point in El Salvador. Between the cones lie alluvial basins and rolling hills eroded from ash deposits. The volcanic soil is rich, and much of El Salvador's coffee is planted on these slopes.

The central plateau constitutes only 25 percent of the land area but contains the heaviest concentration of population and the country's largest cities. This plain is about 50 kilometers wide and has an average elevation of 600 meters. Terrain here is rolling, with occasional escarpments, lava fields, and geysers.

A narrow plain extends from the coastal volcanic range to the Pacific Ocean. This region has a width ranging from one to thirty-two kilometers with the widest section in the east, adjacent to the Golfo de Fonseca. Near La Libertad, however, the mountains pinch the lowlands out; the slopes of adjacent volcanoes come down directly to the sea. Surfaces in the Pacific lowlands are generally flat or gently rolling and result from alluvial deposits from nearby slopes.

El Salvador has over 300 rivers, the most important of which is the Rio Lempa. Originating in Guatemala, the Rio Lempa cuts across the northern range of mountains, flows along much of the central plateau, and finally cuts through the southern volcanic range to empty into the Pacific. It is El Salvador's only navigable river, and it and its tributaries drain about half the country. Other rivers are generally short and drain the Pacific lowlands or flow from the central plateau through gaps in the southern mountain range to the Pacific.

Numerous lakes of volcanic origin are found in the interior highlands; many of these lakes are surrounded by mountains and have high, steep banks. The largest lake, the Lago de Ilopango, lies just to the east of the capital. Other large lakes include the Lago de Coatepeque in the west and the Lago de Güija on the Guatemalan border. The Cerron Grande Dam on the Rio Lempa has created a large reservoir, the Embalse Cerron Grande, in northern El Salvador.

El Salvador is divided politically into 14 departments: Ahuachapan, Cabañas, Chalatenango, Cuscatlan, La Libertad, La Paz, La Union, Morazan, San Miguel, San Salvador, Santa Ana, San Vicente, Sonsonate, Usulután.

The country has sustained massive damages from natural disasters, including Hurricane Mitch in October 1998, and the earthquakes of January and February 2001 that left hundreds of people dead, thousands injured, and tens of thousands homeless.

## **2.2 BRIEF HISTORY OF EL SALVADOR AND ITS AGRARIAN REFORMS**

First colonized in 1524 El Salvador achieved independence from Spain in 1821 and from the Central American Federation in 1839.

During the colonial period, a certain tension existed between the hacendados—the owners of private plantations—and Indian communities that laid claim to, but did not always make productive use of, communal lands known as *ejidos* or *tierras comunales*. Although some encroachment by hacendados on Indian lands undoubtedly took place, this practice was not apparently widespread, mainly because the Spanish crown had supported the integrity of the Indian lands.

El Salvador at the time it became independent, unlike most countries in the region, was not afflicted with the inequality of the latifundio-minifundio system—in which wealthy elites controlled both the economy and political system. Apparently most Salvadoran citizens had access to land, and the distribution of wealth and political power was relatively equal (Thiesenhusen, 1995).

This situation began to change during the 1880s, when all common lands were expropriated and consolidated into latifundios. A 1879 decree allowed private individuals to acquire title to *ejido* land as long as they planted at least 25 percent of that land with certain specified crops, most notably coffee and cocoa. *Tierras comunales* were formally abolished in February 1881; the abolishment of *ejidos* in March 1882 left private property as the only legally recognized form of land tenure.

The land concentrated in latifundios was used for coffee production mainly for the export market. Gradually but steadily this trend, which gave rise to the “Coffee Republic” (1880-1927), was repeated with the introduction of cotton and sugarcane in the coastal lowlands in the 1940s and 1950s, and cattle grazing in the 1960s and 1970s.

During these expansions of the cultivated frontier on large estates controlled by the landed elite, peasant families lost their land and became estate workers. At each cycle the creation of agro-export producing estates consolidated Salvadoran wealth and power into fewer and fewer hands. This consolidation of productive land, used previously for subsistence crops, initiated a parallel cycle in which landless peasants either worked on the large estates or searched for new lands to clear and farm. Once cleared, however, the land would usually become unproductive or, alternately, would be annexed to existing latifundios, forcing more migration.

The lower quality land was rented to peasants, who grew staple crops. Because these plots often failed to provide even a subsistence-level existence for them, the tenant farmers often worked as laborers for the coffee plantations as well.

Some campesinos worked under various rental and sharecropping arrangements; however, an increasing number became squatters, with no claim to their land beyond their mere presence on it. This occupation of private and public lands was intensified by rapid population growth and the expansion of cotton production that removed further acreage from the total available for subsistence agriculture.

