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*Mediating criminal  
violence: Lessons  
from the gang truce  
in El Salvador*

*Teresa Whitfield*

**Centre for Humanitarian Dialogue**

114, rue de Lausanne

Geneva 1202

Switzerland

t: + 41 22 908 11 30

f: +41 22 908 11 40

[info@hdcentre.org](mailto:info@hdcentre.org)

[www.hdcentre.org](http://www.hdcentre.org)

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# Introduction<sup>a</sup>

During the 1980s El Salvador suffered a bitterly contested civil war. Negotiations mediated by the United Nations concluded in a peace agreement in 1992 and set the course for the, largely smooth, assimilation of former guerrillas in the Farabundo Martí National Liberation Front (FMLN) into Salvadoran political life. Post-war, violence perpetrated by illegal armed groups escalated as a result of the involvement of gangs and a range of other criminal actors, in parallel to similar crises of security in Guatemala and Honduras. Honduras and El Salvador were subsequently placed first and second in the United Nations Office of Drugs and Crime's global index of homicide with 92 and 69 homicides per 100,000 respectively in 2011.<sup>1</sup>

In a shift from previous policies which had emphasized the robust suppression of violent crime, in March 2012 facilitators answerable to the Salvadoran government mediated a controversial truce between the country's two main gangs. The truce brought about a dramatic reduction in the country's homicide rate whilst raising multiple questions about the risks and benefits of direct engagement with criminal actors.

This paper has been written while the outcomes of the gang truce in El Salvador are still unfolding. It suggests that the truce has been imperfectly managed and remains fragile, but is also a considerable achievement. Lessons that may be derived from it are limited by the specific characteristics and circumstances of the Salvadoran gangs. Yet, they merit consideration for several reasons. The Salvadoran truce, and the arrival in Mexico of a government determined to address the country's spiralling violence, much of which is exacerbated by competition for the gains of the illicit economy and drug trade, have placed new emphasis on alternative paths to pacification. More broadly, counter-

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## The mediation of criminal violence is fraught with complexity and moral hazard.

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narcotics policies that for decades have been framed as a "war on drugs" are being challenged, most recently in a groundbreaking report by the Organization of American States (OAS) that specifically addresses – among other issues – "the violence and suffering associated with the drug problem" in the Americas.<sup>2</sup> Elsewhere, national and international actors are struggling to craft and implement responses to organised violence and crime in situations in which criminal activities have developed as a result of unresolved conflict grievances (in South Africa, Northern Ireland and Kosovo, for example), or where they seek to shape electoral politics (in Kenya, Jamaica and the Solomon Islands), or where they hide behind grievances which are fuelling armed conflict (in Colombia, Mali and Myanmar to name but three examples). They, too, can benefit from the lessons and questions that emerge from the Salvadoran experience.

The mediation of criminal violence is fraught with complexity and moral hazard. In contrast to the relatively familiar path taken by political negotiations – towards an agreement, its implementation, and efforts to reintegrate former combatants and build sustainable peace – it raises difficult questions regarding its possible end state. In many cases, mediation will not be appropriate. But it would be disingenuous to think that it does not happen, and cannot be improved upon when it does. In the absence of short cuts to police reform, functioning judiciaries and robust political institutions, the past fifteen months in El Salvador suggest that, in some cases, dialogue may usefully complement law enforcement to offer a mix of carrots and sticks, sanctions and incentives. This mix is familiar to those with experience of the mediation of violence of the ideological variety, but in important respects also quite distinct from it.

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<sup>a</sup> Teresa Whitfield is a Senior Adviser to the Centre for Humanitarian Dialogue and a Fellow of the Center on International Cooperation at New York University. She would like to thank Sabina Avasiloe, James Cockayne, Linda Garrett, Katia Papagianni, Michael Vatikiotis and Achim Wennman for their helpful comments on earlier drafts of this paper. She is wholly responsible for any errors that may remain within it.

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# Conflict, violence and organised crime

Global patterns of armed conflict and violence offer good news and bad news. The good news, which is widely documented, is the significant decline in the numbers of armed conflicts and conflict-related fatalities seen since the end of the Cold War, in part attributable to the increased international activism of this era. Recent years have seen a rise in the number of armed conflicts since the low of the early 2000s, but not one sufficient to challenge the general trend in conflict decline.<sup>3</sup>

The bad news, perhaps delivered most comprehensively by the World Bank's *World Development Report 2011*, is that violence itself is changing, and that the tools employed by the international community are not yet well developed to address it. As the events triggered by the Arab Spring have demonstrated, one-sided violence and a variety of unorganised violence may precede, or exist independently of, a clearly delineated armed conflict. Meanwhile, organised violence – post-conflict and criminal violence outside of, and mixed in with, ideologically driven conflict – is itself a major impediment to security, governance and development. The 2011 report on the *Global Burden of Armed Violence* found that in a year in which more than 526,000 people met violent deaths, only 55,000 of these could be attributed to armed conflict, while intentional homicide (including interpersonal violence, gang violence and economically motivated crime) accounted for some 396,000 fatalities.<sup>4</sup>

From Afghanistan to the Democratic Republic of the Congo, Mali, Mexico and the Philippines to Somalia and Syria, organised violence includes local violence fuelled by resources as well as violence involving militias, between ethnic groups or related to gang activity, war lords, piracy or kidnapping and violence linked to transnational criminal activities such as the trafficking of arms, drugs or migrants, or associated with global ideological struggle. This complex picture is clearly represented by current conditions in the Sahel where armed groups mix Tuareg nationalism with Islamist jihad, kidnapping for profit and the trafficking of drugs and cigarettes. It blurs clear distinctions between political and criminal objectives, particularly in situations of hybrid political order in which the violent actors may also be fulfilling some local public service functions. It also challenges conventional tools of conflict management and the kind of path dependency identified by James Cockayne,

in which “political actors” may be partners for peace while “criminal actors” are targets for law enforcement.<sup>5</sup> As several analysts have observed, the international community has long been “flying blind” in this area, struggling to grapple with organised crime in its political, as well as its legal, dimensions as it is belatedly recognised as “the blind spot” or “elephant in the room” for peacebuilding.<sup>6</sup>

Healthy debates surround the benefits of engagement even with those ideologically driven armed groups that may be labelled as terrorists. Such contacts are prohibited by US legislation against “material support” for terrorist organisations and under some national jurisdictions, even as those in the mediation community staunchly defend engagement, if not in all circumstances and by all actors.<sup>7</sup> Those who embark on dialogue with criminal groups enter difficult moral and political territory. Violence that is clearly directed by gangs and other criminal organisations is more susceptible to mediation than endemic or spontaneous criminal violence. But murky and intertwined relationships between crime and politics are frequently a complicating factor and raise the ever-present spectre of corruption. Legal obstacles to engagement, in parallel with those limiting contact with terrorists, were established when, in July 2011, President Barack Obama introduced an Executive Order that extends the US government's terrorist listing system to transnational organised crime.<sup>8</sup> One of the first groups to be so listed, in October 2012, was the *Mara Salvatrucha-13* (MS-13), the largest gang active in El Salvador.

