POLICY PROPHECIES:

A closer look at the disparity in violence between El Salvador and Guatemala

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Introduction

Latin America has been plagued with violence of various types for the majority of its history, yet some countries have been able to develop and escape the cycle of violence while others remain incredibly dangerous and violent. This paper will attempt to answer the question: what explains the disparity in violence between El Salvador and Guatemala. Gang violence in Guatemala and El Salvador limits development and is a daily threat to individuals in gang-controlled regions. The experience of violence in El Salvador and Guatemala follow similar levels of violence and history yet in 2017, El Salvador had 42.23% more homicides per 100,000 individuals than Guatemala (World Bank, 2017). Beyond the cost of human lives due to the epidemic of gang violence, it has led some to flee to other neighboring countries, resulting in questions regarding how to accommodate the influx of refugees. Previous research has primarily focused on the narrative of violence yet there remains to be little investigation of the violence disparities between Guatemala and El Salvador. Through obtaining a deeper understanding of the reasons behind the disparity in violence between the two cases, it may be possible to use the information to develop impactful policies that will curb the violence and improve safety in the region. By increasing safety in the region, Guatemala and El Salvador may be able to further develop rather than lag behind neighboring countries.

According to a 2019 study on global homicide conducted by the United Nations Office on Drug and Crime (UNODC), of the 30 cities with the highest violence rates, 26 were in the Americas (UNODC, 2019). The Northern Triangle region of Central America, composed of El Salvador, Guatemala, and Honduras, has particularly high levels of violence in comparison to the rest of Central and South America (Eguizàbol, 2015; UNODC, 2012; Ingram & Curtis, 2015). In this region, violence is pervasive and takes many forms, ranging from international drug

trafficking to structural violence which disadvantages already marginalized populations. The violence in El Salvador and Guatemala impact the citizens in each country, endangering their lives and livelihoods that have resounding effects on the individual countries and the region as a whole. Some individuals have had to flee their country and seek refuge in the United States and Mexico, resulting in an international problem of how to accommodate such individuals. Gang violence is one of the largest contributors to the overall high levels of violence in the Northern Triangle with two major gangs, or *maras*, Barrio 18, also known as the 18th Street Gang or M-18, and Mara Salvatrucha, also known as MS 13, engaging in extortion of citizens, violence against women, and forced recruitment of civilians (Insight Crime, 2018; Seelke, 2016). With origins in the United States and factions of the gangs in other Central American countries, such as Nicaragua, Costa Rica, and the United States, the gangs have been classified as 'transnational.' Even so, the *maras* continue to focus on local interests (Seelke, 2016; Olson, 2015).

In this thesis, I argue that the government policies each country has chosen to combat gang violence better explain the difference in violence between Guatemala and El Salvador than the demographic characteristics, history of violence, or level of development of each country. More specifically, the *mano dura* (iron fist) policies, which allow police to arrest individuals with suspected ties to gangs without evidence of criminal activity, that El Salvador continues to implement results in a cycle of violence since the policy creates an environment of corruption that perpetuates gang violence. Although Guatemala has used some anti-gang policies that resemble *mano dura* ideology, its focus on decreasing corruption and impunity has been more effective in reducing gang violence, resulting in the disparity of violence between Guatemala and El Salvador. The International Commission against Impunity in Guatemala (CICIG) introduced in 2007 has focused on reducing corruption in the country and has led to lower levels of

violence. Despite CICIG being an international commission that investigates and prosecutes crime and corruption in Guatemala, its authority is limited and must receive approval from the Public Prosecutor's Office and the Judiciary (Schneider, 2019). Any investigation, policy development or reform, and prosecution must be approved by the Guatemalan Public Prosecutor's Office; therefore, it remains a government policy decision to renew the CICIG mandate and accept CICIG's reform proposals.

To investigate the disparity in violence between Guatemala and El Salvador, a direct case study will be conducted. The similarities in terms of demographics, development, and sources of violence between the two countries will first be explained to demonstrate why the difference in homicide rate is significant and worthy of examination. Following the terms of the case study, the hypothesis will be stated, and the methodological decisions will be discussed. The use of homicide rate to equate for gang violence will be justified to demonstrate the validity of this unit of analysis. The historical context of the MS 13 and Barrio 18 gangs will be laid out for each country to illustrate a common history of civil wars, gang formation, and the impact of U.S. deportation policies on each country. The previous literature surrounding the gang violence policies in Guatemala and El Salvador will be discussed and, finally, the effects of mano dura policy prominent in El Salvador and the CICIG in Guatemala will be analyzed. Homicide rates will be utilized to examine gang violence as they correspond with *mano dura* policies and anti-corruption initiatives in Guatemala through the International Commission against Impunity in Guatemala (CICIG).

The central focus of this paper lies in the overwhelming similarities between El Salvador and Guatemala with differing outcomes of violence. The two countries host the majority of MS 13 and Barrio 18 members. Guatemala has an estimated total of 22,000 gang members (17,000

Barrio 18 members and 5,000 MS 13 members) while 20,000 gang members were estimated in El Salvador (8,000 Barrio 18 members and 12,000 MS 13 members) in 2012 according to UNODC statistics (Seelke, 2016). However, these statistics may have changed and reports including the 2015 Unwilling Participants report by the Jesuit Conference of Canada and the United States estimates that El Salvador had as many as 60,000 total gang members in 2014 (de Waegh, 2015). Besides similar gang demographics, the two countries have a shared history of civil war violence, and similar levels of development. The United Nations Human Development Index (HDI) has ranked El Salvador 124th in the world and Guatemala 126th, demonstrating similar levels of economic, social, and political development (UN Human Development Index, El Salvador, 2019; UN Human Development Index, Guatemala, 2019). There are three key dimensions that the UN uses to calculate the HDI ranking for each country, a long, healthy life measured by life expectancy, access to education measured by expected years of schooling and the mean years of schooling among adult populations, and a "decent standard of living" measured by Gross National Income per capita and adjusted to the country (Rosner, 2019). In terms of social development, El Salvador ranks higher than Guatemala in multiple categories, with an expected 12 years of education, compared to 10.6 years in Guatemala, a skilled labor force making up 37.4% of the population, compared to 18.1% in Guatemala, and multidimensional poverty making up 7.9% of the population, compared to 8.9% of the population in Guatemala ((UN Human Development Index, El Salvador, 2019; UN Human Development Index, Guatemala, 2019). Since the two countries share similar population demographics and levels of development, we cannot conclude that the disparities in violence are caused by social factors such as unemployment or education.

Despite the data depicting El Salvador as economically and socially stronger, El Salvador has the highest level of violence, quantified through homicide rates, in the Northern Triangle region whereas Guatemala has the lowest level of violence. El Salvador has been called "a nation held hostage" due to its high homicide rate largely attributed to the gang violence between MS 13 and Barrio 18 (Whelan, 2018). Even though Guatemala faces homicide rates significantly above the world average of 6.1 homicides per 100,000 individuals, its HDI ranking would suggest that it would experience higher levels of violence than El Salvador due to worse social and economic conditions (World Bank, 2017). The reality of gang violence in El Salvador and Guatemala compared to what may be expected based on the UN HDI data and the similarities between the countries demonstrates that there is another factor that makes El Salvador more vulnerable to gang violence that has caused the disparity violence between the two countries.

Hypothesis

I hypothesize that the disparity in gang violence between El Salvador and Guatemala is the result of governmental policies implemented to combat violence. This is specifically the result of *mano dura* policies in place in El Salvador whereas Guatemala has implemented an anti-corruption campaign supported by the UN. The existing literature, observes that *mano dura* policies have been found ineffective in curbing violence, instead providing an opportunity for the gangs to consolidate and advance to avoid police detection (Seelke, 2016; de Waegh, 2015; Wolf 2017; UNODC, 2012; Stoll, 2017; Zilberg, 2011; Bruneau et. al, 2011). The largest difference between the two countries is CICIG and the focus on fighting corruption in Guatemala rather than repressive anti-gang policies. This contributes to the hypothesis that policies to improve

government and strengthen the rule of law are more successful in decreasing gang violence and homicide rates in Central America.

Methodology

What is being examined?

In order to study violence in Central America and investigate the difference in violence between countries, I will conduct a case study focused on violence in Guatemala and El Salvador from 2005 to 2020. Within the Northern Triangle, El Salvador has continually experienced some of the highest homicide rates according to data collected by the UNODC while Guatemala has maintained the lowest homicide rates in the region – although still higher than Latin American countries outside of the Northern Triangle (World Bank, 2017). This difference is vital due to the multiple other similarities between the two countries. The two countries have a shared history of civil war and the resulting legacy of violence, similar levels of development according to UN HDI reports, and MS 13 and Barrio 18 are key perpetrators of violence in both countries. The 15-year time frame from 2005 to 2020 will be examined because it is roughly 10 years after the end of civil conflict in each country, enough time for reconciliation and rebuilding of the country. Additionally, the Guatemalan initiative against corruption in the country, CICIG was designed in 2006 and implemented from 2007 to 2019 while El Salvador attempted different policies to curb gang violence during this 15-year timeframe.

