De-securitising and Re-securitising Gang Policies: The Funes Government and Gangs in El Salvador

Author(s): CHRIS VAN DER BORGH and WIM SAVENIJE

Source: *Journal of Latin American Studies*, Vol. 47, No. 1 (February 2015), pp. 149-176
Published by: Cambridge University Press
Stable URL: https://www.jstor.org/stable/24544250
Accessed: 12-04-2023 00:09 UTC

J. Lat. Amer. Stud. 47, 149–176 © Cambridge University Press 2014
doi:10.1017/S0022216X14000741 First published online 18 July 2014

De-securitising and Re-securitising Gang Policies: The Funes Government and Gangs in El Salvador

CHRIS VAN DER BORGH *and* WIM SAVENIJE*

Abstract. This article analyses the gang policies of the first years of the Funes administration in El Salvador, from June 2009 until July 2012. Using securitisation theory, it explains why the administration returned to an emphasis on extraordinary measures, most of them repressive, to deal with gangs. It argues that these measures were the product of an ongoing and dynamic process in which the government was but one of the players in a complex field constituted by numerous actors. The return to repressive measures as well as the support and facilitation of a 'gang truce' were not the result of a rational design or a predetermined agenda, but should be seen as a series of moves in a political conjuncture, in which the Salvadorean government needed to communicate to different audiences messages of being in control.

Keywords: El Salvador, gangs, gang violence, government policies, securitisation, Funes government, gang truce

Introduction

Years after the region's civil wars ended, Central America continues to have extremely high levels of social violence. The phenomenon causing most fear and demanding most attention from the regional governments, the media and the general public is that of street gangs, especially in Guatemala, Honduras and El Salvador. The usual response of authorities to insecurity in these countries has been to resort to repressive measures, including deployment of

Chris van der Borgh is associate professor at the Centre for Conflict Studies, Utrecht University. Email: c.vanderborgh@uu.nl. Wim Savenije is a researcher at FLACSO Argentina. Email: w.savenije@yasd.eu.

* The authors would like to thank Edgardo Amaya and the three anonymous reviewers for their valuable suggestions. This article uses findings from various research projects that were funded by the Focus and Massa programme of Utrecht University, the Netherlands Organisation for Scientific Research and a grant to Wim Savenije from the Latin American Drugs, Security and Democracy Fellowship Program administered by the Social Science Research Council and the Universidad de Los Andes in cooperation with and with funds provided by the Open Society Foundations.

the military and toughening of legislation.[1] In the same trend, the policies directed at the gangs have mostly been highly mediatised, zero-tolerance measures, labelled *mano-durismo* approaches. Under these approaches the military has assumed public security tasks and special anti-gang legislation has been adopted.[2] These policies are rarely complemented by more preventive measures and do not appear to be successful, as gang membership and levels of gang-related violence continue to rise.[3]

The main critique of the mano-durismo ('hard-handed') approaches to public security is that they do not take into account underlying causes of the gang problem, and that repression by itself cannot solve the problem.[4] This critique was shared by the new centre-left government in El Salvador, which took office in June 2009 and sought to reverse the mano-durismo approaches of the previous governments. This proved extremely difficult, however, and the new government soon resorted to reintroducing policies that were associated with mano-durismo. In November 2009, half a year after taking office, President Mauricio Funes decided to expand the role of the Salvadorean military and send them (back) to the streets. In May 2010, the military assumed the role of guarding the perimeters of and access to several prisons. In June 2010, after a horrific attack by a local gang on a microbus in San Salvador, a new anti-gang law was announced, which was approved in September. One year later, in June 2011, the president even proposed to draft into the military at-risk youth, ages 16 to 18.[5] However, at the end of 2011 and the beginning of 2012, a novel two-pronged approach surfaced: retired military officers were appointed minister of justice and public security and director of the Policía Nacional Civil (National Civil Police, PNC), and a truce (*tregua*) was signed between the main gangs. The result was a considerable reduction in

[1] For the case of El Salvador, see, for instance, Edgardo Amaya Cóbar, 'Militarización de la seguridad pública en El Salvador, 1992–2012', *Urvio: Revista Latinoamericana de Seguridad Ciudadana*, 12 (2012), pp. 71–82. For a discussion of security policies in Central America, see Oliver Jütersonke, Robert Muggah and Dennis Rodgers, 'Gangs, Urban Violence, and Security Interventions in Central America', *Security Dialogue*, 40: 4–5 (2009), pp. 373–97.

[2] Gutiérrez Rivera, 'Enclaves y territorios: estrategias territoriales del Estado y de las pandillas en Honduras', unpubl PhD diss., Freie Universität Berlin, 2009, available at www.diss.fu-berlin.de/diss/receive/FUDISS_thesis_000000009708; Tomas Bruneau, Lucía Dammart and Elizabeth Skinner (eds.), *Maras: Gang Violence and Security in Central America* (Austin, TX: University of Texas Press, 2011). All internet references were last checked in May 2014.

[3] Wim Savenije, *Maras y barras: pandillas y violencia juvenil en los barrios marginales de Centroamérica* (San Salvador: FLACSO, 2009); Wim Savenije and Chris van der Borgh, 'Gang Violence in Central America: Comparing Anti-gang Approaches and Policies', *The Broker*, 13 (2009), pp. 20–3.

[4] Irvin Waller, *Less Law, More Order: The Truth About Reducing Crime* (Westport, CT: Praeger, 2006).

[5] Alex Renderos, 'Salvadoran Leader Plans to Draft At-Risk Youths', *Los Angeles Times*, 11 June 2011, available at www.latimes.com/news/nationworld/world/la-fg-salvador-gangs-20110611,0,3637942.story.

violence, but the legitimacy of the truce was hotly debated in Salvadorean society.

This article focuses on the gang policies in the first three years of the Funes administration, from June 2009 until July 2012. It seeks to explain why and how the administration applied extraordinary measures to deal with gangs. Although virtually all sectors in society see the phenomenon of street gangs as a problem that needs to be addressed, there are important differences in the interpretation and representation of the problem, as well as in views about the most appropriate policies to address it. For instance, public speech and discussions depict gang members variously as immoral scum, as criminals or even as terrorists. However, these labels are challenged (in subtle ways) by civil society organisations that emphasise that gangs are also a product of a lack of opportunities for youth and of social exclusion. Debates about the 'right' policy to address the gang problem have become important and highly publicised fields of political contestation. A key issue in these debates is the penchant of politicians to appear 'tough' on gangs and their predominant concern with being accused of being too soft.[6] Using securitisation theory, we aim to gain a better understanding of the forces, dynamics and logics behind these recent twists in the policies directed at street gangs, or *pandillas*, in El Salvador. In particular, we argue that, in order to understand these changes in security policies, it is important to understand how the technical, political and symbolic dimensions of policy measures are used strategically by governments. Moreover, it is crucial to appreciate how a government can come under pressure to control these dimensions.

In the next section, we start with a discussion on the politics of policy definition and formulation. Here we argue that policy is the product of an ongoing and dynamic process in which policy-makers are not simply 'in charge' but rather are players in a complex field that needs to be taken into account. Taking an interpretative approach to policy analysis, we argue that even in cases of high insecurity – such as El Salvador – 'threat entities' are 'socially constructed'. We discuss the key assumptions of Balzacq's theory of sociological securitisation concerning the role of audiences, local context and the political, technical and symbolic functions of policy tools.

In the third section, we start with a brief overview of the anti-gang policies of the Alianza Republicana Nacionalista (Nationalist Republican Alliance, ARENA) administrations between 2002 and 2009. This provides the backdrop to the Funes administration's proposed reforms in security policies. We argue that, in this period, the gang issue was successfully securitised – that is, it was defined as an existential threat to the Salvadorean state and society,

[6] Paul Chevigny, 'The Populism of Fear', *Punishment & Society*, 5: 1 (2003), pp. 77–96.

requiring extraordinary measures.[7] We then present an analysis of the initial efforts of the Funes administration to de-securitise the gang phenomenon by looking for and implementing less repressive ways to deal with it. The bulk of this section deals with a discussion of the reasons why the government was quickly caught in a spiral of re-emphasising the security aspect of the gang phenomenon and defining it again as the main problem facing Salvadorean society. Subsequently, we discuss and explore how the facilitation of an inter-gang truce can be linked to the overall re-securitisation of gang policies in El Salvador. We close our argument by briefly exploring the recent multifaceted security policy of the Funes administration.[8]

Securitising and De-securitising Gangs

Like all policy-making, policy-making about gangs takes place in a complex social and political environment. Hal Colebatch makes a distinction between a vertical and a horizontal dimension of policy. The vertical dimension refers to 'the authorized decisions and the instrumental action, rational choice, and the force of legitimate authority' (the realm normally associated with 'government policy').[9] Conversely, the horizontal dimension is concerned with the relationships among policy participants in different organisations outside of the line of hierarchical authority. Both dimensions are relevant to understanding the policy-making process. Thus, the actual 'making' of policy is, as Bernard Schaffer argues, a multi-person drama going on in several arenas.[10] In this process, it may be difficult to point to a leading agent: 'It is hard to identify a point at which policy is actually made; rather we see a process of framing and reframing.'[11]

[7] See the next section for a definition of securitisation.