### **2.2.1 The 1932 land reform and repression**

The world depression of the 1930s, which precipitated a sharp fall in world coffee prices, hit hard in El Salvador. Between 1928 and 1931, the coffee export price had dropped by 54 percent. The loss of income reverberated throughout the society; as always, those on the lower end of the economic scale felt the deprivation most keenly, as wages were reduced and employment levels cut back.

The wages paid agricultural workers were cut by an equal or greater extent. Food supplies, dependent on imports because of the crowding out of subsistence cultivation by coffee production, likewise fell sharply. Privation among the rural labor force, long a tolerated fact of life, sank to previously unknown depths. The government first responded with a limited land reform in to ease this situation and the popular unrest it produced. The subsequent response was

brutal repression. Desperate campesinos began to listen more attentively to the exhortations of leaders such as Agustín Farabundo Martí.

At the beginning of 1931 the country was in turmoil. In March 1931, the candidate of the left-leaning Labor Party, Arturo Araujo, won the election for President. He tried to respond to the deteriorating social conditions with modest attempts of land reform but also had to appease the military. To do this he named General Maximiliano Hernández Martínez as Vice-President and Minister of War. As the economic situation did not improve and the protests continued, Martínez seized power in December 1931 and became dictator (Eddy, 1993). The 1931 coup represented the first instance when the Salvadoran military took direct action as an institution to curtail a potential political drift to the left. This watershed event ushered in a period of direct and indirect military rule that would last for fifty years.

The rural poverty and the overthrow of Araujo combined with the organizing skills of Farabundo Martí led to an uprising of the peasantry. The military's action in response would come to be known as *la matanza*. Some estimates of the total number of campesinos killed in the 1932 repression run as high as 30,000. The widespread executions of campesinos, mainly Indians, apparently were intended to demonstrate to the rural population that the military was now in control in El Salvador and that it would brook no challenges to its rule or to the prevailing system. The memory of *la matanza* would linger over Salvadoran political life for decades, deterring dissent and maintaining a sort of coerced conformity.

After the brutal repression Martínez initiated the first attempt to acquire and distribute land among the landless. In the 12 years of Martínez's rule about 10% of the land in farms at that time was distributed. However, that land reform did not achieve any true change in El Salvador's land tenure structure (Eddy, 1993). The reasons for this failure lay on: the politics of the landowners oligarchy relationship with the military government, both opposed to reform; the social instability after the widespread and excessive repression; the lack of political will to affect the coffee plantation system; and the faulty design of the reform based on "voluntary" sales of property.

Furthermore, the pattern of continuing expansion of the agro-export frontier in the following decades with the introduction of cotton and sugarcane in the Pacific lowlands, and cattle grazing in the plateaus continued to maintain the peasants as impoverished farm workers.

### **2.2.2 The 1965 land reform**

During the 1960s, as rural labor problems became more intense and frequent, a second attempt for agrarian reform was implemented with support from the Alliance for Progress (Eddy, 1993). In reality this reform merely subdivided a few large and relatively unproductive estates owned by the government or bought from willing sellers for eventual purchase by local peasants (Thiesenhusen, 1995). The number of peasants that benefited by this reform was minuscule and thus it did little to contain discontent. But in spite of the reduced scope of the reform, the landowners responded with even harsher measures. A counterinsurgency strategy was deployed under the Democratic Nationalistic Organization (of which the Spanish acronym was ORDEN, meaning "order") (Thiesenhusen, 1995).

The situation in the countryside after the failed 1960s reform was aggravated with the massive return of refugees due to the 1969 War with Honduras. During the 1970s, as Salvadoran emigrants returned from Honduras, increased pressure for available land pushed the issue of

agrarian reform to the forefront of national life. Various peasant and trade union organizations, with the tacit support of many others, including middle-sector business people, professionals, and public-sector employees, as well as certain church groups, increased their activities and demonstrations in support of reform. The Christian Democratic party continued to push the need for agrarian reform. The response from the military-controlled government stressed the maintenance of public order, through repression if necessary, over political change.

In 1972 Jose Napoleon Duarte won the election, running with Guillermo Ungo, of the National revolutionary movement, also a strong supporter of the agrarian reform. But before Duarte took power, Colonel Arturo Molina, the government's candidate was proclaimed winner and Duarte was forced to flee to Venezuela.

### **2.2.3 The 1975 reform**

Expansion of cotton and cattle grazing with its associated massive evictions and repression continued to exacerbate the tension between the landholding class and the peasants. The situation in rural El Salvador in the early 1970s remained critical. According to the 1971 agricultural census, 92 percent of the farms in El Salvador (some 250,500 in total) together comprised only 27 percent of all farm area. The other 73 percent of farmland were combined in only 1,951 farms, or 8 percent of all farms; these farms were all over 100 hectares. Farms between 100 and 500 hectares represented 15 percent of El Salvador's cultivated area. This meant that 65 percent of the rural population was landless or land-poor (owning less than 0.7 hectares). Absolute landlessness for rural families rose from 12% in 1961 to 41% percent in 1975 (Thiesenhusen, 1995).