Why Gang Violence and Homicide Rate?

Gang Classification in Central America

Central America hosts two main types of gangs, *maras* and *pandillas*. For the purposes of this case study between El Salvador and Guatemala the two *maras*, MS 13 and Barrio 18, will be the only criminal organizations examined. *Maras* are distinct from other types of gangs due to

their transnational qualities, their relatively recent emergence in the region, and their

concentration largely in Guatemala and El Salvador. *Pandillas* have a longer history in the

region as localized street gangs in Costa Rica, Nicaragua, and Panama rather than the Northern

Triangle region (Seelke, 2016). To keep the research specific to the similarities between

Guatemala and El Salvador, only the MS 13 and Barrio 18 *maras* will be analyzed.

Homicide Rate as a Measure for Gang Violence

I will measure gang violence through homicide rate statistics reported by El Salvador and

Guatemala and published data from the annual UNODC reports on global homicide. Although

gang violence in the respective countries is not confined to homicide and often manifests in

extortion of civilians as well as forced recruitment, sexual violence, and petty crime, victims of

"lesser" crimes may be less likely to report their victimization, resulting in less accurate data

surrounding other forms of gang violence (Eguizàbol, 2015; Taft-Morales, 2019; Bruneau et. al.,

2011). Victims of the other forms of gang violence may fear repercussions from the gang

members, as there may be few options for witness protection and little trust that the police or

judicial system would successfully arrest and convict the perpetrators (Wolf, 2017). Not all

homicides in either El Salvador or Guatemala can be wholly attributed to MS 13 and Barrio 18,

however the *maras* play a significant factor driving homicide rates above the regional norm. The

UNODC Global Study on Homicide states:

> El Salvador is an example of a country where the actual homicide rate is much higher
> than the value predicted on the basis of its development level. Analysis of the fall in the
> homicide rate observed after the gang truce of March 2012 indicates that the difference
> between actual and predicted levels can be attributed mainly to gang violence.
> (UNODC, 2019).

This passage from the annual report demonstrates that the pattern of homicide rate in El Salvador is unusual and cannot be attributed to normal fluctuations in violence since it closely mirrors periods of gang peace compared to gang activity. A time of relative peace from 2011 to 2013 between the MS 13 and Barrio 18 gangs saw a drop in homicide rate to 40.2 intentional homicides per 100,000 people in 2013 followed two years later with a national homicide rate of 105.4 intentional homicides per 100,000 people once the truce ended (World Bank, 2017). Extreme differences in the quantity of homicides during the truce compared to the homicide rate upon the return to 'normal' conditions demonstrates a significant relationship between the MS 13 and Barrio 18 gangs and homicide. The experimental truce between the MS 13 and Barrio 18 gangs will be further discussed later with the analysis of policies El Salvador has pursued in response to gang violence; however, it demonstrates a strong relationship between gangs and the national homicide rate, supporting the use of homicide rate to express gang violence. For these reasons, homicide rate will be used to understand gang violence for the purpose of this research.

Through examination of governmental reports, publications from international organizations, non-governmental organizations, and previous research on the Northern Triangle, I will conduct a qualitative analysis of the disparities in gang violence. Descriptive statistics will be implemented to understand how the homicide rates in El Salvador and Guatemala have fluctuated from 2005 to 2020 with particular attention paid to the government actions towards the gangs during times of high or low homicide incidence. *Mano dura* policies in Guatemala and El Salvador will be extensively analyzed along with CICIG and anti-corruption campaigns. Although hard-on-crime policies have been used in every country in the Northern Triangle to varying degrees, CICIG is specific to Guatemala. Therefore, the effect of anti-corruption work and changes in gang violence will indicate a correlation between corruption and gangs. The

focus on *mano dura* policies and anti-corruption work have been the main difference in how El Salvador and Guatemala have combated violence, warranting further investigation into why these different policy directions have had opposite effects.

Framing the Case Study

The emergence of powerful *maras* in El Salvador and Guatemala was in large part due to their respective experience with violence and civil war that created vulnerabilities within the state. In order to understand how MS 13 and Barrio 18 developed and grew in Central America the legacy of civil war in each country must be explained. El Salvador and Guatemala experienced brutal civil wars which led to a mass exodus from the region in the 1980s to 1990s and many of the undocumented immigrants settled in Los Angeles, California where they were introduced to gang culture that was already present in the United States. In response to the socioeconomic conditions they faced, MS 13 and Barrio 18 were formed as a way to connect with other displaced Central Americans and to protect themselves from other gangs. Increasing gang violence in the United States prompted politicians to favor deportation policies that returned immigrants to their home countries. This allowed MS 13 and Barrio 18 to become a transnational gang with members in multiple countries. The following background information demonstrates how gangs developed in Central American society and despite some variations, El Salvador and Guatemala have similar histories. Due to the shared path to gang emergence in El Salvador and Guatemala, history and a legacy of violence cannot be the reason that the two countries experience a disparity in the level of gang violence.

<u>The Legacy of Civil War in Guatemala and El Salvador</u>

Guatemala's 36-Year Civil War

From 1960 to 1996 Guatemala was engaged in a civil war that has impacted the course of its development and society to this day. The United States (U.S.) ordered a Central Intelligence Agency (CIA) backed coup in 1954 to overthrow the democratically elected president Jacobo Arbenz when his plans to redistribute land interfered with U.S. economic interests in the region (Dudley, 2016; Schlesinger & Kinzer, 1982). Guatemala's movement toward democracy halted and instead set the stage for militaristic dictators to rise to power and led to the 36-year long war. In response to the dictatorships, leftist paramilitary groups militarized against the government, initially garnering the support of indigenous Mayan populations. The association between the militarized left and the Mayans resulted in targeted attacks. Illegal Clandestine Security Apparatuses (Cuerpos Ilegales y Aparatos Clandestinos de Seguridad – CIACS), criminal organizations composed of elites and government officials grew out of the Guatemalan Civil War that continue to permeate Guatemalan society (Schneider, 2019; Insight Crime CIACS, 2017). The most notable, Estado Mayor Presidencial (EMP), functioned to keep human rights abuses secretive and unpunished, and threatening or eliminating perceived threats from those such as human rights workers and student activists (InSight Crime CIACS, 2017). During the course of the war, over 200,000 Guatemalans were either killed or disappeared (Schlesinger & Kinzer, 1982; Guatemala Memory of Silence Report, 1999). The Mayans became primary victims of the human rights violations, 93% of which were carried out by government forces (Schlesinger & Kinzer, 1982; Guatemala Memory of Silence Report, 1999).

El Salvador's 12-Year Civil War

While Guatemala was engaged in its internal conflict, El Salvador experienced a relatively shorter yet brutal twelve-year civil war from 1980 to 1992. The civil conflict occurred

during a period of social change and rebellion of the military against the military dictatorship and ruling class that had created societal divides (United States Institute of Peace, 1992). The rebel group, Farabundo Martí National Liberation Front (FMLN), originated as five distinct leftist revolutionary groups that joined to build a guerilla army against the government (Bruneau et. al., 2011). During the 1980s, U.S. interest in fighting communism in Latin America and around the world drove an alliance between the U.S. government and the right-wing military government in El Salvador. Three well known atrocities were committed by the Salvadoran government during the civil war – namely the murder of Archbishop Oscar Romero that kickstarted the civil war – along with the rape and murder of four American churchwomen, and the Jesuits Massacre in 1989 in which six priests were murdered by the Salvadoran military (Center for Justice and Accountability, El Salvador; Cerna, 2019). The human rights violations and extrajudicial killings committed by the Salvadoran military dictatorship already received negative attention from the world and brought attention to the civil war. Upon the end of the Cold War, the U.S. had no reason to continue to support the unpopular Salvadoran regime that fought the formerly Soviet-backed rebels and pushed for a UN-brokered treaty (Center for Justice and Accountability, El Salvador). Throughout the war, over 75,000 Salvadorans died, with 85% of the acts of violence attributed to government agents (United States Institute of Peace, 1992; Center for Justice and Accountability, El Salvador).

