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**THESIS**

**EL SALVADOR AND GUATEMALA: SECURITY SECTOR  
REFORM AND POLITICAL PARTY SYSTEM EFFECTS  
ON ORGANIZED CRIME**

by

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June 2009

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**EL SALVADOR AND GUATEMALA: SECURITY SECTOR REFORM AND  
POLITICAL PARTY SYSTEM EFFECTS ON ORGANIZED CRIME**

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## **ABSTRACT**

Since the signing of peace treaties in El Salvador and Guatemala in 1992 and 1996 respectively, both countries have experienced exploding levels of crime and violence as a result of gangs, drug trafficking organizations, and organized crime. Because both nations share many common traits, a general perception is that the causes and effects of criminal activity are similar in both countries. The patterns, causes, and effects of criminal activity, however, vary significantly between El Salvador and Guatemala. Specifically, organized crime—with its hallmarks of violence, corruption, and penetration of state institutions—is a problem that afflicts Guatemala much more than in El Salvador. Security sector reforms and the demilitarization of security forces in El Salvador prevented organized crime from gaining hold over time whereas police reform in Guatemala failed to purge the security apparatus of former militarized forces with ties to organized crime. A strong political party system in El Salvador acts as a gatekeeper in preventing many organized crime elements from penetrating the state while a weak party system in Guatemala allowed for much greater infiltration of illicit entities. Future policy regarding both countries should give greater attention to organized crime and political party systems.

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## I. INTRODUCTION

Since the signing of peace treaties in El Salvador and Guatemala in 1992 and 1996 respectively, both countries have experienced exploding levels of crime and violence as a result of gangs, drug trafficking organizations, and organized crime. Since 1999, homicide rates in Guatemala have increased more than 120% to a rate of 47 per 100,000 inhabitants, as reported in 2006.<sup>1</sup> As of 2005, El Salvador had a reported homicide rate of 59 per 100,000 inhabitants.<sup>2</sup> By this measure, El Salvador and Guatemala rank as the fifth and sixth most violent nations in the world, respectively. The United Nations Office on Drugs and Crime (UNODC) cites Guatemala and El Salvador as the worst affected countries in Central America with respect to gang activity and related violence, with a reported 14,000 and 10,500 gang members respectively.<sup>3</sup> Both are part of the “Central American corridor” through which an estimated 90% of the cocaine that enters the United States passes.

When discussing the nature, causes, and consequences of criminal activity in El Salvador and Guatemala, most analysts tend to stress the similarities between the two nations. In its “crime diagnostic” of Central America, the UNODC argues that El Salvador and Guatemala both suffer from extraordinarily high homicide rates, intense exposure to the drug trade, high levels of gang activity, and corruption linked to organized crime.<sup>4</sup> The similarity in crime problems is attributed to the many characteristics the two countries have in common. They share a common border, have endured years of civil war, and have made a transition to democracy within the last two decades. Both are geographically located in a region that is used as a vital transit stop for the transportation of illicit narcotics to the United States from the largest drug-producing

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<sup>1</sup> World Health Organization, "Statistical report on violence in Guatemala," December 2007. [http://www.who.int/violence\\_injury\\_prevention/violence/national\\_activities/gtm/en/index.html](http://www.who.int/violence_injury_prevention/violence/national_activities/gtm/en/index.html) (accessed December 03, 2008).

<sup>2</sup> Overseas Security Advisory Council, "San Salvador, El Salvador: 2006 Crime and Safety Report," April 19, 2006. <http://www.osac.gov/Reports/report.cfm?contentID=45275> (accessed December 03, 2008).

<sup>3</sup> United Nations Office on Drugs and Crime (UNODC) Report, “Crime and Development in Central America: Caught in the Crossfire,” May 2007, 16–17.

<sup>4</sup> *Ibid.*, 15–18.

region in the world, the Andean Ridge. The transitions to democracy have been difficult for both nations as each had to contend with the social conditions created by years of internal conflict and burgeoning poverty. Military downsizing and processes of police reform carried out in accordance with the peace treaties that ended the internal conflict are said to have created security vacuums that criminals could exploit. The inability of each state to respond to these conditions has created a situation in which high levels of impunity and increased violence have become the norm.