[8] This article is the product of several research periods. A round of interviews was conducted in Feb. 2005 with high-level policy-makers, NGO officials, representatives of gangs, journalists and academics about the impact of ARENA's zero-tolerance policies. In April 2011, a similar round of interviews took place focusing on the policies of the Funes administration. In March and June 2013, additional interviews about the truce were held. Furthermore, we reviewed the reporting on the gang phenomenon posted on El Faro, an online newspaper (www.elfaro.net/es). We also discussed several of our ideas in a workshop held in San Salvador (Jan. 2009) with experts on the gang phenomenon from El Salvador, Honduras, Guatemala, Brazil and the United States (the workshop was financed by the Netherlands Organisation for Scientific Research).

[9] Hal K. Colebatch, *Policy* (Minneapolis, MN: University of Minnesota Press, 1998), pp. 61–2.

[10] Quoted in Colebatch, *Policy*, p. 39.

[11] *Ibid.* Framing can be defined as 'the selective exploitation of data, arguments, and historical analogies': see Arjen Boin, Paul 't Hart, Eric Stern and Bengt Sundelius, *The Politics of Crisis Management: Public Leadership under Pressure* (Cambridge: Cambridge University Press, 2009), p. 82.

The importance of framing and reframing is also relevant in cases where policy-makers are confronted with a situation of crisis. Boin et al. define a crisis as 'a serious threat to the basic structures or the fundamental values and norms of a system, which under time pressure and highly uncertain circumstances necessitates making vital decisions'.[12] They argue, however, that crisis management is not in the first place about coping with a clear external threat. Rather, it is about the 'deeply controversial and intensely political activity' of definition and framing.[13] Discarding the idea of an ontological 'threat entity', they argue that a crisis is a 'socially construed threat: before we can speak of a crisis, a considerable number of players must agree that a threat exists and must be dealt with urgently'.[14] Boin et al. distinguish between several critical tasks of crisis leadership that are related to the ways in which policy-makers or politicians frame the situation.[15] Among other considerations, these policy actors need to make sense of the situation (work out what is going on), to make decisions (allocate and prioritise scarce resources) and to make 'meaning' (shape the societal and political meaning-making process by which crises come to be labelled, understood and evaluated).

The contested nature of policy and the important role of framing are emphasised in securitisation theory. This theory focuses on the construction and definition of certain concerns as 'security issues' – that is, as existential threats which call for and legitimise the adoption of extraordinary or emergency measures.[16] This shift from 'regular' policies to extraordinary or emergency measures is crucial in securitisation theory. The pioneers of securitisation theory, Buzan, Wæver and de Wilde, distinguish between different phases: the non-political, politicisation and securitisation.[17] If governments assume that there is no need to define a policy on a topic, they treat it as 'non-political', irrelevant to state action and public debate.[18] The issue becomes politicised when 'it requires government decision and

[12] *Ibid.*, p. 2. [13] *Ibid.*, p. 9. [14] *Ibid.*, p. 25. [15] *Ibid.*, pp. 12–13.

[16] Ralph Emmers, 'Securitization', in Allan Collins (ed.), *Contemporary Security Studies* (Oxford: Oxford University Press, 2006), pp. 109–26. Securitisation is defined in different ways. Balzacq, whose framework we use, mentions the existence of a 'customized policy' to deal with a threat. For his full definition of securitisation, see Thierry Balzacq (ed.), *Securitization Theory: How Security Problems Emerge and Dissolve* (Abingdon: Routledge, 2011), p. 3.

[17] See Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner, 1998); this is a key reference in studies on securitisation. For a concise introduction into this theory, see Emmers, 'Securitization'; for an analysis of the theoretical underpinnings of Wæver's work, see Rita Taureck, 'Securitisation Theory and Securitisation Studies', *Journal of International Relations and Development*, 9 (2006), pp. 53–61. For an overview of the evolution of the field of securitisation theory, see Balzacq (ed.), *Securitization Theory*; and C.A.S.E. Collective, 'Critical Approaches to Security in Europe: A Networked Manifesto', *Security Dialogue*, 37 (2006), pp. 443–87.

[18] Emmers, 'Securitization', p. 110.

resource allocations'.[19] The issue is securitised when extraordinary measures are called for or taken.[20] De-securitisation is the opposite process of reversing the (call for) extraordinary measures and bringing the issue back into the realm of normal politics and decision-making.[21] Buzan and colleagues argue that securitisation is first and foremost a discursive process that starts with a discursive portrayal by a securitising actor (state or non-state) of certain issues, persons or entities as existential threats to other certain entities (referent objects). This 'speech act', however, can only be effective when a 'relevant audience' (such as public opinion, the military or elites) is convinced that the referent object is truly threatened. Only then can extraordinary measures to address the threat be legitimately imposed.

The emphasis in the approach of Buzan and colleagues on the 'speech acts' of securitising actors and the capacity to frame certain issues, persons or entities as existential threats[22] has been questioned by Balzacq. Balzacq argues that there is a need to 'disaggregate' the audience, making a distinction between different types of consent, such as 'formal' political consent (of the judiciary sector, for instance) and the 'moral' consent of, for example, the public at large.[23] Most importantly, Balzacq rejects a strict division of labour between securitising actors and audiences, arguing that the roles of audience and securitising actor can also be blurred.[24] The communication between securitising actor and audience is not 'one-way'; audiences can urge or even pressure for securitisation. Balzacq stresses the possibility of an 'empowering audience' that has a direct connection with the issue and the ability to enable or press the securitising actor to adopt measures in order to tackle the threat. This also implies that government efforts not to securitise an issue, or even to de-securitise it, can be rejected and resisted by different audiences.

Furthermore Balzacq takes issue with the focus of Buzan and colleagues on 'institutional threats', which assumes that 'security is what language constructs

[19] *Ibid.*, p. 111.

[20] *Ibid.*

[21] Collins argues that an issue can still be a security issue when solutions are sought for it in the (regular) political process: see Alan Collins, 'Securitization, Frankenstein's Monster and Malaysian Education', *Pacific Review*, 18: 4 (2005), p. 572. An issue is securitised when emergency measures are adopted; de-securitisation thus means 'moving a security issue back into the political process'. *Ibid.*, p. 573.

[22] Buzan, Wæver and de Wilde, *Security*, p. 41. According to Buzan, Wæver and de Wilde, securitising actors can variously be governments, political or business elites, or pressure groups. These are normally not the referent object (that needs to be secured): see *ibid.*, p. 40.

[23] For instance, Sarah Leonard and Christian Kaunert distinguish between different dimensions or streams of the policy process and identify the different audiences in each of these: see Sarah Leonard and Christian Kaunert, 'Reconceptualising the Audience in Securitization Theory', in Balzacq (ed.), *Securitization Theory*, pp. 57–76. This is in line with Colebatch's emphasis of different arenas of policy-making (vertical and horizontal): see Colebatch, *Policy*, pp. 37–40.

[24] Balzacq (ed.), *Securitization Theory*, pp. 7–9.

and, as a consequence, what is "out there" is thus irrelevant'.[25] Contrarily, Balzacq argues that the external reality does matter, and that the statements of a securitising actor need to be related to this reality.[26] Although he makes a distinction between an 'objective' situation on the ground and the representations of such a situation, he also argues that there are 'external or brute threats [that] do not necessarily depend on language mediation to be what they are: hazards for human life'.[27]

The assertion that an environment is characterised by real hazards obviously does not imply that there is consensus about what makes a place dangerous or what should be done about it. This is clearly the case in El Salvador, a country characterised by extremely high levels of violence and criminality. However, perceptions of who is responsible for the insecurity differ greatly (ranging from street gangs to drug dealers or traffickers and organised crime syndicates). Differences in perception depend on such factors as geographical location, socio-economic position and the political stances of agents.[28] In the same way, the construction of an 'institutional' discourse of threat does not reflect an 'objective' reality, but rather emerges in a specific security context. This does not imply that just any institutional discourse goes. The audience must perceive a 'match' with their experiences, interpretations and expectations about who is threatening who and what has to be done about it. In this regard, Balzacq emphasises that securitisation can best be understood by taking into account local political histories of how security is conceived and how this is translated into practice: 'the performative dimension of security sits between semantic regularity and contextual circumstances'.[29]

In our discussion of securitisation, de-securitisation and re-securitisation, we place emphasis on policy measures taken by the Funes government meant to curb the high levels of insecurity in El Salvador. We ask why and how the measures aimed at securitising, de-securitising and re-securitising the gangs in El Salvador were taken up, tracing the process of their formulation while paying attention to the agents that have contributed to or resisted these moves.[30] In particular, we are interested in the interactions between government (policies) and (the reactions of) gangs. We argue that the security measures taken do not simply have a technical role; they also have important political and symbolic functions. Understanding the ways in which these different functions play out requires an awareness of the particular security

[25] *Ibid.*, p. 12. [26] *Ibid.*, pp. 12–13. [27] *Ibid.*, p. 12.

[28] As we shall show later on, the exact causes of the high levels of violence (homicides) and criminality are not really known, which leaves space for interpretation.

[29] *Ibid.*, p. 14.