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The difficulties inherent in identifying representative and authoritative interlocutors, the fear that dialogue might empower illegal actors with unwarranted legitimacy, and a lack of empirical knowledge regarding the nebulous world of violence and criminal networks are all familiar challenges for those who have contemplated engagement with

ideologically driven armed actors as diverse as the Irish Republican Army, the Tamil Tigers and the Taliban. But the practical problem presented by the lack of an ideological goal among criminal organisations is a challenge of a different order: there is no prospect of a peace process with an “end state” in which an armed group exchanges violence for the chance to pursue its ideological goals by peaceful and democratic means. This may not be an insuperable problem in situations where the profit motive is not the driving force behind the criminal actor. A desirable end state might involve a reduction in violence, an end to marginalisation, or employment and other opportunities for an improved quality of life, and the dismantling of the criminal structure. However, such goals require dedicated strategies and public policies distinct from those pursued in political mediation.

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## Gang violence has proved pervasive even in developed states with robust law enforcement capacities and functioning judicial systems.

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Gang violence has proved pervasive even in developed states with robust law enforcement capacities and functioning judicial systems. The United States has long responded to the problem principally through suppression and, in no small part, by exporting it: between 2002 and 2011 it deported 156,942 Central Americans with a prior criminal conviction, many for gang-related crimes, to their countries of origin.<sup>9</sup> But, in recent years, it has also developed considerable expertise in violence reduction. This is most commonly rooted in the kind of integral approach pioneered in Operation Ceasefire in Boston in the late 1990s, when intervention prioritised limitation of violence as the goal and direct negotiation with criminal groups as the means to achieve it.<sup>10</sup>

Ideas developed in Boston infuse the Cure Violence model of conflict resolution adopted in Chicago as well as the Gang Reduction and Youth Development (GRYD) programme in Los Angeles. Cure Violence works with outreach workers

and “violence interrupters” to counter violence it perceives as a “contagious epidemic” by drawing on lessons from the public health sector.<sup>11</sup> The GRYD programme complements gang suppression with data-driven prevention and “proactive peacemaking” to establish ceasefire agreements and mediate conflicts between rival gangs before they escalate. Like other successful programmes, it depends on multi-system interventions with families, individuals, social groups and the wider community that are difficult to replicate without a robust institutional environment and a considerable investment of resources.<sup>12</sup>

Governments unable to curb violence by security means alone also attempt processes of dialogue with, or encourage dialogue between, a variety of actors whose identities straddle those of illegal armed groups (as identified by international humanitarian law), organised crime, and more localised gangs. Short term successes have been achieved in contexts as diverse as Brazil, Colombia, the Niger Delta, Jamaica and Myanmar. But sustaining them is rarely easy, as the resurgence of activity by Niger Delta militants in 2013 suggests. Moreover, experience has demonstrated that government-led mediation with groups that engage in criminal violence and other forms of organised crime carries with it the risk of the criminalisation of government institutions. In Colombia, a peace agreement reached with paramilitaries in 2004 was followed by incomplete demobilisation, the flourishing of multiple “criminal bands”, as well the “parapolitics” scandal that, in the late 2000s, saw numerous Colombian officials and lawmakers jailed for collusion with paramilitaries.<sup>13</sup>

Closer to El Salvador, a short-lived truce was reached with gangs in Belize in 2011 but collapsed in 2012 as the homicide rate rocketed. In early 2013, rival street gangs in the Mexican city of Guadalajara agreed to a government-brokered truce that has been linked to the gang truce in El Salvador.<sup>14</sup> The influence of El Salvador was even more explicit in the announcements made on 28 May, 2013 by rival gangs in Honduras that they had pledged to cease violence and recruitment. Contacts between the gangs had been mediated by the Catholic bishop of San Pedro Sula, as in El Salvador with the encouragement of the OAS. The gangs appealed to the government to help them move away from the gang life, but also warned that the different conditions in Honduras would make replicating the dramatic drop in homicides seen in El Salvador difficult.<sup>15</sup>

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# Post-conflict El Salvador and the gangs

Twenty-one years ago a textbook peace process brought El Salvador's civil war to an end. During negotiations the FMLN drew on the legitimacy of its struggle against the political and economic exclusion of the majority of Salvadorans by a narrow elite and indiscriminate violence against civilians to persuade the government to accept broad institutional reform in exchange for its demobilisation and participation in political life.

The FMLN quickly established itself as the second political party in the country and won the presidency in 2009 with the centre-left former journalist, Mauricio Funes, as its candidate. The peace agreements were much less successful in achieving their goals of institutional reform; early progress in establishing the Salvadoran National Police (PNC) was eroded by failings in its consolidation while the judicial system remains dysfunctional and corrupt.<sup>16</sup> The agreements were also directly undermined by their inability to address the economic differences that underlay the conflict.

Some aspects of the legacy of the conflict have proven harder to leave behind than anyone had expected. A quickly enacted amnesty law perpetuated impunity. Polarisation remains a hallmark of Salvadoran political life and violence all too prevalent within its culture. The psychosocial impact on a generation of Salvadoran youth who witnessed, participated in, or fled from violence was never adequately addressed. Although most former combatants in both armies demobilised successfully, criminality in El Salvador was fostered by the activities of small numbers who didn't, as well as the appropriation of intelligence, trafficking and other networks that spread across the region during the years of civil war. Corruption oils a personalised approach to politics that is inherently distrustful of institutions and, at times, has threatened to undermine the rule of law.

