

Complementary Agreement, 5 February 1993

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A. LAND AND INFRASTRUCTURE OF GREATEST ECONOMIC IMPORTANCE

Given that land is an issue whose application has the highest potential for conflict, a complementary agreement is deemed necessary to provide further details of the Land Transfer Plan and the transfer of infrastructure that forms part of some of these properties.

Regardless of the principles, amounts, areas and other aspects contained herein, this agreement permits flexibility in its application to ensure the stability and full pacification of former zones of conflict, which is its overarching purpose.

1. This agreement will apply to certain types of lands of greatest economic interest included in the inventory of lands submitted by the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional*, FMLN) to the National Commission for the Consolidation of Peace (*Comision Nacional Para la Consolidacion de la Paz*, COPAZ) and infrastructure present on these lands, in addition to those appearing in the list of properties mentioned in and included as an annex to this agreement. Regardless, the voluntary principle will be respected for the sale of land.

1.1 Lands with coffee plantations

The Government of El Salvador undertakes to promote agreements between coffee plantations owners in former zones of conflict and *tenedores* and veterans that currently occupy them, transferring them based on the following criteria:

- a) The price includes the value of the land and the coffee plantation to a maximum of SVC 15,000 per *manzana*.
- b) The area per beneficiary will depend on its price:
 - for a price per *manzana* of less than SVC 10,000, beneficiaries will receive 3 *manzanas*;
 - for a price between SVC 10,000 and SVC 12,000, beneficiaries will receive 2.5 *manzanas*;
 - for a price between SVC 12,000 and 15,000, beneficiaries will receive 2 *manzanas*.
- c) The transfer will be based on the list of 113 coffee plantations submitted by FMLN with a total area of 8,415.99 *manzanas*, located in the departments of Usulután, Morazán, San Vicente, San Miguel, San Salvador and La Paz.
- d) Where it is not possible to transfer the aforementioned properties, the occupying *tenedores* and veterans will be resettled under the Land Transfer Programme to other lands similar in terms of cultivation, area and location included in the inventory of lands submitted to the Special Agrarian Commission (*Comisión Especial Agraria*, CEA) of COPAZ using the same criteria indicated in Item 1.1 a) and b).

- e) Coffee processing plants: as three of the coffee plantations from the list mentioned in Item 1.1 c) in the towns of Perquín (Morazán), the Canton of Las Marías (Usulután) and San Francisco Javier (Usulután) have destroyed or partly destroyed processing plants, their transfer will be subject to the following criteria:

Coffee processing plants will be transferred to *tenedores* included in the inventory based on the value of the coffee plant, with a proportion of one *tenedor* per SVC 30,000 of cost. Based on the current status and value of the plant, these may be transferred to a larger group of *tenedores*, who may also be beneficiaries of land, with the share of each component adjusted to what fairly corresponds to each beneficiary in the context of this agreement.

1.2 Lands with sugar cane plantations

The Government of El Salvador undertakes to promote agreements between the owners of cultivated land and occupying *tenedores* and veterans, transferring them based on the following criteria:

- a) The price will include the value of the lands and channels to a maximum of SVC 10,000 per *manzana*.
- b) The area of land per beneficiary will be 3 *manzanas*.
- c) The transfer will be based on the list of eight properties located in the departments of Cuscatlán, San Vicente and Chalatenango with a total area of 1,828 *manzanas* submitted by FMLN.
- d) Where it is not possible to transfer the aforementioned properties, the occupying *tenedores* and veterans will be resettled under the Land Transfer Programme to other lands similar in terms of cultivation, area and location included in the inventory of lands submitted to CEA-COPAZ using the same criteria indicated in Item 1.2 a) and b).

1.3 Salt works

The Government of El Salvador undertakes to promote agreements between the owners of salt works in former zones of conflict in the Department of Usulután and the occupying *tenedores* and veterans, transferring them based on the criterion of 0.75 *manzanas* per *tenedor* or veteran. This criterion applies for the total area of the properties transferred under this category, includes the area of freshwater land and will be based on the list of 19 properties submitted by FMLN.

1.4 Properties with tourism potential

Both parties undertake to define the number and area of properties in former zones of conflict with potential for tourism development and the criteria for their transfer via the Supervision and Monitoring Committee by 15 February 1993.

1.5 Properties with class II and III soil

- a) The Government of El Salvador undertakes to reach agreements with the owners of lands with class II and III soil in former zones of conflict based on the list indicated for monitoring such that they are transferred to the occupying *tenedores* and veterans in line with the tables defined in the agreement on 23 October 1992.
- b) The transfer will be based on the list of 129 properties submitted by FMLN with a total area of 14,882.54 *manzanas*.
- c) Where it is not possible to transfer the aforementioned properties, the occupying *tenedores* and veterans will be resettled under the Land Transfer Programme to other lands similar in terms of cultivation, area and location included in the inventory of lands submitted to CEA-COPAZ using the same criteria indicated in Item 1.5 a).

2. Regarding all these cases:

2.1 The government will immediately issue a call to all owners in the foregoing categories who have not presented themselves at the offices of the El Salvador Institute for Agrarian Reform (*Instituto Salvadoreño de Transformación Agraria, ISTA*) for an interview with a panel comprising the Government of El Salvador, FMLN and ONUSAL to ascertain their willingness to sell, at what price and their willingness to negotiate the price.

2.2 The government undertakes to prioritise the transfer of all these properties, streamlining the required procedures.

2.3 Efforts will also be made to obtain funds to allow this transfer to take place by the established deadline. A lack of funds cannot render this agreement invalid and may at most permit the extension of its implementation.

2.4 The completion of the deeds for all these lands shall take place within 90 days from completion of the corresponding documentation and shall include lands and any corresponding related assets.

2.5 This agreement will not affect other commitments made under the Land Transfer Programme and agreements with the European Economic Community (EEC) or other donors who establish different conditions.

3. Other cases of land transfer

3.1 Beneficiary *tenedores* of the Land Transfer Programme between the ages of 16 and 18 may form part of cooperatives or other forms of associative ownership to which lands are transferred. In this case, the articles of these associations must state that once the beneficiaries turn 18, the corresponding property will be transferred to them.

3.2 If there are more than 25,000 *tenedores* under the Land Transfer Programme by the end of the CEA-COPAZ verification of the lands and properties in the inventory submitted by FMLN, the government undertakes to find a solution by transferring an area of land that allows them to settle in dignified conditions.

B. AGREEMENT REGARDING SECURITY

In the context of the bill for the Law of Protection for Persons Subject to Special Security submitted by the government to the Legislative Assembly, FMLN will submit a list of up to 30 members of the political organisation for whom the government undertakes to provide the protective measures set out in this law.

C. REGARDING THE REINSERTION PLAN FOR OFFICERS AND MIDDLE RANKS OF FMLN

The government will draw up a plan (already submitted) that will cover training, a maintenance grant, loans for productive businesses and housing solutions for up to 600 people.

The government will hold consultations with FMLN regarding this plan based on the following aspects:

1. The value of grants will range from SVC 3,500 for the highest urban level to SVC 900 for the lowest rural level, without exceeding the total budget for this item in the previously submitted plan.
2. The support plan for the housing solution will cover economic reinsertion, either rural or urban, and will have a maximum value of SVC 21,600, with six different categories:

Urban

- Level A
- Level B
- Level C

Rural

- Level A
- Level B
- Level C

- a) Credit conditions will be those of the market.
- b) Credit will be used for the acquisition of a pack with services for the construction of housing where the beneficiary already possesses the land or another feasible housing solution.