[30] Our research was limited to tracing the adoption of emergency measures in their political context. We do not make a full analysis of the securitisations of gangs in El Salvador. For an overview of the levels and constituents of a full analysis, see *ibid.*, pp. 35–8.

context and political junctures in which the policies are adopted. In a hazardous environment like El Salvador, where the policies dealing with the gang phenomenon are highly contested, security policies can serve different purposes at the same time. They can be a response to the perceived problem, a reply to critiques of being soft on crime, and a message showing that 'something is being done' in a way that is appreciated by the audience.

Gangs and Gang Policies in El Salvador, 2003–2009

Since the mid-1990s, the phenomenon of street gangs has increased in the Northern Triangle of Central America. The local gangs emerging from deprived neighbourhoods have mostly joined the ranks of two transnational gangs that originated in the United States and are sworn enemies: the Mara Salvatrucha and Barrio 18 (the 18th Street gang).[31] The local gangs became 'cliques' or branches of these larger transnational gangs and obey the latter's codes and rules. Over time, the nature of these gangs has transformed. Most importantly, their organisation has become more hierarchical and integrated, while their involvement in criminal activities has 'professionalized'.[32] Over the past decade, the capacity of gang members to extort local businesses and bus companies crossing their territory has increased. More recently, increased connections with the growing drug trade have been reported.[33] Prisons have become important places where members from the same gang meet and deal with each other, and where leadership roles are cemented. The increasing number of imprisoned gang members has led to a growing 'social base' of gangs, consisting of local wannabes, family members and friends. Police and politicians have frequently claimed that the gangs are responsible for a large part of the homicides in the country, but data is scant and not very reliable. Yet, even if official statistics published by the PNC often do not confirm the more extreme claims, the PNC's 2011 estimate that 50 per cent of homicides are attributed to gangs is very alarming.[34]

[31] For a brief introduction on the topic, see Savenije and van der Borgh, 'Gang violence in Central America'. See also José Miguel Cruz (ed.), *Street Gangs in Central America* (San Salvador: UCA Editores, 2007); and 'Central American Maras: From Youth Street Gangs to Transnational Protection Rackets', *Global Crime*, 11: 4 (2010), pp. 379–98; and Wim Savenije, 'Las pandillas trasnacionales o "maras": violencia urbana en Centroamérica', *Foro Internacional*, 47: 2 (2007), pp. 637–59.

[32] Cruz, 'Central American Maras', pp. 379–98; Savenije, *Maras y barras*, p. 50.

[33] Steven Dudley, *Drug Trafficking Organisations in Central America: Transportistas, Mexican Cartels and Maras*, Working Paper Series on US–Mexico Security Collaboration (Washington, DC: Woodrow Wilson International Center for Scholars, 2010); Clare Ribando Seelke, *Anti-Gang Efforts in Central America: Moving Beyond Mano Dura?* (Miami, FL: Centre for Hemispheric Policy, University of Miami, 2007).

[34] Formal data show that the proportion of gang members arrested for murder in the period between 2003 and 2006 varies between 7.1 per cent and 24.9 per cent; the proportion of gang

In the period after the peace agreements, violence and delinquency soon became strong preoccupations for Salvadoreans.[35] In 1997, Cruz and González stated that the Salvadorean population had become more worried about criminal violence than they had been about the civil war in the second part of the 1980s.[36] Moreover, public opinion surveys showed that in 1999, 42.6 per cent of respondents considered 'delinquency, violence and gangs' to be the principal problem affecting the country. This figure increased to 48.2 per cent in October 2003, and to 53.3 per cent in 2006.[37] However, while much of the delinquency and violence was attributed to the gangs, there was no serious gang policy until President Francisco Flores launched his Mano Dura initiative on 23 July 2003.[38] The announcement was made in a neighbourhood that hosted a strong gang presence. Flores was photographed in front of gang graffiti and flanked by the chief of police and the minister of defence.[39] This was followed by joint police–military operations, arresting hordes of gang members, and two consecutive temporary anti-gang laws, which made membership in a street gang punishable with three to six years in prison.[40] These measures were preceded by the surge of attention for the gang phenomenon in El Salvador's leading TV channels and newspapers.[41]

---

members arrested for extortion increased from 0 per cent in 2003 to 14.6 per cent in 2006 (source: Unidad de Operaciones y Estadísticas, PNC). A recent report by the PNC estimates that 50 per cent of homicides in El Salvador over the last five years were committed by gang members (information provided to authors by PNC in 2011).

[35] See, for instance, Ellen Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy* (Philadelphia, PA: University of Pennsylvania Press, 2010); Margaret Popkin, *Peace without Justice: Obstacles to Building the Rule of Law in El Salvador* (University Park, PA: Penn State University Press, 2000).

[36] Based on a series of public opinion surveys (1986–96). José Miguel Cruz and Luis Armando González, 'Magnitud de la violencia en El Salvador', *ECA*, 588 (1997), pp. 953–66.

[37] The 1999 survey put delinquency, violence and gangs together as one topic, while the 2003 survey separated the three issues. In 2006, violence wasn't mentioned. For the sake of clarity, we take these topics together to emphasise the continuing preoccupation of the Salvadorean population with topics of (in)security.

[38] In the preceding decade or so there had already been discussion in El Salvador about how to deal with the gang issue. Elena Zilberg, *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador* (Durham, NC: Duke University Press, 2011), p. 46, argues that the influence of the United States was substantial in the introduction of these policies, referring to 'the successful transnationalization of the zero-tolerance gang-abatement strategies of the United States'.

[39] See, for instance, 'Guerra total contra maras', *El Diario de Hoy*, 24 July 2003, pp. 1–8; 'Guerra a las maras', *La Prensa Gráfica*, 24 July 2003, pp. 1–3.

[40] The anti-gang law ('Ley Antimaras') was declared unconstitutional on 1 April 2004, the same day that a new anti-gang law was approved in the national assembly. This second law had a validity period of six months.

[41] For an analysis, see Sonja Wolf, *The Politics of Gang Control: NGO Advocacy in Post-war El Salvador*, unpubl. PhD diss., University of Wales, 2008; and 'Public Security Challenges for El Salvador's First Leftist Government', North American Congress on Latin America, 7 July

By extensively covering the implementation of the police operations, the media largely justified the Mano Dura policies and helped to convince the general public that the government was in control of the gang situation. In this way, leading (and mostly conservative) media in El Salvador played an important role in putting the gang problem on the agenda and justifying the responses of the Salvadorean government. The anti-gang policies also played an important role in the electoral campaign of the ARENA party and of their candidate, Antonio Saca, who would become the next president of the country.[42]

Given the size and complexity of the gang phenomenon, the policy measures themselves (the media-hyped raids and massive detentions) were mainly of symbolic importance, and not effective in resolving the gang problem. Responding to public fears of the gangs and depicting them as 'the enemy of the good citizen',[43] the measures were extremely popular and raised strong hopes that they could ameliorate the insecurity attributed to the gangs. A survey of the Institute for Public Opinion of Central American University in October 2003 (four months after the start of the Plan Mano Dura) found that 72.5 per cent of the surveyed population agreed strongly with the Plan Mano Dura, and 52.9 per cent thought that it would reduce the delinquency of the gangs 'to a great extent'.[44]

Although the public at large supported the securitisation of gangs – in Balzacq's terms, securitisation had the public's 'moral' consent – the policies did not convince another important audience. The security measures were severely criticised by the judiciary for being unconstitutional. Judges refused to apply a temporary anti-gang law and released gang members if no convincing evidence was presented of their participation in criminal acts.[45] Thus, in the period until 30 August 2004, of the 19,275 gang-related detentions that took place, almost 95 per cent were dismissed.[46] Moreover, with homicide rates

---

2010, available at https://nacla.org/news/public-security-challenges-el-salvador%E2%80%99s-first-leftist-government.

[42] It should be noted that it remains unclear exactly what the importance of the Mano Dura plan has been. See Álvaro Artiga González, 'El Salvador: maremoto electoral en 2004', *Nueva Sociedad*, 192 (2004), pp. 12–22, for an analysis of various other factors that might explain the victory of the ARENA candidate Tony Saca.

[43] Mo Hume, *The Politics of Violence: Gender, Conflict and Community in El Salvador* (West Sussex: Wiley-Blackwell, 2009), p. 142.

[44] Instituto de Opinión Pública, *Encuesta de preferencias políticas para las elecciones presidenciales de 2004* (San Salvador: Universidad Centroamericana 'José Simeón Cañas', 2003).

[45] President Flores came into open conflict with the president of the Supreme Court about the issue of the implementation of the anti-gang law: see 'Enfrentados presidente Flores y Corte Suprema', *La Prensa Gráfica*, 21 Oct. 2003, p. 2.