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Street gangs known as *maras* or *pandillas* had been present in El Salvador since the 1960s, but only rose to prominence in the post-war years of the 1990s. Members of the *Mara Salvatrucha-13* (MS-13) and the *Barrio 18* or 18<sup>th</sup> Street gang deported from Los Angeles gradually assumed dominance over traditional gangs. Poverty, exclusion, dysfunctional families and a profusion of guns, drugs and other criminal networks as well as the weakness of the Salvadoran state all contributed to the gangs' social stigmatisation, and growth. Victims of the brutalising legacy of war and societal neglect, gang members display fierce loyalty to their proxy "families", for many years expressed through outward markers of identity such as tattoos, graffiti and other insignia, some deeply imbued with Christian symbols. Strict induction and disciplinary codes punished transgressions by beatings and death, but reinforced gang cohesion and an increasing alienation from the Salvadoran state.<sup>17</sup>

Criminal violence today is most easily understood as being associated with three broad groups of actors: producers and "managers" of drug product, loosely referred to as cartels and most still originating in Mexico; *transportistas* or "transporters" of drugs and other goods (including migrants and weapons) through the countries of the region; and the gangs.<sup>18</sup> The gangs are therefore one among a range of actors responsible for violence across Mexico and Central America in an environment which is both constantly shifting and plagued by a lack of reliable data. *Clicas*, or gang "cliques", grew from the defence of territory against rival gangs to turf-based protection rackets supported

by extortion. Cartels and other organised crime groups engage with *transportistas* and some local gang *clicas*, as well as police, judges and elected officials in diverse and evolving forms. Drugs fuel violence at a local level as cartels and *transportistas* pay for services rendered – including by gang members – in product, which the gangs then sell on the streets in a small-scale process known as *narco menudeo*.

The aggressive assault against the cartels launched by former President Felipe Calderón of Mexico in 2006 increased levels of violence and helped push the drug trade south, especially into Guatemala and Honduras, where the most violent of the Mexican cartels, the Zetas, is active. By 2013 as much as 80 per cent of the cocaine shipped annually from Colombia and elsewhere intended for US markets passed through Central America.<sup>19</sup> Although, in 2012, the United Nations Office of Drugs and Crime estimated that less than 2 per cent of the cocaine that passes through Guatemala also passes through El Salvador, there are indications that this situation may be changing. Since 2011, the US government has identified the country as a “major illicit drug transit country”.<sup>20</sup> In late 2012, Salvadoran police made their largest drugs seizure to date when they intercepted a launch off the Pacific coast and found 113 kilos of cocaine.<sup>21</sup>

The difficulty in establishing their numbers complicates analysis of the gangs’ responsibility for violence and their relationship to other criminal networks. One study, published in 2011, noted that over the years the reported number of gang members in El Salvador had “oscillated anywhere between 10,000 and 30,000”.<sup>22</sup> Under the Funes government there has been a steady upwards revision of this number. Since early 2012, the Salvadoran police have reported 60-65,000 gang members (including 10,000 in prison), with 400-500,000 out of El Salvador’s total population of six and a half million described as representing a broader community of gang support.<sup>23</sup> A critical question, for which there are no clear answers, is how many are being sustained by the gangs’ criminal economy.

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## Government actions played a significant role in the transformation of the gangs.

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As elsewhere in Central America, government actions played a significant role in the transformation of the gangs. Presidents Francisco Flores (1999-2004) and Tony Saca (2004-2009), both from the National Republican Alliance party (ARENA), introduced a zero tolerance approach to gang violence in their *mano dura* (“iron fist”) and *super*

*mano dura* policies. An anti-gang law approved in 2003 allowed the detention and prosecution of gang members for the new crime of “association” and facilitated the detention of more than 30,000 alleged gang members in a two-year period. The majority were subsequently released, and the law eventually overturned in the courts, but the intensity of the police activity eroded the credibility of prevention efforts by the government and undermined violence prevention and rehabilitation initiatives pursued by non-governmental actors and church groups.<sup>24</sup>

The *mano dura* policies brought ARENA considerable electoral benefit and increased the isolation of gang members within Salvadoran society.<sup>25</sup> However, they also accelerated both the spiral of retaliatory violence against rival gangs and the gangs’ involvement in extortion (estimated to bring in some \$60 million a year) and other criminal activities such as drug distribution and kidnapping. Meanwhile, the separation of prisoners according to gang affiliation encouraged hard divisions between the gangs and the creation inside the prisons of “...a sort of standing assembly in which [gang leaders] could debate, make pacts, and decide on structures, strategies and ways to operate that had to be observed by all members of the *clicas*”, as José Miguel Cruz put it in 2011.<sup>26</sup> A hierarchical but hybrid structure has developed in which the leadership or *ranfla* – generally in prison – wields considerable authority, while neighbourhood *clicas* retain a degree of autonomy regarding economic activity and relationships with other organisations.<sup>27</sup> These developments facilitated forms of association at the community level that were in some sense “political” in their articulation of demands (for example, for better prison conditions or with regard to anti-gang legislation) and in threatening co-ordinated actions such as the boycott of elections.

The US treasury department’s imposition of financial sanctions on the MS-13 as one of a small number of “significant transnational criminal organizations” (TCOs) in October 2012 ran counter to perceptions of the MS-13 inside El Salvador.<sup>28</sup> Gang members are loosely connected to other *homeboys* across Central America as well as in the United States. Some *clicas* have business arrangements with *transportistas* but, for the most part, their focus has remained the defence of territory and business against rival street gangs. In early 2013, the US state department observed that the gangs “tend not to be a major component of the logistics supply chain for Mexican, Colombian and other drug trafficking organizations”.<sup>29</sup> Yet changing relationships between the gangs and TCOs, some of them caused by pressures created by the truce, are a cause of obvious preoccupation. A much debated February 2013 report by Douglas Farah and Pamela Phillips Lum, the former a prominent sceptic of the truce, suggested that the ties between some elements of the gangs and organised crime were deepening.<sup>30</sup>

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# The gang truce – out of murky beginnings