The Shared History of Civil Conflict

Both El Salvador and Guatemala are considered "post-conflict" countries since the end of formal civil wars, yet the civil conflict violence has been replaced with social and economic violence (Winton, 2004; Rodgers, 2009). The fractionalization and the destruction of

development, both economic and physical, that occurs during a civil war leaves lasting distrust of government and stops progress. Histories of civil war and internal conflict prevented the development of strong democratic institutions and strong rule of law that would limit the strength of criminal organizations (Seelke, 2016; de Waegh, 2015; Equizbal, 2015). A factor that furthered the distrust of government has been a lack of accountability of the Guatemalan and Salvadoran governments which has allowed some key perpetrators of the wars and atrocities to go unpunished and the victims left without justice. In the case of Guatemala, the international community conducted a truth commission mandated by the United Nations, resulting in the Commission for Historical Clarification (CEH) Guatemala Memory of Silence report to expose the events of the war. Additional international organizations including the Center for Justice and Accountability continue to prosecute leaders of the Guatemalan government that played a role in the persecution and deaths of civilians in an attempt for justice. The lack of accountability continues in El Salvador, as the government pursued an amnesty law that prevents military or guerilla forces from being prosecuted for any human rights violations that occurred during the war (Equizabal, 2015). Political parties and figures from the civil war governments remain prominent in the Guatemalan and Salvadoran governments, as the wars did little to nothing to improve the lives of the leftist forces and their allies. Without responsible parties held accountable for their crimes, trust of government and trust of police forces and government diminishes, which weakens the governing democratic institutions.

As a result of the extreme violence during each civil war, many people were displaced internally and externally due to security threats. From Guatemala there were between 500,000 and 1.5 million displaced peoples while in El Salvador an estimated 25% of its population fled to neighboring countries (Guatemala Memory of Silence Report, 1999; Gammage, 2007). Many

Guatemalans and Salvadorans immigrated to the U.S. and settled in Los Angeles, California while thousands of others remained in Central America to pursue refugee status or seek assistance at camps established by the United Nations High Commissioner for Refugees (UNHCR) in Mexico and Honduras (Jonas, 2013; Gammage, 2007). A recorded 334,000 Salvadorans entered the U.S. between 1985 and 1990 while others immigrated to Mexico, Costa Rica, Nicaragua, Honduras and Guatemala, roughly 1 million persons total in search of refuge in total, according to data from the U.S. Public Use Microdata Sample (PUMS) gathered by the US Census Bureau (Gammage, 2007). Guatemala experienced a similar mass exodus during the civil war. In 1992, Guatemalan asylum seekers made up 42% of total applications, equivalent to 43,915 hopeful refugees (Jonas, 2017). Once in the U.S. many of the displaced immigrants looked to connect with others, which led to the formation of the MS 13 and Barrio 18 street gangs.

Origin of Central American Gangs

Defining Gangs

Gangs have no clear definition but are recognized as possessing a shared sense of identity. This can be "indicated by symbols such as clothing, graffiti, colors, and hand signs that are unique to the group," but "group criminality is the most important factor used to identify gang-related activity" (Seelke, 2016; National Gang Center). Gang members themselves are typically between the ages of 12 to 24 (although they may be younger due to forced recruitment by MS 13 and Barrio 18) and recognize themselves and others as members of the gangs (National Gang Center; de Waegh, 2015; Seelke, 2016). Gangs are often affiliated with a wide range of criminal activities ranging petty crimes such as extortion, vandalism, theft, to violent

crime including human trafficking, assault, and homicide (UNODC, 2012; Seelke, 2016; InSight Crime, 2019).

Maras versus Pandillas

The gangs MS 13 and Barrio 18 are classified as *maras,* more recent to the Northern Triangle than the historically prevalent *pandillas*. The existence of the *maras* is specifically tied to U.S. deportation policies which began in the 1990s while *pandillas* have been present long before the U.S. deportations and tend to be more localized than the *maras* (Seelke, 2016). The two *maras* themselves have evolved into sophisticated criminal organizations with transnational characteristics, however, maintain "rooted in urban marginality" (Wolf, 2012). Members of MS 13 and Barrio 18 have been reported in neighboring Central American states including Costa Rica, Nicaragua, and Panama, along with factions in the United States (Seelke, 2016). Despite the "transnational" term associated with the *maras* it is important to recognize that the subgroups known as "*cliques"* or "*clicas*" across countries are semi-autonomous and usually associated with a certain territory (InSight Crime & The Center for Latin American and Latino Studies - CLALS, 2018). There is no formal hierarchical structure that characterizes the *maras,* instead each *clique* follows the local leader or "*primera palabra,*" even though the *cliques* associate themselves with the larger *mara* identity (InSight Crime, 2019, MS 13). The *mara* phenomenon along with extreme violence of the gangs has garnered international attention as well as local governmental initiatives to combat the organizations.

Formation of MS 13 and Barrio 18

Although the "*mara* problem" has manifested in Central America, both MS 13 and Barrio 18 have roots in the United States. Mara Salvatrucha (MS 13) originated in Los Angeles, California from Salvadoran immigrants who had fled El Salvador during the 1970s to escape the escalation of civil conflict within the country (Insight Crime, MS 13, 2019; Ward 2012). Initially, Salvadorans sought to join the gang as a form of protection from other Latino gangs and as a way to connect with fellow displaced Salvadorans (Insight Crime, MS 13, 2019; United Nations Office on Drugs and Crime – UNODC, 2012). With the flow of Salvadoran immigrants during the 1980s and 1990s as a result of the civil war, MS 13 grew in size and strength. Rival gangs including Barrio 18 began paying attention to the growing MS 13 gang, resulting in a gang war between MS 13 and Barrio 18 that has become part of each gang's identity (InSight Crime & The Center for Latin American and Latino Studies – CLALS, 2018). Unlike MS 13, the Eighteenth Street Gang has a long history in Los Angeles, dating back to the 1950s (InSight Crime, Barrio 18, 2019). Barrio 18 formed its current structure after separating from the Clanton 14 gang, one of the oldest Latinx gangs in Los Angeles, in the 1980s (InSight Crime, Barrio 18, 2018). While MS 13 was primarily composed of Salvadoran immigrants, Barrio 18 recruited individuals of all Latino backgrounds which contributed to its growth in size and power (Insight Crime, Barrio 18, 2019). Escalations in the size and violence of the gangs led to high incarceration rates of gang members in Los Angeles. The high incarceration rate of gang members provided the opportunity to connect with the Mexican Mafia which dominated the entire Los Angeles gang scene from prison (InSight Crime & CLALS, 2018). MS 13 became subservient to the Mafia and carried out targeted killings on the organization's behalf while Barrio 18 members consolidated power inside jails and recruited new gang members (InSight Crime, MS 13, 2019; InSight Crime, Barrio 18, 2019). The time individuals spent incarcerated

allowed them to learn and develop new modes of income, of which extortion of civilians in their

territories is the most common activity (InSight Crime & CLALS, 2018). The practice of

extortion remains the most common form of gang violence civilians experience in El Salvador

and Guatemala while the *maras* may serve a supporting role in other criminal operations such as

drug trafficking.

U.S. Deportations to Central America

The spread of MS 13 and Barrio 18 to Central America is largely attributed to the US

implementation of policies to deport immigrants with a criminal record back to their home

countries (Stoll, 2017; Zilberg, 2011). Mass deportations of criminals from the United States to

their country of origin began without consulting the home countries which destabilized the

already fragile and broken countries (InSight Crime, 2019, MS 13). Due to the increasing rates of

violence and homicide between the gangs in Los Angeles along with the riots and looting that

followed the Rodney King trial in 1992, which involved many Latinx gang members, officials

looked to return undocumented immigrants to their home country (Stoll, 2017). Statistics from

the Department of Homeland Security (DHS) and the U.S. Immigration and Naturalization

Service (INS) recorded 1,763 people deported back to Guatemala in 1995 (Jones, 2013).

However, the number of deportees to Guatemala increased to 4,543 in 2000, peaking in 2011

with 30,313 Guatemalans deported, demonstrating a rapid increase after the implementation of

the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (Jones,

2013). The IIRIRA facilitated the deportation of immigrants which included gang members,

individuals with minor and extensive criminal records, and undocumented immigrants more

generally (Seelke, 2016; Legal Information Institute).The deportation of gang and non-gang

affiliated criminals back to Central America is said to have "exported a Los Angeles gang culture to Central America," facilitating the expansion of MS 13 and Barrio 18 territory to the Northern Triangle region (Seelke, 2016; Stoll, 2017).

The deportations of gang members and undocumented immigrants with a criminal record has not stopped, with a documented 129,726 ex-cons and criminals returned to Central America from 2001 to 2010 (InSight & CLALS, 2018; DHS, 2011). Over 90% of the deportees were sent to the Northern Triangle specifically (InSight & CLALS, 2018; DHS, 2011). Further deportations statistics show that between fiscal years 2014 and 2017, an additional 45,851 people with criminal records were returned to Guatemala and 29,249 to El Salvador (DHS, 2014; DHS, 2015; DHS, 2016; DHS, 2017). The practice of deporting individuals to their country of origin with little communication between national governments put further strains on the weak governments in Guatemala and El Salvador. The influx of individuals with little cultural or emotional ties to the country, many of whom did not even have a strong grasp of the Spanish language, required state support to reintegrate into society, support that was not available (Stoll, 2017; Bruneau et. al., 2011). Combined, the lack of economic opportunity, distrust of government and individuals looking for a social connection with the abundance of weapons post-conflict provided incentives for returnees to fall back on the familiar gang lifestyle and for non-members to join the organization (Bruneau et. al., 2011).

