



TESTIMONY OF CLAUDIA UMAÑA ARAUJO

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Chairman, Bennie G. Thompson
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Thank you for the opportunity to testify today before the U.S. House of Representatives Committee on Homeland Security. My name Claudia Umaña Araujo and I am the president of the Salvadoran Foundation for Economic and Social Development, FUSADES, a Salvadoran Think Tank, apolitical and non-profit organization that promotes economic and social progress for all Salvadorans through sustainable development and within a system of democracy and individual liberties.

The aspect that I would like to convey this morning is, that Central American Civil Society is and will play an important role in promoting a long-term vision on the structural changes that need to be made in order to address the chronic conditions that create the push factors.

Today the Northern Triangle needs to stabilize and maintain the institutionalization of our young democracies. On this front, public corruption and weak rule of law are the most persistent and long-standing challenges for strengthening democratic institutions and sustaining inclusive economic development in the region. As Fusades we have been raising awareness in El Salvador on how corruption has eroded democratic norms, exacerbated poverty, widened social inequality, and contributed to the conditions that force migrants to leave their homes.

Democratic fatigue

According to the Economist Intelligence Unit's Democracy Index, there is a backslide in most of the Central American countries¹. Democracies are fragile because they have not been able to deliver the prosperity that was expected of them. The democratic institutions even though they were in general well designed, their performance did not meet the level of expectations of a modern society², specially the younger generations. Good governance matters and we can never take democracy for granted. In El Salvador since the signing of the Peace Accords, we have had the opportunity to experience civil liberties and stability in relation to other countries in the region. But we have been battling with serious problems, like gang related violence, corruption, inequality, lack of a good education and migration. On a positive note we had advanced in free elections, freedom of speech, access to information, apolitical armed forces and an independent Constitutional Court.

But trust in the traditional parties eroded, President Bukele ran to office in 2019, claiming he would combat corruption and promised change while he capitalized on the corruption scandals. Harnessing the potential of social media, and using twitter as his government communication platform, he has exercised power beyond the constitutional limits and by defying the checks and balances mechanisms of the Republic.

Bukele had gained control of the National Assembly when his party and allies obtained a supermajority in the legislative branch. With his charismatic leadership he won the Congress elections by a landslide. And has installed a logic of the "winner takes it all". On the first day of the new legislative session in May 2021, the Salvadoran legislature acted to remove unconstitutionally five Supreme Court justices and the General

¹ "The Economist Intelligence Unit's Democracy Index recorded a decline in their overall score, as country after country locked down to protect lives from a novel coronavirus. The global average score fell to its lowest level since the index began in 2006". See The Economist Intelligence Unit, "[Democracy Index 2020: In sickness and in health?](#)", accessed June 7, 2021.

² FUSADES, "[Las Instituciones Democráticas en El Salvador: Valoración de Rendimientos y Plan de Fortalecimiento](#)", accessed June 7, 2021.

Attorney—a worrisome trend by President Bukele and his party undermining the separation of powers. These movements allowed him to consolidate control over all three government branches³.

His rapid consolidation of power by using the tools of democracy to destroy democracy is a trend in an authoritarian path that can leave power unchecked and become very corrupt, “Power tends to corrupt, and absolute power corrupts absolutely”⁴. The USAID, international allies and international cooperation have been clear in reiterating that the respect for the separation of powers, a strong civil society, an independent judicial system and strong rule of law are pillars of any democracy⁵.

We are no longer by the rule of law, and slowly moving to a rule of fear. Instead of having separation of powers, now we have a total concentration of power. Ricardo Zúñiga in his visit to El Salvador met with President Bukele, and he asked to reverse the changes to the Court and Attorney General, but the President said this was not an option, that his decisions were irreversible. In the last weeks a raising tension between El Salvador and the United States has been noticeable⁶. It is regrettable to see how in a matter of weeks a relationship has deteriorated with a strategic ally of El Salvador that provides a home to more than 2 million Salvadorans and sends remittances that constitute more than 20% of our GDP⁷.

According to the 2020 Corruption Perceptions Index from Transparency International, the Northern Triangle countries have a worse ranking than at least one hundred and three of the one hundred and eighty countries surveyed, with Honduras ranking at one hundred and fifty-seven, Guatemala at one hundred and forty-eight, and El Salvador at one hundred and four. A confluence of internal and external forces in recent years—including the penetration of organized crime and narco-trafficking into local governance and national politics, and the fiscal measures that the COVID-19 pandemic and natural disasters have demanded—has opened new ground for corrupt practices and exacerbated old ones.

