

El Salvador

Negotiating with gangs

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Between 2001 and 2011, El Salvador saw levels of violence comparable only to war zones. With a rate of 66 homicides per 100,000 in 2011, this small nation of 6 million inhabitants became notorious for being one of the most violent places on earth.

A combination of internal conditions – social inequality and marginalisation, violent political cultures and poor governance – and transnational phenomena – the globalisation of criminal activities through international illicit flows of drugs, people, arms and money, and international “securitised” responses to these problems – contributed to the entrenchment of criminal activity in El Salvador’s emerging democracy. Guatemala and Honduras faced similar problems. One particular factor would have an enormous effect: the repatriation of thousands of young illegal immigrants who had been involved in street gangs in Los Angeles.

Gangs encroached on the livelihoods of already impoverished communities, extorting money from big business and local businesspeople – the grocer, the taxi driver, the food-stall owner – with murder as a credible threat. Media coverage projected grisly footage to a society terrorised by seemingly unstoppable carnage.

Government authorities responded to public uproar with an iron fist. *Mano dura* (“firm hand”) policies used harsh legislation that criminalised gang membership as well as specific criminal activities, dismissing the social roots of the gang problem. Implemented by a weak and ineffectual justice and security system, repressive measures failed to address the problem. One *mano dura* policy followed another, making things worse: not only failing to stop violence but even compounding it.

The scale of the associated social disruption and violence undermined the consolidation of fledgling institutions in El Salvador, reinforcing authoritarian enclaves in

the security apparatus and breeding mistrust in public services. The predicament required the eradication of violence and coercion from social and political relations, and consolidation of the social and political institutions that could enable this goal. In other words, it was a clear peacebuilding challenge.

Negotiating with gangs: the truce process

On 8 March 2012, leaders of the two main gangs operating in El Salvador – *Mara Salvatrucha* (MS-13) and Barrio 18 – agreed a truce. They agreed to cease hostilities and pledged to reduce criminal activity, particularly murder, although there was no commitment to stop extortion. Estimates shared with the authors by the truce mediators suggest that 10,000 gang members were in jail, 60,000 were on the streets, and the networks of family and friends numbered about 400,000 – so gangs and the people associated with them accounted for as much as eight per cent of the Salvadorian population.

In exchange for agreeing the truce, MS-13 and Barrio 18 demanded respect for the basic rights of gang members and improvement in their shocking conditions of imprisonment – the Organisation of American States (OAS) recorded overcrowding levels of 299 per cent in prisons in El Salvador in 2012 – as well as an end to the harassment of visiting relatives. The gangs’ motivation was explicit in their first joint declaration of March 2012: to end the cycles of violence that had caused so much suffering, and to reintegrate into Salvadoran society. According to the gang leaders, 50,000 gang members have died since the confrontation between them began, and the relatives of the thousands of jailed gang members are subject to abuse and stigmatisation.



Truce facilitators Monsignor Fabio Colindres and ex-congressman Raul Mijango wash the feet of Mara Salvatrucha (MS-13) gang leaders as part of a Catholic rite during Easter week. © Paolo Luers

There were no demands for amnesty or a reduction in prison sentences of jailed gang members, nor for a freeze of judicial investigation or prosecution of criminal activities. The truce, negotiated from jail by the leaders of both gangs, went beyond a mere ceasefire to include a search for a way out of the cycle of violence. Acknowledging the pain and sorrow their activities had caused to fellow Salvadorians and asking forgiveness from society, the gangs expressed their intention to extricate themselves from violence and criminal activity, asking for assistance to peacefully and gainfully reintegrate into society while keeping their distinct social identity.

News about this agreement soon attracted national and international attention. Initial reports of negotiations between the government and the gangs were dispelled by the announcement that this was an agreement reached between the two main gangs, facilitated by two civil society figures: Raul Mijango, an ex-guerrilla commander and former congressman, and Fabio Colindres, a Catholic Bishop and military chaplain.

But the extent of the government's involvement remained unclear: although President Mauricio Funes publicly

distanced his government from the truce, the fact that the agreement was negotiated in prisons and resulted in the transfer of the gang leadership to jails with better living conditions showed some degree of official involvement.