Literature Review and Theory

The causes of gang emergence and violence in El Salvador and Guatemala are explored by many Latin American scholars, however, there is little investigation into why there is a disparity of violence between the two countries. Previous studies examine the way *maras*

developed, the effectiveness of *mano dura* policies, and corruption in order to understand how violence has increased throughout the region. As previously laid out, the cases of El Salvador and Guatemala have been chosen due to their similarities which make the disparity in homicide rate between the countries more intriguing. While the legacy of violence in both countries has created vulnerabilities in the region for gangs to operationalize, it does not explain the disparity in homicide rate between El Salvador and Guatemala (Bruneau et. al., 2011). The deterioration of government, lack of economic opportunities, and the inability of the police to effectively enforce the rule of law are often cited as leading factors that contributed to the evolution of the Central American *maras* (Ratcliffe, 2014; Rodgers, 2009; Zilberg, 2011). The lack of economic opportunities and social identity drew the disenfranchised individuals to join the gangs and resulted in an inward shift to "slum wars" in urban areas (Rogers, 2009; Ratcliffe, 2014). The highest Salvadoran homicide rate is in the capital, San Salvador, with 193 homicides per 100,000 individuals, significantly higher than the national homicide rate of 83 homicides per 100,000 persons support the claim that *mara* violence is concentrated in urban settings (UNODC, 2019). While previous research points to these factors that allowed the development of gangs in Central America, they do not explain how the different the vulnerabilities have manifested in Guatemala and El Salvador, which resulted in differing levels of violence.

While there are no studies that directly compare the disparity of violence Guatemala and El Salvador, political scientists and researchers have examined *mano dura* policies as a policy that perpetuates gang violence the region and in countries with the MS 13 and Barrio 18 *maras*. In their comprehensive study on Central American gangs, Thomas C. Bruneau, political scientist and Distinguished Professor Emeritus at the Naval Postgraduate School, along with his fellow contributors, examine the development and respective national responses to gangs in Central

America. The implementation of repressive policies, such as *mano dura* policies, they argue allowed the gangs to develop their leadership apparatus due to the consolidation of MS 13 and Barrio 18 gang members in prisons (Bruneau et. al, 2011). Mass incarceration additionally allowed the gang members to expand their operations through connecting with other imprisoned individuals and members of other criminal organizations including drug-trafficking (Bruneau et. al). *Mano dura* policies will be discussed further in the analysis; however, the majority of scholars have found the strong-arm policy against gang violence to be ineffective and contribute to the growth of *maras* in Central America (Stoll, 2017; Zilberg, 2011; Seelke, 2016; Bruneau et. al., 2011).

Pedro Álvarez, director of the Institute of Political Science and International Relations at the University of Francisco Marroquín in Guatemala City, offers a different perspective on the violence in Central America in which he links violence to high levels of corruption and a weak judicial system. He argues that while gangs and criminal organizations add to the violence, the cause is traced back to the lack of justice and corruption (Álvarez, 2017). The limited ability of the government to effectively prosecute criminals and corruption of government officials creates an environment that provides opportunities for criminal activities and organizations to develop (Álvarez, 2017). The civil wars gave rise to corruption of military and intelligence agencies, in which "illegal clandestine security apparatuses" developed which benefit from the illegal activities of crime organizations, especially in Guatemala (Schneider, 2019; InSight Crime, 2017). Jose Miguel Cruz elaborates on the impact of corruption in the region in his research on corruption within the police forces in Central America. He states that as the police commit abuses of power, it further breaks down the rule of law and diminishes public support and trust in the government (Cruz, 2015). Local corruption seen through police forces and state corruption in

the national government therefore are theorized to increase insecurity and distrust of the government in which an increase in violence is observed (Winton, 2004).

The competing theories on gang violence in Central America provide two lenses to understand violence, one as a result of bad, repressive policies, and the second as a result of high corruption in society. Both of these ideas will be analyzed to determine to what extent they can explain the disparity in violence in Guatemala and El Salvador. This research seeks to provide more insight into why El Salvador experiences higher levels of homicide violence than Guatemala, which can then be used to develop effective policies and plans to decrease violence in the region.

Analysis

Governmental Responses to Violence in Each Country

Mano Dura Policies

The overwhelming levels of violence, specifically homicide violence, attributed to the MS 13 and Barrio 18 gangs led the Northern Triangle governments to adopt *mano dura* or zero-tolerance policies to combat the gangs. Zero-tolerance policies do nothing to prevent criminal activity, only penalize the perpetrators afterwards (Bruneau et. al., 2011). These policies have been very popular among citizens due to the demands that the government "do something" in response to the gang violence (Seelke, 2016; Wolf 2017). *Mano dura* policies produce immediate and visible impacts on the gangs and youth in the Northern Triangle countries yet have failed to decrease gang affiliations and gang violence in the long run, calling the true effectiveness of such policies into question.

Mano dura policies are particularly heavy-handed policies that typically target young individuals suspected of having gang affiliations (Seelke, 2016; Wolf, 2017; Riviera & Zarate-Tenorio, 2016). With these policies, accusations and arrests can be made based on appearance, which allow police to profile individuals and target people with visible tattoos or baggy clothing (Wolf, 2017; Seelke, 2016; Bruneau et. al., 2011). The ability of the police to arrest individuals for minor crimes such as petty theft, graffiti, and vandalism with minimal evidence and the suspicion of gang affiliation has resulted in overcrowding of the prisons in El Salvador and Guatemala. In 2018, prisons designed for 6,800 individuals held 24,314 prisoners in Guatemala while El Salvador had a reported 38,849 inmates despite a national prison capacity of 18,051 inmates (U.S. State Department, 2019, Report on Human Rights Practices: Guatemala; U.S. State Department, 2019, Report on Human Rights Practices: El Salvador). Rather than decrease gang presence and affiliation, zero-tolerance mano dura policies have led to increasing numbers of gang members (de Waegh, 2015; Seelke, 2016; Bruneau et. al., 2011). A consequence of such overcrowding in the prisons is the lack of cells to hold inmates and the mixture of individuals awaiting trial with inmates serving their sentences (de Waegh, 2015; U.S. State Department, 2019, Report on Human Rights Practices: El Salvador). This intermixing provides the opportunity for gang members to engage in the forced recruitment of young new members who have been arrested and are awaiting trial (de Waegh, 2015). The concentration of gang members in prisons has also allowed gangs to reorganize their internal structure, maintain power within prisons, strengthen gang cohesion, and adopt strategies to be more covert in their operations to avoid arrest (Seelke, 2016; de Waegh, 2015; Wolf 2017; UNODC, 2012; Wolf 2012).

El Salvador's Response to Gang Violence

The Rule of Mano Dura Policies

The anti-gang policies in El Salvador emphasized *mano dura* approaches alongside brief attempts to integrate social services to combat gang violence. In 2003, President Francisco Flores's administration established *mano dura* policies in El Salvador that granted almost total authority to police to arrest individuals for suspected association of gang membership (Bruneau et. al., 2011). Human rights organizations have criticized *mano dura* policies due to the repressive powers given to police and military forces, which in some cases has led to violence and extrajudicial killings of gang members by police (Wolf, 2017; U.S. State Department, 2019, Report on Human Rights Practices: El Salvador; Seelke, 2016). The reliance on hard-handed anti-gang policies has not shown any significant success in reducing gang violence or gang membership in the country. Salvadoran President Mauricio Funes strengthened *mano dura* policies by allocating more authority for police and military involvement in the fight against gangs in 2014, yet there were around 60,000 gang members in 2014 and the UNODC reported a homicide rate of 61.8 intentional homicides per 100,000 people in 2016 (de Waegh, 2015; World Bank, 2017, El Salvador; Wolf, 2017; Seelke, 2016).

Due to the unintended consequences of *mano dura* policies including mass incarceration of individuals, which has increased gang membership, and there is no significant decrease in homicide rate, *mano dura* practices have been a failed attempt in deterring gang membership or gang violence. In a sense, the zero-tolerance policies have benefited MS 13 or Barrio 18 by providing information to gangs that has allowed members to increase security and avoid detection. Through covering up tattoos, shifting to conventional dress and hairstyles, limiting public hand gestures and gathering in private locations, young gang members have become more covert (Wolf, 2012). The prison structures are incapable of holding the magnitude of alleged gang members arrested by the police and military. Overcapacity in the prisons gave way to the

mixing of convicted criminals with young individuals awaiting trial after being incarcerated through youth roundups as part of an anti-gang operation that profiled them as gang members (de Waegh, 2015; U.S. State Department, 2019, Report on Human Rights Practices: El Salvador). During these interactions, gangs engage in the often forced recruitment of young individuals. In 2005 the number of gang members rose, with 1,000 individuals forced to join Barrio 18 and 1,630 individuals that joined MS 13 out of the 4,000 individuals who were arrested under the age of 18 (de Waegh, 2015). With policies that allow police to arrest youths without sufficient cause, young individuals are exposed to the gang lifestyle and gang members in prison where they are pressured into joining the gang. The police are supplying the *maras* with new recruits through massive roundups, individuals who may not have otherwise been forced into gang membership.