The justice systems need reforms, capacity-building efforts, and resources that incentivize accountability and transparency over impunity and corruption. The 2014 Plan of the Alliance for the Prosperity in the Northern Triangle (A4P) provided an initial blueprint to update and expand upon for supporting national, regional, and international anti-corruption efforts, but efforts fell short of their intended objectives.

In Guatemala, the emblematic United Nations (UN)-backed International Commission against Impunity (CICIG) and the attorney general directly led to the jailing of both then-President and then-Vice President. In Honduras, in 2016, a case at the Honduran Social Security Institute—where an estimated \$300 million in public funds were embezzled—provoked civil unrest and sparked the creation of the Organization of American States (OAS)-backed Mission Against Corruption and Impunity (MACCIH)⁸.

Today, CICIG and MACCIH have ceased. And CICES will end operations by the end of the month in El Salvador. These decisions, among others that have undermined transparency and anticorruption mechanisms were widely criticized by the international community and civil society, and seen as a step

³ FUSADES, [“Para no perder las libertades, debe restablecerse el orden constitucional”](#), accessed June 7, 2021.

⁴ Lord Acton, [“Letter to Archbishop Mandell Creighton”](#), accessed June 7, 2021.

⁵ USAID, [“USAID redirects assistance for Salvadoran government institutions to civil society groups”](#), accessed June 7, 2021.

⁶ Alexander Pineda, [“Bukele se reúne con cuerpo diplomático para justificar destituciones de fiscal y Sala”](#), Diario El Mundo, accessed June 7, 2021.

⁷ FUSADES, [“El Salvador. Año Político Junio 2020 - Mayo 2021”](#), accessed June 7, 2021.

⁸ See Atlantic Council, [“Combating Corruption in the Northern Triangle, Prioritizing a whole of society approach”](#), accessed June 7, 2021.

backwards in the fight against corruption in these countries and a lack of commitment of the governments in sustainable mechanisms to pursue corruption.

Uniting civil society through a just cause

According to a recent article of the New York Times about the questionable results of the U.S. cooperation in the Northern Triangle, and that I am part of the civil society space in El Salvador, that has been dedicated to build a well-governed and prosperous society over the past decades. I would like to address the elephant in the room: why corruption and migration are still a problem in a country where the U.S. taxpayers have contributed significantly with millions and billions of dollars⁹.

First, the fight against corruption had been showing great progress and concrete results until recently. For the first time in Salvadoran democratic history, a former president was indicted and then convicted for grand corruption. That showed to the people of El Salvador, and especially to their elected officials and public servants, that using public resources for their own benefit, in a country where almost forty percent of the population still lives in poverty, had severe consequences. But getting to that point was not easy at all: it required years of civil society advocacy to pass a Freedom of Information Law¹⁰, which came into effect in 2011 and ended among the top 5 legislations of that kind across the world; a significant amount of money for the Institute for Access to Public Information (IAIP, by its acronym in Spanish), which started functioning in 2012¹¹, to enforce the new legal framework; hours of training to government employees from national and local entities to provide public information to citizens who requested it; and tons of resources, energy, time, and social mobilization to promote transparent and merit-based appointments of the heads of key oversight officials, such as the Supreme Court justices, the Attorney General, and the Institute for Access to Public Information, to enable an ecosystem where laws, and not private interests, govern the life of millions of Salvadorans¹².

The contribution of the U.S. Government was critical in all the processes I just mentioned. It entailed not only supporting a vibrant civil society that was willing to address sensitive issues, including the organization I currently represent, but to engage with political actors and build bridges across different sectors to reach common ground in favor of good governance and prosperity. In other words, if you want to pick a benchmark of U.S. cooperation in the Northern Triangle, the enactment of the Freedom of Information System in El Salvador is definitely one.

In this context, migration is just the peak of the iceberg of a long list of structural deficits in countries like mine. Good service delivery is a simple aspiration if citizens are not even able to understand where the money goes. Moreover, if citizens are not able to hold their government accountable, probably there won't be any public service at all, and their taxes will end up in corrupt hands. When we think about the roots of any issue, such as migration, we are acknowledging that the problem is systemic in the sense that there is more than one solution and that these are long term.

The lack of a robust open government is one of the main causes of the lack of opportunities that ends in massive irregular migration. But thanks to the Freedom of Information System that the government established together with civil society organizations, the private sector, media outlets, and international

⁹ Nathalie Kitroeff and Michael D. Shear. U.S. Aid to Central America Hasn't Slowed Migration. Can Kamala Harris? <https://www.nytimes.com/2021/06/06/world/americas/central-america-migration-kamala-harris.html?action=click&module=Spotlight&pgtype=Homepage>, accessed June 9, 2021.