The path towards dialogue with gang leaders had been marked by a variety of confidential contacts and conversations, none of which progressed to any substantive engagement. Since at least 2000, successive heads of El Salvador's National Council on Public Security had met with gang leaders in prison to discuss improvements in prison conditions and the development of violence prevention strategies. A growing number of gang members had begun to think about change. *La vida loca*, the "crazy life" of the gangs, offered a future only of prison, hospital or a violent death. Over time, the brutality of gang violence had its own self-limiting consequences. Older gang members looked to their own lives and those of their children and wanted something else.<sup>31</sup>

Funes responded promptly to an approach made through a non-governmental organisation (NGO) by gang leaders asking for dialogue. Aware of the reverence that even violent gang members have for religion and religious leaders in the deeply Christian El Salvador, his first minister for justice and public security, Manuel Melgar, established a confidential working group including respected leaders of the more progressive sector of the Catholic Church, an evangelical pastor and a representative of the NGO to develop a pilot programme of violence prevention, and the rehabilitation and reinsertion into society of gang members.<sup>32</sup> But, on 20 June 2010, the 18<sup>th</sup> Street launched a brutal attack on two buses in the outskirts of San Salvador, killing twenty. Amid the ensuing public outcry, Funes introduced an anti-gang law that makes it illegal to belong to a gang, shelved a draft law that would have addressed gang rehabilitation, and ordered the army – which he already had performing public security functions – into the prisons. MS-13 and the 18<sup>th</sup> Street, working together, responded by imposing a nationwide curfew and 72-hour bus stoppage, threatening to kill anyone who defied them.

The government re-committed itself to a forceful response. It also turned to the Organization of American States (OAS) for help. During an OAS General Assembly meeting on citizen security held in San Salvador in June 2011, Funes asked the regional organisation to conduct a diagnosis of the country's capacities in its public security sector; Adam Blackwell, the Secretary of Multidimensional Security of the OAS, became a regular interlocutor of Funes and his public security officials.

Funes appointed David Munguía Payes, a retired general and the former defence minister, his second minister for justice and public security in November 2011.<sup>33</sup> Munguía promised to bring down the homicide level by 30 per cent in a year, introduced a new anti-gang unit, and named a second ex-general, Francisco Salinas, to head the Salvadoran police. Amid fears of the re-militarisation of Salvadoran security, the appointments of both men were challenged on grounds that they violated the constitutional requirement that public security should be directed by civilian authorities. These antecedents in part explain the confusion that greeted the news, broken by the online newspaper *El Faro* in mid-March 2012, that the government had moved thirty leaders of MS-13 and 18<sup>th</sup> Street from the maximum security prison of Zacatecoluca to lower security prisons in apparent exchange for the gangs' commitment to reduce the level of homicides.<sup>34</sup> The drop in homicides was immediate and soon levelled at a rate of between 5 and 6 a day, down from the 14 seen in the first two months of the year. The homicide rate began to creep up again in early 2013 but, a year into the truce, Munguía reported homicides as still down by 52 per cent for the year as a whole. Death threats against the victims of extortion and other activities had also declined, and Salvadorans in the poorest and most violent neighbourhoods were beginning to live a little easier.<sup>35</sup>

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In the immediate aftermath of the truce contradictory versions of what actually had happened were put forward.

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In the immediate aftermath of the truce contradictory versions of what actually had happened were put forward. The government sought to avoid admitting that it had entered into negotiations with the gangs, and different explanations were given for the role played by facilitators Raúl Mijango, a former FMLN deputy and adviser to Munguía, and Bishop Fabio Colindres, the military and police chaplain. The absence of consultation with those with prior experience of work with gangs or young people at risk, and claims that

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## Engagement with the gangs was grounded in the recognition, now broadly shared across Central America, that *mano dura* policies had made things worse.

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Mijango and Colindres were acting independently of the government and in representation of civil society and the Catholic Church – when neither was true at an institutional level – contributed to the development of distrust. In September 2012, *El Faro* published a long article that sought to set the record straight.<sup>36</sup> Munguía confirmed that the strategy towards the gangs had been his all along, in close consultation with President Funes – a version of events that Funes promptly but implausibly denied.

In January 2013, Munguía described a process that was deliberate in some respects and entirely improvised in others.<sup>37</sup> Whatever the still murky details of its origins, engagement with the gangs was grounded in the recognition, now broadly shared across Central America, that *mano dura* policies had made things worse. Arriving in his new job, Munguía had ordered an overhaul of police intelligence that had led to the upward revision of the scale of the gang problem and, thus, recognition of the limitations of repression (“I can’t put 400,000 people in prison”, as he put it). Contrary to previous estimates of gang homicides, the government came to understand that gangs were responsible for 80 to 90 per cent of all homicides; of these some 70 or 80 per cent were attributable to the “war” for control of territory between them. Quite quickly, the contours of a process that might reduce the homicides by first securing a truce between the gangs seemed possible. Moving the gang leaders to lower security prisons so that they could exercise what Munguía termed “the command and control that we wanted”, was an essential step in this process.

The fact that the vast majority of the gang leaders were in prison and under intense pressure from the state contributed to the feasibility of negotiating the truce. As it “isn’t possible for the government to sit down and talk to criminals”, Munguía had designed “a structure to allow others to do the work for us”. This had involved first Mijango, who had prior contacts within the gangs through his business distributing propane gas, and then Colindres, whom *El Faro* reported had been approached as part of a deliberate effort to involve the Catholic Church in order to give “credibility” to the gang process. This had proven more difficult than had been expected: three senior Church figures had refused the invitation before Colindres accepted. Although he did so with the support of the

papal nuncio, Colindres never enjoyed the full backing of the Salvadoran Bishops’ Conference, despite being its vice-president, and the role of the Catholic Church in the truce would remain a controversial issue.

As Steven Dudley has suggested, the government seemed to have turned to the Church as “a way to plug a political and moral gap when the gangs were ready to sign a truce but the government was not ready to take ownership of it”.<sup>38</sup> However, once involved, the presence of Colindres evidently had resonance. Engagement with the gangs was on the basis of recognition that they represented “a social phenomenon and not just a problem of organised crime”, as Mijango described it.<sup>39</sup> The facilitators appealed to the strange amalgam of religious impulses present within many gang members: they drew on the moral authority that Bishop Colindres brought with him, engaged frequently with evangelical pastors inside the prisons, and undertook “spiritual reflections”. The facilitators explained to the gang members that they considered them “victims” of Salvadoran society, as well as “victimisers”, but also that they had to “win the right to have society listen to them”.