El Salvador's criminal justice system is incapable of processing the number of individuals arrested due to poor investigative abilities, resulting in minimal evidence along with an inefficient judiciary system and corruption within the government (UNODC, 2012; U.S. State Department, 2019, Report on Human Rights Practices: El Salvador). These factors result in high levels of impunity of gang members for homicide, demonstrated by a 5% conviction rate in 2012 and "impunity remain[s] endemic" according to the 2019 US State Department report on Human Rights Practices (UNODC, 2012; Olsen, 2015; U.S. State Department, 2019, Report on Human Rights Practices: El Salvador). Without the ability to enforce the laws or *mano dura* policies through incarceration and successful conviction, gang members are not deterred from the gangs or committing homicides since they are unlikely to face repercussions. This policy of high arrest rates and street sweeps of potential gang members therefore does nothing to decrease gang violence in the long run despite the appearance that the government is "doing something."

El Salvador's Gang Truce

Recognition that mano dura policies had not been successful since their implementation in 2003, led to a truce brokered between the government, MS 13 and Barrio 18 to reduce gang violence from 2012 to 2014 (Seelke, 2016). The successful reduction in homicide during the truce suggests that a different approach to gang violence may be more effective in the long run than *mano dura* policies. With the support of the Salvadoran Minister of Justice and Public Security, David Munguía Payes, a former legislator and Catholic bishop negotiated a truce between MS 13 and Barrio 18 (Seelke, 2016; Wolf, 2017; InSight Crime & CLALS, 2018). In order to conduct negotiations, gang leaders were moved from high security prisons to lower security institutions where they engaged in broader discussions of the truce (Seelke, 2016; Wolf, 2017). The terms of the cease-fire included the symbolic disarmament of the gangs, a reduction in violence and forced recruitment of gang members in exchange for improved prison conditions, an end to police brutality, and job and educational opportunities for gang members (Wolf, 2017). The truce received a wave of criticism due to the ethics of negotiating with violent organizations and an alleged $25 million payoff to criminals, yet during this time El Salvador experienced a significant drop in homicide rates (Seelke, 2016; Wolf, 2017). In 2011 El Salvador had a national homicide rate of 70.6 intentional homicides per 100,000 people which fell to an unprecedented rate of 40.2 intentional homicides per 100,000 people in 2013 due to the truce between the *maras* and government (World Bank, 2017). The decrease in homicide rates while the truce was in effect provides additional support that the majority of homicide violence is a product of the MS 13 and Barrio 18 gangs.

The truce failed in 2014 as a result of political pressures that arose with an upcoming election. The legitimacy and method of the Farabundo Martí National Liberation Front (FMLN)

government was called into question by their opponents, the historically dominant Nationalist

Republican Alliance (ARENA) party (Wolf, 2017). The desire to remain in government led to

the end of communication and negotiations with the gang leaders. The lack of communication

with the government combined with the failure of government to provide economic and social

opportunities for gang members resulted in the eventual failure of the truce as a long-term

solution (Wolf, 2017; Seelke, 2016). Towards the end of the gang truce homicide rates were

already rising, with an average of nine homicides per day in 2014, followed by a huge spike in

homicide rate, shown in Figure 1 (World Bank, 2017; Seelke, 2016). In 2015, El Salvador

experienced a homicide rate of 105.4 per 100,000 individuals, the highest in the world (World

Bank, 2017; Seelke, 2016). The correlation between the spike in homicide rate and the end of the

truce substituted for strict anti-gang policies illustrates how the government decision to use

ineffective but socially popular policy has worsened gang violence in El Salvador.

Figure 1: Intentional Homicides per 100,000 people in El Salvador
from 2005 to 2017

Source: The World Bank, 2017
UN Office on Drugs and Crime's International Homicide Statistics database.

While the truce may have been ethically questionable, the requests of the MS 13 and Barrio 18 leaders were not radical propositions. Rather, the requests of gang members for an end to police abuses and increased job and educational opportunities may demonstrate a path to decreasing gang violence and membership in the long term. Police misconduct is a serious factor that decreases legitimacy of the state among citizens and threatens democratic regimes (Cruz, 2015). The use of unjustified violence and complaints of extra-judicial killings by police officers largely goes unpunished due to corruption within the judicial system (UNODC, 2012; Wolf, 2017; El Salvador 2018 Human Rights Report, 2019). The number of accusations and gang members left dead after altercations with police forces support the theory that police are engaging in unlawful killings. The National Civilian Police (PNC) and gang members had a recorded 650 confrontations in 2016 in which 603 alleged gang members were killed, a high number of casualties for self-defense (Wolf, 2017). The issue of extrajudicial killings by police was presented to the Inter-American Court of Human Rights in September 2017 in response to the increase in gang members killed in police confrontations but government authorities argued that instances of police misconduct are "personal decisions [by officers], not a state policy" (International Crisis Group, 2017). The Office of the Human Rights Ombudsman (PDDH) of the Human Rights Watch announced the investigation of 22 claims of extrajudicial killings by police, prison guards, or individuals associated with the Attorney General's office as of July 31, 2019 (U.S. State Department, 2019, Report on Human Rights Practices: El Salvador). Not only do the cases of unlawful killing by police demonstrate corruption within the police force and the ineffective judicial system, it points to corruption within the judicial and security institutions. The abuses of power may be traced back to *mano dura* policies that promote drastic measures to

combat violence, in which police or military forces may justify their actions as necessary to the job (Bruneau et. al., 2011). Extrajudicial killings and human rights abuses committed by police officers do not incentivize gang members to halt their actions. Instead, they may serve as key reasons that MS 13 and Barrio 18 continue to grow in size and strength to protect themselves from death by police.

El Salvador's Experience with Social Reform

President Mauricio Funes (2009-2014) looked to shift away from *mano dura* policies upon his election and towards prevention-based strategies to curb gang violence (Wolf, 2017). His idea of a holistic revolution of policies to reduce gang violence included reforms to the police force, social programs, rehabilitation opportunities, victim services, and institutional and legal reforms (Wolf, 2017; International Crisis Group, 2017). Implementation of his plan and other community-based social programs to deter gang affiliation, however, have been largely unsuccessful in the country. The Institute of Youth (INJUVE) was tasked with coordinating his programs, however, it replaced the two previous prevention organizations, the Secretary of Youth and the National Council on Public Security (International Crisis Group, 2017). Unlike *mano dura* policies, President Funes' prevention strategy requires time and funding to be successful and yield results. President Funes and the government were unable to execute the holistic plan due in part to financing problems including the lack of tax revenue, high levels of debt, and corruption, which left the plan without sufficient funds (Wolf, 2017). The beginning of Funes' administration experienced a rise in homicides with 71.4 intentional homicides per 100,000 people in 2009 compared to 52 intentional homicides per 100,000 people in 2008 (World Bank, 2017). The deviation from *mano dura* policies combined with the increase in

homicide rates led to renewed calls by the media and private sector for action by the government to address gang violence in a tangible way (Wolf, 2017). Funes was susceptible to internal policy preferences and forced to abandon his idea of holistic change in El Salvador. *Mano dura* policies were reintroduced and strengthened by broadening the powers of the police, allowing military involvement in anti-gang raids, continuing police brutality and corruption. The elimination of the two previous prevention organizations in exchange INJUVE to coordinate the social programs and the misallocation or lack of funding and corruption resulted in the failure of his holistic reform. Instead, El Salvador again reverted to the conventional anti-gang repressive policies that prevented Funes' holistic reform plan from actualizing and tackling the root causes of gang violence in the country.

From El Salvador's various attempts to quell gang violence between 2005 to 2020, we are able to evaluate the effectiveness of multiple strategies. The truce was temporarily useful in reducing homicide rate yet proved to be unsustainable due to the failure of the Salvadoran government to continue communication with gang leaders and maintain their end of the agreement through job and educational opportunities for gang members. The holistic reform measures proposed by President Funes demonstrate that government officials may know what policies and sectors of society need to be developed in order to reduce gang violence. Corruption and lack of governing ability, however, prevents these policies from growing because the government is subject to the will of the people. *Mano dura* policies have been the only consistent policy in El Salvador which are unable to fix the problem of gang violence because it does not acknowledge the underlying factors that lead to gang violence. More so, *mano dura* policies create a toxic environment in which there is a high rate of extrajudicial killing by police forces and high rates of corruption that allows these crimes to go unpunished. The norm of corruption

that accompanies *mano dura* policies is part of why these policies fail to create lasting improvements in safety within El Salvador.