A third attempt to implement a land reform occurred in the mid 1970s. The government knew that the urban middle class and the progressive Catholic Church were sympathetic to the peasants' plight. As an attempt to reduce pressure, the government created the Salvadoran Institute of Agrarian Transformation (Instituto Salvadoreño de Transformación Agraria, ISTA) in 1975. Landowners easily neutralized any attempts to implement agrarian reforms by ISTA. Even small-scale redistribution programs in the cotton growing area where landlessness was chronic were blocked.

Thus in sum, weak agrarian reforms were alternated with strong repression. The land reform attempts of the 1960s and 1970s threatened the military-oligarchy relationship that historically dominated Salvadoran society. Although the military administrations felt that agrarian reform would be beneficial for future tranquility and productivity in the nation's rural sector, it was conservative landowners and their rural organizations that demonstrated a greater political will to undermine the reforms. The forces which exercised the most political power in El Salvador were opposed to land reform, and the reformist elements of the military lacked the political power and resolve to challenge these forces (Eddy, 1993).

The end result by 1980 was "one of the largest and poorest work forces and one of the most intransigent landowning classes of Central America" (Thiesenhusen, 1995). Furthermore, one of the distinctive features in El Salvador was the consolidation of an alliance between the military and the landed elites. As summarized by Thiesenhusen (1995:145): "Coffee, cotton, sugar and livestock raising all expanded and modernized during the 1960s and 1970s, giving rise to increased peasant displacement and landlessness."

### **3. INTERVENTIONS ON LAND TENURE AND PROPERTY RIGHTS SINCE 1980**

The failed attempts to land reform during the previous decades finally gave rise to an armed insurrection at the end of the 1970s, which led to the bloody 12-year civil war. Leftist organizations of students, workers, church activists and peasants rebelled against the consistently conservative and repressive policies of the military governments. Five groups of armed insurgents advocating more radical measures united as the Farabundo Martí National Liberation Front (FMLN). The reformist archbishop of El Salvador, Oscar Arnulfo Romero, became a spoken critic of the government and advocated for the peasants' cause.

The 1977 elections were fraudulent and put in power an extreme right wing military officer, Carlos Humberto Romero who stepped up repression. As the hope for moderate reforms were destroyed by the government's intransigence and as repression started to target visible Catholic church leaders who advocated peasant rights, a coup was engineered in 1979 by military officials somewhat sympathetic to an alternative route to resolve the critical situation.

A civilian military junta took power in 1979 which included Napoleon Duarte, Guillermo Ungo and Antonio Morales Ehrlich, all strong supporters of an agrarian reform. It is in this context that the 1980s agrarian reform in El Salvador was conceived and launched. It coincided also with the eruption of a guerrilla war and finally a widespread civil war. Archbishop Oscar Romero was assassinated in March 1980.

#### **3.1 THE 1980 LAND REFORM**

The land reform was proposed in three phases, but only Phase I and III were implemented. Phase I of the reform (Decrees 154 and 842) targeted expropriation of landholdings of all persons owning more than 500 hectares as of March 1980. Owners were allowed to retain 100-150 hectares and the rest was to be farmed via a production cooperative established by a committee elected by the workers and a co-manager provided by the government. Phase II, was to extend the same process of expropriation to owners of more than 100 but less than 500 hectares. This phase was never implemented.

Phase III (Decree 207), also known as the Land to the Tiller program, mandated that ownership of land that was leased, rented, or sharecropped would be transferred to the tiller. This phase was modeled in part on the Japanese agrarian reform but also reflected an old Latin American view that land should belong to those who cultivate it rather than to a renter class (Strasma, 1989). Under this phase all tenants and sharecroppers could file claims and become owners of the plot they rented. In late 1987, Decree 839 added a new component of Phase III consisting of "voluntary transfers". The purpose of the decree facilitating voluntary sale to peasants was to bring about transfers using the land market.

The reform transfer process for both of these groups of beneficiaries included a number of steps, terminating in the (definitive) titling and registration of the land to its new property owners. USAID El Salvador had supported the agrarian reform efforts and the main component of the 1983-1987 Agrarian Reform Sector Support Project was to facilitate the land transfer process by accelerating the titling and registering of land adjudicated under the agrarian reform programs. The project particularly targeted Phase III beneficiaries (approximately 50,000 by mid-1983) because they received thousands of small parcels, but the titling and registration of Phase I properties was also included.

### 3.1.1 Implementation of Phase I

Phase I was implemented swiftly. About 300 properties were expropriated in the first three months after enactment. ISTA technicians, together with army and security force units secured the properties and informed the owner of the reform. The ISTA officers were in charge of explaining the new organization to the workers of the farm who became members of the cooperative. Officers of the new cooperative were organized on the spot (Diskin, 1989).