¹⁰ [Ley de Acceso a la Información Pública](#).

¹¹ USAID was instrumental in the early phase of the IAIP, to pay their functioning.

¹² See FUSADES, "Sistema Nacional de Transparencia y Anticorrupción: diagnóstico y propuesta".

cooperation we started to see important outcomes. In 2015, the Institute for Access to Public Information confirmed that declarations of assets submitted by government officials had to be disclosed¹³. This consequential decision triggered three important paths: a) that the Supreme Court's Probity Unit, ordered the starting of the judicial process for illicit enrichment, b) efforts within the investigative journalism community, which informed the public about mismanagement of public resources, c) the Attorney General Office opened investigations regarding the abuse in the use of public funds and proceed to the indictment of big corruption cases, of three former presidents. That's how in 2016, former president Antonio Saca, who is now in prison, was arrested for mismanaging more than \$300 million; and how in 2018, Mr. Saca was finally convicted. This is the only case that concluded. The other two Presidents, one died and the other one ran from justice¹⁴.

By 2018, apprehensions of Salvadorans at the Southern Border had significantly decreased in comparison with the spike seen in 2014. Even in 2019, when a new spike took place, El Salvador kept much lower numbers compared to our neighbors¹⁵.

However, since 2019, and particularly over the past 16 months, we have seen an accelerated deterioration of basic principles of transparency, democracy and the rule of law; and what was built in the past decade to make sure Salvadorans had a government responsive to their needs and accountable for its actions, has been swept away in a few weeks.

The crucial actions that eroded the transparency institutions were: i) the appointments of the access of information authority with commissioners that lacked independence and technical knowledge they needed to perform their duties, ii) the approval of the Law for the use of products for medical treatments in exceptional public health situations caused by the COVID-19 pandemic¹⁶; it eventually benefits people who could have participated in acts of corruption due to the immunity established in said law¹⁷, iii) the government decision not to publish the First Descriptive Report on the Quality, Effectiveness and Legitimacy of the use of Public Funds in response to the COVID-19 pandemic. In said Report, a series of irregularities with a criminal appearance are found that must be investigated¹⁸, iv) breaking the agreement of the International Commission against Impunity in El Salvador (CICIES), v) the recurrent attitude of the Government of trying to induce authorities to investigate actions of opposition politicians exclusively and using institutions as instruments of political persecution by the Government¹⁹.

We cannot deny that there were structural factors that enabled the situation we're facing right now. Social and economic inequality, the lack of renovation within the political parties' leadership, and poor levels of political culture and collective memory of a society that suffered the bloodiest civil war in the continent in the past century are some of those structural factors.

¹³ FUSADES, "[Informe de Coyuntura Legal e Institucional segundo semestre de 2015](#)", accessed June 7, 2021.

¹⁴ FUSADES, "[Informe de Coyuntura Legal e Institucional segundo semestre de 2018](#)", accessed June 7, 2021.

¹⁵ Jonathan Hiskey, "[Decision Points: The Changing Dynamics of Emigration Intentions in Northern Central America](#)", accessed June 7, 2021

¹⁶ OAS Promulgated by means of legislative decree No. 7 dated May 5, 2011 and published in the Official Gazette. Nº 85 Volume 431 of the same date May 5, 2021

¹⁷ [Statement from the OAS General Secretariat on CICIES](#), accessed June 7, 2021.

See "[Ley para el Uso de Productos para Tratamientos Médicos en Situaciones Excepcionales de Salud Pública ocasionadas por la Pandemia COVID-19](#)", accessed June 7, 2021

¹⁸ [Statement from the OAS General Secretariat on CICIES](#), accessed June 7, 2021.

¹⁹ [Statement from the OAS General Secretariat on CICIES](#), accessed June 7, 2021.

At this point, it is clear that at the domestic level only civil society and independent media can contain the path to an authoritarian regime. It is also clear that without the support of the international community in protecting human rights defenders, civil society, and journalists, the concentration of power will be even greater than it is right now. And also, without an international community that enforces multilateral agreements, from the Inter-American Democratic Charter to the conditions in development funds granted by cooperation agencies and international banks, the job will be almost impossible.

The USA has been a strategic ally for good governance

The United States has invested a total of \$737 million in El Salvador through the Millennium Challenge Account I and II, which has been used to renovate schools, improve roads, agricultural projects, and empower women. It also supported the national civil police with equipment and the justice system with investment in technology and training, and more recently has donated \$30 million to combat Covid 19. In addition, USAID has donated \$96 million to reinforce security and support economic growth and institutional strengthening²⁰. For all of these as Salvadoran we are very grateful.