[46] Fundación de Estudios para la Aplicación del Derecho (FESPAD) and Centro de Estudios Penales de El Salvador (CEPES), *Informe anual sobre justicia penal juvenil El Salvador 2004* (San Salvador: FESPAD, 2004).

increasing in 2003, 2004 and 2005 (and with gangs being held responsible by the public for this increase), the Mano Dura policies obviously did not have the desired effect.[47] On 4 February 2004, the presidential candidate, Antonio Saca, proposed a new – and supposedly tougher – anti-gang initiative: Super Mano Dura.[48] Although strongly covered by the media once more, this policy was again mostly symbolic, and neither ended nor mitigated the gang phenomenon. The Mano Dura policies were mainly securitisation discourses used for limited periods of time and then quietly scaled back.[49] While the results of these measures were disappointing, they nevertheless led to a steady increase in the imprisoned gang population, with 8,000 gang members imprisoned in 2006 (over 30 per cent of the entire prison population).[50]

It is interesting to note that the Saca government also proposed preventive and more socially oriented policies that were supposed to complement the repressive ones. Preceding the implementation of Super Mano Dura policies, and as a result of strong criticisms from the judiciary, national NGOs and international organisations, the Saca government organised a round of dialogue sessions (*mesas*) with civil society organisations. The objective was, among other things, to discuss the situation of the street gangs, to formulate alternatives to the anti-gang law, and to design an integrated prevention-oriented policy.[51] However, the formulation and the implementation of these preventive policies was hotly debated within the government bureaucracy.[52] Many officials were convinced that it was necessary to deal with the causes of gangs and that some kind of an integrated effort was required, but there were serious obstacles to such an effort materialising. A coherent and integrative gang policy, thus, never emerged.

Several authors have emphasised that the struggle to address the gang problem was not only the result of the absence of resources or weak policy expertise; many also point to structural problems in the Central American context. In her study about the transnational gang crisis between Los Angeles and San Salvador, Elena Zilberg argues that the post-peace settlement security policies in El Salvador should be understood in a context of neoliberal reform

[47] Jeannette Aguilar, 'Los resultados contraproducentes de las políticas antipandillas', *Estudios Centroamericanos*, 62: 708 (2007), pp. 877–90.

[48] 'Saca expone Super Mano Dura', *El Diario de Hoy*, 5 Feb. 2004, p. 16. Saca won the elections on 30 August 2004.

[49] Wolf, *The Politics of Gang Control*, p. 90.

[50] Savenije, *Maras y barras*, p. 96.

[51] José Miguel Cruz and Marlon Carranza, 'Pandillas y políticas públicas: el caso de El Salvador', in Javier Moro (ed.), *Juventudes, violencia y exclusión: desafíos para las políticas públicas* (Guatemala City: Magna Terra Editores, 2006); see also International Human Rights Clinic, *No Place to Hide: Gang, State, and Clandestine Violence in El Salvador* (Cambridge, MA: Human Rights Program, Harvard Law School, 2007), pp. 42–4.

[52] Authors' interviews held with different government officials involved in the design of these plans in February 2005.

where neoliberal regulation is combined with zero-tolerance strategies against gangs.[53] Dennis Rodgers argues that the violence in Central America is part of a broader crisis of governance, being the result of economic liberalisation, incomplete democratisation and intensifying globalisation.[54] This very process has undermined the state's political authority and its ability to command a monopoly on the use of violence.[55] Jenny Pearce goes a step further and argues that states increasingly build their legitimacy on the basis of a 'lack of such a monopoly', by securitising certain groups and topics.[56] Pearce calls this 'securitized democracy' and asserts that 'democracy is increasingly subject to the fears and insecurities of the population, enabling the state to build its authority not on the protection of citizens' rights but on its armed encounters and insidious collusions with violent actions in the name of "security provision"'.[57]

While Pearce's observations about securitised democracy are relevant to explain the anti-gang policies of the Flores and Saca administrations, the Funes government clearly sought to move beyond the focus on repressive anti-gang policies. It tried to place the gang phenomenon within a broader spectrum of social and security problems – that is, to de-securitise the gang phenomenon. From a technical perspective, this was a 'rational' ambition. Zero-tolerance policies, despite their popularity, overlooked the socio-economic contexts of the gang phenomenon and had not been able to stop the gangs or contain the violence. On the contrary, the incarceration of hordes of gang members had contributed to the growing complexity of the phenomenon and had resulted in an even greater problem to address. However, reversing these policies proved in practice to be an enormous challenge for the Funes government.

The Funes Administration: Reversing and Returning to Mano Dura Policies

After 20 years of uninterrupted rule by the ARENA party, Mauricio Funes, a well-known journalist and television presenter, was elected president in 2009. Funes ran as the candidate for the Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front, FMLN), a party of a markedly more extreme left-wing persuasion than Funes himself. The coalition government that was formed included both members of the FMLN and independent persons. The government started out with the intention to take a more integrated approach on security issues. The gangs were still seen as

[53] Elena Zilberg, *Space of Detention*, p. 7.

[54] Dennis Rodgers, 'Slum Wars of the 21st Century: Gangs, Mano Dura and the New Urban Geography of Conflict in Central America', *Development and Change*, 40: 5 (2009), p. 950.

[55] *Ibid.*

[56] Jenny Pearce, 'Perverse State Formation and Securitized Democracy in Latin America', *Democratization*, 17: 2 (2010), p. 289.

[57] *Ibid.*, p. 286.

an important security concern, but there was a willingness to 'de-mediatise' and de-securitise the problem. In previous years, prevention had been emphasised by international donors and multilateral organisations as a key ingredient of any anti-gang policy. For the new government, it became the new buzzword. There was an openness in the government to the idea of seeing gang members not only as perpetrators of crime but also as victims of broader structural causes, most notably marginalisation. As well as looking at the gang problem, the new administration focused the security agenda on issues like organised crime, drug trafficking and corruption.[58] However, extraordinary measures were not proposed for any of these issues. It is therefore fair to say that, in the beginning, the new government did not seek to securitise these issues, but opted to bring them into the normal political process.

Yet the formulation and implementation of the new public security policy was rather slow. A series of policy measures was taken up during the first year of the new administration, but it took some eight months for the security cabinet to publish its preliminary strategy for fighting violence and crime in the country.[59] At least three factors can account for this slow process. First, there was a lack of the institutional capacity and experience needed to implement the changes that the new government envisaged. As discussed in the previous section, the security policy of the former governments consisted mainly of repressive actions, eventually relegating the preventive measures to the predominantly foreign-financed Consejo National de Seguridad Pública (Council for National Public Security, CNSP). Secondly, it proved difficult to coordinate between different departments and agencies within the government. The government institutions designated to work on prevention had serious difficulties in agreeing on a common policy and a division of labour.[60]

[58] Organised crime and drug trafficking are serious and (particularly in the latter case) growing problems. The information about these trends is still limited. There are indications that in El Salvador, (cliques within) gangs are increasingly involved in the trafficking and distribution of drugs: see Ribando Seelke, *Anti-Gang Efforts in Central America*; and Dudley, *Drug Trafficking Organisations in Central America*. The president also pointed to the infiltration of organised crime into government agencies: see Carlos Dada, 'Ejecutivo presenta plan de seguridad', El Faro, 6 Feb. 2010, available at www.elfaro.net/es/201002/noticias/1101.

[59] Carlos Martínez, 'Presentan politica de seguridad pública: "Para los que dicen que no tenemos un plan, ¡aquí está la prueba!"', El Faro, 19 Feb. 2010, available at www.elfaro.net/es/201002/noticias/1217.

[60] There were several government agencies involved in prevention programmes, among them the CNSP, the Dirección General de Prevención Social de la Violencia y Cultura de Paz (General Directorate for Social Prevention of Violence and for a Culture of Peace, Pre-Paz), the Fondo de Inversión Social para el Desarrollo Local (Social Investment Fund for Local Development, FISDL), the Subsecretaría de Desarrollo Territorial y Descentralización (Under-Secretariat for Territorial Development and Decentralisation) and the Secretaría de la Juventud (Secretariat for Youth). These agencies, together with the Ministries of Education and Health-Care and the director of the police, are part of the Gabinete Nacional de Prevención de la Violencia (National Cabinet for the Prevention of Violence, GNPV).

Later in 2010, in order to speed up decision-making, the security cabinet was split in two; one side focused on controlling insecurity, and the other dealt with prevention. The split was generally seen as a major improvement in terms of coherence and efficacy of the policies controlling insecurity. Nevertheless, it still proved difficult for the prevention cabinet to formulate a coherent policy. Thirdly, the new administration was confronted with a deteriorating security situation in its first year of administration, as well as ongoing changes within street gangs, provoked by years of strong-arm, anti-gang policies in the absence of prevention approaches. The situation was more complicated and alarming than when the Flores or Saca administrations took office. This increased the pressure on the government and frustrated efforts to de-escalate its relationship with the street gangs. Instead of making them the object of normal political processes, the government was under great pressure to re-securitise the gangs.

In the first year of the new administration, the government showed a greater willingness than previous governments to cooperate with NGOs and organisations of gang members' families. A telling example is the experience of the Fundación de Estudios para la Aplicación del Derecho (Foundation for Studies of the Application of Law, FESPAD), a judicial and left-leaning NGO. In the years before 2009, FESPAD had started to work with groups of gang members' families. After sending a letter to the new minister of public security on behalf of these groups, FESPAD swiftly received an invitation from the minister to discuss the issue.[61] This was indicative of the new government's openness to working with more critical NGOs, which had previously been sidelined and even criticised by earlier governments. FESPAD also participated in a new initiative, the Mesas de la Esperanza (Round Tables of Hope), with the family members of prisoners, particularly gang members. These meetings were organised by the Dirección General de Centros Penales (National Directorate of Prisons) in an effort to discuss and resolve the problems experienced by the prison population.