Phase I affected 469 individual properties, with a combined area of 215,167 hectares, almost 15 percent of all Salvadoran farmland. Nearly 36,697 Salvadoran heads of household benefited directly from Phase I of the land. Most of these lands were expropriated by the government and formed into 317 cooperatives.

However, the initial impetus was soon lost and violence and repression escalated. Several reformist members of the junta faced opposition by an intransigent military and were forced to resign. During 1980 alone a wave of 10,000 killings of peasants were reported and attributed to right-wing death squads (Thiesenhusen, 1995).

The government guaranteed the former landholders that they would be compensated and had planned to pay them out of the cooperatives' earnings. However, because the cooperatives experienced major difficulties during their initial years, much of the compensation had to be paid by the government.

By the end of 1985, only 5 percent of the 317 cooperatives formed under the land reform were able to pay their debts. Many lacked capital to buy fertilizer, so yields steadily declined. Nevertheless, by the end of 1987 almost all Phase I compensation had been paid.

One account of Phase I implementation details that the government, aided by the army, expropriated over 230 estates, comprising 15 percent of El Salvador's farmland (or 10 percent, if reserve lands are excluded). This included 14 percent of total coffee land, 31 percent of cotton land, and 24 percent of sugarcane land; over 60 percent of the expropriated holdings, however, were pasture or fallow land, including forests and mountains not well suited to cultivation (Haggarty, 1988).

The expropriated estates were not subdivided, but were turned into production cooperatives run by a hierarchy of skilled managers and unskilled laborers. Under this arrangement, little changed in terms of day-to-day operations. In spite of the communal implications of the cooperative concept, the traditional social hierarchy of managers and unskilled labor remained. In many cases, the same administrators, who still had strong ties with previous landlords and their interests, gave the same orders to the same workers, who saw little evidence of change in their day-to-day situation. The former landowners initially continued to derive income from production on the cooperatives, as part of the cooperatives' profits went to an agrarian reform fund from which the former owners were to be compensated. In addition, because the former landowners could retain 100 hectares, they were often able to keep control of the best land or of processing facilities, which, if necessary, could be reclassified as urban properties. Some landowners also had sufficient time to begin to decapitalize their farms. Some had removed livestock and machinery; others had slaughtered cattle rather than transfer them to the newly created cooperatives. These actions significantly reduced the value of the cooperatives, especially considering that the majority of land affected by Phase I was pastureland.

Since the members of the cooperatives included only the few full-time workers on estates at the time of expropriation, which took place during an off-season period of low labor needs, Phase I did not affect the majority of the population in these regions. Similarly, because the expropriated estates were located in the coastal plain and central valleys, they did not benefit landless peasants in the north and east. Of the original 317 cooperatives, 22 had been abandoned by 1987 as a result of inadequate technical and credit assistance from the government, as well as the adverse economic effects of the civil conflict.

### **3.1.2 Implementation of Phase III**

In Phase III of the agrarian reform, former renters were converted into small landowning farmers. This aspect of the reform was particularly palatable to the conservative government in Washington at the time. It was a land-to-the-tiller program that allowed a *campesino* tenant who farmed up to 7 hectares to claim for legal title the plot he/she rented.

Implementation of Phase III was slow and difficult. If fully realized, Phase III was projected to involve some 13.6 percent of farmland and some 117,000 peasant families. Each beneficiary was allowed to seek title to no more than seven hectares; in practice, given the small size of existing rental plots, many were granted title to plots well below that size; as of 1987, the average Phase III beneficiary had been granted title to a plot of less than two hectares.

Titles given to Decree 207 beneficiaries were not issued by parcel—a title could include various parcels. On the other hand, the project established a new registration system (Folio Real) that appears to be based on a property (land parcel), not the property owner. The new system is to “identify, record, and register each property on an individual basis, with subsequent sales, transfers, divisions or mortgaging of the individual property recorded on the same basis” (USAID 1983: 27). Legislation for the new registry was passed in February 1986 (USAID 1986: 21) and the new system was officially inaugurated in May 1986 (Weisleder & Murillo 1988). Training courses were organized, microfilm equipment for the Registry books, and database software purchased. Unfortunately, an earthquake in San Salvador in December 1986 severely damaged the Registry offices and implementation of the new registry system was delayed.

By mid-1987 only 56,188 potential beneficiaries had applied for title to 79,142 parcels of land. The granting of definitive titles, however, was hampered by bureaucratic inefficiency and chronic budget shortfalls, so that the overwhelming majority of claimants were forced to continue working the land under provisional title.

