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**Human Rights Strategies in the Context of Changing Political
Opportunity Structures:
The Case of Two Transnational Networks in El Salvador**

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Report

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Dedication

This report is dedicated to the disappeared: to those who stood up to oppression, repression, injustice – who dreamed a better world was possible.

To their families, left to *seguir adelante* when the dreamers of every era become the occupants of clandestine or common graves, who continue in the struggle for truth and justice despite it all.

To resilience, to hope – to the mothers and their *lucha*.

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Abstract

Human Rights Strategies in the Context of Changing Political Opportunity Structures: The Case of Two Transnational Networks in El Salvador

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This report explores the evolution of advocacy strategies amongst human rights organizations in El Salvador over the past two decades, focusing in particular on domestic activists' perceived need to use transnational venues for activism in order to achieve positive domestic results. The Salvadoran political transition in 2009 is used to examine how changing political opportunity structures at the domestic level affect human rights organizations' transnational strategies. Extensive in-country fieldwork in 2011 involved eighteen in-depth interviews with activists, academics, and government officials, four months of participant observation with one of the human rights organizations of interest, and primary document content analysis. The results of this research allow for two human rights networks to be considered: the historical human rights movement seeking justice and reparations for human rights violations committed during the Salvadoran civil war, and the contemporary migrants' rights movement

seeking both protection and reparations for Salvadoran migrants and their families. The findings suggest that despite significant openness at the domestic level, activists perceive transnational strategies as an important complement to domestic strategies that allow them to achieve positive concrete change and protect against future reversals in policy.

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Introduction

June 1, 2009 represents a historic political moment in El Salvador. The left-wing FMLN party (*Frente Farabundo Martí para la Liberación Nacional*) ascended to the Presidency after a long history of struggle, including its roots as a guerrilla army during the 12 year Salvadoran civil war. The right-wing ARENA party (*Alianza Republicana Nacionalista de El Salvador*) that held power from 1989-2009 is associated with human rights abuses committed during the war, including civilian massacres and forced disappearances. Major Roberto D'Aubuisson, the founder of the party, is known to be the founder of El Salvador's death squads and the intellectual perpetrator behind the assassination of Salvadoran Archbishop Oscar Romero in 1980. For years, activists perceived political closure from the ARENA party toward human rights issues, and the election of the FMLN represented a potential opening for them to make significant gains with the new administration. The presence of historical human rights activists at President Mauricio Funes' 2009 inauguration testified to a sense of hope from both the government and civil society that the popular campaign slogan, "change is coming," would become a reality.

Prior to 2009, the years of political closure on human rights issues had led human rights activists to seek out international allies in their struggle. The primacy of the global human rights discourse over the last half century, amongst other factors, has allowed for the creation of transnational networks of activists working together to influence perpetrator states. International human rights activists generally believe that their dedication, expertise, and resources make positive contributions to human rights situations on the ground. Critical scholarship suggests, however, that some international

human rights activism and discourse may have unintended, negative consequences on the domestic situations it seeks to remedy (Kennedy 2002, Simmons 2009).

This report examines the question of whether Salvadoran activists' use of transnational advocacy networks (TANs) to achieve domestic results (Keck and Sikkink 1998) has changed over the past two decades, especially given the 2009 political transition. Scholars of TANs have specifically debated the value of transnational advocacy for human rights activists operating in open democratic contexts, suggesting it may continue to be as "fundamental" as it was under authoritarian regimes (Abregu 2008, 24), remain relevant but be re-framed as "complementary and compensatory" (Sikkink 2005, 165), or amount to "interference" by outside actors (Simmons 2009, 126). This report thus attempts to shed light on the effectiveness of international allies in domestic human rights struggles by examining the advocacy strategies of Salvadoran human rights organizations during the critical political transition of 2009. The guiding research question for this report is the following: with greater opportunity to achieve the implementation of human rights norms via domestic advocacy with the FMLN administration, will Salvadoran human rights organizations use transnational strategies to advocate for domestic change?

To answer this question, I examine two human rights movements in El Salvador: the historical human rights movement, operating since the mid-1970s to the present day and dealing with abuses committed during the Salvadoran civil war, and the migrants' rights movement, a contemporary movement arising in the early 2000s in response to the human rights abuses being committed against Central American migrants in Mexico by elements of organized crime and Mexican authorities. These movements provide critical

case studies that contribute to the debate in the literature, allowing for an examination of how and why domestic activists' strategies have evolved as a result of the 2009 political transition. Given that the period of study occurred within the first three years of the FMLN administration, the cases allow for a dynamic examination of the political transition and its consequences for advocacy strategies. This represents a departure from the relatively static conceptualization of case studies as normally discussed in the literature (Cortell and Davis 2000, Price 2003, Tsutsui and Shin 2008).

This report draws from years of professional experience working alongside the human rights movements under study in El Salvador, with specific primary research undertaken between March and August of 2011. This included eighteen in-depth interviews with activists, academics, and Salvadoran government officials, participant observation with one of the organizations of interest, and primary document content analysis. Follow-up interviews were conducted in December 2011, and communication with some of the relevant organizations has continued until the time of publication.

The first chapter of this report will review the relevant literature on transnational advocacy networks (TANs) and political opportunity structure (POS). The next two chapters present the case studies and include an introduction, an analysis of the shifting political opportunity structure for activists, and a description and analysis of each movement's domestic and transnational strategies before and after the election of the FMLN, connecting the literature with the results of in-country fieldwork. Finally, conclusions regarding the implications of this research for the literature and the advocacy strategies of other human rights movements will be explored.

Chapter 1: Literature Review

INTRODUCTION

In the last half century, global forces have increasingly shaped the ways in which local human rights activists advocate vis-à-vis their state. The ascendancy of the global human rights discourse as a tool to conceptualize local injustices has led to both the creation of regional and universal mechanisms of protection as well as a common language linking activists around the world. Increased economic integration and advances in communication technology, amongst other forces of globalization, have both changed the nature of human rights abuses as well as provided new tools and motivation for activists to work together transnationally on issues of global scope. Theorists from political science and social movement traditions have moved increasingly into dialogue with each other to try and understand how the local and the global interact to shape human rights advocacy strategies in this contemporary context.

The transnational advocacy movement (TAN) literature emerged from one such space of dialogue in an attempt to explain how domestic human rights advocates operating under repressive authoritarian regimes managed to hold their states accountable for human rights violations, such as in the case of Argentina in the 1980s (Keck and Sikkink, viii). They found that domestic activists' use of TANs, defined as "relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services," provides access to the international visibility and moral leverage necessary to "bypass their state and... bring pressure on their states from outside" (12).

As authors of the seminal work in this field, Keck and Sikkink (1998) brought in the political opportunity structure (POS) framework from social movement theory to help conceptualize the relative openness of domestic and international opportunity structures available to domestic activists seeking to change the behavior of their own government. Political opportunity structures, defined by Tarrow (1994) as “consistent – but not necessarily formal or permanent – dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure” as applied to the TAN literature is important in explaining when and how TANs will be used by domestic activists (85). Later work by Sikkink (2005) merged these two literatures even more closely, leading to the question: given different combinations of open and closed structures at the domestic and international level, how will domestic advocates choose to engage TANs and their own state?

Multiple studies exist to document the types of strategies taken up in each of the four possible combinations (open/closed domestic political opportunity structures, combined with open/closed international political opportunity structures), but less is known about the dynamic movement of one of these political opportunity structures from closed to open, or vice-versa (Cortell and Davis 2000, Price 2003, Tsutsui and Shin 2008). The specific question addressed in this report is whether and how domestic human rights movement activists will engage TANs given a shift in their domestic POS from closed to open.

Three possible hypotheses emerge from the literature concerning this question. The first is that the use of TANs by domestic activists will decrease as they shift toward the use of traditional institutional politics. The second is that the use of TANs will

increase as domestic spaces become more receptive to both domestic and transnational strategies. The last hypothesis is that the use of TANs will continue, but be reconfigured in new ways to reflect its utility as a “complementary and compensatory” strategy rather than a wholly essential means to achieve domestic change (Sikkink 2005, 165). Each of these hypotheses will be explored fully in the literature review.

The rest of this review will discuss in further depth the relevant literature on transnational advocacy networks and political opportunity structures. It will outline how these mechanisms work in theory, as well as highlight debates in the literature about how the theories works in practice, emphasizing the specific question of the continued usefulness of TANs for domestic activists operating in the context of a domestic political opportunity structure moving from closed to open.

LITERATURE REVIEW

In their foundational book *Activists Beyond Borders*, Keck and Sikkink (1998) seek to explain the ways in which nontraditional actors are able to impact both the policies and agendas of domestic governments and international organizations (2). They found that domestic and international non-state actors are increasingly organizing themselves as networks in order to effect such change. Coining the term “transnational advocacy networks,” as defined above, Keck and Sikkink find this arrangement significant in that it has the potential to “transform the practice of national sovereignty” by “blurring boundaries between a state’s relations with its own nationals and the recourse both citizens and states have to the international system” (1-2).

Domestic and international NGOs “play a central role in all advocacy networks,” but other actors may include “local social movements... foundations... the media... churches, trade unions, consumer organizations, and intellectuals... regional and international intergovernmental organizations... and... parts of the executive and/or parliamentary branches of government” (9). Working together, local actors use characteristic tactics in conjunction with international actors to pressure local governments. These tactics include collecting and disseminating information about a state’s behavior, symbolically framing that information to resonate with external audiences, exerting material and moral leverage on a state, and exposing “the distance between discourse and practice” of state behavior (24).

Keck and Sikkink found that TANs are most likely to arise in three cases: when “channels between domestic groups and their governments are blocked or hampered or... ineffective for resolving a conflict,” when activists “believe that networking will further their missions and campaigns,” or when a ready-made structure (i.e. conferences, international institutions) exists at the international level to facilitate the formation and strengthening of networks (12). With special attention to the first situation, Keck and Sikkink theorize a particular model wherein domestic activists facing unresponsive states could use TANs to “bypass their state and directly search out international allies to try to bring pressure on their states from outside” (12). Known as the boomerang model (see Figure 1), Keck and Sikkink find this to be a characteristic pattern of activism seen in Latin America under repressive authoritarian regimes of the 1970s and 1980s, and in human rights networks more generally (12).

The model takes the name “boomerang” as it describes how domestic actors who are blocked from domestic political channels take the initiative to contact international actors with information about abuses occurring in their state. Once international actors are mobilized, the resultant network can use the tactics described above to pressure outside states or intergovernmental organizations to “boomerang” the information back to the original state committing the human rights violation. The success of this model in turn depends on the original state’s receptivity to pressure from the “international community,” conceived of as outside states or international institutions.

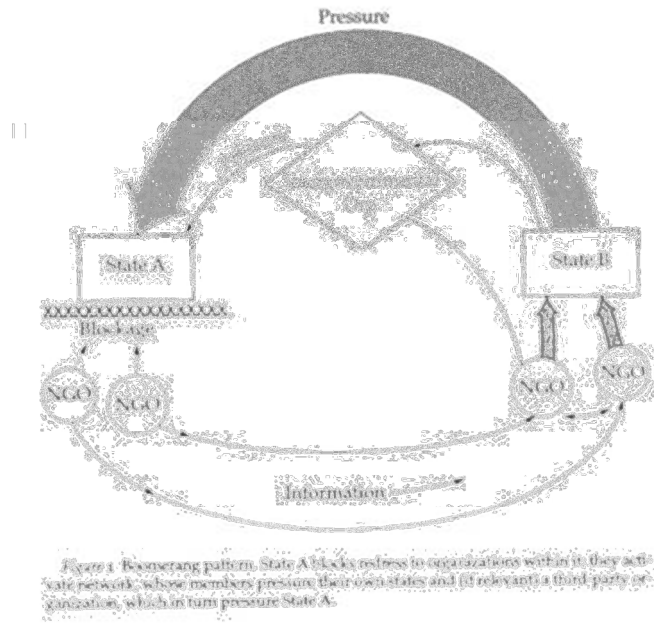


Figure 1: The Boomerang Model

(Keck and Sikkink 1998, 13)

Risse and Sikkink (1999) further develop the boomerang model by positing that “several boomerang throws” will help move a state engaged in human rights violations through a series of five stages, known as the spiral model, that culminates in human

rights norms being “internalized and implemented domestically” (18, 3). In contrast to the narrower explanatory scope of the boomerang, the spiral model is concerned with “how international human rights norms diffuse from an international level and lead to an improvement of human rights practices more generally” (Jetschke and Liese, 3). Pressure from outside states might initially lead a state to simply change its rhetoric or make “tactical concessions to the norms,” but with the repetition of pressure over time “the moral power of the norms becomes binding and governments get caught up in their own rhetoric” (Shor 2008, 118). Eventually, states begin to act in line with human rights norms of their own accord.

Though scholars have found the boomerang and spiral models to be useful in some cases, they have proven less useful in theorizing the transnational tactics employed by domestic activists working in democratic countries. This is especially the case for democracies that have already made concessions to human rights movements and ratified human rights treaties, but that are still not engaged in completely “rule-consistent,” or human rights consistent behavior. Violations may continue to occur in this context for various reasons, perhaps due to the actions of difficult-to-control lower level officials or the political decision to override human rights claims with national security logic (Sikkink 2005; Jetschke and Liese 2009). The transition to peace and democracy in Latin America in the 1980s and 90s, amongst other global developments, thus sparked an opening in the literature surrounding a new question: by which mechanisms are democratic states best held accountable to human rights norms that they have, in theory, accepted as valid? El Salvador’s political transition after the civil war in 1992 and the election of the FMLN in 2009 provide important moments to better understand the use of transnational advocacy networks beyond the conceptualization of the boomerang and

spiral models. Specifically, will TANs still be as relevant to emerging and consolidated democracies as they were to domestic human rights activists operating under repressive authoritarian regimes?