In this early period there were also signs that gang leaders would be willing to discuss ways to diminish gang violence, and to 'talk' about 'reintegration into civil life'.[62] The two major gangs had already shown their ability to coordinate on particular issues, organising demonstrations and making joint

---

The Fundación Salvadoreña para el Desarrollo Económico y Social (Salvadorean Foundation for Economic and Social Development, FUSADES) mentions duplication of activities between several agencies: see FUSADES, 'Segundo año de gobierno del Presidente Funes: apreciación general' (San Salvador: FUSADES, 2011), available at www.fusades.org/index.php?option=com_jdownloads&Itemid=172&view=finish&cid=163&catid=26.

[61] Interview with FESPAD, April 2011.

[62] The words 'dialogue' and 'negotiation' were keenly avoided by government officials in order to avoid giving the impression that negotiations with these gangs were taking place or that there was the possibility of some kind of 'peace accords'.

announcements in newspapers. For instance, in an announcement in the *Diario CoLatino* newspaper – supposedly paid for by both the Mara Salvatrucha and the Barrio 18 – the gangs asked for a process of dialogue and coordination with the government that should lead to the rehabilitation and reintegration of gang members into Salvadorean society.[63] There are even rumours that the gangs organised a truce between themselves, between February and March 2010, in order to demonstrate that they were serious and capable of acting together and also to deliver on their promises to diminish violence and reduce homicide numbers.[64] This supposed truce coincided with the attempts of some NGOs to facilitate talks between the gangs and government representatives. These talks were to deal with the possibilities for diminishing gang violence and delinquency, ending gang wars, the reintegration of gang members and support for their families. The initiatives to start these talks took place in secret. Although the talks did not materialise, some high-level staff within the administration apparently knew of these initiatives and were interested in discussing the possibilities for supporting a process of talks and de-escalation.[65] There are also indications that a number of gang leaders, at least initially, considered the FMLN's presence in the government to be a change that might offer new opportunities to their family members and other youth living in the most marginalised neighbourhoods.

The importance of these 'talk' initiatives is not in their ultimate results, but rather in the fact that there *was* a process of dialogue-seeking taking place, albeit a fragile one. It is also telling that these initiatives were 'low-key' and did not take place openly. Nonetheless, they seem to have evoked the sympathy of a number of government officials; some such officials even argued in private that some kind of dialogue (either with groups close to gangs, such as parents' organisations and NGOs, or even with gang members directly) might be needed to de-escalate and manage the problem. The secrecy surrounding these conversations made it clear that such talks implied serious risks for the government. The Funes administration would have a hard time convincing the Salvadorean population, both their political opposition and even some of their own supporters, of the need for 'dialogue' with persons that many considered to be violent criminals. Talks might easily be labelled as 'soft' and 'morally wrong' by opposition politicians, the media and the public in general.

[63] The announcement was published in *Diario CoLatino*, 22 Oct. 2009.

[64] It remains unclear, however, whether there ever really was a truce. Successive numbers of intentional homicides in El Salvador between Nov. 2009 and April 2010 do not show a temporary decline that might be expected if the gangs were actually responsible for a high proportion of murders. The homicide figures were: Nov. 2009, 333; Dec. 2009, 361; Jan. 2010, 402; Feb. 2010, 339; March 2010, 377; April 2010, 340 (information provided by the PNC in 2011).

[65] Information given in personal interviews with the authors.

Therefore, such an approach had the potential to erode government authority on public security. These risks put serious limits on de-securitisation moves, a fact of which the Salvadorean government was well aware from the very start.

The need to take bolder measures came by the end of 2009. Confronted with homicide rates reaching new heights, in October 2009 President Funes authorised the deployment of 2,500 extra soldiers to help the police in their struggle to improve security.[66] The deployment of the army had a double function. On the one hand, there was a need to show that the government was doing something about the exasperating homicide figures. On the other, it had to rebuke the allegations that it was ineffective and soft on crime. For a president who needed to establish an image of being in control (regardless of whether his policies were effective or not), turning to the army was a logical choice in the Salvadorean context. Despite its committing human rights abuses during the civil war and the intention of the 1992 peace agreement to demilitarise political life, the population accepts the historical role of the Salvadorean army as a force that can restore order.[67]

This measure is a clear case of the government re-securitising the gang issue. However, there was hardly a need for explicit 'speech acts' defining the gangs as a threat to security or justifying the need for extraordinary measures.[68] Rather, the opposite was true; it would have been difficult for the president not to take these measures. Even NGOs that had been critical of the Mano Dura policies of previous governments, while not happy with the new measures, hardly criticised them in this case.[69] In this respect, it is interesting to note that some government officials were even reluctant to frame the measure as 'extraordinary' and therefore as a securitising move. Instead, they emphasised

[66] The homicide rate increased from 51.9 per 100,000 habitants in 2008 to 70.9 per 100,000 in 2009: see United Nations Office on Drugs and Crime, *Global Study on Homicide: Trends, Contexts, Data, 2011* (Vienna: United Nations Office on Drugs and Crime, 2011). A novel aspect of this measure was that soldiers were 'allowed to carry out searches and arrest people, and to set up checkpoints on the roads – something that hadn't been seen since the 1980–1992 civil war'. See Edgardo Ayala, 'El Salvador: More Troops on the Streets to Fight Crime', IPS, 13 Nov. 2009, available at www.ipsnews.net/2009/11/el-salvador-more-troops-on-the-streets-to-fight-crime/.

[67] The new Constitution of 1992 also stipulated the new roles of the armed forces, including their 'exceptional' roles in periods of insecurity: see FUSADES, 'El orden constitucional y la fuerza armada', *Posición Institucional*, no. 22 (San Salvador: FUSADES, 2009), p. 2.

[68] President Funes justified the measure because 'the ordinary measures for maintaining the internal peace, tranquillity and public security are exhausted': *La Prensa Gráfica*, 6 Nov. 2006. According to the Salvadorean Constitution, the deployment of the army is an exceptional measure that the president can take for a limited period of time. The national assembly needs to be informed about this and can call off these measures at any moment; see FUSADES, 'El orden constitucional y la fuerza armada'.

[69] Some NGO staff called this 'the syndrome of my government' ('el síndrome de mi gobierno'). This connotes that because these NGOs supported the new left-leaning government, they decided to be loyal to it and not publicly criticise its policies.

the 'technical' aspects – for instance, the need to alleviate the shortage of police personnel.[70] Moreover, President Funes sought to de-emphasise the policies' securitising nature. Rather, he chose to emphasise the temporary character of the measures and the need to complement the approach with long-term policies of prevention and reintegration.[71]

The one-year prolongation of the army's deployment, in May 2010, was 'applauded' by the public.[72] In October 2009, the mandate of the military was also extended to control of external security and visitors at various prisons.[73] Once again, this was not presented as a securitising move; instead, it was framed as a necessary measure in the face of a thoroughly corrupted prison system. Prison guards and staff were being bribed by gang members and other prisoners, letting visitors pass through with forbidden items (like telephones, drugs and even arms) or bringing these items in themselves. According to Douglas Moreno, then director of the prison system in El Salvador, the corruption was of such magnitude – even involving prison medical staff and teachers – that special measures were needed.[74] While the objective of regaining control over the prisons was itself not contested, the deployment of the army into the prisons was definitely an extraordinary measure.

The implementation of this plan led to strong criticism by the gangs and their families, and even to serious threats and violent actions against representatives of the state (especially the soldiers in charge).[75] From the perspective of the gangs, the army's reinforcement of control over the prisons threatened their modus operandi inside, their communication with their 'social base' outside and, above all, their control over 'the streets'. The strong resistance of the gangs to these policies can also be considered an indicator of the measures' effectiveness. It is not entirely clear whether or how these measures contributed to weakening the Mesas de la Esperanza or ending the NGOs' dialogue initiatives. What is clear, however, is that these pressures

[70] Interview with senior staff member at the Ministry of Justice and Public Security, April 2011.

[71] The soldiers would assist the PNC for 180 days. However, at the end of this period the measure was extended.

[72] Carlos Martinez, 'Militares seguirán un año más en tareas de seguridad pública: aplausos convencen a Funes de seguir con el ejército en las calles', El Faro, 7 May 2010, available at www.elfaro.net/es/201005/noticias/1659.

[73] Amaya Cóbar, 'Militarización de la seguridad pública en El Salvador', p. 77.

[74] For the interviews with Douglas Moreno, see Carlos Martínez and Jimena Aguilar, 'Director de Centros Penales: "Nunca imaginé a profesores o personal de clínica involucrado"', El Faro, 23 May 2010, available at www.elfaro.net/es/201005/noticias/1747; Jimena Aguilar and Carlos Martínez, 'Propone crear ocho penales nuevos: "¿Y esta es la solución? ¡No! La solución nadie la quiere discutir"', El Faro, 23 May 2010, available at www.elfaro.net/es/201005/noticias/1748/.