By 1993, 94 percent of these beneficiary farmers reported having documentation for their property either a formal legal document or provisional “receipts” to show that some payment had been made. This stands in contrast to Phase I holders who usually had no proof of land ownership because the land was titled as one unit. Like Phase I beneficiaries, those from Phase III have been woefully delinquent in paying their land debt.

Moreover, the involvement of army personnel in the implementation of agrarian reform led to an upsurge in combat between government and guerrilla forces in the countryside. This was the case particularly in the northern departments of Chalatenango, Morazan, and Cuscatlan, where there were few privately owned estates but where rural mass organizations were influential. The heightened army presence, combined with population dislocation, reportedly contributed to increased civil unrest in these areas.

In late 1987, a new decree (Decree 839) established a new component of Phase III consisting of “voluntary transfers”. The purpose of the decree facilitating voluntary sale to peasants was to bring about transfers using the land market. Financiera Nacional de Tierras Agrícolas (FINATA), the government agency in charge of Phase III of the agrarian reform, was put in charge of Decree 839 properties. This authority passed to the Land Bank (Banco de Tierras) upon its founding in 1991.

### 3.1.2 Results

The junta government’s failure to implement Phase II allowed the Constituent Assembly to redefine the provisions of land reform that eventually were incorporated into the Constitution of 1983. The assembly, dominated by representatives of conservative political parties, raised the ceiling on maximum allowable landholdings from 100 to 245 hectares. This had the effect of reducing the amount of land available for redistribution from about 72,400 hectares, or 5 percent of Salvadoran farmland, to about 54,300 hectares, or 3.7 percent of farmland. Owners of medium-sized farms had been prohibited by the original 1980 reform decree from selling their holdings; the assembly now granted these owners up to three years to sell their excess holdings to peasants or peasant associations. This provision shifted the onus of reallocation of land from the government to the landowners, thus ameliorating somewhat the problem of inadequate government resources for this purpose.

Thiesenhusen summarized the accomplishments of 13 years of agrarian reform in El Salvador (1980-1992) when the civil war ended and the Peace Accords were signed in Chapultepec, Mexico.

**Table 1: Beneficiaries & Hectares Awarded under Land Reform in El Salvador**

<b>Beneficiaries &amp; Hectares Awarded</b>	<b>Phase I (Decreets 154 &amp; 842)</b>	<b>Phase III (Decree 207)</b>	<b>Voluntary Transfers (Decree 839)</b>	<b>Totals</b>
<b>Families benefited</b>	36,697	42,489	6,041	85,227
<b>All beneficiaries</b>	194,494	259,183	36,850	490,527
<b>Hectares</b>	215,167	69,605	10,922	295,694
<b>Hectares/family</b>	5.86	1.63	1.81	3.47

Source: Thiesenhusen, 1995, p 154.

This agrarian reform achieved some successes. However, the overall assessment of the impacts of the 1980 reform is not encouraging. One analyst concluded that after going through “one of Latin America’s most extensive non-socialist land reforms (incorporating 280,000 hectares of land, or 20 percent of total land area and 10 percent of the population), on the eve of the settlement of the civil war, 54 percent of the country’s workforce, or over 330,000 adults, remained landless, land poor, or unemployed. Thus it is ironic that during El Salvador’s 12 year civil war, in which over 75,000 lives were lost and millions of dollars of damage done to infrastructure, precious little progress was made in resolving one of the central causes of that war: the problem of landlessness among the peasantry” (Thiesenhusen, 1996).

In 1993, a government-gathered sample of 18,000 rural Salvadorans was analyzed together with a smaller sample drawn by a US-based team in order to understand the scope of agrarian transformations in the agrarian structure of El Salvador (Seligson, 1993). Seligson's conclusions of the impacts of the 1980s agrarian reform in El Salvador are equally worrisome as he states that "...the problem of access to land had not been solved for hundreds of thousands of Salvadorans." Because there is not sufficient land available, the landless, land-poor or unemployed are condemn to poverty and deprivation. These groups earn much less than small farmers (Seligson, 1993).

Regarding the performance of the cooperatives created during the agrarian reform, the situation is also disappointing. Although some of the nation's best farmland was turned over to production cooperatives in that early reform, only about half of the cooperatives generate sufficient income to be able to make a required land payment, and only 3.3 percent of the total land debt for these cooperatives has been paid in spite of the fact that the average payments have been reduced by a factor of five due to inflation and government fiat since 1980. Default on production credit remains a major problem on cooperatives even after a major exoneration of outstanding credit in 1990. As a result of these shortcomings the government is attempting to split up and privatize these farms (in a program called "*nuevas opciones*"), giving those cooperatives that are willing to privatize breaks on past land debt (Thiesenhusen, 1996).

### **3.2 LAND ISSUES IN THE PEACE ACCORDS**

A United Nations mediated peace agreement was finally signed on January 1992 and the cease-fire was finally achieved at the end of that year. According to the peace treaty, half of the 56,000 Salvadoran army was to disband by the end of 1993 and a new police force controlled by a civilian minister would be appointed.