Guatemala's Response to Gang Violence

Guatemala's experience has mirrored El Salvador in that strong anti-gang policies were implemented; however, the introduction of an international anti-corruption institution distinguishes the two countries. The Guatemalan government chose not to change legislation to grant police forces more power and utilized periodic roundups of suspected gang members instead (Seelke, 2016). Police forces developed their own tactics and initiatives similar to the anti-gang policies in El Salvador such as arbitrary arrests of individuals that may fit the "gang profile" (Bruneau et. al, 2011). The key difference between the two countries is that in Guatemala, Plan Escoba (Operation Broom) generalized gang activity without defining it and allowed the anti-gang police operations to be developed through "arbitrary interpretations of the existing laws" which may have increased corruption within the Guatemalan police (Bruneau et. al., 2011; Seelke, 2016). A survey conducted in Guatemala found that 88% of former gang members said police extort gang members and that 65.9% of the whole Guatemalan population believe the police are involved in crime (Bruneau et. al., 2011). Mobilization to arrest individuals suspected of gang activities led to overcrowding in the prisons which contributed to consolidation of gang strength and more covert operations as were previously discussed regarding *mano dura* policies broadly. These factors led citizens to view the Guatemalan police forces as ineffective and the most negative institution along with the *maras* (Winton, 2004).

The UN Commission Against Impunity in Guatemala – CICIG

The high level of violence and corruption in Guatemala led to international mobilization to combat corruption and reform government institutions. An UN-backed organization, the International Commission against Impunity in Guatemala (CICIG), established in 2006 and put into effect in 2007, has actively worked in conjunction with the Guatemalan government and Attorney General's office to investigate and prosecute cases of corruption. The CICIG was implemented upon the 2007 killing of three Salvadoran members of the Central American Parliament by six Guatemalan police officers who attempted to cover-up their involvement by blaming gang members (International Crisis Group, 2018). The primary focus of the CICIG is to decrease corruption within the country as a whole through dismantling Illegal Clandestine Security Apparatuses (Cuerpos Ilegales y Aparatos Clandestinos de Seguridad – CIACS) that emerged out of the civil war and continued to operate during the reconstruction of the country (International Crisis Group, 2018; CICIG, 2018; Schneider, 2019). These clandestine security apparatuses are involved in organized crime throughout Guatemala and have permeated the highest levels of government, which contributed to high levels of impunity before CICIG. A report by the International Crisis Group quoted prominent Guatemalan political analyst Edgar Celada, stated: "crime didn't infiltrate the Guatemalan state. It is the state that organizes crime in Guatemala" (International Crisis Group, 2018). Corruption and organized crime are so deeply entrenched in the state and its institutions that citizens have little confidence in the state. It weakens the state overall by diverting funds and decreasing efficiency and government actions due to conflicting and personal interests of those in power. When the government doesn't function properly and has little to no legitimacy, there is little incentive for individuals to abide by the rule of law.

Figure 2: Intentional Homicides per 100,000 people in Guatemala
from 2005 to 2017
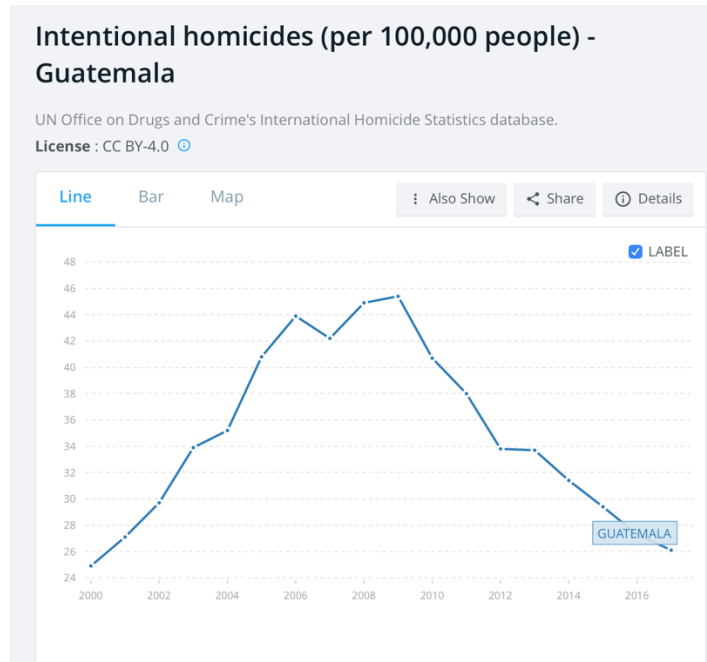
Source: The World Bank, 2017
UN Office on Drugs and Crime's International Homicide Statistics database.

The homicide rate in Guatemala was on an upward trajectory in the early 2000s which,

along with the rampant corruption within the government, caught international attention and

encouraged the development of the CICIG to decrease crime and corruption in the country. In

2005, the year prior to CICIG's development, Guatemala had a reported homicide rate of 40.8

homicides per 100,000 citizens (World Bank, 2017). During the first couple years of CICIG

Guatemala experienced its highest homicide rates of 44.9 intentional homicides per 100,000

citizens in 2008 and 45.5 intentional homicides per 100,000 citizens in 2009 (World Bank,

2017). This data suggests that there may have been an adjustment period or backlash against the

commission and its work against corruption in Guatemala upon initial introduction. The

continued increase in homicide rate despite the presence of CICIG follows the direction of the

increasing homicide rate from the early 2000s and the significant observation from the data is the

steady and continued decrease in homicide rate after the initial years of CICIG. After peaking in 2009, the homicide rate in Guatemala declined by roughly 5% annually and in 2017 the homicide rate was 26.1 per 100,000 citizens according to the UN Office on Drugs and Crime (World Bank, 2017). The observed correlation between the CICIG's presence and the decrease in homicide rate supports the hypothesis that anti-corruption policies and actions are efficient ways to combat violence.

CICIG and Gang Violence

Although CICIG was created with the intention of dismantling CIACs, this work indirectly impacted the MS 13 and Barrio 18 gangs through increasing state capacity and legitimacy. The penetration of CIACs into the Guatemalan government permitted impunity for crimes committed by elite members of CIACs as well as decreased state efficiency and ability to prosecute crime. The CIACs have a history of using violence or intimidation to ensure they do not face prison or repercussions for their crimes which include drug smuggling and human trafficking (International Crisis Group, 2018). Impunity among members of government through CIACs sets a precedent for other criminal organizations. The CIACs limit the ability of prosecutors, investigators and judges to fairly hold criminals accountable for their actions. In 2008, two-thirds of a surveyed population reported that they believed the police to be corrupt (Cruz, 2015). Police are an expression of government power as a supposed legitimate use of force by the government, therefore, high levels of distrust and corruption of police decreases perceived legitimacy of the government and public support (Cruz, 2015). Without a reliable judicial system, there is little to no incentive to refrain from crime because individuals are likely to be released from prison with little punishment, creating an environment conducive to high rates of crime.

The members of the MS 13 and Barrio 18 gangs had little incentive to refrain from crime due to the low chance of prosecution and the ineffective government prior to the implementation of CICIG. Once the CICIG began to work within the government to flush out corrupt individuals and CIACs, however, there were fewer opportunities to continue criminal operations, in this case homicide, without facing repercussions. The CICIG's work to grow state strength and provide the resources investigators and prosecutors needed to fairly enforce laws decreases the chances of impunity within the court system. The drop in homicide rate to 26.1 per 100,000 after 10 years of CICIG is significant because the commission is not focused on gang violence or homicide rate (World Bank, 2017). This demonstrates the relationship between corruption and gang violence because as CICIG and the Attorney General's office cause corruption to decrease and government transparency to increase, there is a corresponding decrease in homicide. The commission increased transparency and legitimacy in the judicial system and has been effective in dismantling criminal organizations in the country, and as of 2018, over 680 individuals have been prosecuted, more than 60 criminal structures have been identified, and 34 legal reforms filed to strengthen the judicial system (CICIG, 2018). The highly active commission poses a threat to MS 13 and Barrio 18 because the corrupt system of government that may have allowed them to function is in the process of being dismantled. The strong government and legal system serve as a deterrent from gang violence as the likelihood of prosecution and punishment of the violence increases. Therefore, policies that work to legitimize government and strengthen the rule of law, which increases the overall effectiveness of the state, indirectly decrease gang violence by removing structures that allow gangs to operate freely.