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### Gang leaders recognised that they had caused “profound social damage” and asked for a chance to contribute to the “pacification” of El Salvador.

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In the first communiqué the gang leaders issued after news of the truce broke, they made a plea for understanding: “we are Salvadorans and a social sub-product of the nefarious socio-economic policies derived from models that have been implemented in El Salvador for many years”. These economic models “led us into a war in the 1980s, a war of which we consider ourselves the children” that they now wanted to end.<sup>40</sup> They espoused no ideology or cause but wanted improvement in El Salvador’s prison conditions and the provision of “opportunities”, inside prison and out, sufficient to provide gang members and their dependents

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with an alternate means of livelihood to extortion. Gang leaders had no illusions regarding the possibility of amnesty for their own crimes. They recognised that they had caused “profound social damage” and asked for a chance to contribute to the “pacification” of El Salvador.

The dire conditions within some of the prisons – by 2012 El Salvador’s nineteen prisons, built to house 8,000, held more than three times this number – made consideration of improvements relatively straightforward on human rights grounds. (In late 2012, the International Committee of the Red Cross returned to El Salvador for the first time since the early 1990s to contribute to this process.) Continuing dialogue with the gangs yielded a number of mutual concessions which were never formally explained to the Salvadoran public.<sup>41</sup> The gangs agreed to end forced recruitment, declared schools to be “zones of peace”, and undertook to stop attacks on the police and armed forces as well as the extortion of bus drivers and fare-collectors, both frequent targets in the past. The government took the army out of the prisons, and introduced new and more humane procedures for searching visitors. It restored the gang members’ rights to conjugal visits and visits by their children, introduced electricity to prisons that had been without it, and provided inmates with access to televisions and outside food. Much more complicated was the prospect of moving the gangs away from their criminal economy in a poor country with 50 per cent under-employment among young people.

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## OAS Secretary-General José Miguel Insulza gave a major boost to the process when he visited the gang members inside prison.

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In July 2012, OAS Secretary-General José Miguel Insulza gave a major boost to the process when he visited the gang members inside prison and then oversaw the handover of a relatively small number of weapons (79) in a central square in San Salvador. On 1 September, 2012, Blackwell read out a formal statement explaining that the OAS would fulfil a threefold role: accompanying the work of a new Humanitarian Commission (conceived as a mechanism to increase the credibility of the process) and monitoring the commitments entered into by the gangs; building support for the process among a wide array of social forces; and implementing a programme of work to help improve

prison conditions, achieve reinsertion by those who had completed their sentences, and provide attention to the victims of violence. In a transparent effort to increase government involvement, the OAS proposed the creation of a Technical Committee to which it “respectfully invited” Funes to nominate Munguía as liaison point with the government.<sup>42</sup>

Moving forward proved difficult. The gangs’ tendency to relate their own violence to the earlier conflict encouraged them to pursue a “peace process” that the government could not contemplate. In June, they had written to Funes asking for formal negotiations; they were informed that the government had no intention of entering into direct negotiations with criminal organisations. Instead, according to Paolo Lúers, a prominent columnist (and former member of the FMLN) who had been openly critical of earlier contacts with the gangs but had become one of the truce’s most informed defenders, Colindres and Mijango presented the gangs with a list of issues for discussion.<sup>43</sup> It included the suspension of all acts of violence and other criminal acts including extortion and drug sales; the voluntary surrender of all gang members wanted for criminal actions; the handover of all illegal weapons and explosives; information about the location of clandestine cemeteries; respect for gang members’ freedom of movement; and an end to disappearances and forced recruitment. Notably absent was any request for the dismantling of gang structures – an absolute red line for the gangs, and one with which the government had decided it could live (as Mijango explained, “they have the right to organise themselves and see the world as they want to see it if they are not committing crimes”).<sup>44</sup>

The gangs responded with their own list, which they also gave to Insulza. They made several proposals – the end of torture or other abuses committed by security forces; an improvement in prison conditions and the introduction of opportunities for sporting, educational and productive activities within them; and plans for the reinsertion of gang members and their families – to which the government was already committed in broad terms. Several others either fell within the existing legal framework or would involve modest legal reforms: pardons for the old and infirm; and the creation of a public-private body, with gang participation, to oversee reinsertion. A third category was more complicated in that it would impact on the government’s capacity to combat crime: the gangs wanted to discuss the derogation of the anti-gang law, an end to the use of *testigos criteriados* – witnesses granted impunity whose testimonies had secured the conviction of many gang members – and the withdrawal of the armed forces from public security duties.<sup>45</sup>

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# Questions and doubts

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## Opaque and *ad hoc* management of the truce exacerbated existing doubts.

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In some respects, the truce's beginnings had elements in common with the necessarily confidential and uncertain early stages of engagement with ideological armed groups. However, the exceptionally poor handling of the media – government officials responded with lies and threats to reports by *El Faro* that were later proven to be true – as well as opaque and *ad hoc* management of the truce exacerbated existing doubts. To its critics, the process appeared to have traded a reduction in homicides for an improvement in prison conditions and thus allowed criminal and predatory interlocutors to use violence as a means to negotiate with the government.

The truce was described as “a high stakes policy gamble”, a “pact with the devil made for the public good”, and a “mafia peace”.<sup>46</sup> Criticism by Salvadoran and international analysts as well as NGOs was fuelled by the fear that engagement with the gangs had strengthened the leaders in prison and that the ceasefire might reinforce the gangs' territorial control or transform them into “political actors”.<sup>47</sup> There was lingering unease that the decision to maintain the ceasefire lay with the gangs and that – true to the patterns of short term gang truces seen elsewhere – its breakdown could result in even higher levels of violence than those seen before March 2012. In addition, there was a concern that an obsession with homicide numbers had led to the downplaying of other aspects of violence (including the “disappearance” of victims to keep the homicide figures down) and the ruthless grip gangs held on communities through extortion as well as the neglect of the responsibility of other criminal groups for violent crime. There were also profound doubts regarding the will or capacity of Funes and the government to put this hugely ambitious process on a solid institutional footing.

