

Technical Assistance and the Rule of Law in El Salvador and Honduras

Introduction

Democracy promotion, and more specifically democracy assistance, has increased substantially since the 1960s, and the United States has been the primary actor in this effort (Burnell 2008:414; McFaul 2004:155; McFaul 2010:15). Despite the notion that international agencies are often considered a “forgotten dimension” (McFaul 2010:15) in democratization studies, they exert a significant amount of influence. In fact, 2010 saw the United States spend six times the amount of the next largest donor Germany (Bush 2015:91), and it is estimated that over five billion is spent annually (Burnell 2008:414). As of 1999, the United States Agency for International Development (USAID) spent \$300 million on criminal justice-related initiatives in Latin America (Bhansali and Biebesheimer 2006:306), and USAID stands as the largest democracy donor in the largest donor country (Bush 2015:125).

However, the field of democracy assistance is fraught with many problems, both from an academic, as well as a practical standpoint. McFaul states that: “No blueprint is universally recognized as the most effective way to promote democracy, and in fact, many even reject the idea that there can be a blueprint” (2004:157). Democracy assistance has suffered from a shortage of studies from academia, as well as from aid organizations themselves publishing the results of their endeavors (Carothers 2006a:27; Carothers 2006b:336). And even when studies are conducted, it has been difficult for scholars to take into account all of the possible causal mechanisms that may influence democratization (Burnell 2008:426; Carothers 2006b:331; Rose 2000:191, 202). Even one of the most widely cited studies by Finkel, Pérez-Liñán, and Seligson says: “that there is much that social scientists do not yet know about how democracy grows or is eroded” (2006:59).

Scholars have also pointed out a tendency for organizations implementing democratic assistance to shove their American styles “down everyone’s throat” without taking the local context into account (Rose 2000:1999). That is because aid organizations have done a poor job of accumulating their experiences, and effectively adjusting previous strategies (Carothers 2006a:26). In the legal realm, this problem has manifested itself in two key ways. First, lawyers often dominate the implementation of rule of law in various countries (Carothers 2006a:27). This has the consequence of creating a focus overwhelmingly on writing new laws, and updating courtrooms, at the expense of broader sociopolitical change.

Second, there is often a focus on crime rates as the means by which to measure rule of law implementation, with the predictable goal of reducing crime rates by a certain amount within a given time frame (Bhansali and Biebesheimer 2006:309). Therefore, the response becomes to increase funding for prosecutors, police, and prison systems. However, increased crime stats (often based on crimes reported to the police) may simply reflect a more efficient criminal justice system. Conversely, if public satisfaction in the criminal justice system is low, then reported crimes may go down, which does not then reflect an actual decrease in crime. And

crime can also certainly be related to broader social forces like high unemployment rates. These examples provide a picture as to how convoluted the business of democracy assistance can get, whether in academia, or in practice.

Thomas Carothers provides perhaps the most damning statement about democracy assistance up to this point:

Aid providers know what endpoint they would like to help countries achieve – the Western-style, rule-oriented systems they know from their own countries. Yet, they do not really know how countries that do not have such systems attain them. That is to say they do not know what the process of change consists of and how it might be brought about (Carothers 2006b:21).¹

One piece of advice that is given to help with the study of democracy assistance is “refining the definition of what counts as democracy assistance and comparing more closely the performance of individual sub-sectors” (Burnell 2008:426). This quote will help to guide the direction of this essay, by defining the concept of democracy assistance, with a specific focus on implementing the rule of law, while also narrowing the focus to two Central American countries that lie adjacent to one another: El Salvador and Honduras.

This paper will use the following definition of democracy (or technical) assistance as described by Azpuru et al: “It provides funds or direct assistance to governments, institutions, or civil society actors that are working either to strengthen an emerging democracy or to foster conditions that could lead to democracy’s rise where a nondemocratic regime holds power” (2008:151). Given that USAID is the largest democracy aid organization, and that its first democracy promotion efforts began in Central America during the early 1980s, El Salvador and Honduras are ideal countries to study the United States’ democracy assistance efforts (Bush 2015:125). Central America countries also have similar crime-related problems with one another, including extremely high homicide rates, and drug trafficking (Naím 2012; U.S. Department of State 2018).