The literature that addresses these questions paints a much more complicated picture than the spiral or boomerang models. In trying to understand the different mechanisms that domestic activists have employed in the context of varied political opportunity structures at the national and international level, Sikkink (2005) proposes a four-pronged typology. Following Tarrow’s definition of political opportunity structures (see above), Sikkink identifies how the relatively open or closed domestic and international political opportunity structures interact to “provide incentives for people to undertake collective action by affecting their expectations for success or failure,” teasing out the way different combinations will lead to different outcomes (Tarrow 1994, 85).

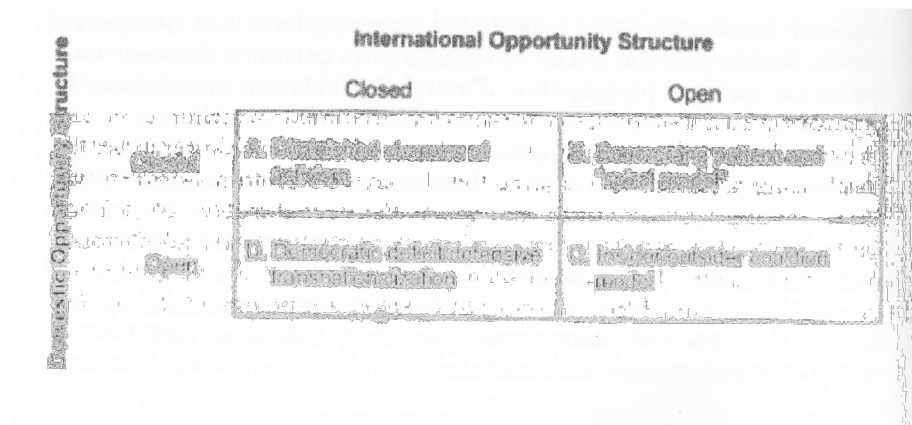


Figure 2: Four-Pronged Typology based on POS

(Sikkink 2005, 156)

This typology suggests that activists' perceptions of relative openness or closure in the domestic and international arenas are important in determining their use of transnational strategies. In the international realm, "openness" refers to "the degree of openness of international institutions to the participation of transnational NGOs, networks, and coalitions" (Sikkink 2005, 156). Domestic political opportunity structures may be categorized as "open" depending on "how open or closed domestic political institutions are to domestic social movements or NGO influence" (Sikkink 2005, 157). Domestic and international POS should be considered as relative in relation to each other, and, importantly, may "vary over time and across intergovernmental institutions... across issues, and regions... and across issues within countries" (156-7). Thus, the "formal and informal mechanisms or procedures for participation" in both the international and domestic realm may vary dramatically depending on the issue at stake, and a particular government will not necessarily respond the same way to human rights claims as to, say, movements against free trade policy (157).

In defining how open or closed a political opportunity structure is, two important issues emerge from the literature on political opportunity structures. The first regards the type of 'dimensions' that can be considered within the framework of the POS. Some studies that make use of POS suggest broad structural factors such as the openness of democratic elections and the state's capacity for repression (McAdam 1996). Others suggest a view of POS that pays more attention to the "configuration of actors" and "shifting strategic opportunities" (Shawki 2010, 384; Goodwin and Jasper 1999, 53). Both types of factors are no doubt useful, but these distinctions must be taken into account when analyzing and justifying the factors used to construct the POS under study. Scholars must also be careful to distinguish between changes in the *general* political

environment and political changes with *specific* relevance to the advocacy movement that is the subject of study. Again, both may be useful, but Meyer and Minkoff's (1994) findings "suggest that the issue-specific models we examined have greater explanatory power than general dimensions of the political system" (1484).

The second issue to consider in determining openness or closure of a POS is the conceptual divide between structures and expectations. While the concept is titled political opportunity *structures*, Tarrow's (1994) definition incorporates the idea that "expectations" of activists are pivotal in defining elements of the political opportunity structure (85). There may be changes in the political opportunity structure that are visible in hindsight or that are assumed from an outside perspective, but which are not perceived in the moment by activists within advocacy organizations. Thus, identifying the structural reasons a political opportunity structure has changed may be useful, but the presence or absence of these structures is meaningless without a concurrent analysis of activists' perception and interpretation of these changes in the political environment. Activists "strategy and agency" is an essential component of any analysis, as is the inclusion of "the symbolism of events and individuals" and "the logic of emotions and of moral principles and institutions" (Goodwin and Jasper 1999, 29, 53).

Once the relative openness or closure of the POS is determined, Sikkink (2005) suggests four different outcomes for activists given the combination of open and closed domestic and international POS (Figure 2). When both the domestic and international realms are perceived by activists as closed, there is a diminished chance that activism will occur, thus also reducing the chances of effective results. While activism is not impossible, activists have fewer incentives for collective action given their low

expectations for success, as well as fewer institutional mechanisms by which to network with other actors or the government directly. In the case of a closed international POS and open domestic POS, Sikkink terms the most likely outcome “defensive transnationalization” (163). These situations are most likely to arise in cases where domestic governments have entered into agreements with or are beholden to international institutions that lack transparency and democratic decision-making structures. Thus, activists tend to mobilize domestically because what they actually seek is for their state to assert its own sovereignty vis-à-vis these international institutions, rather than cede sovereignty to international human rights mechanisms of protection. The third case, where activists face closed domestic POS but open international POS has been discussed above in the context of the boomerang and spiral models. The last situation, of critical interest to this report, occurs when activists perceive both the domestic and international POS as being relatively open. The rest of the review on TANs will now focus on Sikkink’s (2005) conceptualization of the outcome in this case and the subsequent debate in the literature on this same topic.

Sikkink’s typology predicts that domestic activists facing an open POS at both the domestic and international level will continue to engage with TANs, but in a distinct relationship from that envisioned by the boomerang or spiral model. Instead of playing the passive role of providing the information international actors need in order to lobby the international community, domestic activists become the main protagonists in these reconfigured transnational advocacy movements. Described as “insider-outsider coalitions” by Sikkink, domestic activists work directly through domestic institutional channels “but will keep international activism as a complementary and compensatory option” (Sikkink 2005, 165). Sikkink suggests that this is especially true in the case of

domestic activists who have “learned how to use international institutions in an earlier boomerang phase” (165).

Other social movement theorists foreshadowed Sikkink’s (2005) theory in relation to domestic political opportunity structure openings. Goldstone (2004) suggested an important correction to the assumption behind many POS studies that an “opening” in the POS should correspond with a decrease in social movement activity and an increase in the use of institutional politics. Instead, Goldstone recognized that “social movement activity is not so much an alternative to institutionalized politics, diminishing as the latter increases; rather it is a complementary mode of political action, which increases even as democratic politics spread” (336). Protest, Goldstone suggests, is useful in democratic contexts both because of the “degree of focus” it allows, as well as its ability to pressure slow-acting governments “to make good on campaign promises and honor its commitments” (343). Thus, changes in the POS do not necessarily incite a unidirectional change in advocacy strategies, but rather invite actors to reconfigure their optimum combination of both protest and institutional politics. This is consistent with Sikkink’s (2005) observation that activists will refocus their activism domestically given a more open domestic POS, but continue to use transnational strategies as a “complementary and compensatory” option (165). Koopmans (2005) suggests that this recalibration will take time, and that “there may be a considerable lag time between a structural change in the political environment... and a corresponding change in patterns of movement activity” (30).

Domestic activists pursuing insider-outsider coalitions will engage in aggressive strategic action through available domestic channels, but will either continue to make use

of previous allies or engage with new institutions or individuals as a strategic means of furthering their cause domestically. Successful activists will be able to move “with relative ease and fluidity in foreign, international, and regional institutions as a complement and/or backup to their domestic work” (Sikkink 2005, 169). For example, Argentine activists moved to bring a case regarding human rights violations committed during the Dirty War before the Inter-American Commission on Human Rights, a regional mechanism for human rights protection, when progress on judicial cases in the domestic sphere stalled (169). Domestic activists thus keep TAN activity as “one of the tactics in the repertoires,” on which they will need to rely to varying degrees depending on the relative openness of the domestic political opportunity structure, which may change over time, even within the same domestic administration (169).

Additionally, it is important to note that activists are not only *responding* to “open” or “closed” signals but may also be *creating* new opportunities through their strategic advocacy work. In the case of insider-outsider coalitions, working through international channels may serve to create openings domestically that activists can later take advantage of to make further headway with their own government. This is the flip side of one of the questions most frequently studied by scholars of political opportunity structure: how is it that a change in *structures* impacts the *actions* of activists? Methodologically, the literature concurs that there must be a focus on causal mechanisms when investigating and answering these questions (Meyer and Minkoff 2004; Koopmans, 2005). For example, while it is important to identify structural aspects of the political environment, studies employing the concept of POS must make efforts to investigate and analyze the perceptions, emotions, and logic of activists involved in making decisions about advocacy strategies. Given the dynamic relationship between structures and the

actions of activists, any conclusions regarding causality must recognize this relationship as a constitutive, interactive process rather than a clean linear causal model.

Since Sikkink's (2005) formulation of the insider-outsider coalition in relation to TANs, scholars have debated the existence and characteristics of these coalitions, calling into question the extent to which TANs still have a role to play in achieving domestic policy change in democratic contexts. Sikkink's (2005) position, outlined above, is clear. Abregu (2008) represents a similar perspective from the global South that emphasizes the shift that has occurred, especially in Latin America, in how domestic activists interact with their international counterparts. While recognizing that "human rights organizations today do more or less the same as they did in their beginnings," including "mobilizing the international community for a 'rebound effect' in the internal setting," Abregu focuses on how the increased power of domestic activists vis-à-vis their own governments has unsettled the traditional power dynamic between international and domestic activists (21).

The simple exchange of strategic information between domestic and international activists in the boomerang model is no longer the only form of interaction as these actors now engage in more nuanced and equitable relationships. When domestic activists and organizations achieve "a level of exposure and unchecked influence which creates a situation in which their governments are unable (or do not want) to continue ignoring their demands," then they also have more room to negotiate agendas and strategies with international actors (Abregu 20008, 26). South-South collaboration has also become of increasing importance and, in turn, improves "their capability of influence at an international level" (28). While Abregu highlights the changing landscape of relational

dynamics between national and international actors, the existence of these relationships nevertheless remains an essential component of the analysis and one of the “fundamental” aspects to consider when building an advocacy strategy (24).

Other scholars have been less optimistic regarding the use of TANs by domestic activists outside of authoritarian contexts. Collins (2006 and 2010) uses case studies of Chile and El Salvador in their post-authoritarian democratic contexts to suggest that domestic factors, such as “domestic actor pressure and national judicial change, have proved more significant than international law or international activism” in achieving positive results for human rights movements, especially in the area of post-transitional justice for human rights perpetrators (Collins 2006, 711). As such, “external change is neither indicative of nor necessarily conducive to domestic accountability progress” (Collins 2010, 223). While not going so far as to suggest that transnational advocacy strategies may have negative effects in domestic contexts, Collins (2010) tempers enthusiasm for these types of strategies by suggesting that strong domestic institutional settings that allow for accountability for human rights abuses are a “prerequisite” for transnational strategies to have any value added (221).

Collins (2006) and Gill (2009) also argue that the literature on TANs may exaggerate or gloss over the extent to which domestic and international actors are actually coordinating their efforts in democratic contexts or are even in agreement with each other about the appropriate course of action. Collins (2006) explains how in some cases, “putative networks... amount to little more than the remnants of previous personal and professional collaboration between affected individuals and outsiders during the heyday of international solidarity movements in the USA and Western Europe” (716).

With regard to El Salvador, Collins (2006) found that international efforts in the post-war years, mostly carried out in the United States to bring to justice the perpetrators of human rights violations during the war, had little resonance in the domestic realm. In fact, domestic activists sometimes only learned of these litigation efforts through local news coverage (717).

Even when coordination is occurring, Gill (2009) suggests that “activists do not necessarily share the same political agendas, languages, and definitions of success,” creating tensions and contention within organizing spaces (669). Using the example of Colombian activists forming alliances in the US and Europe to protest the Colombian government’s collusion with the Coca-Cola corporation to commit human rights abuses, Gill teases out “the difficulty of synchronizing diverse activist agendas in the context of unequal power relations,” referring to the resource and credibility differentials that exist between actors in the global North and the global South (677). While not discounting the potential utility of TANs altogether, Collins and Gill lay out some parameters under which TANs are more likely to be successful and problematize the assumption that domestic and international activity around the same issue is necessarily coordinated or without its fair share of contention and disagreement.

Further along the spectrum in this debate is Simmons (2009) whose work on the impact of international law on domestic politics self-identifies as a complement to the TAN literature, but who argues that domestic political actors are not “voiceless victims to be rescued by altruistic external political actors” (126). Simmons is perhaps the strongest advocate of a reorientation toward the domestic rather than the transnational in trying to understand how domestic change occurs, purporting theories that “privilege domestic

political actors as agents in their own political fate” through “new agendas, litigation, and especially social mobilization” that are made possible through international law (126, 154). Though Simmons concedes that international actors may “facilitate some of these processes,” they are not necessary: rather, domestic activists can accomplish their goals using international tools like human rights treaties “without the contributions and the interference of outside actors” (126).