Considering the meager results of the 1980s reform, it is not surprising that the land tenure issue remained on the table. The president of ISTA was quoted as saying "Regrettably the entire (peace) treaty rests on the land issue" (cited in Thiesenhusen, 1995). The peace accords stipulated the distribution of about 165,350 hectares of land (about 12.5% of the agricultural land in the country) to approximately 47,500 ex-combatants, renters and tenedores (who fed the fighting groups).

USAID supported the Peace and National Recovery Project in mid-1992, after the January 1992 signing of the peace accords, in support of that country's National Reconstruction Plan. Three types of land transfer activities were supported under this project. One type of land transfer implemented by the Government of El Salvador was for repatriated families, ex-combatants, and landless families. Another type of land transfer was for landless peasants through the Land Bank (established in 1991) on a willing buyer-willing seller basis. The Land Bank aimed to regulate the process of acquisition and distribution of lands. The third type of land transfer activity was a pilot project for beneficiaries, who had received land under a group (*proindiviso*) title, to subdivide the land among families and be issued individual titles.

The Land Bank was created after the war to revitalize the land market, but responsibilities of the Land Transfer Program (*Programa de Transferencia de la Tierra* or PTT) were immediately thrust upon it. Some analysts warned that increased land prices would rapidly deplete the resources of the Land Bank (mainly supplied by foreign governments as loans and grants), which

were based on land prices during the war, leaving it unable to fulfill its original goals (Eddy, 1993).

The peace accords formed a Special Agrarian Commission to oversee the transfer of land from landowners to ex-combatants. The FMLN compiled an inventory of land claims, which were then verified by the commission. Land purchased from willing sellers at market rates was to be turned over to new recipients, who must repay the price over thirty years (Binford, 1993).

Analysts were skeptical of the feasibility of the land distribution considerations under the peace accords for several reasons. One analyst explained his concern:

The peace accords that concluded the war may, at best, resolve the landlessness problem of some 75,000 adults, thereby leaving a residue of 255,000 adults, or 40 percent of the farm work force, landless, land poor, or unemployed. In absolute numbers, this is about the same number of Salvadorans who were landless or land poor prior to the onset of the civil war. These numbers attest to the slowness of agrarian reforms when compared to the natural increase of the population.

El Salvador will never be able to adequately address the problem of landlessness and can only hope that a viable industrial sector develops soon to draw people from the land and employ them productively. The reason: El Salvador is the third or fourth most densely populated country in the world having about 240 people per square mile.

If El Salvador were to provide all of the landless, land poor, and unemployed in the countryside a 3.5 hectare piece of land, together with the amount going to combatants as a result of the peace accords, it would require 1.2 million hectares of land, or 56 percent of the total land area. Land scarcity is exacerbated by extreme soil degradation: El Salvador has a smaller percentage of its land taken up by forests than any other country in Latin America. El Salvador has too many people and too little land to allow it to address landlessness without substantial help from the industrial and informal sectors of the economy (Thiesenhusen, 1996).

Seligson (1993) also expressed his disappointment over the prospects of the land distribution provisions in the peace accords as those who did not fight and stayed on the sidelines got nothing from the negotiations. But furthermore, due to urban migration, the absolute and relative size of the poor in rural areas did shrink, so there is less incentive for political parties to attend the needs of those disadvantaged groups.

Binford (1993) concluded that land redistribution is a crucial ingredient for peace in El Salvador even if an industrial strategy is implemented to absorb excess labor. Access to land, credits and markets as well as shifting the income from the wealthiest to the poorest are crucial elements to solve the poverty in the rural sector. Land reform is one way to raise incomes and increase the internal market in the recovery process.

However, some analysts warn that as politics and social stability are less a determinant for the land reform provision of the Peace Accords, the lack of resources (land available and financial support) and environmental degradation are the core barriers of this new attempt to redistribute land to the poor (Eddy, 1993).

The lack of impact assessments of the land transfer issues of the peace accords prevents a final conclusion of the real effect of this land redistribution attempt.

### **3.3 OTHER LAND ADMINISTRATION INTERVENTIONS**

The government of El Salvador formulated a new agrarian policy in 1994 (World Bank, 1996). This new policy aims to:

- Finalize, as quickly and efficiently as possible the land transfers agreed on the peace accords and complete the parcelizations requested by the agrarian reform cooperatives. The goals of the peace accords were supposed to be met by the end of 1995.
- Ensure security of tenure to promote investment and enable transfer of land.
- Streamline state agrarian reform institutions
- Consolidate and restructure agrarian debt
- Create a free market for land to facilitate access and create employment opportunities for the rural poor
- Design and install an efficient rural finance system.