[75] For an example of the tensions between the military and gangs in prison, see Daniel Valencia Caravantes, 'La batalla por Ciudad Barrios', El Faro, 10 April 2011, available at www.elfaro.net/es/201104/salanegra/3910/.

affected the gang members' confidence in the government and reduced the possibilities for meaningful dialogue. On 7 September 2010, in a joint communiqué, the Mara Salvatrucha and Barrio 18 complained that they were excluded from the talks about how to reduce violence and, moreover, that the Mesas de la Esperanza had not delivered on their promises: 'there are no vocational workshops, education is poor and there are many terminally-ill patients in prison who are not being treated correctly, as they should be'.[76]

A new blow to the gangs and a key incident in the process of re-securitisation was the adoption of a new anti-gang law. The law was proposed by President Funes in the wake of a horrific attack by gang members on a bus in the municipality of Mejicanos. On 20 June 2010, members of the Barrio 18 retaliated against their Mara Salvatrucha rivals by attacking a bus transporting supposed family members or neighbours of a Mara Salvatrucha-controlled sector. In the massacre, 14 persons burned to death and 17 were left severely wounded.[77] The incident shocked the nation and was almost immediately labelled an act of terrorism by the director of the PNC and President Funes.[78] Although the Barrio 18 distanced itself from the attack, the media and political parties called for direct action and the implementation of strong measures against the gangs.[79] Three days after the attack, on 23 June 2010, President Funes proposed an extraordinary measure: a new law proscribing the gangs (the Ley Proscripción de Pandillas). This was similar to prior measures that previous governments had taken to deal with the gang phenomenon, and like before, it attained widespread public support. But there were doubts about whether this measure really could diminish the gang problem. The primary justification for this legislation, therefore, was not the role it could play in addressing the gang problem; rather, it was applied as an adequate and authoritative response to strong public revulsion and the cacophony of statements on what should be done in the wake of these events.[80]

[76] 'Comunicado de la mara MS13 y la pandilla 18', mimeo.

[77] This attack was part of a brutal escalatory cycle in this neighbourhood. For an interpretation of the background of the incident, see the notes of anthropologist Juan José Martínez d'Aubuisson in his book *Ver, oír, callar: en las profundidades de una pandilla salvadoreña* (San Salvador: AURA Ediciones, 2013).

[78] Gabriel Labrador Aragón and Lourdes Quintanilla, 'Catorce muertos en doble ataque en Mejicanos', *La Prensa Gráfica*, 21 June 2010, available at www.laprensagrafica.com/el-salvador/judicial/126814-catorce-muertos.

[79] See El Faro ('Pandillas' section, June–July 2010) for the diverse measures that were proposed by political parties and others. The feeling prevailed that a line had to be drawn, while others stated that the country was at war, which called for extraordinary measures: see, for instance, Ricardo Ribera, 'Desde la academia: declaracion de guerra', El Faro, 5 July 2010, available at www.elfaro.net/es/201007/opinion/2045/.

[80] An indication of the success of this move is the public support offered by the Catholic Church in El Salvador. Archbishop Escobar Alas congratulated President Funes on the law, calling it a 'good response': see Infolatam, 'El Salvador: la iglesia apoya la ley antimaras

The formulation and approval of the anti-gang law took place in July and August 2010. It bore some similarities with the proposals presented by President Francisco Flores in the 2004 debates – on that occasion, however, the FMLN objected to the laws, whereas this time it supported their adoption.[81] For their part, representatives of the Supreme Court, judges and the ombudsman expressed their concerns with the new proposals, as they had on earlier occasions. They questioned, among other things, its necessity and the feasibility of implementing it.[82] Nevertheless, the proposal had widespread public support, and there was also widespread consensus in the national assembly, with 78 votes out of 84 in favour of the new law. While the Salvadorean government publicly still recognised the need to combine prevention and 'control', the focus of its gang policies had definitely shifted to the latter. However, days before President Funes adopted the law, there came an unexpected response from the gangs.

On Monday, 6 September 2010, members of Mara Salvatrucha and Barrio 18 distributed leaflets calling for a 72-hour national public transportation strike, threatening bus companies with burning of their vehicles if they left the terminals that day. As a reminder, the same night a bus was burned in Ilopango, a municipality near San Salvador.[83] The declaration was given plenty of media attention and, although the authorities implemented widespread security measures, including offering protection to the bus companies, the

---

propuesta por el Gobierno al Legislativo', *Información y análisis de América Latina*, 12 July 2010, available at www.infolatam.com/2010/07/12/el-salvador-la-iglesia-apoya-la-ley-antimaras-propuesta-por-el-gobierno-al-legislativo/.

[81] Despite the similarities in focus, there were some important differences from the previous anti-gang legislation. Previously, suspected gang members were prosecuted because of their appearance (clothing, tattoos, etc.) and not for the actions they had committed (this is why the law was eventually declared unconstitutional). The new law broadened the punishment for membership of illegal organisations, but the proof of these affiliations had to comply with legal standards.

[82] Edith Portillo, 'Asamblea aprueba ley que prohíbe las pandillas', El Faro, 1 Sep. 2010, available at www.elfaro.net/es/201009/noticias/2379; 'Diputados acuerdan aprobar ley que criminalice pandillas', El Faro, 31 Aug. 2010, available at www.elfaro.net/es/201008/noticias/2363; Tania Membreño and Liliana Fuentes, 'Ley de proscripción de pandillas entra en vigor desde hoy', *La Prensa Gráfica*, 19 Sep. 2010, available at www.laprensagrafica.com/el-salvador/judicial/142340-ley-de-proscripcion-de-pandillas-entra-en-vigor-desde-hoy.html. For the position of the ombudsman on the draft law see the advice of the Procuraduría de los Derechos Humanos of 10 Aug. 2010, available at www.pddh.gob.sv/component/jdownloads/viewdownload/1-pronunciamientos/19-opinion-sobre-ley-de-proscripcion-de-pandillas?Itemid=51. Also see 'Oscar Luna: ley de proscripción de pandillas no resolverá el problema', *Diario CoLatino*, 21 Sep. 2010, available at www.diariocolatino.com/es/20100921/nacionales/84523/.

[83] Redacción ContraPunto, 'Caos en el sector transporte por amenazas', *Contrapunto*, 7 Sep. 2010, available at www.contrapunto.com.sv/ultimas-noticias/caos-en-el-sector-transporte-por-amenazas.

majority of bus companies suspended work. On the following evening, the Mara Salvatrucha and Barrio 18 presented a one-page communiqué.[84] This was read on television by a Salvadorean-Spanish priest, known as Padre Toño, who had a long history of working with young people (including gang members) in the neighbourhood of Mejicanos.

In the statement, the gangs apologised for the inconvenience caused by the strike and declared that their only objective was to be heard by the government. They stated their disappointment about the new government policies and the failure of the Mesas de la Esperanza. The statement also explicitly asked the president to veto the anti-gang law and suggested a 'transparent dialogue' to find a solution for the violent conflict.[85]

The response of the government was staunchly negative. President Funes stated, 'we will not let them blackmail us',[86] and the minister of defence, David Munguía Payés, responded that 'a democratic government like ours, legitimately elected, cannot negotiate with criminal organisations'.[87] The director of the PNC affirmed, 'we are not disposed to having talks with criminals'.[88] Douglas Moreno, director of the penal system, also stressed that the Mesas de la Esperanza had by no means been a form of 'negotiation', but were rather an effort to learn more about the problems experienced by the prisoners and their family members. He complained that by suggesting that these were negotiations, the word 'dialogue' would be tainted.[89] This shows how sensitive the idea of a dialogue with the gangs had become.

This was clearly demonstrated in the case of Padre Toño. Although he did not explicitly support or endorse the strike, and limited himself to reading the statement, his decision to read the statement was rejected by a broad range of politicians, opinion-makers and journalists. The reactions were extremely strong and clearly served to mark the limits of what was acceptable in the face of the gang phenomenon. The press portrayed him as the 'spokesman of the gangs'. Government officials reacted strongly to the fact that the statement had been read aloud by a priest who not only believed that dialogue was a

[84] 'Comunicado de la mara MS13 y la pandilla 18', mimeo.

[85] The 'developmentalist' and consensual discourse employed in the statement is interesting. The statement, for instance, says that the gangs want a compromise with society, so as to build a better country.

[86] See Luis Laínez and Tania Membreño, 'Gobierno promete enfrentar pandillas', *La Prensa Gráfica*, 10 Sep. 2010, available at www.laprensagrafica.com/el-salvador/judicial/140996-gobierno-promete-enfrentar-pandillas.html.

[87] See Redacción El Mundo, 'Gobierno no negociará con pandillas', *El Mundo*, 8 Sep. 2010, available at http://elmundo.com.sv/gobierno-no-negociara-con-pandillas.

[88] See Eric Lemus, 'El Salvador semiparalizado por reclamo de pandillas', BBC Mundo, 9 Sep. 2010, available at www.bbc.co.uk/mundo/america_latina/2010/09/100906_salvador_funes_maras_negociacion_pea.shtml.

[89] See Carlos Martínez, '"¿Qué viene ahora? ¿La lucha con el procurador?"', El Faro, 1 Nov. 2010, available at www.elfaro.net/templates/elfaro/especiales/derechoshumanos/nota1.html.

fundamental part of the solution, but also suggested that government officials had shown interest in talks. There seemed to be a declining tolerance for empathetic interpretations of the gang phenomenon.