Despite the fact that the United States has assisted with democratization in both El Salvador and Honduras (Carothers 1999:34), and that both countries have received roughly three decades of rule of law assistance (Rose 2000:196; Carothers 2006b:333), these countries have significant differences with one another in this regard. According to Freedom House’s “Freedom in the World 2017” country reports, El Salvador has an aggregate score of 70 out of 100, indicating that it is a “Free” country according to Freedom House (Freedom House 2017a).² However, Honduras’ aggregate score of 46 out of 100 indicates that it is only a “Partly Free” country (Freedom House 2017b). What’s more is that El Salvador scores an 8 out of 16 in its rule of law subsection, while Honduras only scores 5 out of 16 (Freedom House 2017a; Freedom House 2017b).

Therefore, the purpose of this paper is to examine two countries, with a similar history of United States intervention and crime-related issues, and see what differences if any are occurring, and what we can learn from

¹ What makes this statement even more revealing, is that Thomas Carothers is one of the most cited scholars in the field of democratic assistance, and this quote comes from a book titled *Promoting the Rule of Law Abroad: In Search of Knowledge*, which is in a chapter titled “The Problem of Knowledge.”

² Details as to how countries aggregate scores are calculated, along with individual subcategories like “functioning of government” and “rule of law,” can be accessed through Freedom House’s “Freedom in the World 2017: Methodology” page at <https://freedomhouse.org/report/methodology-freedom-world-2017>.

it. First, this essay will provide a brief overview of technical assistance (with a focus on USAID). Then, the question of what exactly the rule of law is from a theoretical and practical standpoint will be answered. After that, the cases of El Salvador and Honduras will be examined to ascertain the most significant differences related to rule of law. Then, future research considerations will be given. In short, this study is meant to address four general research questions: What factors account for the difference in outcomes of rule of law initiatives in El Salvador and Honduras? What challenges face the implementation of an effective, transparent judiciary? What other specific political and sociological contexts are challenging the establishment of a democratic rule of law? (corrupt government, powerful gangs, economic recessions, etc.) What can these factors teach us about successful democracy assistance?

Rise of Technical Assistance

The United States has long been concerned about the political landscape of other countries. However, discourses surrounding America's role in international affairs have been the subject of many heated debates (Rose 2000:187). Often, two opposing sides form around this issue, between the "exemplars," versus the "crusaders." The former is hesitant to get involved in the political struggles of other nations, while the latter believes that the United States can, and should, get involved to change the course of history on the world stage. It would be the crusaders who would eventually win out.

Attempts were made to install electoral systems in Cuba and the Philippines after the Spanish-American War (Carothers 1999:19). Also, President Woodrow Wilson felt after World War I that "the best way to achieve American security was not to defend the United States against the outside world but to change the outside world fundamentally" (McFaul 2010:11). Military intervention was also widely applied in Central America, as well as the Caribbean, during the first few decades of the twentieth century (Carothers 1999:19). Some of these military actions included Honduras, Panama, and Haiti.

However, technical assistance did not become as prominent until the 1980s. USAID came into existence with the 1961 Foreign Assistance Act but they did not begin to get into the business of technical assistance until the 1980s in several Latin American countries (Bush 2015:125). An important organization related to USAID, the National Endowment for Democracy (NED), was created in 1983 (Burnell 2008: 416; McFaul 2010:19). The creation of NED led to the formation of International Republican Institute and the National Democratic Institute (affiliated with the Republican and Democratic Parties respectively). These were no doubt seminal moments, in that the idea of technical assistance became entrenched in the American political system. Here we begin to see technical/democracy assistance evolving as a specific practice within the umbrella of democracy promotion. With democracy promotion including a wide range of measures meant "at establishing, strengthening, or defending democracy in a given country" (Azpuru et al 2008:151). This may include anything from diplomatic strategies, to military intervention.