In June 2012, the president requested the support of the international community for a new *National Agreement for Security and Employment*, which, without making explicit reference to the truce process, was understood to be an expression of government support for it. The Minister for Justice and Security David Munguía subsequently revealed in an interview that the truce had been planned and designed in his office. In September 2012 the Technical Coordinating Committee for the Reduction of Crime and Violence in El Salvador (CTC) was established as the body responsible for the implementation of the violence reduction process resulting from the truce, coordinating the different actors engaged in the process and including governmental representation through the Ministry for Justice and Security. The CTC also involved the two mediators and representation from the OAS.

The reduction in homicides was immediate: 156 murders were registered in April 2012 compared to 402 in February.

Finally, in April 2013, after the reduction in homicides had been sustained at an average of 59.6 per cent for a full year, President Funes acknowledged that he had personally supported the initiative from the beginning, alongside new policy measures designed to sustain its impact.

Resistance to the truce

The prudence of government authorities establishing “plausible deniability” from the initiative was understandable. The decision to engage criminal actors in a political process was highly controversial. Public opinion – reflected and fed by a sensationalist media – had little sympathy for groups that were seen as cruel predators with no redeeming features.

The gangs had developed a self-marginalising mentality and did not aspire to any social legitimacy: anomic anger and despair directed their aggression not only against representatives of the state – first and foremost security officers – but also against society in general. The impoverished communities where they established their turfs lived in constant fear.

Mano dura policies were implemented and expanded not because they were effective – in fact, they made violence worse – but because they were popular: a terrorised population demanded that force be met with force.

As well as being unpopular and politically risky, the truce process was also legally dubious. The *mano dura* judicial framework left little room for any measures but strict criminal investigation and prosecution. The Law Outlawing Maras, Gangs, Groups, Associations and Organisations of a Criminal Nature – Decree 458 (2010) – not only mandated investigation and prosecution of anybody suspected of belonging to any such organisation, but criminalised anybody engaging in “support” activities, a definition ambiguous enough to include those working towards social reintegration of gang members.

Law and order hardliners abhorred the idea of “negotiating with criminals” and opposed any concessions to jailed or free gang members. For them, support for the truce would erode the rule of law by establishing a precedent that judicial prosecution was negotiable, and would further entrench criminal gang activity by promoting tolerance of their crimes.

The opposition parties attacked the government’s support to the mediators, stressing the danger of politically legitimating the *maras* (gangs), of strengthening their organisational structures, and of sanctioning their territorial control. And even civil society groups that had traditionally opposed the *mano dura* approach to social

violence became critical as the lack of transparency around the truce made them suspicious of its origins and intentions.

Legitimising the truce

The truce was born as a socially illegitimate child. But evidence of its dramatic and sustained impact on levels of violence, and a better understanding of its nature, gradually stimulated its popular legitimisation within Salvadoran society. Public perceptions started to change, giving way to some degree of re-positioning even among its most fervent opponents.

The government, first of all, was able to acknowledge its involvement, committing full institutional support to implementation of the truce – although actual delivery of support proved to be less forthcoming. Civil society organisations regained trust in the process as they started to understand its goals and intentions, and the role they would need to play in implementation, which was conceived along the principles of social integration and prevention that many of them had long been advocating.

Law and order hardliners found their *mano dura* arguments were beginning to lose traction given the evidence of less violent streets and – for those within government – the now explicit presidential support. The opposition parties, even in the context of the campaign for general elections in February 2014, were forced to tone down their criticism and develop ambiguous doublespeak in order not to alienate voters who had already begun to feel the positive effect of the truce.

This process of social legitimisation was gradual but sustained. The presidential nod to the international community in June 2012 enabled the OAS to publicly support the mediation effort as early as July 2012, engaging as a guarantor of the pacification process. In September – the month the CTC was established – three smaller gangs (*La Máquina*, *Mirada Locos* and *Mao-Mao*) and two prisoners’ associations (*Raza* and MD) – also adhered to the truce. El Salvador’s famously unruly and violent jails became more stable and in October the International Committee of the Red Cross (ICRC) established a special mission in El Salvador to monitor human rights conditions in prisons.

Interpeace, a peacebuilding organisation operating on youth violence prevention in El Salvador, engaged in the process from August 2012 providing strategic advice and technical assistance to the mediators. In November, the Pastoral Initiative for Life and Peace – an ecumenical initiative of Catholic and Protestant priests – publicly expressed its support to the truce and the pacification process associated with it. A group of businesspeople

established the Humanitarian Foundation to generate opportunities for gainful employment and social reintegration for youths at risk and for “pacified” gang members.