The Funes Administration and the Gang Truce

The first years of the Funes administration thus showed a shift from efforts to develop a more integrated policy on gangs, to a series of measures that focused on cracking down on them. These measures were resisted by gangs and even led to efforts by the gangs to openly pressure the government. In this context, the sense of security further deteriorated and homicide rates (seen by policy-makers as the key indicator of success) remained extremely high. By the end of 2011 and during the first months of 2012, influential actors like the mass media and the private business sector, as well as the US government, pressed strongly for results. The media stepped up pressure with constant reporting on homicide numbers and violent incidents, and questioning of the Funes administration's security policies. On 10 November, the national newspaper *El Diario de Hoy* opened with a strong statement directed at the government: 'Security is worse under this administration.' Based on the results of a recent opinion survey, it stated that 'Crime has risen during the Funes administration' and cited public 'belief that the security plans do not work and to the contrary, the gangs are getting stronger'.[90] The message was clear: the public at large was becoming anxious.

As a result of these pressures and poor results in the area of security, the minister of security, Manuel Melgar, decided to resign.[91] The person that replaced him was the minister of defence, retired general David Munguía Payés. After his appointment on 22 November 2011, Munguía Payés announced a 'war on crime' and promised to reduce delinquency by 30 per cent in a year.[92] Two months later, on 23 January 2012, the retired general Francisco Salinas[93] took over as director of the PNC. At the same time, a new elite anti-gang police unit was formed[94] along with a new anti-gang department at management level.[95] These appointments underlined the intention of the authorities to keep the pressure on the gangs. They were

[90] 'Seguridad empeora en este gestión', *Diario de Hoy*, 10 Nov. 2011.

[91] See, for instance, Ricardo Vaquerano, Carlos Martínez, Gabriel Labrador and Efren Lemus, 'Presidencia informa que Manuel Melgar dejó Ministerio de Seguridad', El Faro, 8 Nov. 2011, available at www.elfaro.net/es/201111/noticias/6544/. Two months later the director of the PNC, Comisionado Carlos Ascencio Girón, was dismissed.

[92] 'Munguía Payés declara la "Guerra al crimen"', *Diario CoLatino*, 29 Nov. 2011, pp. 1, 4.

[93] Until then, General Francisco Salinas was the vice-minister of defence. He retired from the army the morning before he was appointed director of the PNC.

[94] 'Grupo de Intervención Antipandillas', *La Prensa Gráfica*, 8 Dec. 2011.

[95] 'Subdirección Antipandillas', *El Diario de Hoy*, 12 March 2012.

matched by the explicitly stated commitment to continue the already intense campaign of arresting and incarcerating gang members, started by the previous director.[96] However, it is fair to say that having former military officers in these positions was of strong symbolic importance. It conveyed a message of determination, not only towards the gangs but especially to the population at large. The relatively high level of trust in the military was used to bolster the image of a firm and 'capable' state authority.

Against this background of ongoing securitisation, and to the surprise of many, in March 2012 it came to light that the government had facilitated a truce between the two principal gangs. As a result of this truce, the homicide rate fell spectacularly in a few days.[97] With the truce still in place at the end of 2012, the total number of homicides in 2012 had decreased by almost 41 per cent.[98] After first disavowing the truce, it soon became clear that the government had endorsed the process and that the newly appointed minister of justice and public security, Munguía Payés, had played a key role. The strategy was initiated, approved and controlled by his office.[99] However, acutely aware that the government might be accused of negotiating with violent criminals, the 'facilitation' was publicly implemented by two close associates from outside the government: Raúl Mijango and Monsignor Fabio Colindres.[100] In itself, the choice of the word 'facilitation' emphasised that the government wanted to portray a clear distance between itself and the gangs. The decision to engage a bishop in this process shows that Munguía Payés and Raúl Mijango were aware of the need to convince or at least neutralise important audiences. As bluntly expressed by a businessman in El Salvador: 'In the business community in this country there are people that when you put a

[96] In reality, however, the number of gang members arrested dropped in the first months of 2012. See 'Policía con promedio diario de 148 arrestos', *La Prensa Gráfica*, 31 March 2012.

[97] In the weeks before the transfer, the number of homicides committed was in a range of 11 to 17 per day. When the authorities started to move the gang leaders from high-security prisons to low-security ones (8 March 2012), the numbers fell dramatically: to nine on 9 March, ten on 10 March, six on 11 March, two on 12 March and three on 13 March, stabilising at around five or six a day (information provided to the authors by the PNC in 2012).

[98] The Forensic Institute confirms a 39 per cent decrease in homicides in 2012, while the Ministry of Justice and Public Security cites a 41 per cent reduction in comparison with 2011 and a 60 per cent decrease if the figure is counted from March, when the truce came into effect. Suchit Chávez, 'Medicina Legal: 2,641 homicidios durante 2012', *La Prensa Gráfica*, 8 Jan. 2012.

[99] José Luis Sanz y Carlos Martínez, 'El trabajo de monseñor Colindres y Raúl Mijango era una pieza de mi estrategia', El Faro, 14 May 2012, available at www.salanegra.elfaro.net/es/201205/entrevistas/8541/.

[100] Monsignor Fabio Colindres is the Salvadorean army bishop and Raúl Mijango is an ex-guerrillero and former member of parliament (*diputado*) for the FMLN. Both are close to the minister of justice and public security, Munguía Payés. Raúl Mijango had already been an adviser to Munguía Payés when he was still minister of defence.

priest in front of them, or the Church, part of their brain disconnects, and they stop asking questions.'[101]

To reach a truce between the gangs, talks were initiated with long-standing gang leaders who were imprisoned and isolated in the high-security jail of Zacatecoluca. The leaders first agreed on the need for a reduction of violence and on the idea of a cessation of hostilities between the gangs, before jointly formulating a list of general requests to the Salvadorean authorities.[102] Thirty leaders were then transferred back to common, low-security prisons where the great majority of the imprisoned gang members served their sentences, to communicate the agreement and impose it on the rank and file. Thus, while the Funes administration did not want to get openly immersed in the truce, it is clear that the gangs not only made promises towards each other, but also made promises *and* demands vis-à-vis the government. And in its turn, the government made gestures towards the gang leaders, among others by relaxing the prison regimes of some of the leaders.

It should be emphasised, however, that the position of the Salvadorean government towards the truce was highly ambiguous. The minister of justice and public security had secretly developed the plan and never intended to make it public. The main reason that the new minister, Munguía Payés, who had in public always objected to any type of negotiation or dialogue with gangs, now turned to this course of action was his desire to decrease the staggering homicide rates.[103] The decision to start talking with the gangs was truly an emergency measure. It is interesting to note that when Munguía Payés' involvement was discovered by journalists of the online newspaper El Faro, it was first explicitly denied by government officials, including the minister himself. In a press conference, Minister Munguía Payés offered an extremely weak and unconvincing explanation for the removal of gang leaders

[101] 'Entre los empresarios de este país hay gente a la que le pones a un sacerdote delante, o a la Iglesia, y es como si se les desconectara una parte del cerebro: dejan de hacer preguntas', quoted in Carlos Martínez and José Luis Sanz, 'La nueva verdad sobre la tregua entre pandillas', El Faro, 11 Sep. 2012, available at www.salanegra.elfaro.net/es/201209/cronicas/9612/.

[102] The list of requests included topics such as suspending police operations in the territories where the gangs operate, repealing the law proscribing gangs, eliminating the legal status of protected witness, confining the military to their barracks, and pardons for senior prisoners or those who are terminally ill. At the time of writing, these topics were mostly rejected and not taken up publicly in policy discussions.

[103] For example, as mentioned above, when the two main gangs asked in September 2010 for a dialogue with the government, the general response was extremely negative. Munguía Payés, then minister of defence, declared that negotiating with gangs was a no-go, stating that 'Un Gobierno democrático como el nuestro elegido legítimamente no puede negociar con organizaciones criminales' (Redacción El Mundo, 'Gobierno no negociará con pandillas', *El Mundo*, 8 Sep. 2010, available at http://elmundo.com.sv/gobierno-no-negociara-con-pandillas.

from the high-security prisons.[104] After a while, however, he chose to admit his responsibility and declared himself to be the architect of the whole plan. The fact that the government's involvement in these talks was initially kept secret shows the key problem of this strategy: while some types of dialogue seem to be unavoidable, such a strategy is extremely unpopular among many relevant audiences and therefore difficult to communicate publicly.

Although president Funes had been informed about this strategy and had given his support to the minister, he kept a distance from the truce itself. This led to an ambiguous government position. On the one hand, the minister of justice and public security acknowledged his role as the main architect of the truce, while on the other hand, President Funes emphasised that his government was not willing to negotiate with criminals.[105] It is fair to say that, with the announcement of the truce, a type of two-pronged strategy was followed. Firstly, the process of re-securitisation got even stronger: the gangs were portrayed as being a far more important threat to security than was conceded before. Therefore the authorities implemented even more extraordinary measures: the creation of more specialised police forces to deal with the gangs, and an anti-gang directorate at the PNC. Secondly, the government introduced a different kind of extraordinary measure: secretly sponsoring and facilitating a process of dialogue and negotiations between the gangs. Its principal objective was to diminish the extremely high homicide rate. The two approaches were closely linked – the continuation of a 'hard hand' strategy permitted and 'excused' the facilitation of a truce by shielding the administration from the accusation of being soft on crime and giving in to the gangs.