The rise of democratization's third wave beginning in 1974 (Huntington 1991) had major implications for democracy assistance. Countries which supposedly lacked the "preconditions" for democracy were beginning to move towards democratization, and members of the "crusader" camp felt that they could certainly affect the process in a positive way (Rose 2000:192). President Ronald Reagan's administration sought to exert influence in Latin America, with El Salvador being their first target. By 1982, the country was holding elections to transition from its military regime, with USAID monitoring the elections. Throughout the 1980s, USAID was engaged in technical assistance programs in Honduras, Haiti, Chile, Guatemala, and Paraguay, along with El Salvador (Bush 2015:125; Bhansali and Biebesheimer 2006:305). This reflected the Reagan administration's desire to establish hegemony in the Western hemisphere, and to stamp out any remnants of Communism in the region (McCormick 2014:60).

By 1986, rule of law measures were being initiated, through the promotion of judicial reforms and the creation of the International Criminal Investigative Training Assistance Program (ICITAP) (Carothers 1999:36; U.S. Department of Justice 2017). The goal of ICITAP was to build up the investigative capacities of Central American police forces. Later, the ICITAP was brought under the control of the Department of Justice, and various police and judiciary programs have been attempted in every single Central American country, through the combined efforts of USAID, and the ICITAP

Then the 1990s ushered in the end of the Cold War, and with that came increases to USAID, across Eastern Europe, and beyond (Bush 2015:125). The Freedom Support Act of 1991 pushed for USAID to adopt a "global democracy initiative" (Bush 2015:126), which led to USAID creating a working definition for its democracy assistance. Their definition includes five parts: "elections and political processes; the rule of law; governance; civil society; and media" (Bush 2015:126). The 1990s also saw the abandonment of the old anti-communist motives of democracy promotion, in favor of dual programs of democracy assistance and economic development during the presidencies of George H.W. Bush and Bill Clinton (Carothers 1999:43). Also, USAID's budget for democracy assistance increased nearly four-fold during the decade, from \$165.2 million to \$637.1 million (Carothers 1999:49). And this intermixing of democracy assistance, with economic reform, continues to exert a major influence in Latin America and elsewhere to this day (Carothers 2015:63).

What is the Rule of Law and Why is it Important?

As stated earlier, one reason for studying the implementation of the rule of law in Latin America is because this form of technical assistance has a long-established history in the region, thereby making it an ideal setting to try and better understand this phenomenon. Yet the question as to what exactly constitutes the rule of law, and why it is essential for a functioning democracy must be addressed. It will be argued that democracy assistance must extend beyond Robert Dahl's notion of a "procedural minimum" definition of democracy, whereby there is political contention for political office, and that citizens must be allowed to participate in the electoral

process (Karl 1990:2). Rather, the rule of law is needed for citizens to realize their rights, and to strive for a more substantive democracy.

Technical assistance within the rule of law realm have traditionally focused on “top-down” or “institutional checklists” approaches where the focus is placed on strengthening and professionalizing the judiciary and law enforcement agencies (Carothers 1999:163; Carothers 2006a:20). Efforts included the expansion of due process, providing technological assistance, and increasing the overall budgets of court systems. In fact, the use of the terms judicial reform and rule of law reform tend to be used interchangeably. However, this narrow, instrumental view neglects the fact that most citizens in Western-styled democracies do not even have direct contact with the courts, and the importance of the rule of law in restraining the powers of the executive branch (Carothers 2006a:20).

Larry Diamond provides a useful concept of the rule of law from which to build off of:

legal rules are applied fairly, consistently, and predictably across equivalent cases, irrespective of class, status, or power of those subject to the rules. Under a true rule of law, all citizens have political and legal equality, and the state and its agents are themselves subject to the law (1999:11).

The implementation of the rule of law is an important component of a liberal democracy, which grants an extended number of political rights beyond the simple procedural democracy criteria of free and fair elections (Diamond 1999:10; Mechkova, Lührmann, and Lindberg 2017:163). Establishing judicial independence, meaning courts that exercise greater autonomy from political authority, is often the highest priority for technical assistance (Carothers 1999:166). This is extremely important to establishing rule of law, so that horizontal accountability can be exercised, which protects against the arbitrary use of power by the executive branch, and other powerful state actors (Burnell 2008:417; O’Donnell 2004:32).

The restructuring of police forces is also a crucial aspect of technical assistance. Despite the central role of law enforcement in protecting citizens, rebranding the police is no small matter due to their typically atrocious history in authoritarian regimes. In these governments the police protected the regime and not the citizens (Wiatrowski and Goldstone 2010:79). Also, law enforcement positions were granted based on politics rather than professional merit, massive spying is rampant, and abuse and corruption are common occurrences.