Despite this conventional wisdom, the evidence available suggests that the patterns of criminal activity in El Salvador and Guatemala are significantly different: as a result, the causes are not always the same, or at best undetermined; and the capacity of the state to respond to these threats vary in important ways. This proposed thesis will explore the similarities and differences between the two countries by addressing the following questions: What are the origins, evolution, and nature of the threat posed by gangs, drug trafficking organizations, and organized crime in El Salvador and Guatemala? How can these varying patterns be explained? What are the implications for the ability of the government to fight violent crime?

## **A. IMPORTANCE**

The security threat posed by gangs, drug trafficking, and organized crime in Central America are of great concern for the United States given the deep social and economic links with Latin America.<sup>5</sup> Because gangs in El Salvador and Guatemala have ties to gangs in the United States, it is important to determine the extent to which they pose a threat to U.S. national security. El Salvador and Guatemala are regarded as transit countries for the transportation of illegal narcotics.<sup>6</sup> The geographic location of these two countries with respect to the United States make for ideal stop over points for narcotics en route from coca producing regions in the Andean Ridge. Essentially,

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<sup>5</sup> U.S. Southern Command, "2008 Posture Statement Before the 110<sup>th</sup> Congress," 2008, 7.

<sup>6</sup> U.S. Department of State, "Counternarcotics and Law Enforcement Country Program: El Salvador," June 30, 2005. <http://www.state.gov/p/inl/rls/fs/48915.htm> (accessed May 18, 2008); and U.S. Department of State, "Counternarcotics and Law Enforcement Country Program: Guatemala," August 16, 2005. <http://www.state.gov/p/inl/rls/fs/51347.htm> (accessed May 18, 2008).

Guatemala and El Salvador, like the rest of Central America, are “trapped between the world’s biggest suppliers and consumers of cocaine.”<sup>7</sup> The flow of drugs through both countries, coupled with burgeoning poverty and government corruption, provide an environment in both countries to allow for the proliferation of intense illegal activity and violence.

The promotion of democracy is a central pillar of U.S. foreign policy. Corruption and violence resulting from prolific organized criminal activities undermine the commitment of citizens in these countries to the democratic process and greatly impede the process of social and economic development essential for stability.<sup>8</sup> Aside from the impediment to the sustainment of democracy, the economic toll of the crime and violence is great. In 2005, the Salvadoran Public Security Council estimated that the cost of combating crime and violence by governments in Central America was 6.5 billion USD, or almost 7.7% of the region’s total gross domestic product (GDP). Guatemala and El Salvador led the region by spending 2.29 and 2.1 billion USD respectively.<sup>9</sup> These numbers only represent the cost of the governments’ response to crime and violence. Other reports estimate that annual physical costs of violence—trauma to victims and health expenditures—cost El Salvador 1.7 billion USD (11.5% GDP) and Guatemala 2.4 billion USD (7.3% GDP) in recent years.<sup>10</sup>

In order to respond effectively to the security threats posed by various criminal and violent activities, an accurate assessment of the true nature and level of each threat is warranted. While an improved criminal justice system would help with any kind of crime, resources are limited and need to be applied to address the most important problems. Gangs require different responses than organized crime that has infiltrated the government; prevention and rehabilitation of gang members would be appropriate for the

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<sup>7</sup> UNODC, “Crime and Development,” 9.

<sup>8</sup> USAID, “USAID Promotes The Rule Of Law In Latin America And Caribbean Democracies,” March 31, 2005. [http://www.usaid.gov/locations/latin\\_america\\_caribbean/democracy/rule/index.html](http://www.usaid.gov/locations/latin_america_caribbean/democracy/rule/index.html) (accessed November 22, 2008).

<sup>9</sup> Southern Pulse Network Staff, “The Price of Crime and Violence in Central America,” August 25, 2008. <http://mexidata.info/id1949.html> (accessed December 03, 2008).

<sup>10</sup> UNODC, “Crime and Development,” 74.

former whereas anti-corruption measures are vital for the latter. Similarly, the two problems create different political challenges in crafting effective responses. For example, with gangs the challenge often is to avoid the demonization of gang members and craft a response that is not purely a hard line approach. In the case of organized crime, the challenge is often the opposite: generating the political will to adopt a stricter response to actors who have cultivated ties with corrupt officials.