By late 2012, the political environment was already coloured by the approach of presidential elections in 2014. Most within the private sector were entrenched in their opposition to anything that might reflect well on Funes or the FMLN. Meanwhile, in the absence of clear

parameters developed by the government, the truce appeared to accept the gangs' priorities when it came to implementation and thus raised fears that it might undermine the rule of law. It had revealed that the gang leaders inside prison wielded an unsuspected degree of authority and risked appearing to offer acquiescence to gang codes and practices. The perspective of women in the gangs, or in their orbit, had not been reflected in conversations whose most visible interlocutors were male prisoners. Munguía's explanation that continuing gang homicides were largely the result of internal gang discipline did not help: “It is an advantage that a criminal group has a structure”, as he put it, “their great ability to convince is that they kill the gang member who does not conform”.<sup>48</sup> Meanwhile, a series of statements by the gang leaders, as well as lengthy interviews they conceded to journalists, had suggested a coherence in their positions which took many by surprise. With or without the truce, the gangs represented a significant social force with the capacity to ratchet violence up or down. At the same time, the upward revision of their numbers suggested that – again, with or without the truce – the votes at their command would carry significant weight in any election.

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In late 2012, an opinion poll reported that 89 per cent of Salvadorans had little or no confidence in the truce.

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Little attention was paid to engaging those civil society organisations and other actors with most experience in working with gang members in the community (the outspoken priest Father Antonio Rodriguez, who had been a member of the Funes' government's first working group and an early advocate of negotiation with the

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## The US government did nothing to encourage the provision of US expertise to support or improve the process.

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gangs, criticised the truce as a *pax mafiosa*<sup>49</sup>) and less to explaining the truce to the deeply sceptical Salvadoran public. In late 2012, an opinion poll reported that 89 per cent of Salvadorans had little or no confidence in the truce, while 66 per cent believed it had little or no impact on the reduction of crime.<sup>50</sup> Many Salvadorans – who did not necessarily object to gang members killing each other, or suffering deprivations in prison, and saw no reduction in the criminal practices of the gangs beyond homicide – were outraged at the idea of making concessions to the gang leaders. With no visible let-up in extortion, and no promise that the gang structures would be dismantled, confidence in the truce's future remained low.

Chief among the sceptics was the United States, by the far the largest donor to El Salvador and the most influential external actor. In early 2013, US officials confirmed that, while they welcomed the drop in homicides, they had no confidence that the truce would lead to a lasting solution and no “sense of where it all ends”.<sup>51</sup> They were profoundly unhappy that the government appeared to be negotiating with criminals and alarmed by the implicit admission that the Salvadoran state had lost control of its national territory. They criticised the engagement of the OAS but also lamented the lack of institutional commitment on the part of the government to the truce and its implementation.

The truce received public support from a “Transnational Advisory Group in Support of the Peace Process in El Salvador” formed by individuals with experience of gang peace efforts in Los Angeles and elsewhere but, at an official level, the US government did nothing to encourage the provision of US expertise to support or improve the process.<sup>52</sup> On the contrary, those close to the truce understood the October 2012 designation of the MS-13 as a TCO – arguably imposed to maintain pressure on the gangs – as intentional sabotage of their efforts. And, in January 2013, the state department issued a travel warning for El Salvador that appeared to run counter to the improving security situation in the country. Salvadoran

officials and gang leaders both protested, the latter issuing an appeal to the United States to support the truce or at least “not disrupt it”.<sup>53</sup>

Those working to encourage the truce struggled to increase its legitimacy by reaching out to individual Salvadorans who were beginning to think that, despite its faults, the truce represented an historic opportunity to address the violence they perceived as a central impediment to the country's development. In September 2012, the papal nuncio invited some fifty prominent individuals to join the vaguely conceived “Humanitarian Commission” announced some months previously. Among them were representatives of the country's two most respected think tanks, the National Foundation for Development (FUNDE) and the Salvadoran Foundation for Economic and Social Development (FUSADES), the latter with extensive ties to Salvadoran business, as well as an economist who worked with the United Nations Development Programme (UNDP). But, as doubts continued through the autumn months, the Commission took shape slowly.

# Opportunities and challenges for “pacification”

In early 2013, the truce moved into the second phase of a newly defined “process of reduction of crime and violence in El Salvador”.<sup>54</sup> Central to it was the launching of “violence-free municipalities”, or peace zones, jointly identified by the facilitators, the gangs and the local authorities. The announcement was made in the course of a visit to El Salvador by Blackwell which saw the OAS finally wrest a positive answer from Funes on Munguía’s participation in the Technical Committee. Munguía and his deputy, Douglas Moreno, belatedly assumed a more visible role in the truce’s promotion but it would be several months before Funes himself fully embraced it. In a speech before the World Bank and the Inter-American Development Bank in Washington in mid-April 2013, he recounted the truce’s achievements and, for the first time, committed the government to its institutional support and the promotion of economic and other opportunities for the reinsertion and rehabilitation of gang members.<sup>55</sup>

The Technical Committee’s announcement of the first four pilot municipalities – Santa Tecla, Ilopango, Sonsonate and Quezaltepeque – marked a significant step forward. The involvement of both ARENA and FMLN mayors suggested a degree of inoculation against the process’ politicisation in the coming election campaign, while the promised rollout of a total of 18 peace zones its gradual extension across the country (ten had been named by 1 June, 2013). The designation acknowledged the importance of local dynamics in any long term approach to violence prevention and reduction. Under its FMLN mayor, Oscar Ortiz – who is the vice-presidential candidate for the FMLN in 2014 – Santa Tecla had long been considered a model in terms of its efforts in violence prevention. More surprising was the alacrity with which Salvador Ruano, the ARENA mayor of the very violent municipality of Ilopango, embraced dialogue with gang members as the only possible way to build security in his municipality.