Among the most important reforms to policing identified with technical assistance include a strict recruiting process that eliminates those with prior criminal backgrounds, establishing police academies, improving forensic evidence capabilities, training in nonlethal force, and strict adherence to due process (Diamond 1999:95). Furthermore, independent offices tasked with monitoring police actions establish an important form of accountability. Lastly, one of the most important steps in democratic consolidation with regards to rule of law is the removal of police forces from military authority. The integration of the military into domestic, political affairs has long been considered a danger to burgeoning democracies (especially in Latin America) because of the potential ease in which they can corrupt institutions and consolidate their power (Barany 2015:92). O’Donnell and Schmitter discuss how it is important to have: “a gradual change in the military’s image of itself as ultimate

guardian of the national interest and a shift from preoccupation with internal security to some more credible and orthodox role as defender of the country's...external security" (1986:36).

Various other rights have been included as part of creating a successful rule of law. Having property rights has been crucial for the opening of markets and creating economic reform (Beal and Graham 2014:316; Carothers 1999:164; Ciurlizza 2000:215). Human rights have also made their way into judicial training, and also as a broader move to establish a just system of rule of law (Ciurlizza 2000:217). For example, as crime and incarceration has grown, there has been a growing concern to establish humane conditions for prisoners in Latin America (Ungar 2003:922). Also, women constituted a significant portion of human rights groups in Latin America, and have sought to strive for rights specific to women (Waylen 1994:336).

One reason why the rule of law is so important to study in technical assistance (as well as democratization in general) is the consequences that have arisen for devoting too much focus on the procedural definition of electoral democracy (Diamond 1999:10; McFaul 2010:29). What can arise are instances of what some consider "electoralism" (Karl 1990:14), or "restricted democracies" (Rueschemeyer, Stephens, and Stephens 1992:44). In these cases, while the procedural definition of democracy is met, citizens may have their political rights severely inhibited, or those in positions of authority may exercise abusive forms of power. Various governments can be considered "hybrid regimes" (Diamond 2002:23) when they have both democratic and authoritarian elements.

A concerning example is that of a delegative democracy defined as when the president feels: "entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office" (O'Donnell 1994:59). There is a general attitude from the president that they are the embodiment of the nation's will, they should govern as they see fit, and therefore the judiciary, and other forms of horizontal accountability are simply a hindrance. This form of governance has been cast in the same light as a variation of Caesarism, such as that of Napoleon I and Bismarck, commonly associated with fascism and authoritarian regimes (Gramsci 1971:219). Although, O'Donnell points out that delegative democracy is still a peculiar type of democracy distinct of authoritarianism (1994:62). Still, two countries characterized by O'Donnell as delegative democracies, Brazil and Peru (1994:64), have been recipients of USAID, and therefore administrators of technical assistance must be cautious of these situations.

Competitive authoritarianism also presents a challenging obstacle for those who are applying technical assistance in any form. These countries can be defined as regimes where: "formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority. Incumbents violate those rules so often and to such an extent, however, that the regime fails to meet conventional minimum standards for democracy" (Levitsky and Way 2002:52). Although the minimum definition of free and fair elections may be met, opponents of the incumbent are harassed in multiple ways. This can include receiving inadequate media coverage during elections, being spied on, jailed, threatened, or even murdered in some instances. Whereas delegative democracies do still meet a certain level of democracy but suffer from poor horizontal accountability, competitive

authoritarian regimes cannot meet any standard of democracy (Levitsky and Way 2002:53). And it is because the rule of law is either ignored, or that legal entities (like the police) are used to abuse and control citizens.

Hybrid regimes pose a tremendous challenge to those giving or receiving democratic assistance (Barkan 2012:137). A substandard rule of law is one of the major reasons for this, due to the inability to stop arbitrary power, or protect its citizens. As we will see, both El Salvador and Honduras have had a long history of attempting to establish a rule of law, and there are numerous struggles that still continue to this day. However, El Salvador is rated as “Free” and having a stronger rule of law, when compared to Honduras, who is considered “Partly Free” and possessing a weaker rule of law. The next section of this essay will attempt to analyze the particular situation in these two countries, and see what may account for the differences in the state of the rule of law.