The TAN literature has thus evolved significantly in the past decade, reflective of the changing political context in many countries and the growing acceptance of international human rights norms – at least in prescriptive status – throughout the world. Significant debate has opened up within the literature regarding the continued use of TANs in this new context. The case of human rights movements in El Salvador provides a critical case to contribute to some of these questions. As human rights activists in El Salvador utilized TANs while under the authoritarian regime of the 1970s and during the civil war of the 1980s, the political transition in 2009 allows for an examination of how and why domestic activists’ strategies have evolved accordingly. Given that the period of study for these case studies in El Salvador occurred within the first three years of the new ‘human rights friendly’ government administration, the cases allow for a more dynamic examination of the shift from a closed to an open domestic political opportunity structure. This represents a departure from the relatively static conceptualization of these categories as normally discussed in the literature (Cortell and Davis 2000, Price 2003, Tsutsui and Shin 2008).

The three hypotheses that emerge from this dynamic reading of the literature, and that will be tested in this report through case studies of human rights activists in El

Salvador during a time of transition from a closed to open domestic political opportunity structure, are the following:

- 1) the use of TANs by domestic activists will decrease as they shift toward the use of traditional institutional politics,
- 2) the use of TANs will increase as domestic spaces become more receptive to both domestic and transnational strategies,
- 3) the use of TANs will continue, but be reconfigured in new ways to reflect its utility as a “complementary and compensatory” strategy rather than a wholly essential means to achieve domestic change (Sikkink 2005, 165).

The rest of this report will discuss the two case studies in El Salvador in the context of the literature outlined here. For each case study, a brief introduction will be followed by an analysis of the domestic and international political opportunity structure for the corresponding human rights movement. Finally, a description of domestic and transnational advocacy strategies before and after the election of the FMLN in 2009 will help answer the guiding research questions of this report: with greater opportunity to achieve the implementation of human rights norms via domestic advocacy with the 2009 FMLN administration, will Salvadoran human rights organizations continue to use transnational strategies to advocate for domestic change, and how does the use of TANs change given greater opening in the domestic arena? Looking to El Salvador will help to more broadly address one of the most salient issues emerging from the current literature on this issue, namely whether and how domestic human rights movement activists will engage TANs given a shift in their domestic POS from closed to open. My hypothesis, aligning most closely with Sikkink, is that human rights organizations in El Salvador will

continue to use transnational strategies as a viable option to reinforce and complement their domestic advocacy strategies.

METHODOLOGY

For this report, I conducted field research involving interviews and participant observation from March to August of 2011. Research continued through March 2012, including new and follow-up interviews. Eighteen interviews were conducted with members of grassroots organizations, human rights organizations, academics, and government functionaries from the current as well as previous administrations. As a full-time volunteer with the organization COFAMIDE (Committee of Family Members of Migrants who have Died or Disappeared) during 2011 fieldwork, I also used the methodology of participant observation to take part in daily office proceedings and gain insight into the logic behind different advocacy strategies and the organization's perception of government openness and receptivity to its claims. I built on connections through this organization as well as personal connections to other human rights activists to gain a wide-ranging sample of interviewees.

Interviewees were engaged in semi-structured interviews that typically lasted between one to hours. The general series of questions posed touched on how activists perceived the government's position regarding human rights, how they would characterize their relationship with the government, what kinds of domestic and international strategies were used by activists, why they chose these strategies, how they perceived the efficacy of these strategies, and the level of coordination with other domestic or international actors in implementing these strategies. These questions were

posed both for governments prior to 2009 and the FMLN government taking power in 2009.

Following the protocol approved by the Institutional Review Board (IRB), interviewees were assured confidentiality of their responses and identification only by their general position rather than their name or specific title. This information is available in the Appendix. Almost all interviews were conducted in Spanish, and quotes that appear in this text have been translated by the author. Permission to use observations carried out during the period of participant observation with COFAMIDE was also requested according to the standards set by the IRB. Again, information provided during participant observation is not linked to any one person so as to ensure confidentiality.

The two case studies in El Salvador were in part a convenience sample, as I had prior experience working in the country, and in particular with two of the main organizations of the migrants' rights movement, CARECEN and COFAMIDE. Beyond mere convenience, however, these case studies were chosen because of their relevance to the particular set of literature I am engaging with. The election of the FMLN in 2009 provides us with a critical moment that allows for testing hypotheses about shifting political opportunity structures in a kind of real world experiment. The historical human rights network was chosen as a case study because of its long history of advocacy both before and after 2009. Additionally, there is already some literature on this movement as it has been used as a case study of transnational advocacy networks (Collins 2006, Collins 2010). It also represents one of the classic cases of the "boomerang" model in Keck and Sikkink's (1998) original work on TANs, allowing us to see an example of how strategies evolve within a movement that previously operated as a TAN.

The migrants' rights movement was chosen as another case for consideration because it engaged in advocacy with the government both before and after the election of the FMLN in 2009. It provides an important contrast to the historical human rights movement as it is dealing with a contemporary phenomenon and is not engaged with an issue that has historically been politically polarizing in the same way as the human rights violations committed during the war.

The two case studies thus provide a chance to test the hypotheses presented above regarding changing political opportunity structures. The following two chapters will present more detailed background information on each of the cases, an analysis of the domestic and international political opportunity structures as perceived by activists in each of the movements, and description and analysis of advocacy strategies used by activists both before and after the 2009 change in administration.

Chapter 2: The Historical Human Rights Movement

INTRODUCTION

Beginning in the mid-1970s, the government of El Salvador perpetrated “one of Latin America’s bloodiest campaigns of terror and state-based repression” (Lauria-Santiago 2005, 86). By 1980, tensions between organized civil society and the government erupted into a full-fledged civil war, historically rooted in socio-economic tensions resulting from the “extreme and increasing impoverishment of whole sectors of the rural population” and “growing inequalities in income and land tenure,” which were compounded by the exclusion of “broad sectors of society from participation in the political process” (Lauria-Santiago 2005, 95; Popkin 2001, 2). Resistance to these social injustices by student activists, rural *campesinos*, the liberation theology movement, and, eventually, armed guerrilla forces played out against the backdrop of the Cold War, prompting military and political support from the United States to prevent a Communist takeover of the region.

The Salvadoran government responded through military force, “bloated by massive aid from the United States,” and engaged in counterinsurgency tactics that included “forced disappearances of political opponents, forced exile, torture, and political murder” (Popkin 2001, 2-3). By the signing of the Peace Accords in 1992, an estimated 75,000 Salvadoran civilians had been killed and an unknown number were still disappeared (The Center for Justice & Accountability). The United Nations Truth Commission established during the transition “attributed the overwhelming majority of the human rights abuses to the Salvadoran armed forces and the paramilitaries” and named individual perpetrators of human rights violations (The Center for Justice & Accountability). Unfortunately, the ARENA government in power during the transition

to peace, led by President Alfredo Cristiani, enacted an amnesty law covering all human rights violations committed during the war, “which has been understood to foreclose not only criminal prosecutions but also judicial investigations to determine the fate of victims” (Popkin 2001, 6).

What I will refer to as the “historical human rights movement” in El Salvador was born during the years of state-led repression leading up to the civil war of the 1980s. Family members searching for loved ones who had disappeared found themselves frequently running into each other at hospitals, jails, and the morgue (Interview 2011, f). Upon forming these nascent organizations, “through the worst of the repression, these predominantly female groups... continued to document the murders, tortures and disappearances of civilians” (Carter et al. 1989, 16). In addition to these associations of family members, non-governmental human rights organizations, some with a legal focus, also developed in the late 1970s (Collins 2010, 152). Operating in an “unpropitious and hostile situation,” multiple organizations had their offices bombed, many activists were tortured by state agents, and others were killed (Collins 2010, 152).

Salvadoran activists during this time thus faced an extremely closed domestic political opportunity structure. Their situation was ripe for the emergence of a transnational advocacy network, as they fit one of the most likely cases for TANs to arise according to Keck and Sikkink (1998): “channels between domestic groups and their governments are blocked or hampered or... ineffective for resolving a conflict” (12). Additionally, the fact that the United States was heavily involved in funding the military during the conflict made international allies a natural partner in their lobbying efforts. Transnational activists thus had dual goals of creating a “boomerang” effect by

motivating the United States' government and other governments or international institutions to pressure El Salvador to end its practices of human rights violations, as well as directly pressuring the United States to end its involvement in effectively "running, and certainly bankrolling, the war" (Collins 2010, 151).

Salvadoran activists thus sought out and created connections with international solidarity organizations, foreign governments, and regional and universal mechanisms of human rights protection that could in turn lobby the Salvadoran and US governments. As suggested by Keck and Sikkink (1998), domestic activists were most instrumental in collecting and disseminating information about human rights abuses that were taking place on the ground. For example, one of the relatives' associations would identify specific political prisoners who were being tortured by the government and relay this information through international allies to foreign governments, often European. These governments would then call upon El Salvador to release or improve the detainment conditions of those prisoners (Interview 2011, f). They also organized and participated in marches meant to draw attention to and protest the state's practices. US activists described the "example of these courageous women marching down the streets in black dresses and white scarves, carrying photos of their murdered or missing relatives," thus pointing to another way in which TANs operated – symbolically framing information to resonate with external audiences (Carter et al. 1989, 16). The parallel situation of the "disappeared" in other Latin American countries, such as Argentina, helped inspire regional solidarity and made it easier to frame information in a way that North American and European audiences could understand.

The success of these strategies was largely limited to small victories, as systematic practices by the state of disappearance, torture, and civilian repression continued. Nevertheless, raising awareness of human rights violations in general contributed to US activists lobbying their own government, which may in turn have contributed, amongst other factors, to a shift in US policy towards negotiation and away from the increasingly untenable position to support the war. On January 16, 1992, Peace Accords were signed between the government of El Salvador and the FMLN guerrilla army. During this transitional time, factual evidence about what happened during the war was uncovered by the UN Truth Commission but was quickly followed by a general amnesty law that precluded access to justice and reparations for victims and their family members, as well as essentially denying family members the right to truth regarding the fate of their disappeared loved ones. Given the continuing nature of the human rights violations in question, many human rights organizations decided to continue their work in the post-war context (Interview 2011, f, i).

Today, the historical human rights movement is composed of various groups seeking truth, justice and reparations for the human rights violations committed during the war by Salvadoran military and para-military forces. Many of these groups survived the war and continue their work today, including the associations of victims and their family members. Some new organizations formed in the immediate aftermath of the war, as testimonies from different war-torn areas that had been sought out by the UN Truth Commission helped organize communities and also brought to light the systematic disappearance of children who were then sold to adoptive parents (Interview 2011, j). In addition to victims' associations, there are also a few organizations that specialize in international human rights law and its application in the cases of human rights violations

committed during the war. Many of these historical organizations came together following the war to form a “Pro-Historical Memory” working group, which seeks to advance the common goals of the organizations both within Salvadoran society and the government (Interview 2011, f).

During the last few years of the war and up until 2009, El Salvador’s democratically elected government was controlled by right-wing ARENA administrations. Founded by Roberto D’Aubuisson, the intellectual mastermind behind the assassination of outspoken Archbishop Oscar Romero and the founder of the death squads, the ARENA party has always represented the face of impunity for human rights activists (Interview 2011, f). While most human rights organizations were non-partisan even during the war, in practice these organizations have been much more closely aligned with the FMLN. The human rights abuses committed during the war continue to be politically polarizing in El Salvador, with one’s position on these issues closely tied to party affiliation. The following sections will thus explore the domestic and international political opportunity structures for Salvadoran activists in the post-war period and the advocacy strategies they have used accordingly. Both pre- and post-2009 strategies will be considered, pivoting around the historical political transition of 2009 when the FMLN party gained power for the first time following twenty years of ARENA administrations.

POLITICAL OPPORTUNITY STRUCTURE

This report is concerned with understanding domestic activists’ use of TANs given a shift in their domestic political opportunity structure from closed to open, while holding constant an open international political opportunity structure. As such, it is

essential to first document the domestic and international POS available to Salvadoran activists both before and after the 2009 election of the left-wing FMLN to the presidency – the pivotal event that is assumed to have had an important impact on activists’ calculations of their domestic POS. The conceptualization of POS outlined in the literature review will frame this section, with a combination of primary and secondary sources then being used to describe both the structural and symbolic indications of a change in the movement’s POS.

Rather than simply accept at face value that a change in POS has occurred given the historically divergent human rights orientations of the ARENA and FMLN parties, particular weight is instead given to the testimony from activists as a lens to both identify what they consider to be important changes and understand how they interpret these changes as affecting their domestic POS. This is an important exercise for two main reasons. First, it validates the assumption that a change in the Salvadoran domestic POS has occurred, which is important given that this case study hinges on the question of how TANs are used in the context of *changing* political opportunity structures. Second, this exercise will also allow for an evaluation of the particular *ways* in which the POS has changed, which in turn allows for a more nuanced analysis of how and why the use of TANs has changed accordingly. In other words, it allows us to better understand the mechanisms by which a change in POS results in a change in the use of TANs beyond simply their “use” or “non-use,” but rather helping to address the question of *how* the use of TANs changes given the opening in POS. This will allow for more specific conclusions and will also have an impact on the ways we might generalize (or not) about this specific case study.