Case Comparison – El Salvador and Guatemala

From examining Guatemala and El Salvador as case studies, we can see that there were some similar policies implemented to varying degrees of success and diverged on the extent to which hard handed policies were utilized compared to anti-corruption policies. El Salvador and Guatemala attempted to decrease crime and violence through a social prevention policy tactic. In the case of El Salvador, the government was unsuccessful in effectively financing and strengthening President Funes' plans to create holistic change. Factors including corruption in the state that diverted funds, weak state power to enforce systematic changes, and social pressure for harsher policy in the midst of a spike in homicide rates in the year immediately following President Funes' plan stunted the country and has prolonged the extreme violence in the country. While the policy decisions in El Salvador have been specifically targeted towards the MS 13 and Barrio 18 gangs, Guatemala took a stance against crime and corruption more generally, impacting gang violence indirectly but I argue more effectively. As an international effort against corruption in Guatemala, CICIG, unlike El Salvador, was insulated from potential backlash from citizens. The increase in homicide rate between when CICIG was introduced in 2007 and 2009 did not experience the same backlash of harsh *mano dura* policies as in El Salvador since the commission was able to be less reactive to public opinion as a third-party organization. Both Guatemala and El Salvador have national homicide rates significantly above the world homicide rate of 6.1 intentional homicides per 100,000 people; but, Guatemala's homicide rate after 10 years of CICIG is over 40% lower comparison to El Salvador's homicide rate of 61.8 homicides per 100,000 people after mano dura policies for 15 years on and off (World Bank, 2017). These results demonstrate that policy direction is a fundamental factor that influenced the pattern of gang violence.

Figure 3: Intentional Homicides
per 100,000 people in Guatemala, El Salvador, and Worldwide
from 2005 to 2017
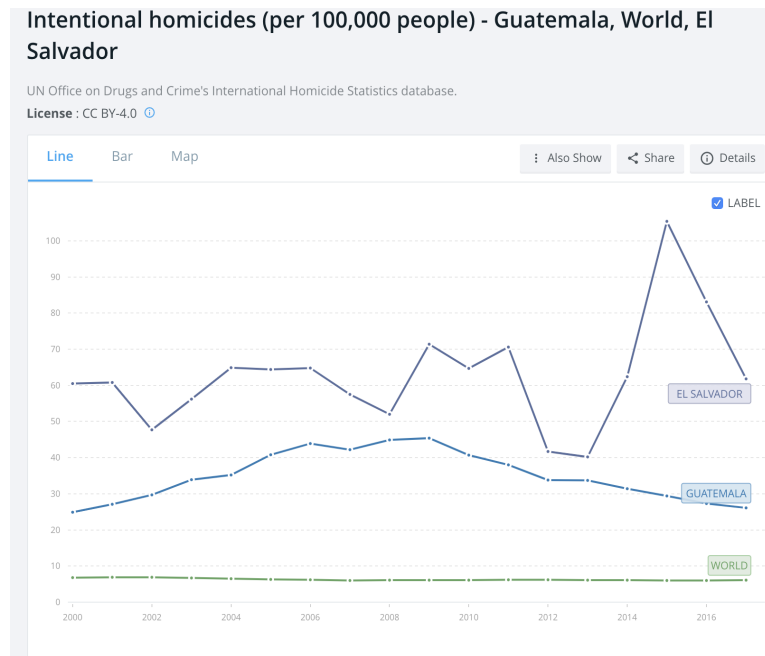
Intentional homicides (per 100,000 people) - Guatemala, World, El Salvador

UN Office on Drugs and Crime's International Homicide Statistics database.
License : CC BY-4.0

Source: The World Bank, 2017
UN Office on Drugs and Crime's International Homicide Statistics database.

The presence of a strong organization such as CICIG functioning under the Attorney

General's office that provided sustainable skills and tools to investigate and prosecute corruption

or abuses of power and increase transparency in the Guatemalan government and judicial system

has been successful at preventing or deterring police abuses of power. The commission is funded

by other countries and therefore did not rely on state taxes to fund its operations (International

Crisis Group, 2018). As an independent body charged with investigating corruption and crime, it

was able to avoid the misallocation of funds that may have derailed previous social policy aimed

at crime and corruption reduction. In 2018, the Public Ministry, the Guatemalan National Civil

Police (PNC), and the Office of Professional Responsibility (ORP) reported no complaints of

homicide by police officers nor were there any reports of unlawful killings sanctioned by the

government or committed by its agents (U.S. State Department, 2019, Report on Human Rights

Practices: Guatemala). This is significant considering that the Salvadoran office responsible for investigating such crimes is investigating 22 allegations of unlawful killings of suspected gang members by police (U.S. State Department, 2019, Report on Human Rights Practices: El Salvador). *Mano dura* policies, in comparison, can create a "war on gangs" and a lawlessness surrounding the anti-gang agenda that can manifest in "social cleansing" through scapegoating and killing youths associated with the *maras* (Bruneau et. al., 2011). While focus on anti-corruption work in Guatemala has resulted in greater transparency and deterrence of crime, *mano dura* ideologies in El Salvador have created a cycle of violence and corruption. The number investigations into unlawful police killings support the theory that CICIG and reforms within the Guatemalan judicial system to specifically target corruption are more successful in reducing violence than the *mano dura* policies that El Salvador relies upon to fight the MS 13 and Barrio 18 gangs.

Both Guatemala and El Salvador utilized hard-handed policies against gang members that resulted in the overcrowding of prisons. Guatemala, unlike El Salvador, did not change the laws and explicitly write policy that granted the police and military more power in the name of decreasing gang violence (Bruneau et. al**,** 2011). Although police in Guatemala did commit abuses of power through excessive force, it can be traced back to corruption rather than institutionalized powers. Survey data from 2008 indicates that 11.5% of the surveyed population had been the victims of police corruption and that 65.8% of individuals surveyed believed the police were involved in criminal activities (Cruz, 2015; Bruneau, et. al., 2011). The data was gathered within a year of CICIG being introduced to Guatemala in which the government was known to be corrupt and a time of high homicide rate. The inability for the police to be prosecuted for their abuses of power and their apparent freedom to commit unlawful acts

decreases citizen support and trust in the government (Cruz, 2015). A later survey found that 70% of citizens trust CICIG compared to only 18% of individuals that trust the government (International Crisis Group, 2018). While trust in government has not increased significantly, CICIG has proposed policy reformation and institutional shifts of the judiciary branch of Guatemalan government that poses a threat to organized crime and corruption, which possibly deters further crime.

**What Causes Gangs? How Can Policy Help or Hurt?**

The positive relationship between *mano dura* policies and homicide rate in El Salvador demonstrates that as *mano dura* policies continue to exist and are strengthened, gang violence increases. In comparison, the number of years since the initial implementation of the CICIG and violence has had a negative relationship, in which the homicide rate decreases the longer CICIG is present in Guatemala. This observation points to anti-corruption policies being more effective at reducing homicide rate and gang violence than heavy-handed *mano dura* policies. The CICIG changed the entire culture and political environment of Guatemala by increasing transparency, legitimacy, and effectiveness in the government. Through the development of a stronger, less corrupt state, individuals may trust the government more and the effectiveness of the government would likely increase. The anti-corruption "policy" of CICIG serves as a preventative measure that would stop the gang violence by reducing the conditions that lead individuals to join gangs in the first place and the likelihood of crime going unpunished. El Salvador attempts to fight gang violence head on with extreme policy that may appear impressive through high arrest rates yet do not bring lasting change because *mano dura* policies ignore the underlying causes of gang violence. The use of repressive formal interventions are preferred by individuals who understand gang members and gang violence as a "rebellious, violent or lazy behavior by young people,"

however, gang membership and actions are not always black and white (Winton, 2004). In order to understand why an indirect policy has yielded more positive results than a direct anti-gang policy we must understand why gangs have become a prominent social phenomenon in Guatemala and El Salvador.

Gangs develop for a variety of reasons, including social, political, and economic difficulties that incentivize young individuals to join the organizations. Without recognizing that the reason for gang membership is complex, policy development to reduce gang membership and gang violence would only cover up the problem or in the case of *mano dura* policies, exacerbate the problem. In her research on youth gangs, Alisa Winton, a geographer at the University of London, Queen Mary, spoke with young gang members to learn about their lives and ways to decrease gang membership. At the base of the "*mara* issue" and gang membership, young individuals point to lack of education and unemployment that has a resounding impact on their social relationships with their families and can ultimately lead individuals to join a *mara* (Winton, 2004). These two factors are significant to this research because in the treaty between the Salvadoran government and the *maras,* gang leaders specifically requested employment and educational opportunities as conditions of the truce (Wolf, 2017). This demonstrates that there is an economic incentive for individuals to join gangs if they are unable to acquire an income legally. When individuals feel economically excluded due to a lack of employment opportunities or education, gang membership may present as a logical option as they provide a sense of belonging and are economically self-sufficient (Winton, 2004). As Figure 4 shows, unemployment and lack of education lead to other social difficulties including family violence and lack of support or understanding, all of which may push people to join gangs as well. Therefore, a possible alternative measure to combat gang violence may include increased

educational funding and job training that would allow alternative and legal incomes that can

support an individual and their family. This could have a larger effect on the entire family

dynamic and change the environment from one that pushes youths toward gangs into one where

the social and economic factors are no longer present. Although neither CICIG nor *mano dura*

policies include policies for social development, CICIG promotes a stronger, more transparent

state that would have a greater governing capacity and legitimacy to provide citizens with the

support needed.