El Salvador and Honduras

Honduras elected a president in 1982, while El Salvador elected its president in 1984 (Huntington 1991:23). Both countries have been subject to extensive U.S. military intervention, including efforts to thwart multiple military coups (Huntington 1991:95), and to combat left-wing insurgents like the Sandinistas (McCormick 2014:108). Although democracy promotion in Latin America has often garnered less attention, based on events in the Middle East and Eastern Europe, it has always been a region of importance to the United States (Gratius and Legler 2009:186). However, this history is tainted by support that has been given to multiple efforts to destabilize, rather than build governments, such as the case of Guatemala in 1954. Recent efforts at democracy promotion and technical assistance have often coincided with America’s concerns with drug trafficking, opening free trade and investment, and terrorism (Gratius and Legler 2009:187).

Finkel, Perez-Linan, and Seligson (2007), conducted one of the more widely cited studies of the effects of democracy assistance considered by some to be the most ambitious quantitative study of assistance as well (McFaul:2010). Finkel et al (2007) conducted a multivariate regression, utilizing a data set of all USAID technical assistance efforts, from 1990 to 2003. The results indicated a statistically significant relationship between democracy assistance and Freedom House scores. Specifically, for every \$10 million spent in technical assistance, a country’s Freedom House index increased by one-quarter of a point (Finkel et al. (2007:424). Despite his positive accolades of Finkel et al. (2007), McFaul also notes that: “Most qualitative studies of individual sectors are less positive” (2010:183).

When examining the results of Finkel et al. (2007) we can begin to see some variance in the overall positive results of their regression analysis. For example, rule-of-law specific democracy assistance had a significant, positive lagged³ effect on elections (Finkel et al. 2007:434). What is most surprising, based on the other findings, is that human rights technical assistance had a significant, *negative* effect on human rights within a country, and the coefficient was a staggering -.753 in this case (Finkel et al. 2007:434). The authors acknowledge

³ The authors noticed the reoccurring theme of lagged effects amongst all subsectors. Thus, this indicates that prolonged democracy assistance is needed, and that these efforts can potentially have accumulating effects.

that this may reflect the increased reporting of human rights concerns due to the increased strength of human rights organizations. However, they also acknowledge the possibility of backlash from authoritarian regimes against zealous human rights groups.

It was argued in this essay that human rights can be considered a central component of rule of law initiatives. These results from Finkel et al (2007) also tells us that a significant amount of unpacking needs to be done, in order to plan the best strategies, and properly assess the outcomes of these efforts. Substantial differences can go undetected if comparative studies become too ambitious (Bunce 1995:127). Therefore, by examining the context of El Salvador and Honduras, it will be argued that Honduras' kleptocratic governance (Chayes 2016), coupled with its peculiar forms of drug trafficking and globalization, creates a situation whereby they will have a more difficult time building a strong rule of law when compared to El Salvador.

Honduras

Currently, USAID is involved with projects that total \$156.51 million dollars in funding for rule of law related initiatives in Honduras (USAID 2017a). The largest of these initiatives is the Justice, Human Rights, and Security Strengthening Activity, which has a duration set until February 13, 2021, and a total projected investment of \$34.17 million. Among its goals are to improve the functionality of criminal justice-related institutions, and work human rights standards across a wide range of government functions (USAID 2017a:2). Significant attention across a number of the rule of law programs is also being devoted to drug trafficking, building police-community relations, and establishing greater accountability.

The sheer amount of support that has to be devoted to building trust and accountability in Honduras' institutions is quite alarming. An article by McSweeney et al. (2017) describes how the economic and social of this country, could intersect with dysfunctional government institutions, to make establishing an effective rule of law difficult. The general argument is that cocaine trafficking, along with free-trade deals like the Central American Free Trade Agreement (CAFTA), create a perfect storm where: "illicit capital and land abundance converge...a "narco-bourgeoisie" that uses profits captured from a transnational (cocaine) commodity chain to establish and extend private property relations into new spaces" (McSweeney et al. 2017:5).