This analysis does not pretend to construct an all-encompassing model of political opportunity structure, but it does draw directly from some of the main theoretical considerations of the literature in order to ensure an accurate depiction of the available POS for domestic activists. Tarrow's (1994) definition is of particular relevance and the analysis will revolve around the elements of the political environment that "provide incentives for people to undertake collective action by affecting their expectations for success or failure," as defined by the activists themselves (85). In particular, the framework used here takes into account both the divides between "structural" and "symbolic" aspects of POS as well as "general" and "issue-specific" aspects. To some extent these categories overlap and the extent to which this is the case was informed primarily by activists' perceptions. In this sense, particular weight was given to what Jasper and Goodwin (1999) term the "strategy and agency" of activists in interpreting "the symbolism of events and individuals" and "the logic of emotions and of moral principles and institutions" (29, 53).

A summary of these findings is presented in Table 1, which categorizes various events as being relevant to the overall POS or the issue-specific POS of the historical human rights movement, and indicating the impact on activists' perceptions as positive or negative (+/-). The Table is not meant to describe an exhaustive list of factors contributing to the POS, but rather a sample of the most important and representative events that emerged directly from interviews with activists. The results of this analysis show that the 2009 presidential elections in El Salvador represent a change in the domestic political opportunity structure both for structural reasons as well as because of the perceptions and expectations that human rights organizations attach to the significance of the FMLN's election.

1992-2009

While El Salvador held democratic elections in 1989, the transition to peace in 1992 marked an important shift from the exceptionality of war-time to a new era of both peace and democracy. The right-wing ARENA party won each of the four presidential elections during this period, leaving them in power for the twenty years prior to 2009. The relationship between activists and the government during this time was unanimously described as negative by both the activists and government official interviewed for this study. Activists perceived the attitude of the ARENA administrations as “not only indifferent [toward human rights organizations], but also carrying a sense of rejection,” which severely diminished their perceptions that internal advocacy efforts would result in any successful outcome (Interview 2011, o). Additionally, the general amnesty law “extinguished civil as well as criminal liability, making it the broadest such law in the region” and the Supreme Court quickly rejected the first legal challenge to the law on May 20, 1993, only two months after the law was signed (Collins 2010, 165). Amnesty thus formally closed the possibilities of bringing perpetrators to justice domestically, essentially “crushing” the hopes of domestic activists to successfully use internal, domestic channels to achieve their goals in the area of accountability (Interview 2011, o). While a subsequent Supreme Court decision in September 2000 theoretically allowed “increased room for variation in what individual judges could do about amnesty,” activists found that the judiciary was beholden to political interests and that the judges in the Salvadoran legal system did not “have the courage to do things as the law would require,” either because they were being manipulated or threatened (Collins 2010, 173; Interview 2011, h).

In a speech given three days after the release of the UN Truth Commission report, then President Alfredo Cristiani stated what would become the official government position over the next twenty years: “to forgive and forget everything about what has been a very painful past” (Cuellar Martinez 2010). The government adopted the position that the transition to peace would not be facilitated by “re-opening wounds,” and that embarking on investigations that would satisfy victims’ demands for truth and justice could lead to “political instability” (Interview 2011, o). Activists categorically rejected this position, arguing that wounds from the war had never been closed in the first place and that forgiveness could never occur until investigations into the truth established who to forgive (Interview 2011, f, h, i).

As a result, relations between human rights organizations and the government were “difficult” according to one former government official in the Ministry of Foreign Affairs during this time (Interview 2011, d). More descriptively, activists explained that “they [officials from the ARENA governments] never even accepted us inside [the office], always on the street, at the door” (Interview 2011, f). Another suggested that “with previous governments, we didn’t even knock on the doors because they wouldn’t open them” (Interview 2011,h). Finding the doors to dialogue literally closed to them, in addition to judicial blockage as a result of the amnesty law and the lack of an independent judiciary, activists believed it was “impossible” to achieve any success during the years of ARENA administration through domestic institutional channels (Interview 2011, i). As such, the domestic political opportunity structure available to Salvadoran human activists on this issue can be described as closed.

2009 Transition

Given the very negative perception of human rights activists toward previous ARENA governments, it is logical that activists would believe that a government led by the FMLN would be more open to their claims and present them with greater chances of success via domestic channels. This section will outline the key positions taken by the FMLN in the run-up to the 2009 presidential elections as well as some of the structural changes and symbolic gestures made upon taking office. Domestic activists' reactions to these changes will then be described.

At the time of the interviews presented in this study, the FMLN was approximately two and a half years into a five year administration. The temporal “closeness” of this research to the political transition that is the subject of study presents both challenges and advantages that should be noted here. On the one hand, studying the real-time phenomenon of activist perceptions can make it difficult to determine which moment of time should be used to determine whether the POS should be considered open or closed. At the same time, it is precisely this dynamism that is of interest: as activists' perceptions of the political opportunity structure are changing, how do they respond? The following analysis will attempt to capture both the elements that influenced activists' perceptions as well as how these perceptions evolved between the run-up to the election and the time of interview.

After twenty years of political polarization between the left and the right in Salvadoran politics, the FMLN chose former journalist Mauricio Funes as a moderate presidential candidate for the 2009 elections. Funes and the FMLN ran on a platform of change, promising a new style of government, “very different than what has previously

prevailed, oriented at overcoming the terrible reality of poverty and exclusion that so many times Monseñor Romero, our martyred bishop, referred to as a reality of structural sin” (FMLN Campaign Platform 2009, 6). This and several other statements made by Funes as a candidate during his campaign suggested some of the policy changes Salvadorans could expect to see if the FMLN were to be elected.

The assassination of Archbishop Romero by elements of the right in 1980, one of the highest profile cases to emerge during the war, has elevated the invocation of “Romero” in the post-war period into a symbolic moral acceptance of the historical human rights movement’s claims. The FMLN Platform also indicated explicitly that human rights would be the “guiding orientation for state policies” and that the government would work to assure that “Salvadoran society and the victims of grave human rights violations would be vindicated in their legitimate rights,” presenting a strategic plan that included a reparations program, a promise to recognize human rights violations of the past and present, and support for citizens’ demands to resolve outstanding cases of impunity (Platform 2009, 82-83).

In September of 2008, however, seven months before election day, Funes indicated in a television interview that he would not consider overturning the 1993 amnesty law as president – a position the FMLN had been actively working toward as recently as one year earlier and a key issue for the historical human rights movement (Arauz 2008). Salvadoran human rights activist Benjamin Cuellar indicated at the time that “there were certainly people with the expectation that a government presided over by Funes would turn El Salvador on its head on that issue” (Arauz 2008). Some activists within human rights organizations were also disappointed that candidate Funes denied to

meet personally with associations of victims, and has continued to avoid a personal meeting to date as President (Interview 2011, f). While the expectation of a meeting with the President may be unrealistic, the emphasis here is on the impact this rejection had on activists' perceptions regarding the government's potential openness to human rights claims.

Mauricio Funes was elected president in March 2009, defeating ARENA candidate Rodrigo Avila with 51.3% of the vote (Freedom House 2010). Earlier that year, the FMLN had also gained a historic number of seats in the legislative assembly, taking 35 out of 84 seats; ARENA won only 32 (Freedom House 2010). Over the course of 2009, ARENA suffered internal conflicts that resulted in a split within the party and a reconfiguration of the assembly, leaving it with only 19 seats by January 2010 (Freedom House 2010). Activists recognized the need to separate the impact that the historic presidential win could have for them from the more precarious situation of the legislature. They also signaled the importance of the judiciary branch to their accountability claims and pointed out that they had expected the ascendancy of the FMLN to do little for their chances of success in the courts. One former activist, now a member of the FMLN government, explained, "there has basically been a substantive change in the executive power, not in the state as a whole" (Interview 2011, o). Another activist related this to expectations of success: "the fact that a leftist government has won does not mean that they will be able to come through 100%. Some things may be in the hands of the executive, but others won't" (Interview 2011, h).

President Funes took office on June 1, 2009. As part of the activities related to his inauguration, that morning he attended the burial site of Monseñor Romero in the

Cathedral of San Salvador. During his inaugural address, he again made reference to Romero, explaining that for him, “to govern well is the highest expression of commitment to our people and to the memory of Monseñor Oscar Arnulfo Romero, my teacher and the spiritual guide of the nation” (Funes 2009). In addition to these gestures, whose symbolic importance was previously discussed, Funes and the FMLN also invited activists from the historical human rights movement to be present at the formal inauguration ceremony. While these actions and statements were largely symbolic, they signaled an opening to activists: “to commit himself to these things publicly means that we will also open up in some sense to seek out a dialogue” (Interview 2011, j).

Upon taking office, Funes made several appointments that activists perceived as reflecting greater openness to questions of human rights. David Morales, a lawyer previously active in human rights investigations, including the assassination of Archbishop Romero, was appointed to a newly created Department of Human Rights within the Ministry of Foreign Affairs. Hugo Martinez, a former deputy in the Legislative Assembly who had previously worked closely with historical human rights organizations, was appointed as the Foreign Minister. Based on the relationships built with these individuals in the years prior to 2009, activists immediately “sought out” their support, believing that because they had “taken on this commitment and are now part of the government,” they would be amenable to activists’ claims (Interview 2011, f, i).

One current government official explained that “the executive has adopted a methodology, a policy of dialogue with the victims and the organizations that represent them,” including meetings to discuss specific possibilities for moral and material reparation (Interview 2011, o). Activists have been invited to work with David Morales,

Hugo Martinez, a committee within the Foreign Affairs ministry, and the First Lady Vanda Pignato, the Secretary of the newly created Social Inclusion Secretariat. These advances led activists to concur that the points of access for civil society organizations have expanded, with every activist reiterating that the government has “received us... they don’t close the door on us” (Interview 2011, i, h, f, k).

Table 1. Structural and Symbolic Factors Affecting the Domestic POS for Historical Human Rights Organizations in El Salvador				
	Structural		Symbolic	
	General	Issue-Specific	General	Issue-Specific
Election of FMLN	+	+	+	+
FMLN Legislative Victory	+	+		
Stagnant Judiciary		-		
Creation of Human Rights Department	+	+	+	+
Appointment of “Friendly” Functionaries		+		+
Human Rights Platform of FMLN			+	+
Funes’ Statements on the 1993 Amnesty				-
Funes’ References to Monseñor Romero			+	+
Invitation of Civil Society Organizations to Inauguration				+
Personal Meetings		+/-		+/-

Table 1: Structural and Symbolic Factors Affecting the Domestic POS for Historical Human Rights Organizations in El Salvador

Thus, despite some negative signals regarding to what extent this new government would be willing or have the power to implement a satisfactory vision of human rights, activists agreed that the overall structural and discursive changes before and after the elections indicate a more “open” POS for them. While not expecting to accomplish “100%” of their goals, the government’s stated commitment to recognize historical abuses and move toward providing reparations to the victims, in conjunction with some of its first actions upon taking power, led activists to expect to accomplish a great deal more through domestic institutional channels than they had previously.

International Political Opportunity Structure

In comparison to the international political opportunity structure available to the historical human rights organizations during the war, activists recognized a substantial decline in the density of communication and financial support for domestic activities. As the dramatic human rights violations committed during the war have ended and the country has become a functioning democracy, few international solidarity organizations continue to focus heavily on issues important to these Salvadoran activists. Activists did not discount sporadic visits by delegations of North Americans, noting that “solidarity will always play an important role,” but at the same time candidly explaining that “when the war ended, the help ended” (Interview 2011, f). For most of the historical human rights organizations, strategic coordination with international actors, including funding, information exchange, campaign work, and litigation strategies, has existed only at a minimal level since the years following the 1992 Peace Accords (Interview 2011, f).

Financial difficulty was identified as one of the biggest limitations in accessing international institutions or conferences. When characterizing the attitude of international organizations, activists explained that “they say that they don’t work directly on the issues of human rights anymore” as they don’t see the results in the same way as “building houses, schools” (Interview 2011, i). Instead of funding non-governmental organizations working on issues of human rights, activists found that aid agencies were instead diverting assistance to the Human Rights Ombudsman’s office and the government in the post-war years (Interview 2011, i, f). Reduced funding directly affected possibilities for international coordination, as “you need people working at it, to maintain coordination, to maintain [international allies] informed about how things are going,” and unfortunately “this implies funding to be able to have people working like they were before” (Interview 2011, i). In recent years, Salvadoran organizations have also been unable to participate in the regional association of family members’ committees, the Latin American Federation of Associations of Family Members of the Detained-Disappeared, due to lack of funding (Interview 2011, f). While this shift in the posture of international organizations has affected all historical human rights work, it seems to have especially impacted victims’ or relatives’ associations, which today are mostly run by volunteers.

Despite these material setbacks and objective “closure” in the international political opportunity structure since the war ended, activists nevertheless expressed enthusiasm for international allies and suggested that reinvigorating past relationships was within the realm of possibility (Interview 2011, i, f). Activists seemed to find the very existence of international mechanisms to increase “their expectations for success” (Tarrow 1994, 85). Regardless of how much actual access had been available to these

mechanisms between 1992 and the time of interview in 2011, activists spoke with hope about the Inter-American Commission and Court of Human Rights, the United Nations Working Group on Enforced or Involuntary Disappearances, meetings with North American solidarity delegations, and the possibility of bringing emblematic Salvadoran cases to U.S. and Spanish courts (Interview 2011, f, i, j). The activists interviewed seemed to believe that support could be achieved again in the future if they needed it and were able to seek it out. As suggested in the introduction to this section, since the objective of this report is to understand activists' choice of domestic and international strategies I have chosen to give special weight to activists' *expectations* over "objective" structural factors under the assumption that they will act based on their own perceptions. As such, I will categorize the international opportunity structure for Salvadoran activists as relatively open given their own expectations, both between the period of 1992 to 2009 and post-2009.