Figure 4: Interrelation Flow Diagram of Problems Connected to Gang Membership,
Drawn by Three Young Men and Women (Aged 20 – 23) in Guatemala City
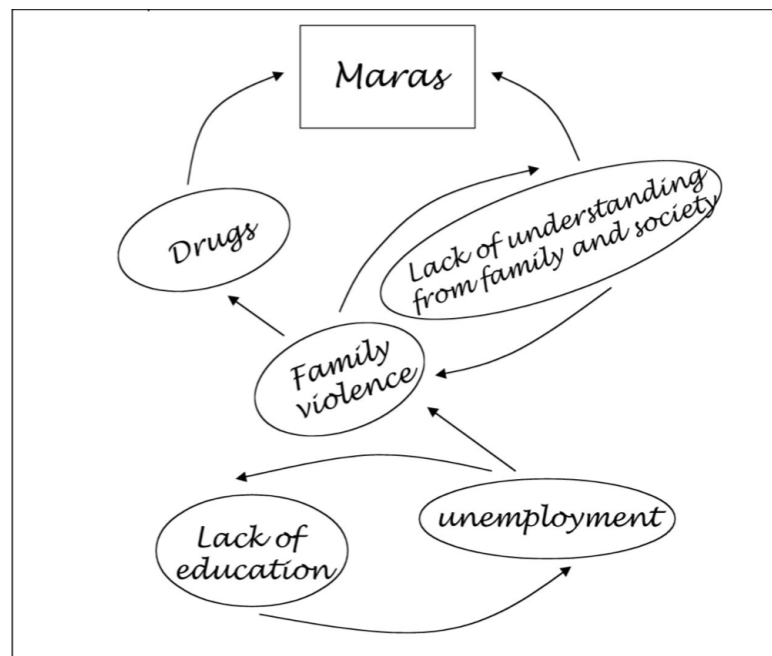
Source: Winton, A. (2004)

The amount to which individuals trust their government is a key determinant of support

for the regime and the amount of security individuals experience on a daily basis. While *mano*

dura policies have been popular due to the perception that the state is making progress in the

fight against gangs, they have been ineffective at lasting change whereas CICIG has resulted in a

continuous and steady drop in homicide rate. I argue that one reason CICIG has been more

effective at decreasing gang violence is because individuals trust CICIG. The young individuals

who constructed the diagram have not yet reached voting age, but they already see the lack of

accountability in the government and that they "don't do what they promise" (Winton, 2004).

Broad social changes advertised by politicians may never actualize due to corruption and

diversion of funding into CIACs and criminal operations that prevent the government from

functioning effectively. This is problematic as it leaves vulnerable populations increasingly

without resources and support. Resentment of government and the belief that the state does not

care about its citizens leads to distrust and more violence as seen in the flow diagram in Figure 5

(Winton, 2004). Improving transparency in the government and reducing corruption can increase

trust of the state among the people once they believe that the government cares about its citizens

and can be held accountable. Through "good people" and "communication" individuals can learn

to trust their government, which decreases the sense of insecurity and the need to resort to gangs

or violence as a form of social support (Winton, 2004).

Figure 5: Causal Flow Diagram of Distrust of the Government, Drawn by Two Young Women and Three Young Men (Aged 11-15) in Guatemala City
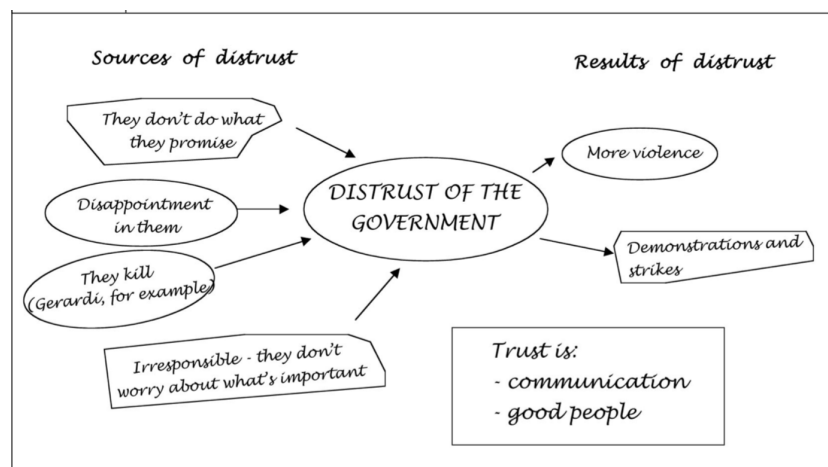
Source: Winton, A. (2004)

The ability of the police forces to commit extrajudicial killings with little repercussions

delegitimizes their power and fosters distrust of government institutions as the judiciary and

police are seen as unreliable. Police misconduct increases insecurity among the population and results in more violence (Winton, 2004). In a system that permits extreme levels of violence and police brutality is common due to the lack of accountability and oversight from the government, members of the Barrio 18 and MS 13 gangs may feel it is necessary to engage in violence. When police forces are powerful and face little to no consequences for killings, gang members may feel that they must protect themselves from the police through violence and by growing the gangs' power. A rise in the gangs' strength and violence may then increase insecurity among police and government officials that implement more repressive policies. Insecurity is a key factor that individuals cited as a source of distrust in government and a reason to join gangs. Therefore, I find that there is a cycle of insecurity, corruption, and violence that *mano dura* policies play into which increases violence overall. The CICIG in this case is more successful in creating trust among the population and decreasing feelings of insecurity. As previously stated, 70% of Guatemalans trust CICIG while only 18% trust the government as of 2018, however, any trust in a large government body would be an improvement and a step towards fostering trust in the system overall (International Crisis Group, 2018).

Conclusion

Guatemala and El Salvador serve as important case studies of gang violence and policy effectiveness as they have similar demographics and characteristics, similar histories of violence, and common perpetrators of violence, the MS 13 and Barrio 18 *maras*. I have found the use of heavy-handed *mano dura* policies intended to repress gang activity to be an ineffective policy to achieve a lasting change in El Salvador, which currently has the highest homicide rate in Central America. Guatemala has introduced the CICIG which works with the Attorney General to

decrease corruption, seen in Guatemala as CIACs, and increase the power of the judiciary to prosecute criminals and hold individuals accountable. The drop in homicide rate in Guatemala correlates with the CICIG and leads to the conclusion that gang violence is connected to high levels of corruption and by strengthening and legitimizing the state, crime decreases. I have found that gang violence is not the result of solely bad policy or corruption, it is the combination that creates an environment of distrust and insecurity that leads individuals to engage in the violence. This research has broader implications, as I found that by categorizing gang members as only criminals rather than looking at the underlying factors that lead to gang membership prohibits effective policy development. There are socioeconomic characteristics that leave individuals particularly vulnerable to the *maras* which strict anti-crime policies do not recognize, making them less effective overall. The anti-corruption initiatives in Guatemala through CICIG have strengthened public support of government institutions and increased trust in Guatemala. Belief that the government has the ability to improve the lives of its citizens can alleviate some insecurity and reduce the factors that make individuals vulnerable to organized crime. Governments therefore should understand the underlying factors that contribute to problems in their society before developing broad policies which could exacerbate the problem, such as the *mano dura* policies in El Salvador.

In 2019, after 12 years of work, Guatemalan president, Jimmy Morales "kicked out" the CICIG by refusing to renew the mandate (Abbot, 2019; Schneider, 2019). President Morales announced his decision after the CICIG began to investigate the president and his family for corruption within the Morales presidency (Abbot, 2019). The impact of discontinuing the CICIG would be an important case for future study. It is currently unknown what will happen without the international body acting as a watchdog and some corrupt individuals may try to regain

power while others will hopefully continue the work against corruption in Guatemala. The *maras* in Guatemala and El Salvador engage in other types of violence such as extortion and sexual assault, both of which are difficult to measure but further research may focus on those aspects of gang violence in the two countries. This research is relevant because MS 13 and Barrio 18 continue to be serious threats to citizens and the problem has yet to be solved. Individuals still experience violence at multiple levels, such as extortion, and the *maras* can interrupt daily life, for example, by making schools unsafe and forcing students to drop out (de Waegh, 2015). This research indicates that repressive gang policies are ineffective and create a system of corruption and violence but through anti-corruption and social policies that legitimize and strengthen the government, gang violence is indirectly impacted and reduced. From obtaining a deeper understanding of gang membership and why *mano dura* and anti-corruption policies fail or succeed, new policies can be developed to sustainably decrease gang violence in Central America.

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