On 19 January, the gang leadership announced that members of other “families” could circulate in rivals’ territory so long as they were engaged in peaceful activities and not “provocation”. They also confirmed that those who had left the gangs on bad terms – until this point a crime punishable by death – would receive the same treatment as the members of other gangs, thereby introducing a significant blurring of the lines regarding what it might mean to be in, or out, of a gang. Extortion, they knew, “had to end for this process to advance”, but they could not yet offer concrete proposals as to how this was to be

achieved.<sup>56</sup> There would be no lessening of police action against criminal activity and, indeed, as tension within the gangs contributed to a slight rise in levels of violence, arrests of gang members continued apace. However, as Munguía confirmed a few days later in Ilopango – in a statement that appeared to be in direct violation of the anti-gang law and thus hinted at the challenges that lay ahead – gang members would no longer be arrested “for being gang members, for dressing differently...”.<sup>57</sup>

A few days later, FUSADES hosted the launch of the Humanitarian Foundation – a kind of core group of the earlier Commission under the chairmanship of FUSADES’ former president Antonio Cabrales. The Foundation sought to broaden support for the truce within civil society and encourage the direct involvement of the private sector and international actors in violence prevention projects. Cabrales framed his own determination to help the process in terms of a compelling ethical imperative, all the more notable for being voiced by a prominent figure within El Salvador’s business elite: “our youth is dying”, he put it quite simply, “and without youth a country has no future”.<sup>58</sup>

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Exactly what capacity-building and business opportunities could be offered to the gangs was a critical question.

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Exactly what capacity-building and business opportunities could be offered to the gangs was a critical question. Prioritising former gang members at the expense of law-abiding citizens in terms of opportunities would clearly be a cause of tensions similar to those associated with post-conflict peacebuilding elsewhere. The government claimed it had secured \$74 million to fund the first phase of peace zones in a mix of loans and grants. However, much of this money was not available in the short term. Mayors were consequently left largely to their own devices. As a portrait of Ilopango drawn by Carlos Martínez in *El Faro* suggested, the balancing act this required was extraordinarily difficult.<sup>59</sup> Ruano funded gang members facing what Martínez described as, the “dilemma of trying to reinvent themselves, whilst at the same time preserving their essence” to open local businesses such as a bakery and a chicken hatchery.

The municipality “wanted to believe the only hope it had seen in years – the truce”, but Ruano had made no secret of his sense of neglect by the central government, and the precariousness of his own position. He called for the anti-gang legislation to be modified so that his actions consistent with government-backed effort to reduce violence were not in violation of the law.

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It remained uncertain whether Funes’ government would be capable of delivering the kind of integrated approach that his ambitious plans for employment, education and social services suggested.

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One year after it first took hold, Munguía celebrated the durability of the truce as a success.<sup>60</sup> Apopa was declared the sixth violence-free municipality, gang members handed in a further 267 weapons under the supervision of the OAS and the FMLN announced that it would propose new legislation to facilitate the reinsertion of gang members. Some erstwhile critics, such as Fr. Rodríguez, expressed their support of the truce process (albeit without relinquishing a critical stance).<sup>61</sup> But the obstacles ahead remained considerable. Continuing homicides were attributed by Munguía to persistent differences within the gangs; a brutal murder within Izalco prison by a rival gang member aggravated tensions; and extortion remained rampant. Meanwhile, divisions which had emerged within ARENA regarding the viability of the truce did not augur well for its support during the electoral campaign. And, although public confidence in the truce was slowly increasing, a new poll suggested that 55 per cent of Salvadorans still disapproved, or remained unsure, of it.<sup>62</sup>

In early April, the OAS sponsored a visit to Washington by the Technical Committee. The government of El Salvador signed a new agreement formalising the OAS’ assistance to the process. However, the primary political purpose of the trip was to meet with a variety of US officials, Members

of Congress, representatives of international organisations and think tanks to answer their questions and doubts about the truce and encourage them to embrace policies favouring violence prevention and reduction.<sup>63</sup> Although the United States remained distant from the process, its scepticism by now appeared somewhat muted. The United States Agency for International Development had embarked on a five year programme of municipal crime and violence prevention which, “although not related to the truce” (and targeting municipalities other than those identified by the gangs and the government as “violence-free”) would “have the same goal”, as Ambassador Mari Carmen Aponte put it.<sup>64</sup>

Funes visited Washington later in the month to offer a more ringing endorsement of the truce than he had yet made inside the country. In promising that the government would begin to implement job training and employment programmes as well as expand access to credit in order to offer gang members economic opportunities as an alternative to illicit activities, he made an eloquent case for the need for El Salvador to seize the opportunity the truce presented. However, it remained uncertain whether, with the clock ticking on his presidency, his government would be capable of delivering the kind of integrated approach that his ambitious plans for employment, education and social services suggested.

The difficulties that lay ahead for a truce that was still extraordinarily vulnerable were exacerbated by a series of blows it received during May 2013. First came a statement issued by the Salvadoran Bishops’ Conference lambasting the truce for “not having produced the benefits which honest and hard-working people had hoped for” and distancing the Catholic Church from its promotion (Colindres’ name was on the document but it would later emerge that he had neither seen nor signed it).<sup>65</sup> The Constitutional Court then ruled that the appointments of Munguía and Salinas had indeed been unconstitutional. Both former generals were immediately dismissed from their government positions. Finally, the appearance of two gang leaders in an interview broadcast from a prominent evangelical church prompted public uproar, the firing of the prison director who had sanctioned their presence by the new minister of public security, Ricardo Perdomo, and a clamp down on further public appearances or press conferences by the gangs. Institutionally, the truce appeared in crisis.

# Lessons for elsewhere

Whatever the outcome of the gang truce in El Salvador, its progression underlines the need to address the possibilities for mediating criminal violence with new seriousness. This should include consideration of the risks and challenges such mediation entails, but also acceptance that engagement with actors responsible for criminal violence can, in some circumstances, be an advisable course of action on humanitarian and ethical grounds.

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## The truce is the most significant development in citizen security in the twenty-one years since the end of El Salvador's civil war.

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Although it has been messy and imperfect, the truce is the most significant development in citizen security in the twenty-one years since the end of El Salvador's civil war. In addition to the obvious benefits of the dramatic reduction in homicides, it has brought recognition to the social phenomenon the gangs represent and normalised the idea of dialogue with their leaders – both achievements that can only be viewed positively given the long history of failed attempts to curb gang violence by means of repressive measures alone. It has set an important example in the region for the potential for violence reduction and has opened up national and international discussion on the need to fund and implement policies to address violence prevention, and the reintegration and rehabilitation of violent actors. It has also led to the initiation of long-overdue improvements in the Salvadoran prison system.