It is important to note that for the purposes of this report, the international political opportunity structure is assumed to be held constant while the domestic political opportunity structure is moving from closed to open. There may be nuanced differences in the international POS before and after the election of the FMLN in 2009, but interviews with domestic activists did not suggest any major dynamic movement. Theoretically, the impact of the change in government may also contribute to a change in how organizations in the international realm evaluate their potential support of domestic initiatives. For example, if international human rights organizations expect that the new administration will be more amenable to advocacy and/or more likely to follow recommendations or rulings from international bodies, they may be more inclined to support domestic organizations pursuing this kind of work. On the other hand, if

international activists believe that domestic human rights organizations will be able to achieve their goals more easily now without the need for transnational organizing, they may be even less inclined to support them. Understanding this dynamic from international activists' perspectives would provide a fuller picture of the international POS and may point to a change post-2009, but for the purposes of this study the domestic activists' expectations drive the analysis and are the main component in categorizing the international POS.

DOMESTIC AND TRANSNATIONAL ADVOCACY STRATEGIES

The analysis of political opportunity structures now allows us to confront the question at the heart of this report: with greater opportunity to achieve the implementation of human rights norms via domestic advocacy with the 2009 FMLN administration, will Salvadoran human rights organizations continue to use transnational strategies to advocate for domestic change, and how does the use of TANs change given greater opening in the domestic arena? This last section of the case study will attempt to identify the strategies used by domestic activists in both the post-war period up to 2009, and after, focusing on how the changing domestic political opportunity structure has motivated their strategic choices.

Strategies between 1992-2009

In the post-war years, the historical human rights movement moved beyond direct repression but confronted new obstacles to achieving their goals. Between 1992 and 2009, the majority of activists experienced continued rejection of their claims, both within the executive and the judiciary branches of government. At first, activists worked

with friendly legislators from the FMLN party to try and influence other actors within the government. They also tried to work directly with the central government through the presentation of proposals for reparation programs and requests that the government and the military investigate the situation of the disappeared, but noted that through these strategies “we couldn’t achieve anything, not even to get a meeting with them” (Interview 2011, i). All of this generated what one former activist described as “a strategy of not looking to internal procedures with great detail” (Interview 2011, o). Activists from resource-poor organizations resorted to public actions, such as marches, protests, press conferences and strikes as what they perceived to be the only available domestic lobbying strategy with ARENA administrations (Interview 2011, o).

One organization, Pro-Busqueda was singled out as being more successful in “promoting numerous procedures since the 1990s with several state institutions,” including “the courts, the Attorney General’s office, inter-institutional spaces for coordination, and the Human Rights Ombudsman’s office” (Interview 2011, o). As discussed earlier, however, the lack of an independent judiciary system led to the exhaustion of these channels without success. One activist explained the next step: “the internal processes that existed were utilized... but when we couldn’t get answers... and still not knowing the whereabouts [of the disappeared], we decided to turn to international bodies taking into account that this is an option... where [cases] will be listened to and followed up on” (Interview 2011, k). Activists viewed transnational strategies like this as both useful in their own right to bring human rights violators to justice, but also as a strategy that could potentially help force open domestic spaces, as “one case, one sentence set down by a tribunal, like the Inter-American Court to the

Salvadoran government, is an example to be able to seek out justice in so many other cases” (Interview 2011, h; i; k)

Activists found that these strategies had mixed success with the government. After the Inter-American Commission issued reports in 1999 and 2000 on two emblematic cases from the war in which they condemned the Salvadoran government for human rights violations and called for the repeal of the domestic amnesty law, one former activist noted that “advances in international processes... allowed some human rights organizations to go further with their demands [domestically]” (Interview 2011, o). The Commission’s decisions were only recommendations however, and ultimately there was little reverberation domestically. Pro-Busqueda received a favorable and binding ruling from the Inter-American Court in 2005 on the case of the Serrano Cruz sisters, who were disappeared during the war. As a binding ruling, the government was “obligated... to carry out some of the recommendations,” but activists noted that it did so “more out of a moral obligation to fulfill the dictates of an international body, than out of an interest in recognizing or providing reparations... for victims of the war” (Interview 2011, k). Another activist suggested that the state had its own strategies for implementing the recommendations. For example, instead of asking forgiveness of the girls’ family, the state instead “apologized,” a nuance that the activist described as an affront to “the dignity of the little girls and their family” (Interview 2011, h).

Some domestic organizations worked with international organizations on these transnational strategies while others did not have the resources to engage in this way. For example, Pro-Busqueda worked with the Center for Justice and International Law (CEJIL) to bring the Serrano Cruz case before the Inter-American Court. Two domestic

organizations associated with the Catholic Church, IDHUCA and Tutela Legal, partnered with the US based Center for Justice and Accountability to bring cases against human rights violators living in the United States at the time (Collins 2010). Collins (2010) criticized the idea that these cases represented TAN activity given that most Salvadoran organizations were uninvolved and, to some extent, unaware of the details of the cases. While activists from those organizations confirmed their distance from the case, they also affirmed that these actions were nonetheless welcome. One activist explained in reaction to these cases that “it is important that a precedent be set that justice is necessary, so that in our country there can really be peace and reconciliation,” going on to point out that successes in these cases made ARENA political leaders nervous and that the strategy was useful because the government “sometimes won’t listen to you, if you are from [El Salvador]” (Interview 2011, i). As a movement, the kind of close communication, information sharing, and coordinated strategy that had existed during the war was no longer present on a broad scale in the post-war years. Nevertheless, activists who were able to did choose to seek out strategic connections and accessible international tools to help strengthen their advocacy efforts in response to a closed domestic POS. Activists from resource-poor organizations, while not able to engage directly in such strategies, viewed them favorably.

Domestic Strategies Post-2009

The opening of the domestic political opportunity structure through the election of the FMLN generated significant expectations within the historical human rights organizations. While their hope for success in areas like reparations and the right to truth were strong, excitement was tempered by the limited control of the executive branch over

other areas of government, the limited capacity of the state, and Funes' previous statements about taking on contentious issues like the amnesty law. This section will provide description of the advocacy strategies used by domestic actors between 2009 and mid-2011 and analysis as to why these strategies were chosen and how activists mediated the use of domestic and international strategies.

The allies within the FMLN that activists had gained through their domestic advocacy work, as well as their own formation as civil society, helped facilitate their transition into working with the new FMLN government as it came into power in 2009. The appointment of “friendly” functionaries drawn from both civil society and the party's own ranks was especially advantageous for the historical human rights groups as it allowed them to easily and quickly take advantage of these relationships with key figures to present their agenda. For example, David Morales and Hugo Martinez, identified earlier as important elements of the open domestic political opportunity structure for activists, “were the ones that participated in the writing of Mauricio Funes' speech” in January 2010, which was a public request for forgiveness to victims of the civil war on behalf of the state (Interview 2011, f). They “mediated” the process between what human rights organizations wanted to see in the speech and the final product (Interview 2011, f). While the Pro-Historical Memory working group publicly praised the speech, activists suggested that they were not completely satisfied with the outcome, particularly because the specific series of reparations they requested was not explicitly addressed in the speech (Contrapunto 2010; Interview 2011, f).

Beyond reparations, another priority for activists is to have El Salvador become party to international human rights treaties during the FMLN administration, especially

the United Nations' Convention on the Protection of All Persons from Enforced Disappearance. Activists noted that "they [government officials] have said the government is committed to this, it was a campaign promise too" and accordingly requested meetings to discuss their requests for ratification (Interview 2011, h). They met directly with the minister of Foreign Affairs, Hugo Martinez, but expressed disappointment at the time of interview that "we're two and a half years into this government, and no treaties have been ratified" (Interview 2011, h). While recognizing that ratification would also require the approval of the legislative assembly, one activist suggested that "the central government could take the initiative and present proposals... so that the legislative assembly could then take on the role that corresponds to it" and that the problem is "more than juridical, it's a problem of political will" (Interview 2011, h).

Those human rights organizations forming part of the Pro-Historical Memory working group indicated that their coalition had been working more closely together since the arrival of the FMLN, meeting every 15 days and presenting joint reparations proposals to the government (Interview 2011, f). Activists explained that "there is a process of dialogue with the new government from the moment it says it is going to take certain actions that the Right never wanted to take... to commit himself [Mauricio Funes] to these things publicly means that we will also open up in some sense to seek out a dialogue" (Interview 2011, j).

Activists expressed an increasing sense of frustration, however, with the current outcome of such dialogue. While grateful for greater openness within the administration, some described the government's actions as mere "show," addressing "cosmetic" issues but coming up short on reparations, the opening of military files, and the National

Commission for the Search for Disappeared Children (Interview 2011, g). One activist noted that during personal meetings with the First Lady, officials took on a “defensive” tone and “did not want to touch things from the past” (Interview 2011, f). Subsequent requests for and reminders about follow up meetings had gone unanswered for nearly four months at the time of interview.

The National Search Commission for Children Disappeared during the Armed Conflict was established by the government in 2010, in accordance with the ruling issued by the Inter-American Court in the Serrano Cruz case, but activists noted that it currently has no budget. When they began to publicly denounce the lack of funding, high-level officials approached civil society to request more dialogue. Activists explained that with this government “it’s important to know in which moment you can dialogue, and in which moment you can’t... the fact that we are in constant dialogue doesn’t mean that we should end there” (Interview 2011, j). Others took a slightly different approach, explaining that they had told government officials that “everything we talked about with them, while there was still no resolution, no one would give statements [to the press] so that things could continue to advance” but also suggesting during the interview that if concrete advances were not made within the third year of the administration, they would resort to more public actions, such as the familiar marches and protests of earlier years (Interview 2011, f).

Thus, despite some positive steps from the government, activists’ expectations have not been met regarding the implementation of human rights policies. While they have not made this clear publicly so as to give the FMLN a chance to make changes before publicly criticizing them and fuelling political polarization, interviewees made it

clear that they expected more from the government and were in the process of contemplating new strategies to implement in the coming year (Interview 2011, f, i).

Transnational Strategies Post-2009

One such strategy being contemplated by activists is the use of international mechanisms to influence and pressure the government. Activists unanimously agreed that international strategies are useful, as the government “pays more attention” to outsiders and responds to “moral pressure” from other states and international institutions (Interview 2011, i, f, k). As long as the judicial climate does not change, transnational strategies are also the only mechanism by which advances can be made regarding access to justice and accountability. As discussed earlier, while nearly all organizations were enthusiastically in favor of transnational strategies, few had the actual capacity to engage in sustained coordination as a result of personnel and general financial limitations. All, however, cited it as an effective strategy that they would not hesitate to use now or in the future, given the capacity.

One organization explained that it had cases pending in the Inter-American Commission on Human Rights, while another was awaiting domestic decisions on four cases. In the case of an unfavorable ruling, the organization planned to bring the cases before the Inter-American Commission. Regarding the case currently before the Commission, activists explained that the Funes administration had requested that they reconcile out of court. The organization agreed, as it perceived that the new administration had good intentions and thus trusted them to negotiate in good faith and comply with any negotiated outcome. The organization pointed out that “we wouldn’t

have done that with other governments” (Interview 2011, j). In the end, however, the Funes administration never presented a reconciliation proposal. Despite the openness displayed by the government, the activists allowed the cases to proceed to the Inter-American Court. These activists explained that “we wanted to see certain actions indicating a commitment, that we weren’t seeing,” and that this strategy was the best way to “stay firm” and “take advantage of opportunities” that had not been available under previous governments.

Activists seemed to view these kinds of international accountability mechanisms favorably as they provide leverage that can be used for the long term, regardless of a change in administrations. While the ARENA administration failed to implement, or implemented in bad faith some of the sentence handed down by the Inter-American Court, the FMLN administration was now making good faith efforts to comply with the spirit of the sentence and activists have a better chance of achieving success in pressuring them on this implementation through domestic advocacy tactics. These sentences also, to some extent, override the problem of not having legislative and judicial branches of government that are as open to the demands of activists. Activists also recognized that the “friendly” FMLN tenure in the executive branch is not guaranteed in the future: “and when a new ARENA government comes into power, what will happen?” asked one activist (Interview 2011, f). Activists thus continue to engage in transnational strategies as a complementary strategy to put additional pressure on friendly governments and as a way of preparing for an uncertain future.

Organizations that are unable to engage in high-profile activity before the Inter-American system focused more on the kind of moral pressure that they would like to see

from foreign governments and their citizens. They noted that this pressure, particularly from the United States, would make their work “easier” (Interview 2011, f; i). One activist expressed her belief that “solidarity... friendly countries, the countries that have always... been there, can have a lot of influence” (Interview 2011, f). In the experience of the activists, governments have always responded more to outside pressure, and they didn’t see the FMLN as being an exception: “we are going to need the support of other organizations, because by ourselves... the support of other people from other countries is always helpful because sometimes it has more force” (Interview 2011, i). At the moment, it seemed that these organizations relied mostly on delegations of North Americans to pay them visits and hear their testimonies, but suggested that they may reinvigorate other relationships if they continue to be disappointed by the FMLN (Interview 2011, f).