Although the government emphasised that it had not 'negotiated' with the gangs, the truce clearly created something of a win-win situation for the government and the 'old' gang leaders. Facing the public's anguish and growing sense of insecurity, for the Funes administration the principal aim was to reach a reduction of homicide levels. This, however, was achieved by bringing back to power the old gang leaders, who after years of isolation in high-security prisons had lost control over their gangs to the younger generations. By sending these veteran leaders back to the common prisons, the government not only lifted their separation and isolation but also handed them back the effective control over their 'homeboys', both in prison and on the streets.[106] The administration

[104] Martínez and Sanz, 'La nueva verdad sobre la tregua entre pandillas'. This source also describes how Minister Munguía Payés invited a group of approximately 25 journalists to explain (off the record) the removal of the prisoners. This shows again how important this 'audience' is to the government.

[105] Efren Lemus, 'Funes se vuelve a desmarcar de la tregua entre pandillas', El Faro, 17 Sep. 2012, available at www.elfaro.net/es/201209/noticias/9671/?st-full_text=all&tpl=11.

[106] The gang members in the neighbourhoods still very much respected the old generation of leaders and, once back in contact with the rank and file, those leaders were able to exert their control again. The situation in the Salvadorean prisons is extremely harsh for the

also gave the veteran leaders broad access to the media to explain their vision and active support of the truce.[107] The gangs published various communiqués about their positions and petitions.[108] The newly re-empowered leaders seized the opportunity, communicating and imposing their tregua on the other gang members. Not complying would be costly: truce-breakers would be killed by their comrades.[109]

It is fair to say, however, that the lowering of the homicide rates by means of a gang truce came at a high price. It not only strengthened the position of the older leaders but also contributed to a situation of growing unity and organisational strength among the gangs. Meanwhile, the truce did not address the question of extortion, apparently the main source of income for most gangs. Above all, implicitly the gang leaders were recognised as important political actors in the ongoing drama of security policy in El Salvador.

Conclusion

This paper has analysed why the Salvadorean government was clearly unsuccessful in its efforts to de-securitise gangs. We have shown that, in its first year, the Funes government emphasised the need for integrated policies to deal with the issue. Such alternative approaches either called for attention to the underlying causes of the gang problem through prevention and rehabilitation policies or called for a more pragmatic approach of dialogue or even negotiation with the gangs. However, even the idea of talking with gangs proved extremely unpopular. The Funes government soon decided this was a no-go approach and returned to hard-handed policy measures similar to those propagated by the previous governments, though the idea of starting some kind of dialogue never disappeared completely. When it appeared that the Salvadorean government had played a role in the gang truce reached in March

---

inmates: see, for instance, 'Prisons in Latin America: A Journey into Hell', *The Economist*, 22 Sep. 2012, available at www.economist.com/node/21563288. From inside the common Salvadorean low-security prisons it is also relatively easy to communicate with the outside world and to maintain contact with the streets.

[107] Leaders from the gangs were extensively interviewed on television: for instance, TV12 aired two interviews with Carlos Mojica (alias El Viejo Lin, Barrio 18) and with Arístides Umanzor (alias El Sirra, Mara Salvatrucha); interviews were also published in newspapers (see for instance the interview with the Mara Salvatrucha in four parts published by El Faro in October 2012, available at www.salanegra.elfaro.net/es/201210/entrevistas/9844/).

[108] See, for the first communiqué, 'Raúl Mijango hace público comunicado conjunto de la Mara Salvatrucha y el Barrio 18', El Faro, 23 March 2012, available at http://www.elfaro.net/es/201203/noticias/8078/.

[109] See, for instance, David Marroquín, 'Matan a dos supuestos cabecillas de mara', *El Diario de Hoy*, 22 Aug. 2012.

2012, however, it once again became clear that this was an extremely sensitive issue.

In El Salvador, pressure to use hard-handed approaches against gangs is particularly strong. High levels of insecurity are a reality for many Salvadoreans, especially those living in marginalised neighbourhoods. Thus, crime and homicide do not require 'language mediation' to be considered 'a hazard for human life'.[110] We have pointed out two factors that eventually led the Funes administration to abandon its efforts to de-securitise the gangs and instead to start re-securitising them. The first factor is the reality of gang violence, extortion and growing control in large parts of poor neighbourhoods. An endeavour to deal in an effective way with these problems, or at least to communicate control over them without extraordinary measures, was hardly feasible. At the same time, the government lacked the means to shore up the more immediate efforts with integrated and preventive policies that were able to address the causes of the problem. Secondly, the re-securitisation of the gang issue was the result of pressures from different audiences. The political opposition and leading media in the country continuously criticised the performance of the Salvadorean government and pushed for tougher responses to the gang problem. The anti-gang measures of the Funes government were partly a means to respond to these criticisms. They were an attempt to halt efforts to delegitimise the government's stance on security and to respond to the demands from large sectors of the Salvadorean population for a tougher approach to the gang issue. Many Salvadoreans were not only ready for securitisation, but generally considered it as the only option available for doing something about the gang threat.

The widespread support for repressive approaches to insecurity went hand in hand with suspicion about alternative approaches, as the controversy about the truce showed. We argue that the active support of the minister of justice and public security for the gang truce should be seen as a new type of extraordinary measure from the government. While the earlier measures clearly limited the space of gang members and especially their leaders, the truce did the opposite; it gave them (some) more space, especially to communicate with their homeboys and with broader society. While repressive measures were not difficult to sell to the broader population, the accommodating ones certainly were. This was indeed one of the key reasons to remain silent on this policy. When journalists found out that the government had facilitated the truce, the key protagonists within the government had to come up with an explanation. While some (like President Funes) remained silent on the issue and denied their involvement, others (like Minister Munguía Payés) came up with changing and contradictory explanations. A last-minute effort was made

[110] Balzacq (ed.), *Securitization Theory*, p. 12.

to defend and legitimise the truce by pointing to the need for customised policies to deal with the extremely high homicide rates. Many key audiences, however, remained sceptical.

The discussion of changes in the Funes government's anti-gang policies shows that the securitisation of gangs is a rather messy process involving a range of stakeholders. In this process, the question is not primarily whether to securitise or not, but *how* to securitise. Repressive approaches were clearly preferred by different audiences in the country, but the discussion about the optimal type of customised policies continued, and the Funes government was involved in efforts both to repress gang members and to enrol their support or involvement in a solution (initially to deal with the gang problem as such, and later mainly as a way to counter homicide rates). El Salvador shows that the two options of repression of gangs and (a degree of) cooperation with them do not necessarily exclude one another, though obviously there can be serious tensions between the two strategies.

While both repressive and accommodating extraordinary measures may be unavoidable in the Salvadorean context, especially in the short term, an important discussion remains as to how to link these to a longer-term, integrated security policy. We argue that although some policy-makers in the Funes administration recognised the need for a longer-term vision, in practice the focus of the administration was on short-term securitisation measures. In this regard, the challenge of developing an integrated security policy was not met by the Funes government. The chances that an integrated policy will materialise any time soon are quite slim given the popularity and communicative benefits of securitising the gang issue through repressive policies, the deeply rooted structural problems of exclusion and the limited experience with integrated approaches.

Spanish and Portuguese abstracts

Spanish abstract. Este artículo analiza las políticas hacia las pandillas de los primeros años de la administración de Funes en El Salvador, de junio de 2009 a julio de 2012. Utilizando la teoría de la securización, el material explica por qué la administración volvió a tomar a medidas más represivas para enfrentar a las pandillas. Señala que tal situación fue producto de un proceso dinámico en marcha en el que el gobierno era sólo un jugador más dentro de un campo complejo constituido por varios actores. El regreso a las medidas represivas así como el apoyo y facilitación de una 'tregua pandillera' no fueron el resultado de un diseño racional o de una agenda predeterminada, sino que debe de ser visto como una serie de movimientos en una coyuntura política, en donde el gobierno salvadoreño necesitaba comunicar a diferentes audiencias que se encontraba en control.

Spanish keywords: El Salvador, pandillas, violencia pandillera, políticas gubernamentales, securización, gobierno de Funes, tregua pandillera

Portuguese abstract. Este artigo analisa as políticas voltadas à questão das gangues durante os primeiros anos da administração Funes em El Salvador, de junho de 2009 até julho de 2012. Utilizando a teoria da securitização, o artigo explica a razão do retorno às medidas repressivas por parte desta administração para lidar com as gangues. Argumenta-se que estas medidas sejam o produto de um processo dinâmico e que ainda está em curso, no qual o governo represente apenas um dos atores em uma área complexa, constituída por diversos atores. O retorno às medidas repressivas, além do apoio e facilitação de 'trégua entre gangues', não foi resultado de uma agenda racionalmente elaborada e predeterminada, mas deve ser visto como uma série de ações em uma conjuntura política na qual o governo salvadorenho necessitava passar a mensagem a diferentes audiências de que controlava a situação.

Portuguese keywords: El Salvador, gangues, violência de gangue, políticas governamentais, securitização, governo Funes, trégua entre gangues