

## INTRODUCTION

The United Nations Observer Mission in El Salvador (ONUSAL), the result of the dialogue and negotiation process between the Salvadorian government and the Farabundo Martí National Liberation Front (FMLN), constitutes the first UN attempt to mediate the settlement of a non-international armed conflict.

Qualified by the UN as the perfect negotiation process, it consisted of a series of agreements over essential issues regarding Salvadorian society. In April 1990, the parties to the conflict met in Geneva and agreed that the purpose of the process was to end the hostilities by political means. In May of the same year, in Caracas, Venezuela, the parties defined the general agenda and schedule for a comprehensive negotiation process, including armed forces, human rights, judicial and electoral systems, constitutional reform as well as economic and social issues.

On July 26, 1990, the parties signed the San José Agreement in which the government of El Salvador and the FMLN, in accordance with the provisions of the Geneva Agreement, agreed upon the creation of a UN verification mission, whose purpose was to investigate human rights violations and to take any appropriate steps to promote and defend human rights. The Mission was initially conceived to begin its tasks after the cessation of the armed conflict, a period that was later modified at the request of the parties, in order for the mission to start before the cease-fire. In the San José Agreement, the parties conferred wide powers upon the Mission and pledged themselves to cooperate fully with it. Three more agreements were signed, the last of them being the Chapultepec Agreement of January 16, 1992, which brought the parties to the end of more than a decade of hostilities.

The ONUSAL Mission is the first UN mission to have consisted of the three phases an ideal mission should have. In its Peace-making phase, during the development of the hostilities, the Mission created the right atmosphere for a cease-fire. As a Peace-keeping mission, it performed tasks to assure the demobilization of the parties and the seizure of the weapons. As the first UN post-conflict peace-building mission, the ONUSAL collaborated in reforming governmental institutions, monitoring 1994 elections and supervising land reform. Without any precedents in history, the ONUSAL was the first UN mission to accomplish its tasks of verification and observation of the respect for human rights and international humanitarian law during a non-international armed conflict. The relevance given to these legal systems in the mandate of the ONUSAL confer on this Mission a unique character.

From the humanitarian law perspective, this work studies the benefits and disadvantages intrinsic to a political body in monitoring the respect of international humanitarian law, and analyzes the new requirements demanded by the enlargement of the functions of the UN in this legal system of protection. The analysis is based on the Reports of the ONUSAL which were prepared during its peace-making phase, and

focuses on the question to what extent the Mission succeeded in assuring a better protection of humanitarian law norms. These Reports are included in the Appendix with a dual purpose, that is, first, to enable the reader to verify the basis of the assertions made and to overcome the difficulties the limited distribution of the Mission's Reports may well present, and, secondly, to bear witness to the suffering experienced by Salvadorian society. Moreover, this examination identifies certain constraints for a UN mission in verifying the respect of humanitarian law norms and formulates some proposals to improve the effectiveness of the UN in the surveillance of these norms.