CONCLUSION

The historical human rights network provides clear evidence that activists are still choosing to use transnational advocacy strategies when possible to promote domestic change, despite increased openness in the political opportunity structure at the domestic level. In the period of study, activists were providing the FMLN with a grace period of sorts as they evaluated the strength of stated government commitments. During this time, they were involved in increased advocacy at the domestic level, continued to follow through on international strategies begun under previous administrations, and were contemplating additional actions they could take at the international level. Despite disappointment with the pace of work and the attitude of some government officials, activists still seemed to believe that more could be accomplished with this government

than with others, and that “taking advantage of these opportunities” means “using all available institutions” and significant advocacy work at both the domestic and international level (Interview 2011, j).

Those with the financial and human resources to do so are working to strike a balance between entering into dialogue with the new administration and using international tools to pressure the government when it becomes unresponsive or stalls in the implementation of human rights norms. While still appreciative of international solidarity, human rights organizations are no longer working in close coordination with any sort of transnational “network,” so to speak. Nevertheless, activists remain enthusiastic about the use of international strategies and view support from international allies favorably.

In terms of using this case study to evaluate the literature on political opportunity structures and transnational advocacy networks, the historical human rights movement’s advocacy strategies point to several important lessons regarding when and how transnational strategies will be used in the context of a shifting domestic POS.

One important lesson is that the specific ways in which the “opening” of the domestic POS is occurring matters for how activists evaluate strategies. In this case, the shift manifested itself mostly in “friendly” points of access to the executive branch of the government and commitments and promises that could be used as leverage to hold the government accountable to its own discourse. The lack of significant change in the legislative and judicial arenas meant that truly institutional change was less of an option, reinforcing activists’ concerns about what would happen if the FMLN loses the next

presidential election. Activists' shift in strategies thus manifested itself in increased dialogue with friendly government officials, an unofficial grace period to avoid complicating the political image of the government, and the continued pursuit of transnational strategies that help provide solutions that extend beyond the current administration.

Second, this case study confirmed to some extent Sikkink's (2005) theory that domestic activists will use transnational strategies as complementary and compensatory strategies, and that they do aspire to move "with relative ease and fluidity in foreign, international, and regional institutions as a complement and/or backup to their domestic work" (Sikkink 2005, 169). While Simmons' (2010) suggestion that activists no longer need to work in concert with international organizations or allies in the same way as envisioned by the "boomerang" model may be true, the negative connotation placed on international actors was not seen in this case study – activists viewed international involvement from allies as favorable, and would prefer to engage more if resources were available to allow for coordination.

Lastly, this case study suggests that greater attention should be paid to the capacity constraints that affect human rights organizations' choice of strategies. As suggested, many of the organizations operate under significant resource constraints. To some extent, this is reflected in the analysis of the international political opportunity structure, but decreased levels of funding do not necessarily reflect a disinterest in international actors' desire to support domestic movements, or lack of receptivity to their claims. Such organizations should recognize, however, that an opening in the domestic

political opportunity structure may represent a critical moment during which international support for domestic activists may go even further in achieving positive results.

Chapter 3: The Migrants' Rights Movement

INTRODUCTION

The structural conditions of inequality and economic exploitation in Salvadoran society at the heart of the upheaval in the 1980s were largely unresolved by the civil war and the Peace Accords in 1992. While these conditions provoked one response in the 1970s and 80s – to take up arms in a revolutionary struggle – the post-war context found Salvadorans seeking alternate means of improving their and their family's well-being. Due to continuing high levels of unemployment and underemployment, 80% of Salvadorans in 2008 were not earning a decent wage as defined by the United Nations Development Programme (UNDP 2008, 1). Social violence, perpetrated in large part by organized street gangs, left El Salvador as the “country most affected by lethal violence in 2004-2009” in the entire world (Geneva Declaration Secretariat 2011, 44). This violence is considered to be a legacy of the civil war and in many aspects is understood to be the same or worse for the general population than the lived experience of the war (Boerman 2012). In this contemporary context, migration has become the new “safety valve” for a population seeking to flee structural poverty and violence (Brackley 2010, 9).

Unfortunately, in much the same way as the state apparatus in El Salvador alongside the United States reacted to revolutionary struggle through brutal repression and the creation of a state of terror, the contemporary parallel finds migrants once again on the receiving end of brutal repression and human rights violations made possible by policies of exclusion and marginalization. The United States, failing to reconcile the economic realities of migration with the need to respond to national security concerns, especially after 9/11, has failed to enact any kind of comprehensive immigration reform

in the past several decades (Massey et al., 2002; Lopez Levers and Hyatt-Burkhart 2011). Instead, policies having the greatest impact on migrants include increased border security, the externalization of the southern border to immigration controls in Mexico, and the initiatives of individual states such as Arizona and Alabama to adapt now infamous legislation aimed at constructing hostile environments such that undocumented migrants will “self-deport” (Cornelius 2001; Johnson 2008; Lopez Levers and Hyatt-Burkhart 2011).

Physical manifestations of border control include the border wall and increased border patrols in urban areas, pushing migrants into dangerous desert climates and resulting in physical marginalization, exclusion, and death (Cornelius 2004). Mexico has mimicked these policies, serving as another physical boundary to prevent undocumented immigration from Central and South America. With US funding for border security through the Merida initiative and Plan Sur, Mexico’s immigration control system has resulted in many of the same outcomes as US policy (Johnson 2008). The externalization of the US southern border relies on checkpoints in interior Mexico that again force migrants into dangerous areas where they are more likely to become victims of crimes or are subject to corrupt Mexican immigration officials (Johnson 2008; Amnesty International 2010). In much the same way as migrants are forced out of their home countries due to economic and social failures by the state, they are now physically forced into territories where the consequences include kidnapping, torture, rape, and murder.

The human rights situation for Central American migrants in transit across Mexico has worsened in the past decade with the increased power of organized drug cartels and complicity of Mexican authorities (Martinez 2010). Voices within the

Salvadoran media have gone so far as to characterize the situation as a “humanitarian crisis” (El Faro 2008). The United Nations, Amnesty International, and the Mexican National Human Rights Commission have documented the systematic violations of Central American migrants’ rights, including an estimated 22,000 migrant kidnappings on a yearly basis and the astounding figure that between 60-80% of Central American women migrants are raped during their time passing through Mexico without proper documentation (United Nations 2002; CNDH 2005; CNDH 2009; 2011; Amnesty International 2010; Salinas Maldonado 2011). After conducting a country visit to Mexico in 2011, the United Nations Working Group on Enforced or Involuntary Disappearances concluded that migrants in particular are “vulnerable to enforced disappearances,” a human rights violation that involves the direct action or complicity of the state. Given the climate of impunity regarding the kidnapping of migrants, the Working Group could not make individual claims, but felt strongly enough to make the statement that “it is not possible to accept that all of the kidnappings of migrants are carried out by organized crime groups only” (United Nations 2012).

In response to the rise in these human rights violations during the 2000s, civil society organizations in Central America began to form around these issues with the goal of advocating for a change in the policies and behavior of Mexican and Central American governments. Although physical violations against migrants were being committed in a foreign country by foreign powers, activists, especially those directly affected by the violence, were frustrated by the inattention of the Salvadoran government to the phenomenon. Activists’ claims on the Salvadoran government included greater protection of Salvadoran migrants in transit, identification of and repatriation of migrants who have died abroad, and reparations programs for family members left behind.

Implicit in these claims on the Salvadoran government is the accusation of a more ambiguous human rights violation: the lack of appropriate social and economic conditions that oblige Salvadorans to migrate in the first place.

One former human rights activist interviewed for this study, now a functionary of the 2009 FMLN administration, expressed the following: “I’m not talking about those human rights affected in transit, or when they [migrants] have already arrived... I think the gravest human rights violations, not just against migrants, but against a good part of Salvadorans, take place here in this country. Migration is a product *of*, a consequence *of*...” (Interview 2011, c). Going on to describe a long history of human rights violations – labor rights, rights to free expression, basic rights of the family, the right to work and make a dignified living – the interviewee made it clear that many Salvadoran activists view their own government as responsible for the phenomenon of migration and its negative consequences.

Despite these structural human rights claims, activists have focused on the more dramatic cases of migrant deaths and disappearance. Unfortunately, relatives of migrants who have died or disappeared found that the Salvadoran government, in particular the Ministry of Foreign Affairs, was failing to protect migrants in transit, search for missing migrants, or repatriate those who had died or been killed. In the face of this unresponsive bureaucracy, family members started taking their cases to CARECEN International, a small Salvadoran non-governmental organization that began to receive reports of missing migrants in 1999. CARECEN helped repatriate migrants who had died in Mexico, and integrated into a regional network of organizations between El Salvador, Guatemala, Honduras, Mexico, and the United States that helped search for and identify missing

migrants. This network included migrant shelters, human rights organizations, consulates, morgues, and research institutions.

To some extent, Salvadoran organizations were late-comers to this advocacy network. Domestic civil society organizations in Mexico had been working since 1996 to advance migrants' rights within the country, contributing to Mexico's ratification of the United Nations Convention on Migrant Workers' Rights in 1999 and pursuing advocacy opportunities through the Inter-American system and the United Nations (Sin Fronteras 2006). As CARECEN witnessed a growing number of cases and more systematic violations of migrants' rights, it saw fit to organize the family members into their own organization, COFAMIDE. While coming together as family members served the purpose of psychological support and empowerment, it also served the strategic goal of creating a voice for advocacy that was directly representative of the victims left behind. In conjunction with other civil society actors, including academic institutions, certain media outlets, and broad-based human rights organizations that included migration as one component of their work, the same kinds of relatives' associations that appeared in the 1970s and 80s again play an integral role in human rights advocacy on this issue.

While activists did not find an ally in the Salvadoran governments presided over by the right-wing ARENA party, the migrants' rights movement was not intimately affiliated with the FMLN in the same way the historical human rights movement was and continues to be. As such, it is not immediately obvious that the political transition in 2009 would have the same implications in the minds of the activists regarding their chances of success as it would for the historical movement. The following sections will

thus explore the political opportunity structures available to domestic activists as well as their advocacy strategies both pre- and post-2009.

POLITICAL OPPORTUNITY STRUCTURE

As suggested in the historical human rights case study, it is essential to first document the domestic and international POS available to Salvadoran activists both before and after the 2009 election of the left-wing FMLN to the presidency before engaging in an analysis of activists' advocacy strategies and engagement with TANs. Given the less politically polarizing nature of the human rights violation at stake, it is especially important in the case of the migrants' rights network to evaluate the expectations of domestic activists during the pivotal electoral moment in 2009 that is assumed to have had an important impact on their calculations of POS. Also, as discussed earlier, this exercise allows us to better understand the mechanisms through which a change in POS results in a change in the use of TANs beyond simply their "use" or "non-use," but rather getting to the heart of what it is about the change in political opportunity structure that leads to a change in the use of TANs, and why.

In the same fashion as the analysis of the historical human rights movement, this section will detail both structural and symbolic aspects of the domestic political opportunity structure that had an impact on activists' expectations for success or failure with the new administration. Again, the summary table in Figure 2 does not attempt to represent an exhaustive list, but rather highlights those aspects especially identified by activists themselves, with due weight being given to their own analysis and perceptions. Changes are again categorized as being relevant to the overall POS or the issue-specific

POS of the migrants' rights movement, and the impact on activists' perceptions is indicated to be positive or negative (+/-). The analysis shows that, for some organizations, there was indeed a shift in the available domestic POS for the migrants' rights movement as a result of the 2009 presidential elections, with both structural and symbolic aspects of the political environment contributing to increased activist expectations for success.

Pre-2009

Prior to the election of the FMLN in 2009, migrants' rights activists had been doing significant organizing work since around 2000, corresponding to an increased rise both in migration during that decade as well as increased incidents of violence against migrants in Mexico. In discussing the attitude of previous governments toward the issues at stake regarding human rights and migration, activists were divided regarding their receptivity toward the issues and toward civil society's demands. Activists from larger, more established organizations believed that they had held positive relations with ARENA administrations. On the other hand, smaller organizations were adamant that they had experienced significant closure and rejection from previous governments, using much of the same language as activists in the historical human rights movement. I will outline both perspectives here, but for the purposes of this report I will focus the rest of this case study on the strategies employed by those organizations who felt that there was a shift from closed to open after the 2009 FMLN election.

As opposed to the recognition by previous government officials that relations with civil society over historical human rights abuses had been conflictive, government

officials from this period working on migrants' rights issues believed that the relationship with human rights organizations had been positive. One government official interviewed for this study, who held a high ranking position in the Ministry of Foreign Affairs from 2004-2008, characterized her relationship with civil society as "very fluid, very positive, very constructive... and I can tell you that this was mutual" (Interview 2011, m). Some activists agreed, suggesting that "to me it seemed that there were more advances, more possibilities for dialogue, with the previous administrations than with this one" (Interview 2011, l; n).