Our countries have intertwined destinies, and the US has proved to be a strategic ally because we've had a long-term relationship based on a common vision; prosperity and democracy are two fundamental pillars.

An example of this shared view, is the Northern Triangle Prosperity Project, which pillars are still in place like fostering the productive sector, developing human capital, improving citizen security and access to justice and strengthening institutions and improving transparency. Much of the capacity building for judges and the General Attorney's Office, during this time, the democratic institution framework of El Salvador was able to persecute the corruption cases that we have previously mentioned. Currently, there are other great initiatives for the region, like the creation of the Northern Triangle Anticorruption and Impunity Center (Centro contra la Corrupción y la Impunidad en el Norte de Centroamérica)²¹ promoted by civil society organizations, and on the other hand the announcement of US Vicepresident Harris, regarding the creation of the Anticorruption Regional Taskforce, both very promising tools to combat corruption.²²

Breaking the vicious cycle of corruption in the region will require a holistic, long-term approach that brings together governments, civil society, and businesses under a common anti-corruption agenda with bold, innovative, and locally driven policy solutions. It's important to placing a special emphasis on building capacities, strengthening existing cooperation with local partners, and finding new spaces for collaboration to combat corruption over the long term in Central America²³.

We appreciate the assistance that the United States has given the region during the past decade. But the challenge that we face is complex and long term.

At this time, I can assure that civil society is still a very important ally for the USA and that every day the civic space is deteriorating and shrinking, and we need to continue to work to strengthen democratic governance. Freedom of expression is threatened and there is harassment and attacks against the independent press. Freedom of information has been weakened due to the loss of autonomy of the Institute for Access to Public Information, and the government's refusal to release information. There are also big concerns regarding

²⁰ See La Prensa Gráfica, "[Llegada de Jean Manes, encargada de negocios de EUA en El Salvador](#)", accessed June 7, 2021.

²¹ Visit: www.ccinoc.org

²² Soudi Jiménez, "[En visita a Guatemala, la vicepresidenta Kamala Harris apunta que 'debemos cortar de raíz la corrupción'](#)", Los Angeles Times, accessed June 8, 2021.

²³ See Atlantic Council, "[Combating Corruption in the Northern Triangle, Prioritizing a whole of society approach](#)", accessed June 7, 2021.

freedom of association, due to government intimidations and the risk of political persecution against civil society organizations that are advocating for accountability and the respect for the rule of law.

USAID, along with cooperation agencies from European countries, can continue to work with civil society to promote increased transparency. A continuously involved civil society and independent media will be important factors in promoting a long-term vision on the structural changes that need to be made.

Due to the digital revolution²⁴, transparency and rule of law need to become part of the Northern Triangle Public agenda and to be able to do so, there is a need to understand new ways to create specific messages targeting different audiences that would spark higher public interest.

CONCLUSION

There is no one answer for addressing the root causes of migration, being a multicausal humanitarian crisis. I firmly believe that civil society leaders can help focus on generating support for innovative policy solutions to some of the most pressing challenges in the Northern Triangle, which are similarly many of the root causes of migration in the region. Civil society in El Salvador has come together joined by democratic values and we will stand together to collaborate on this pursuit. Achieving lives with dignity and creating the dream of prosperity in our counties is our priority.

Rule of law is necessary to a path to development and prosperity. We need people to believe in democracy and foster a culture of rule of law instead of impunity. We need to ensure that all the lost progress regarding corruption and impunity in Central America is regained. This means a cultural change where there is respect to human dignity, civic education in what it means to live in a prosperous society. We must be clear that in the path of transcending from underdevelopment to development, we cannot bypass the democratic process.

We need to incorporate more voices and through diversity of visions build a better future where institutions are more in tune with citizens' needs. We need new standards on regards to transparency in the digital era, there are more tools like blockchain, and in general to walk together in the exploration of new and creative ways to tackle the push factors. Innovations and civil society in the region must be part of the equation.

Cooperation and a long-term perspective are essential. But cooperation can't be a blank check, we need to create more sustainable mechanisms for oversight and tracking via comprehensive metrics. The continued support of the US Congress on democratic promotion, the separation of powers, and the independence of the judiciary in the Northern Triangle should be maintained to foster reforms.

²⁴ . George W. Bush Presidential Center. Bush Institute. A Digital Strategy for Competitiveness and Integration in the Northern Triangle. <https://www.bushcenter.org/publications/resources-reports/reports/digital-strategy-for-competitiveness-and-integration-in-the-northern-triangle.html>, accessed June 9, 2021.