The so called "hotspots" where the majority of bulk shipments of drugs come in from South America, has "shifted from northern Guatemala to eastern Honduras during the mid to late 2000s" (McSweeney et al. 2017:7). CAFTA, and other free-trade deals, has led increased money laundering, and private sector land development, whereby drug traffickers and corrupt politicians seek to gain from frontier property deals (McSweeney et al 2017:8). Acquiring large swaps of rural land allows drug traffickers to use remote locations to transport narcotics, especially by boat or plane, and money can be easily laundered through agricultural or infrastructure projects like cattle farms and hydraulic dams. This presents two dramatically different relationships with regards to drug trafficking in Honduras and El Salvador.

Figure 1 demonstrates how Honduras' proximity to the Atlantic coast, coupled with its much larger land mass, make it a hotbed for cocaine shipments that come in from Venezuela on their way to the U.S. This is a sharp

contrast to Figure 2, where many of El Salvador’s routes are in the Pacific Ocean. Interviewees from the United Nations Office on Drugs and Crime (UNODC) claim that since El Salvador is the most densely populated country in Central America, that it decreases the chances of secret airstrips and ports, which are vital to trafficking (Sterbenz 2013). Conversely, Honduras receives 15% of U.S.-bound cocaine, and has even been a sight for submarines that traffic cocaine.

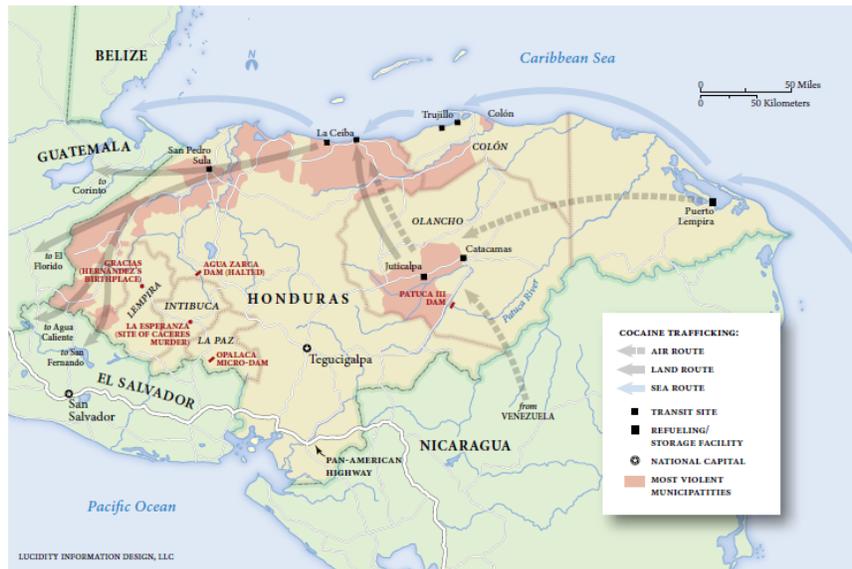


Figure 1: Drug Trafficking Routes Through Honduras

Source: Chayes, Sarah. “When Corruption is the Operating System: The Case of Honduras.” Carnegie Endowment for International Peace, Washington D.C., 2017.

Map 6: Cocaine trafficking routes in El Salvador



Source: UNODC, elaborated from interviews in the region

Figure 2: Drug Trafficking Routes Through El Salvador

Source: Sterbenz, Christina. “These UN Maps Show How Cocaine Flows Through Latin America.” *Business Insider*, Published December 14, 2013. Accessed April 11, 2018.

This has dire consequences for Honduras' attempts to establish a strong rule of law, due to the converging issues of poverty, drug trafficking, and rampant government corruption. In 2017 alone, 4,400 police officers were dismissed by the Special Commission for the Purging and Restructuring of the Honduras National Police (HNP) for corruption (U.S. Department of State 2018:186). Attempts to implement anti-money laundering laws have proven difficult (McSweeney 2017: 15). The following quote goes to the heart of how difficult it can be for technical assistance to make an impact:

Police/military collusion is also essential to protect traffickers from prosecution by independent judiciary or investigative units. Police do this by failing to collect, or to provide, satisfactory evidence to prosecutors. They can also use more direct methods to hinder investigation. In Honduras, for example, it was members of the military police who, at the behest of a DTO (drug trafficking organization) leader, assassinated both the Special Prosecutor charged with freezing cartels' assets and the country's "Drug Czar," who had vowed a crack-down on trafficking (McSweeney et al. 2017:15).