Other domestic activists associated with organizations of family members, universities, and international human rights organizations were in agreement that ARENA administrations in previous years were unresponsive to their claims. One activist explained, "the authorities, especially at the Foreign Affairs ministry, which were the ones we should have had contact with, considered us as enemies. This meant that we couldn't have any kind of professional relationship, and if we made any kind of petitions... we never got a positive response" (Interview 2011, c). Another suggested that the vision of previous administrations was that "human rights were only for a few [people]" and that "the issue of the disappeared [migrants] and their families was hopeless... a complete rejection of coordinating with human rights organizations" (Interview 2011, a). Actions aimed at protecting the human rights of migrants during this time were, according to this activist, better described as aimed at protecting the "economic interest of guaranteeing remittances" (Interview 2011, a). A third activist explained that at least some of the officials at the Foreign Affairs Ministry were welcoming and listened to their complaints, but ultimately "they were showing us a pretty

face, and as soon as we turned around they would throw [our cases] in the trash or in the file cabinet” (Interview 2011, e).

The differences in perspectives displayed by activists most likely reflect very real differences in the way they were received by previous governments. More research would be necessary to determine exactly what contributed to these perceptions or the disparate treatment by the government of different organizations. One hypothesis is that, being well-established, well-funded organizations, the government was more willing to work with them directly. Another explanation could be that these organizations were better at implementing conciliatory advocacy strategies, thus gaining openings in what we know to be the dynamic, mutually constitutive process of changing political opportunity structures. While this is an important question that should be addressed in future work, only the strategies of those organizations who in fact perceived the pre-2009 political climate as “closed” will be examined for the purposes of this report.

Post-2009

The literature on political opportunity structure tells us that some elements of POS are general, while others can vary across issue areas within the same country and the same government. In considering the POS available to the migrants’ rights movement, some of the factors identified by activists are thus unique to this movement, while others overlap with elements already identified in the analysis of the historical movement. Again, two distinct perspectives emerged from activists regarding the relative openness or closure of the new administration and their expectations for success. In addition to the “objective” structural elements that can be identified between the run-up to the election

and the time of interview, activists' varying perspectives and expectations will also be addressed in this analysis.

In addition to the statement that human rights would be the “guiding orientation for state policies” in the general platform outlined by the FMLN prior to the 2009 election, the platform also included specific sections on migration, suggesting that the new government would promote the human rights of migrants in both transit and destination countries, as well as work to diminish the push factors of migration (Platform 2009, 85-86). One of the campaign promises made by Funes also included a new Migration Law that would address multiple aspects of the migration phenomenon (Interview 2011, 1). Insofar as activists believed that previous administrations had been closed to these questions, the general platform of “change” and focus on human rights generated expectations that there could be more chances of success with a new administration.

As the natural point of contact with the government for migration activists is with the Foreign Affairs ministry, the new Human Rights department created within the first few months of the new administration and staffed by David Morales as a known former human rights activist can be identified as a positive change for both movements. The appointment of Juan Jose Garcia, an academic rather than a politician, as the Vice-Minister for Salvadorans Abroad provided another “friendly” point of access for migration activists. Additionally, several new consular offices were opened in southern Mexico within the first two years of administration, and two are headed by former members of civil society who previously worked on issues of migrants' rights. From a

structural perspective, the points of access for activists have certainly expanded since 2009.

The same activists who perceived a closed political opportunity structure before 2009 also found significant change in the posture of the new government toward civil society. Citing “openness on the part of the Vice-Minister for Salvadorans Abroad” toward civil society as a possible factor, activists had witnessed a clear change in the attitude of several government officials with whom they had had negative encounters prior to 2009: “the same people come... to play the same role but with different treatment [of us]... you can see the change” (Interview 2011, e, p). In fact, government documents circulated within the Foreign Affairs ministry actually dictate that establishing relationships with civil society is now an obligation rather than a choice (Interview 2011, c). Activists were not aware of this document, but nevertheless noted the shift. While activists still distrust the genuine intentions of these holdovers from previous administrations, this policy has nevertheless facilitated personal meetings with key functionaries, invitations to conferences and events, and the possibility of establishing formal working relationships between activists and the government.

Those activists that had achieved relatively positive relations with previous administrations actually witnessed a shift from open to closed when dealing with the domestic POS. While not necessarily viewing the work of the FMLN as detrimental to a human rights agenda, one activist suggested that the government, “believing that it has the same vision as that of civil society organizations... they aren’t opening up for consultation” (Interview 2011, l). Another activist, citing his experience with three ARENA administrations, suggested that in terms of “relationships, and spaces of

dialogue... [the FMLN administration] has been more closed” (Interview 2011, n). The activists putting forth this position suggested that this orientation might be due to “lack of vision” or “a process of adaptation,” rather than a disinterest in issues of human rights, but nevertheless believed that it excluded their perspective from the work of the government (Interview 2011, 1, n)

Again, there are multiple hypotheses that could account for these varying perceptions between different actors within the migrants’ rights movement. One might be that the government has expanded access to more than a select few organizations, and organizations that were privileged before now perceive a decreased level of attention or receptivity as a result. Another may be that in fact the government is seeking to de-prioritize these organizations precisely because of a perceived affiliation with previous administrations. Evidence from this study cannot provide support for either of these hypotheses and future research on these dynamics is advised, but as suggested earlier only the organizations that identified a shift from a closed to open domestic political opportunity structure will be studied in the remainder of the case study. The Table below attempts to summarize the structural and discursive elements identified by those organizations as representing a real change in the political opportunities available to them in advocating for migrants’ rights.

Table 2. Structural and Symbolic Factors Affecting the Domestic POS for Migrants' Rights Organizations in El Salvador				
	Structural		Symbolic	
	General	Issue-Specific	General	Issue-Specific
Election of FMLN	+	+	+	+
Creation of Human Rights Department	+	+	+	+
Appointment of "Friendly" Functionaries		+		+
New Policy of Openness to Civil Society	+	+	+	+
Human Rights Platform of FMLN			+	+
Migration Platform of FMLN				+
Personal Meetings		+		+
Continuity of Mid-Level Bureaucrats		-		-

Table 2: Structural and Symbolic Factors Affecting the Domestic POS for Migrants' Rights Organizations in El Salvador

International Political Opportunity Structure

The international POS for the migrants' rights movement has always been considerably open, perhaps especially so because of the transnational nature of the issue at stake. Salvadoran activists have naturally come into contact with their Mexican and Central American counterparts due to their search efforts for missing migrants. A strong migrants' rights network in Mexico provides a ready-made structure in which Salvadoran activists can participate. Additionally, as migration is an important regional and global issue, the proliferation of conferences and other forums for international coordination is

significant. Members from migrants' rights organizations have attended events in Nicaragua, Honduras, Guatemala, Mexico, and the United States, coming into contact with and establishing linkages transnationally. It is important to note here that international actors have sought out relationships with Salvadoran organizations on this issue. Mexican grassroots organizers approached organizations to participate in a regional action that involved a march following the migrant trail. Amnesty International also sought out the participation of COFAMIDE as a contribution to their advocacy work.

Like historical human rights organizations, migrants' rights activists also face limitations in interacting with elements of the international POS. Funding affects the extent to which activists can participate in international actions, as the relevant migrants' rights organizations are relatively resource poor. There is also frequently a shortage of the technical expertise required by some international institutions, for example to bring cases before the Inter-American Commission of Human Rights. Lastly, there is a bias in some international organizations to focus on the human rights situation in Mexico for migrants, as that is where most of the physical abuses have occurred. Adding advocacy with Central American governments to the agenda is more difficult. Despite these limitations, activists consistently characterized the possibilities for working through international channels as having been accessible over the years.

DOMESTIC AND TRANSNATIONAL ADVOCACY STRATEGIES

As discussed in the previous section, only a subset of the migrants' rights movement characterized the domestic political opportunity structure as shifting from closed to open upon the election of the FMLN. As the question at the heart of this report

is predicated on the assumption of this shifting POS, only the advocacy strategies of those organizations that identified this shift will be considered here. Again, this analysis attempts to answer the following question: with greater opportunity to achieve the implementation of human rights norms via domestic advocacy with the 2009 FMLN administration, will Salvadoran human rights organizations continue to use transnational strategies to advocate for domestic change, and how does the use of TANs change given greater opening in the domestic arena? This last section of the case study will thus attempt to identify the strategies used by domestic activists both before and after 2009, focusing on how the changing domestic political opportunity structure has motivated their strategic choices.

Strategies Pre-2009

Activists characterized the time period before the election of the FMLN as a closed political opportunity structure that meant they operated in a conflictive environment with little to no productive engagement. Domestically, organizations attempted to present specific cases of abuse against migrants to the Foreign Affairs Ministry, but found that “if we made some kind of petition, or filed paperwork on behalf of someone, they accepted it but... we never received a positive response” (Interview 2011, c). Beyond these attempts at dialogue, advocacy strategies consisted mostly of marches, protests, and other symbolic actions. In September 2006, a few months after its founding, members of the relatives’ association COFAMIDE staged a march in San Salvador to the Mexican Embassy to demand the creation of a database to help in the search for missing migrants. The following day, they marched to the Ministry of Foreign Affairs to present five symbolic cases to be investigated by the Salvadoran government,

and to demand financial and political support for the same database requested of the Mexican authorities. Neither government was responsive to the family members, and one activist described what he felt was open hostility on the part of one functionary who “saw COFAMIDE as an enemy to her position, just because we turned to [the government] for protection and demanded answers, concrete steps” (Interview 2011, c). Although the Salvadoran government accepted the five cases, the family members never heard anything back. Eventually, this led Salvadoran activists to seek out transnational strategies meant to shame their own government into taking on more responsibility in its human rights obligations to migrants and their families.

Transnational activism served a dual purpose in the sense that activists wanted to impact Mexico and its policies directly in order to further respect for migrants’ rights, but also wanted to put pressure on the Salvadoran government to assume these obligations. The most prominent example of this type of activism was the “Journey of Hope” in 2009, wherein members of CARECEN and COFAMIDE traveled through southern Mexico, making symbolic visits to migrant shelters, points of passage for migrants, and sites of known human rights violations. The march was accompanied by members of the Salvadoran press, including a documentary film team, and attracted significant media coverage in both Mexico and El Salvador.

One organizer of the march considered it “a subversive activity meant to ridicule the government... it wasn’t public, it wasn’t talked about, but the undertone of it was ‘this is what has to be done’... and the people in the government were surprised by what we had done” (Interview 2011, c). Another activist recounted that an official questioned why the group wanted to do this march, when it was work that corresponded to the

government. Angrily, the activist responded “precisely because of that, because you are not doing [the work]” (Interview 2011, e). Activists agreed that the march was successful in the sense that those involved gained greater credibility and recognition both generally and within the government. Nevertheless, activists agreed that little to no concrete changes in the implementation of human rights were seen before 2009.

In coordinating transnational activities, activists worked directly with the local network of migrants’ rights organizations in southern Mexico to arrange the 2009 trip, which included press conferences and a public meeting with local Mexican authorities to specifically discuss the issue of the database that they had requested in 2006. Given the nature of the human rights abuses against migrants in transit, significant logistical coordination existed between activists in Mexico and activists in El Salvador, including information sharing and coordinating strategies such as the Journey of Hope. While these relationships were not aimed at getting international actors to “boomerang” pressure back onto the Salvadoran government, they were aimed at symbolically shaming the Salvadoran government for not fulfilling its human rights obligations towards its citizens.

Domestic Strategies Post-2009

The FMLN administration’s receptivity to the migrants’ rights organizations discussed here opened the door for close collaboration between government functionaries and migrants’ rights activists. Whereas before activists chose to put together marches and protests, “now we see it as a matter of dialogue, whether by phone or e-mail, in meetings with the Vice-Minister... expressing what we like or don’t like about them, and they are at least taking us into consideration” (Interview 2011, e).

In June 2011, migrants' rights organizers from Mexico visited El Salvador to secure the participation of Salvadoran activists in a new march, the "Step-by-Step toward Peace" Caravan, to take place in Mexico in July 2011. Unlike the last Caravan organized by COFAMIDE, this time activists sought to involve the government and they sustained meetings with high level officials to present the activity and request logistical collaboration and moral support. While officials made it clear that they needed to maintain distance between government activities and civil society activities, they nevertheless facilitated the process of obtaining visas for participants who otherwise would not have been eligible to enter Mexico. In Mexico, Salvadoran consular officials were amongst the only government officials to attend to the group on their trip (La Tribuna 2011).

During meetings with the government about the Caravan, activists made reference to government rhetoric in support of migrants' rights and thanked them for the support they had shown in other areas. Using the "friendly" points of access within the new administration to gain access to high level meetings, activists were successfully able to use the government's own rhetoric to gain significant support for their own advocacy agenda. In this case, Salvadoran activists did not use their transnational advocacy network to shame the government and gain greater recognition, but rather they were able to use domestic advocacy to further a transnational agenda.

Not all domestic advocacy opportunities have worked as smoothly in the activists' favor. As discussed earlier, many lower level government officials from prior administrations remain in the same posts they had previously occupied. Though their

attitudes have changed, activists have nevertheless had difficulties in achieving concrete results without going above their heads. For example, after a Salvadoran migrant passed away near the U.S.-Mexico border, COFAMIDE had to intervene with the Vice-Minister for Salvadorans Abroad in order to make sure the family was approved for support from a repatriation fund. Lower level officials initially denied the family access to the fund and repeatedly asked the migrant's mother if she had gotten together the \$3,000 necessary for the repatriation, as "time is running out." One activist explained that after COFAMIDE spoke directly with the Vice-Minister, "in two hours they resolved the issue" and the family received notice that they were approved for funding (Interview 2011, e).