The truce process has been able to progress and accrue legitimacy despite considerable challenges. The government’s initial tactical distance had led to an atmosphere of confusion and uncertainty that affected even the capacity of its own agencies to support the effort. Salvadorian public institutions are weak in terms of technical capacity, resources and internal coordination. The relative autonomy of some public institutions – *de jure* autonomy as with the Public Prosecutor’s Office, or *de facto* autonomy as with some security sector officials who choose to ignore instructions – added to incoherent and contradictory actions. In May 2013 a Supreme Court ruling led to Minister Munguía being replaced by Ricardo Perdomo, whose support for the truce process can be described as timid at best. And electoral calculations might be behind the less enthusiastic tone of President Funes in the latter part of 2013.

The fact that the truce has held for over 18 months shows that the jailed gang leaders carry sufficient legitimacy to speak on behalf of their affiliates and sufficient authority to ensure a level of compliance to its terms. Homicide rates, though, have been rising at the time of writing in late 2013, with many pointing fingers to the gangs. Gang leaders’ authority can only be sustained if their decisions deliver answers to the needs and aspirations of their brethren in the streets: freedom from aggression and alternative livelihoods. To ensure such deliverables there is a need to enrol collaboration and support from not only governmental institutions – whose capacity to engender the necessary conditions for peaceful and gainful reintegration is limited – but from society at large.

Reaching out to civil society has always been a clear goal of the process, both to legitimise the effort in the face of criticism, as well as to enrol actors whose collaboration is needed to develop the conditions for gainful and peaceful reintegration. The support of the Pastoral Initiative for Life and Peace and of the Humanitarian Foundation were important achievements in this respect, but hardly sufficient. More broadly, the attitudes of the Catholic Church and the private sector have remained either critical or suspicious of the process, which is a big impediment to legitimisation. Civil society support would need to be much stronger to really embed the process socially.

By the end of 2012 the mediators realised that the truce process was in danger of stalling due to unresolved internal contradictions in government, a problem that

would only become more acute as political campaigning for the general elections started in 2013. The precarious legitimacy achieved so far was at risk.

Truce and reconciliation?

Socialising the gang pacification process requires shifting the focus from the national to the local level, enabling those who have suffered most from gang violence to feel the “truce dividend”. In January 2013 the second phase of the truce started: territorialisation. Months of conversations between the mediators and local authorities followed, and by July eleven municipalities highly affected by gang violence had been declared “violence free” territories by municipal authorities interested in seizing the opportunity to effectively address the problem (see map p.99). This number was expected to grow by the end of 2013 as conversations between the mediators and municipal authorities in other towns continue.

With the express and concerted support of local civil society – local associations, local businesspeople, Catholic parishes and Protestant churches, and so on – Covenants for Peace have been signed by city majors, representatives of the national government and local gang leaders. These create frameworks for a collaborative and participatory efforts in which local level security and development policies are negotiated in multi-stakeholder processes facilitated by the mediators, and implemented with the support of central government and the Humanitarian Foundation that fosters the development of business and employment initiatives.

It is at this point that, paraphrasing Munguía, the truce becomes a peace process. The truce by itself was insufficient to address the gang problem. Stopping the killing would not transform the social and economic conditions that sustained the cycle of violence, but it created the political space in which alternatives to the failed securitised approach could be explored through a concerted effort with the participation of different stakeholders from state and society, including the gangs themselves.

The drive for the process has been home-grown. It has come fundamentally from Salvadoran actors: the mediators, government officials and gang leaders who were prepared to risk thinking “outside the box”. But international engagement has also been essential. The umbrella of international political support provided by the OAS; the monitoring of conditions of detention by the ICRC; and the strategic and methodological assistance provided by Interpeace: all are important examples of responsive assistance to local actors that align to local needs and wishes instead of being the product of external agendas and priorities.

El Salvador: map of violence-free municipalities



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The final outcome of the truce is not yet clear. A significant part of Salvadorian public opinion remains unsure or opposed to it. Recent increases in violence, the origins of which are still to be understood, are worrying both for the effect they have on public opinion and what they say about the process itself. Progress hinges on the level of support the truce gets from across society – in other words, its perceived legitimacy – in the months leading up to the national elections in February 2014. Unfortunately, the electoral atmosphere is hardly conducive to a rational discussion on the merits and possibilities of the truce as a pacification process. The international community should take note and enhance its efforts in support of those working towards the consolidation of a social peace.

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