The struggles to maintain an independent judiciary, and rein in the arbitrary use of state violence were also apparent in the case of the murder of indigenous, environmental activist Berta Cáceres. Cáceres, who fought against the building of the Agua Zarca Dam within vital Lenca peoples' land, was assassinated by gunmen inside of her home (Malkin and Arce 2016). The case drew massive international scrutiny, one reason being that carjackers had allegedly stolen evidence files from a judge in the case (Chayes 2017:25). Rather than exercising judicial independence, there is a widespread belief that the judiciary is simply an arm of the president and various private-sector actors (Chayes 2017:24).

In short, the rise of a "narco-bourgeoisie" and corrupt government institutions seem to have contributed substantially to a sub-par rule of law in Honduras (Chayes 2017; McSweeney 2017). Issues seem to have arisen in almost every facet of the rule of law that was discussed in this essay. Horizontal accountability is poor, police conduct is reprehensible, and individual rights are distributed unevenly, if at all. Examining the social and geographical context of Honduras reveals a peculiar situation. Honduras' central location on the South to North American cocaine route, coupled with its large amounts of secluded land, makes it an ideal stop for drug trafficking. Free trade has opened up agricultural and infrastructure development onto lands often inhabited by indigenous populations. This has created dangerous and powerful public-private sector partnerships between politicians and drug traffickers. And therefore, it becomes difficult to establish norms and institutions conducive to a strong rule of law.

El Salvador

Currently, USAID is involved with numerous rule of law related initiatives in El Salvador, with an estimated commitment of \$142 million dollars (USAID 2017b). Its largest project, Crime and Violence Prevention, includes numerous projects like expanding community-based crime prevention techniques, and youth mentoring programs. Significant attention is also given to improving government accountability, addressing human rights issues, and improving prison conditions. El Salvador still has major issues related to homicide, drug use, and the use of military forces in policing gangs like the MS-13 (Freedom House 2017a; Zilberg 2013:234). However, there are significant differences that stand out.

El Salvador's Navy and National Civil Police (PNC) has proven to be more to the task of enforcing drug laws. Most sea route drug traffic has been pushed beyond the 200-mile limit from El Salvador's shores, and the PNC has successfully dismantled drug trafficking networks based in Guatemala (U.S. Department of State 2018:164). El Salvador law enforcement confiscated 5.67 metric tons of cocaine, compared to just 850 kilograms in Honduras, despite the fact that Honduras sees a higher percentage of Central America's cocaine traffic (U.S. Department of State 2018:164 & 185). Residents of El Salvador also reported less instances of illegal drug sales in their neighborhoods when compared to Honduras, with reported percentages of 23.2% versus 34.3% respectively (Pérez and Zechmeister 2015:22).

Although corruption is still a major issue within El Salvador's government, there does still seem to be a higher degree of judicial independence when compared to Honduras. The Attorney General has been successfully building a number of cases against government officials since 2016 (U.S. Department of State 2018:166). One of these included former El Salvadorian President Mauricio Funes, who requested political asylum to Nicaragua, and received it in 2016. Recently, El Salvador's Constitutional Court also overturned the infamous 1993 amnesty laws, which pardoned those who committed war crimes during El Salvador's civil war (Freedom House 2016). Citizens of El Salvador also report a smaller percentage of corruption victimization (9.8%), when compared to citizens of Honduras (23.0%) (Pérez and Zechmeister 2015:56).

There also differences regarding protections for indigenous populations. El Salvador ratified Article 63 to its Constitution in 2014, which gives official recognition to indigenous peoples, and pledges for the adoption of policies to support them (Freedom House 2017a). For example, 2016 saw the legislature approve a Culture Law, which helps to preserve indigenous peoples' culture and language. Conversely, discrimination against indigenous peoples is widespread in Honduras, with the assassination of Berta Cáceres of the Lenca people being the most infamous case (Freedom House 2017b). The Garifuna, who live on the Atlantic coast of Honduras, have faced discrimination from the government, extensive pressure from investors attempting to build vacation resorts on their ancestral lands, and have had encounters with violent drug traffickers (Abbott 2015; Freedom House 2017b).

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