Even at the executive level, government discourse has not always displayed a clear commitment to protecting migrants' rights. After the discovery of a 72 migrant massacre including 14 Salvadoran victims in Tamaulipas, Mexico, President Funes stated prior to his visit with Mexican President Felipe Calderon that "We have come to have a conversation with the president of Mexico, not to condemn him or criticize him" (Fox News 2010). The outcome of the meeting between the two presidents was the establishment of a "high level working group to develop joint strategies for combating the drug gangs," as the Mexican drug cartel *Los Zetas* was the alleged perpetrator of the massacre (Fox News 2010). President Funes' reaction in this situation illustrates the executive's lack of political will to seriously pressure Mexico on this as a human rights issue. One current government official suggested that "there have been advances, but in terms of the political relationships at the highest level, diplomacy will always prevail" (Interview 2011, c)

After the massacre, COFAMIDE approached the Foreign Affairs Ministry to work together on a project that would directly attend to the family members of the victims. Through this emblematic case, COFAMIDE hoped to establish a precedent of government reparations for the family members of migrant victims. The proposed project includes counseling support as well as an analysis of victims' economic situation to help families apply for small business loans. While the project continues to move forward at the time of writing, representatives of COFAMIDE complained that this partnership to provide reparations is lopsided, especially concerning the financing of the activities. The government provides in-kind support, including use of a locale at the Foreign Affairs Ministry, use of government vehicles to transport participants within the city, and telephone calls. COFAMIDE, with financial support from project donors, financed the cost of the psychologist, materials, and food for the participants. While activists felt that the government was taking the credit for this program without assuming much of the responsibility, they chose to continue with the work in the hopes that the program will eventually become institutionalized within the work of the government.

Activists have thus begun to work in concert with the government on several migrants' rights issues, including rights violations against migrants in transit, repatriations, and reparations for victims. Taking advantage of an undeniably more open political opportunity structure for these organizations has proven effective. Nevertheless, activists continue to experience difficulties in achieving concrete changes through domestic institutional strategies, and their experience to date has shown that continued activism is needed to pressure the government at multiple levels of bureaucracy.

Transnational Strategies Post-2009

At the same time as domestic advocacy is achieving results, activists have continued to find value in using transnational advocacy strategies to exert pressure on the Salvadoran government. Two primary lines of reasoning in favor of transnational strategies emerged from interviews with activists. First, activists were in agreement that bringing international actors to the table helps to produce an image problem for the government, regardless of its best intentions toward human rights issues. Second, activists pointed toward venues for transnational action as possible mechanisms for institutionalizing reforms that might not otherwise be guaranteed if the government were to change hands in the next election. This section will detail transnational advocacy strategies used by civil society post-2009 as well as highlight activists' logic in choosing these particular strategies.

In 2010, COFAMIDE established a relationship with the Forensic Anthropology Team of Argentina (EAAF) to begin a project that involved creating a database of DNA samples taken from all family members with a missing migrant, to be crossed with unidentified bodies found on the United States-Mexico border. Despite the technical nature of the project, activists capitalized on the international leverage brought by sympathetic outside professionals to push the government to participate and establish terms of agreement favorable to civil society. While the database proposed by the domestic organization CARECEN in February 2009 remains on the shelf even within the current administration, the transnational EAAF project was successful within a few months.

One activist suggested that the domestic initiative was “not taken seriously” because the government sees “very little credibility in domestic ideas and initiatives, and complete credibility in anything that comes from the outside” (Interview 2011, a). Another activist suggested that the project would not have been successful if it had been proposed by Salvadoran forensic anthropologists, identifying the element of shame in having outsiders “come to put their house in order” as a primary motivator to action (Interview 2011, e). Thus, despite recognizing that many government officials have the best of intentions, one functionary admits that transnational strategies are effective in getting things done because “they are scared of international [initiatives]... they care about their image” (Interview 2011, c)

Another strategy currently being pursued by COFAMIDE is the use of international venues for human rights litigation involving violations of migrants’ rights. A representative of an international organization in El Salvador identified the two primary benefits of this strategy: increasing the visibility and recognition in El Salvador of abuses against migrants as a human rights issue, and having the international community’s stamp of approval on the issue. The representative suggested that many people consider the rights violations of migrants to be a social problem wherein the migrant’s own agency is to blame, while the Salvadoran government’s obligations remain “completely invisible” (Interview 2011, a). Again, the opinion of international authorities is perceived to be an important strategic advantage, even in working on domestic goals.

Several activists were in agreement that advocacy strategies at this particular moment in time should serve to institutionalize reforms that are positive for the

movement. A sense of urgency pervaded this logic, as most activists considered the possibilities for reform in the long term to be greatly reduced if the FMLN were to lose the next elections in 2014. The possibilities of institutionalizing reform thus seemed to hinge on both transnational and domestic strategies working in concert: the openness of the current government has allowed civil society to create spaces wherein they can leverage transnational strategies to guarantee the continued participation of civil society in the shaping of public policies. For example, within the signed agreement governing the forensic database project with the EAAF, the non-governmental agencies were able to include a clause that guarantees COFAMIDE the right to monitor any government action regarding the database. The possibility of international litigation operates under the same logic, as sentences put forth by institutions such as the Inter-American Court would apply to the Salvadoran government regardless of a change in administration.

CONCLUSION

This case study provides significant evidence that domestic activists facing a relatively more open domestic political opportunity structure still choose to use transnational advocacy strategies to promote domestic change. During the period of study, activists were entering uncharted territory as they made connections with friendly functionaries and began to enter into direct dialogue for the first time. Activists began to see where progress could be made and where continued pressure was still needed, simultaneously continued to engage with international actors through information sharing and coordination of some strategic actions, and formed new alliances with international actors in order to take advantage of what activists perceived as a window of opportunity with the FMLN government. Again, activists believe that much can be accomplished

through taking advantage of friendly functionaries and the leverage that comes with human rights rhetoric, but recognize that this opportunity may only be temporary.

The presence of a strong regional network has also facilitated transnational collaboration on this issue, and migrants' rights activists in El Salvador have learned through experience that these relationships can also be used for leverage with the government. While still in its beginning phases, the level of coordination between domestic and international actors has increased in the last few years and appears to be moving in a positive direction. The improved effectiveness of domestic advocacy has also allowed domestic and transnational strategies to reinforce each other in pressuring Mexico, where many of the human rights violations are occurring.

The main points emerging from this case study reinforce many of the interventions in the literature posited in the historical human rights case study regarding when and how transnational strategies will be used in the context of a shifting domestic POS.

As suggested in the first case study, the specific ways in which the "opening" of the domestic POS is occurring matters for how activists evaluate strategies. In this case as in the previous, the shift in POS manifested itself mostly in "friendly" points of access to the executive branch of the government and commitments and promises that could be used as leverage to hold the government accountable to its own discourse. While good relationships with the current government can lead to significant changes in policy for the duration of its administration, activists sought to maximize the institutionalization of

good human rights policy, which often involved bringing transnational leverage to bear on domestic opportunities.

This case study again confirmed Sikkink's (2005) theory that domestic activists will use transnational strategies as complementary and compensatory strategies, and that they do aspire to move "with relative ease and fluidity in foreign, international, and regional institutions as a complement and/or backup to their domestic work" (Sikkink 2005, 169). Activists recognized that transnational strategies could be used to open up domestic spaces and vice versa. The tendency of governments to pay attention to image problems caused by international observation and monitoring led activists to believe that in some ways continued international support is necessary, even with friendly governments.

A last lesson from this case study stems from the particular social and historical context of the two case studies studied here, when viewed in conjunction with each other. As suggested in the introduction to this case study, there are deep structural similarities between the human rights violations committed during the war and those currently being committed against migrants. The new phenomenon of the disappeared has allowed for a kind of "learning" to occur between the historical and contemporary human rights movements studied here. While this was not the focus of this report, the overlap between some of the strategies employed by both movements was apparent, as was the way in which contemporary strategies have built on the work of the historical movement. For example, many of the friendly functionaries within the government are "friendly" because they were previously active in the historical human rights movement. The involvement of the Argentine Forensic Anthropology Team was also facilitated in some

ways by its previous work in El Salvador in relation to the war and the connections and trust built with activists now holding positions in the government. Thus, much of the groundwork for the migrants' rights movement was laid by the historical movement – and not just domestically, but also transnationally – allowing a new generation of mothers of the disappeared greater possibilities of realizing their right to the truth. More research on this particular issue would be necessary to determine whether this phenomenon is specific to El Salvador.

Conclusion

The evidence obtained from Salvadoran activists in both movements suggests that despite significant openness at the domestic level, activists still perceive transnational strategies as important in achieving concrete results. International allies represent a source of leverage over government officials concerned about their “image” on human rights issues, and help spur concrete action that domestically may otherwise take years. While Salvadoran activists are now able to work directly with government functionaries, the mechanisms for taking advantage of this openness can still be inconsistent. Transnational strategies thus function much as the third hypothesis posed at the beginning of this report suggests: the use of TANs will continue given an open domestic political opportunity structure, but be reconfigured in new ways to reflect its utility as a “complementary and compensatory” strategy rather than a wholly essential means to achieve domestic change (Sikkink 2005, 165). In this way activists are able to fully maximize their possibilities for spurring the government to human rights consistent behavior and avoiding reversals in policy. As one activist suggested, the ideal situation would be for the government to act in favor of human rights without civil society having to push it in the right direction. Even with human rights and civil society as important lynchpins in the FMLN administration, concrete results nevertheless still require significant activism from civil society.

For both movements, the optimum combination of activism has included both domestic and transnational strategies working in concert. In the case of the migrants’ rights network, use of international strategies has been helped by easy entry into functioning transnational networks in Mexico and Central America, as well as the

contemporary nature of the issue at stake and corresponding interest from donors. On the other hand, the historical human rights groups are no longer in a privileged position regarding international support. Lack of funding perpetuates a cycle in which many of these organizations then lack the capacity to seek out international allies or make use of international legal institutions. Those groups that have the capacity do make use of it, however, and it is notable that despite all the difficulties and limitations, nearly all the organizations interviewed considered it fundamental and aspired to use international strategies in the future.

After extensive field research with these two movements, it is also important to point out that neither functions as a true “transnational advocacy movement” as originally discussed by Keck and Sikkink. While the migration movement may be moving towards this status, the historical human rights movement has never recovered from the original loss in interest from international allies. Rather than continuous communication and carefully planned strategies or campaigns, activists in both movements look to international allies for limited and specific, though important, support. They may also have gained enough experience to make use of international institutions as Simmons suggests (2009). Except for some of the larger, historic organizations, the human rights groups under discussion here are generally surviving from day to day, depending on volunteer support, and barely implementing short or long term strategic plans. While these limiting factors keep them from taking full advantage of potential international strategies, their enthusiasm and recognition of such strategies indicates their continued importance.

These findings, discussed just under three years after the transition to a more open political opportunity structure for human rights organizations in El Salvador, cannot comment on the long term utility or success of these strategies. Rather, these findings emphasize the perceptions and choices of activists, with input from the government officials they are interacting with, as to the perceived need for and utility of transnational strategies. Hopefully, in the long term the Salvadoran government will assimilate the demands of human rights groups into its policies, rather than respond only to “image” problems and moral pressure. Advances made with any particular government, however, always risk being reversible, and human rights organizations must constantly reflect on and learn from successful advocacy strategies in order to move forward with the next administration.

Appendix

LIST OF INTERVIEWEES

Interviewees are identified by their organizational affiliation in order to protect their confidentiality, in accordance with IRB guidelines.

- a) Interview with an official from an international migration organization, March 25, 2011. San Salvador, El Salvador.

- b) Interview with a former Salvadoran Ministry of Foreign Affairs official, March 29, 2011. San Salvador, El Salvador.

- c) Interview with a current Salvadoran Ministry of Foreign Affairs official and former migrants' rights activist, March 31, 2011. San Salvador, El Salvador.

- d) Interview with a former Salvadoran Ministry of Foreign Affairs official, April 13, 2011. San Salvador, El Salvador.

- e) Interview with a Salvadoran migrants' rights activist, April 18, 2011. San Salvador, El Salvador.

- f) Interview with a Salvadoran historical human rights activist, April 19, 2011. San Salvador, El Salvador.

- g) Interview with a former Salvadoran Human Rights Ombudsman , May 24, 2011. San Salvador, El Salvador.

- h) Interview with a Salvadoran historical human rights activist, May 31, 2011. San Salvador, El Salvador.
- i) Interview with a Salvadoran historical human rights activist, June 15, 2011. San Salvador, El Salvador.
- j) Interview with an official from an international organization and former historical human rights activist, June 21, 2011. San Salvador, El Salvador.
- k) Interview with a Salvadoran historical human rights activist, June 21, 2011. San Salvador, El Salvador.
- l) Interview with a Salvadoran human rights activist and academic, July 18, 2011. San Salvador, El Salvador.
- m) Interview with a current Salvadoran legislator and former Ministry of Foreign Affairs official, July 19, 2011. San Salvador, El Salvador.
- n) Interview with an official from an international organization, July 22, 2011. San Salvador, El Salvador.
- o) Interview with a current Salvadoran Ministry of Foreign Affairs official and former historical human rights activist, August 10, 2011. San Salvador, El Salvador.

- p) Interview with a Salvadoran academic, August 12, 2011. San Salvador, El Salvador.

- q) Interview with a current Salvadoran Human Rights Ombudsman official, August 15, 2011. San Salvador, El Salvador.

- r) Interview with an official from an international organization, December 8, 2011. San Salvador, El Salvador.

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