To assist El Salvador in this effort the World Bank committed \$50 million dollars in 1996 for a land administration project with the following objectives:

- to regularize' land registration for El Salvador's estimated 1.6 million parcels of rural and urban land; and
- to create an efficient, streamlined, and financially self-sustaining nationwide cadastral mechanism for mapping and land registration-the new National Registry Center.

Land registration would provide land owners-particularly the vast majority of smallholders who lack clear tenure-with the security that will enable them to sell or rent at fair market prices, and pass on their holdings as inheritances. Improving tenure security would also increase smallholder access to credit, raising incentives to invest and to manage land properly (World Bank, 1996).

A 2002 country brief of the World Bank stated that the Land Administration Project became a key operation in rural and urban areas. The project supported land cadastre and registration, and used these activities for disaster mitigation and prevention (e.g. hazard mapping), identifying the best available, risk free areas in which to resettle the population in the aftermath of the 2001 earthquake.

Among the accomplishments of this project, the World Bank cites:

- Establishment of a unified land registry and cadastral system under a single institutions (Centro Nacional de Registros);
- Active participation by civil society in the regularization of land in key departments;
- Internet access to land records;
- Agreement between the CNR and metropolitan San Salvador municipalities to develop and share cadastral data;
- Initial participation by selected municipalities in the maintenance and use of cadastre information.

According to the World Bank, the project has provided El Salvador with one of the most modern systems of land administration in Central America. The World Bank assessment also states that El Salvador now serves as a model for other land administration systems throughout the region.

In spite of these accomplishments mainly in technical aspects of establishing a land registration and cadastral system there are some concerns regarding the participation of the poor and their access to the land market. In 2002, the World Bank also sponsored a Regional Workshop on Land Issues in Latin America and the Caribbean<sup>3</sup>. One of the background papers for the Land Administration topic in the Workshop was a case study for El Salvador. When asked to document the level of activity of the land market, and how the formal and informal mechanisms of land markets were operating, the respondents from El Salvador had the following comments<sup>4</sup>:

“In general people do not want to answer (land market) surveys because they are afraid of taxes. As the person who buys property must pay a transaction tax, the value is generally underestimated. This does not allow to have a good picture of the formal market and affects the income of the CNR”

“The implementation of the computerized center in Sonsonate has showed a 15% of transactions per year, which may mean 20,000 transactions per month in the country”.

“The formal market is constituted by the registered transactions. If the formal market does not have reliable statistics, the informal market is totally unknown, eluding even more any observation or quantification.”

“The rental market is unknown because the rental transactions are not registered”.

“The valuation of transferred property is stipulated in Article 33 of the Cadstre Law. Due to lack of an executive decree, a system for land valuation does not exist.”

“There is no monitoring system of the land market in El Salvador, but data from the SIRyC were used in samples to estimate an average of land values in the Salvadoran market.”

The price of rural land is between US\$ 0.3 and \$2.2 per square meter. An exception is in the San Salvador Department where the price is around US\$ 120 per square meter. It may seem an abnormal price which should take into account land not well classified due to location and/or improvements.”

“Regarding urban land the average prices are between US\$3.3 and \$446.”

“In the Western region, in the Ahuachapan Department there is no price difference between the main city and the rural areas (US \$20). In Sonsonate the ratio is 1 to 6 between the main city and the rural areas ( US\$ 9.5 to \$63). In the Eastern region the difference is similar (US\$3.3 to \$23).”

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<sup>3</sup> Regional Workshop on land Issues in Latin America and the Caribbean. Pachuca, México: May 19-22, 2002. The materials for this Workshop are available from the World Bank at: <http://lnweb18.worldbank.org/ESSD/essdext.nsf/24ByDocName/RegionalWorkshopsLatinAmericaCaribbeanWorkshop>

<sup>4</sup> Author's translation.

“In San Salvador, the difference is 1 to 3 (rural area prices versus main city prices) but with a very high average price (US\$150 to \$450). This could be explained by the condominiums, location of property or integration of parking lots.”

The case of El Salvador was not used as an example in the Workshop discussions. The evidence seems to be scattered regarding the current situation of land markets in the country.

#### **4. OTHER EVIDENCE OF IMPACTS OF PROPERTY RIGHTS INTERVENTIONS**

Thus what has been the real impact of the past interventions to increase tenure security and foster economic development? The understanding of the situation in post-conflict El Salvador regarding land markets has received considerable attention. BASIS (Broadening Access and Strengthening Input markets) is a project funded by USAID and administered by the University of Wisconsin Land Tenure Center. El Salvador was selected as one of the sites for a project to assess issues related to access and input market systems.

The Central American Regional Program of BASIS (Gonzalez-Vega, 1998) conducted a field mission in 1997 in El Salvador. The general conclusion was that the market for land in El Salvador was weak. The team mission observed disequilibriums in the land market reflected in fragmentation of the market for land. The disequilibrium also causes ill utilization of the resources and reductions in the productivity of agriculture.