There are aspects of the Salvadoran case that are specific to its history and the nature of its gangs. These distinguish it from the situations in Guatemala and Honduras, where the sources of violence are more diffuse and the potential impact of a truce between the gangs is consequently less dramatic, as well as the situations in other countries. Yet, there are also elements of the engagement with the gangs

– things that went well and things that went not so well – from which lessons can be drawn and questions posed for further research:

- **Dialogue with the Salvadoran gangs was possible because, as in successful negotiations around armed conflict, the violent actors offered both someone to talk to – identifiable leaders – and something to talk about.** The discussions focussed on the reduction of violence in exchange for a series of demands which it may not be possible to realise, but do not violate democratic principles or El Salvador's constitutional framework. Beyond this, dialogue advanced because the gang leaders exhibited a willingness to change, induced by an environment that offered both suppression and incentives – sticks and carrots – although critically without resolution of the core issue of extortion.
- **Mediation with criminal actors raises fears of the possibility of a “criminalised” or “mafia” peace.** Outsourcing engagement with the gangs to proxies was an understandable strategy for the government, comparable to measures that others have taken to talk to those they publicly lambast as “terrorists”. However, the opacity of the truce's origins, and the reluctance to take steps to involve those who had worked with the gangs in the past or to assume full government ownership of the process, contributed to the fear that the truce had enhanced the legitimacy of the gang leaders and strengthened the gangs in political terms. Overall the improvised nature of the process suggests a need for much greater attention to consideration of engagement with gang and related violence elsewhere, as well as for strategies and public policies to ensure that violence reduction is the beginning, and not the end, of a wider process of pacification and violence prevention whose beneficiaries extend beyond the gangs.

- **The mediated reduction of criminal violence should strengthen, and not further undermine, the rule of law but will encounter quite specific legal obstacles.** During the first year of the truce, a concentration on the reduction in homicide figures took attention away from other violations of Salvadorans' rights by gangs as well the criminal activity of other actors (including *transportistas* and other manifestations of organised crime). Existing anti-gang legislation and the high prisoner population that is a consequence of many years of police repression represent considerable obstacles to forward movement. This situation offers clear parallels with situations in other places where pre-existing legislation may complicate efforts by ideological armed groups to move away from violence and disband.
- **More broadly, issues of justice, impunity and attention to victims are challenged by the absence of an armed conflict and the political transition that accompanies its end.** The concession of amnesties to hardened gang members serving lengthy sentences for violent crimes has not been up for discussion. However, as pacification advances it will raise difficult questions about the mechanisms required to facilitate wider societal healing after the terrible violence suffered by and inflicted on other Salvadorans in recent years. A much broader dialogue than that which is currently under way - with attention to the inclusion of women - will be required in order to build social legitimacy for the process. Beyond El Salvador, thinking is urgently required on the extension of the tools of transitional justice that have been pioneered for societies emerging from conflict to contexts in which the transition is away from the ubiquitous presence of criminal violence.
- **The role of the Catholic Church will be much debated, but the involvement of religious leaders in the Salvadoran process was nonetheless of great significance.** All criminal organisations need something other than the law on which to base their intra-organisational codes. In El Salvador religion appears to fulfil a particular need for gang members who wish to move away from violence to do so within a framework that offers recognition that they are victims of society as well as victimisers. Critically, it offers the possibility of forgiveness for having committed terrible acts of violence without even the explanatory circumstances offered by a "cause". As the involvement of the bishop of San Pedro Sula in the emerging truce in Honduras suggests, the potential for the Catholic Church to play a positive role in the mediation of criminal violence across Latin America is considerable.
- **A realistic consideration of what an end state, or the lack of it, might look like should be a necessary element of any strategy for engagement.** It is in the nature of engagement with criminal, rather than ideological, actors that the process has no obvious end in sight: some gang members will be too hardened to violence and other criminal activities to renounce them. Similar challenges, of course, are presented by negotiations with ideological armed groups whose lucrative illicit activities may weigh against the option of reintegration (among them the Revolutionary Armed Forces of Colombia (FARC), some ethnic groups in Myanmar, and armed groups in the Sahel). This suggests a need to know more about the lessons that can be extracted from other experiences in settings in which modified programmes of disarmament, demobilisation and reintegration have been applied to criminal actors (Afghanistan, Brazil, Colombia, Haiti and Nigeria all come to mind).
- **Further research into what can be done to build the legitimacy of a controversial process with stigmatised criminal actors would also be helpful.** Efforts by the OAS (which maintained a high risk support of the truce against considerable odds) and others, such as the Humanitarian Foundation, allowed the process to make headway but can only go so far. Extending the implementation of the truce gang process through the identification of "violence-free municipalities" acknowledged the importance of the local dynamics of criminal violence. Its consolidation will require a shift in social norms to focus on the rejection of the criminal economy which is founded on extortion. This ambitious goal brings with it immediate demands for collaboration between the government and local authorities, civil society, the private sector and the international community. Efforts to achieve it could benefit from knowledge acquired elsewhere, including violence prevention programmes in the United States and experience of civil resistance to the mafia in Italy.<sup>66</sup>
- **Finally, the role and support of international actors cannot be underestimated.** It was entirely appropriate that the engagement with the gang leaders in El Salvador was planned and conducted by national actors. However, both the support of the OAS and the scepticism of the United States demonstrate the influence that external actors can wield over such a controversial and delicate undertaking. Following Funes' appeal in April 2013 for international support, the role of international actors could be expected to change considerably. However, how it might evolve will depend on confidence in the truce's future development. The institutional uncertainty facing the truce as of early June 2013 suggests that building this confidence will remain a major challenge in the period ahead.

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## **The Centre for Humanitarian Dialogue**

114, Rue de Lausanne  
1202 Geneva | Switzerland  
info@hdcentre.org  
t: +41 22 908 11 30  
f: +41 22 908 11 40

[www.hdcentre.org](http://www.hdcentre.org)

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