Some lands are under-utilized. Ironically, these lands occupy some of the best lands in the country in terms of quality of soils, water availability and slope. The mission reports that “a large proportion” of these lands is owned by agrarian reform cooperatives from the 1980 reform. Some of these lands are also subject to urban-agricultural competition, reflecting demand for land as remittances from Salvadoran abroad are sent to the country.

On the other hand there are lands that are severely over-utilized. Most of these lands are occupied by small subsistence farmers. These lands are also in poor soils on the hillsides with low agricultural productivity and high potential for environmental damage. Many of these lands are owned by the poorest and least educated individual farm owners.. “Low productivity, poverty and resource degradation go hand in hand at these locations” (Gonzalez-Vega, 1998; Hopkins et al , 1999).

Another study sponsored by BASIS tracks the effects of asset ownership and labor markets to manage economic insecurity (Conning et al, 2001). Results showed that households that owned even small amounts of land or other productive assets were better able to protect the marginal return to household labor and maintain their children in school in years of economic hardship. In response to shocks, households fall back on farm and self-employment where they had the ability to intensify the use of land and other owned assets. Non-farm employment options are also important but the way in which households juggle their time between different types of employment is highly fluid. Raising productivity on small-farms can just as surely raise incomes and insert households into the market, according to the results of this study (Conning et al, 2001).

## 5. CONCLUSIONS AND RECOMMENDATIONS

- The literature on land reform for El Salvador is vast. However, attempts to assess the effects of interventions on land markets and property rights are difficult to interpret due to the legacy of violence at the time that some of the interventions took place.
- Since the 1980s, there have been three major interventions that impact the land market: land titling and registration, the Land Bank, and the parcelization of production cooperatives. We found, however, that there are very few studies that attempt to measure land market impact of these interventions. It is therefore not possible to assert that these interventions have improved the functioning of the land market.
- El Salvador is a small country with very high population density and a skewed land distribution.
- Historically land conflicts in El Salvador could be traced to the late 1880s when legal reforms abolished communal property and started a process of land consolidation and peasant displacement. Expansion cycles encouraged production of agro-exports on large estates, mainly coffee, cotton, sugarcane and cattle grazing, aggravating land conflicts.
- El Salvador's landed elite and the military joined forces since the early part of the 20th century to repress peasant discontent due to displacement and forced labor in the agro-export estates. External shocks, such as the 1930's economic depression, the war with neighbor Honduras in 1969, and reformist activism in the 1970s brought extreme and violent repression to the rural population.
- Attempts to implement substantial land reform failed in 1932, 1965, and 1975.
- The 1980s land reform occurred in the midst of a bloody civil war which lasted 12 years and cost 75,000 lives. Although one fifth (280,000 hectares) of the total agricultural land was distributed and one tenth of the population (490,000 people) received benefits, at the end of the civil war about 330,000 (54% of the country's labor force) remained landless, land-poor or unemployed.
- The 1992 Peace Accord included provisions to continue and strengthen land distribution and created a Land Bank, but analysts remained doubtful of the ability of El Salvador to achieve substantial results. In part the high population pressure and the lack of available land made it difficult to correct the inequalities.
- Recent studies show severe weakness and disequilibriums in the land markets in El Salvador. A new strategy remains to be designed and implemented to correct long-standing inequalities in the country.
- Field studies could help to discern the specific situation regarding land markets in El Salvador, but one conclusion shared by many analysts is the need to allow for other investments in education and health improvements to correct the damages of historical erosion of human and social capital before substantial progress could be achieved regarding land tenure in El Salvador.

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## APPENDIX I: SELECTED INDICATORS<sup>5</sup>

Total Population	6.4 million (2001)	
Urban Population	61.3%	
Population density	304 people per square kilometer	
Annual Growth Rate	1.9%	
Illiteracy rate (males)	18%	
Illiteracy rate (female)	23.4%	
GDP (current)	1997	2001
Total	11.1 billion USD	14 billion USD
GNI per capita	1,820 USD	2,050 USD
Status	Independent (January 1841)	
Capital	San Salvador	
Official Language	Spanish	
Land use:		
arable - land	27%	
permanent crops	8%	
permanent pastures	29%	
forests and woodland	5%	
other	31% (1993 est.)	

### Structure of El Salvador Economy

<u>Sector (% of GDP)</u>	<u>1981</u>	<u>1991</u>	<u>2000</u>	<u>2001</u>
Agriculture	34.4	17.1	9.8	9.5
Industry	22.5	26.7	29.5	29.7
Services	43.1	56.2	60.7	60.8
Remittances				3

<sup>5</sup> Source, The World Bank, Country Profile.