## **B. LITERATURE REVIEW**

Most analyses of crime and violence in Guatemala and El Salvador tend to group the two countries together, asserting that they suffer from similar problems because of their shared characteristics. The UNODC's 2007 report offers a good overview of this argument. The two face similar problems as outlined in the "crime diagnostics" of homicides, drugs, gangs, and corruption. Additionally, similar reasons for crime and violence are explored under "points of vulnerability": geography, underdevelopment, low criminal justice capacity, and a history of conflict. The latter factor includes a culture of violence, the proliferation of small arms, a culture of corruption, authoritarian and militarized policing, and deportation as key causes of crime in both countries.<sup>11</sup>

It is commonly noted that, "Guatemala and El Salvador are internationally among the most violent countries for which standardized data has been collected."<sup>12</sup> Most of the gang activity in Central America takes place in Guatemala, El Salvador, and Honduras, with the focus of analysis and data available tending to concern mostly Guatemala and El Salvador.<sup>13</sup> Data on gangs in both countries focuses on two main gangs: *Mara Salvatrucha*, or MS-13 (predominantly in El Salvador), and *Barrio 18*, or the 18th Street Gang (predominant in Guatemala). Recently, the Congressional Research Service (CRS) has expressed concern with the development of these two gangs into transnational organizations.<sup>14</sup> There are increasing reports that deported MS-13 gang members return

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<sup>11</sup> UNODC, "Crime and Development," 11-24.

<sup>12</sup> Clare Ribando Seelke, "Gangs in Central America," CRS Report for Congress, March 27, 2008. 2.

<sup>13</sup> *Ibid.*, 8.

<sup>14</sup> Celinda Franco. "The MS-13 and 18th Street Gangs: Emerging Transnational Gang Threats?" CRS Report for Congress, January 30, 2008.



to the United States illegally, via Guatemala and Mexico, and often with new recruits, and that money procured by gang activity in the United States was frequently sent back to El Salvador to aide gang members on the streets and in prison.<sup>15</sup>

Both countries are considered transit countries for the importation of illegal narcotics en route to the United States from the Andes. UNODC reports that: “every Central American country seized at least a ton of cocaine in 2004.”<sup>16</sup> Correlations are also drawn between drug trafficking and its impact on other criminal activities. According to UNODC, “perhaps the most damaging impact drug trafficking has had on the region is the fostering of corruption” and that corruption is “a regular feature of life in many Central American countries.”<sup>17</sup> The Washington Office on Latin America (WOLA) reported how corrupt elements within the political structure in Guatemala and El Salvador “merge with organized criminal networks and, through their activities, aim to undermine the functioning of legitimate state institutions in order to avoid accountability for past and current crimes and guarantee their continued ability to operate freely.”<sup>18</sup>

The tendency to view the crime and corruption problems in El Salvador and Guatemala as comparable is also evident in the growing number of analyses that lump the problem of gangs, drug trafficking organizations and the political-criminal nexus together under the vague label of “transnational organized crime.”<sup>19</sup> Gangs themselves have increasingly been labeled as transnational criminal organizations and it has been argued that gangs are linked to other forms of organized crime.<sup>20</sup> The transnational organized crime label may be accurate if one uses a minimalist definition of organized crime “as any group having a formalized structure whose primary objective is to obtain money

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<sup>15</sup> Richard J. Lopez, Rich Connell, and Chris Kraul, "Gang Uses Deportation to Its Advantage to Flourish in U.S.," October 30, 2005. <http://www.latimes.com/news/nationworld/world/la-me-gang30oct30.1,4836173.story?page=2&coll=la-util-nationworld-world> (accessed June 17, 2008).

<sup>16</sup> UNODC, “Crime and Development,” 15.

<sup>17</sup> *Ibid.*, 17–18.

<sup>18</sup> Washington Office on Latin America (WOLA) Special Report. “The Captive State: Organized Crime and Human Rights in Latin America,” October 2007. 2.

<sup>19</sup> On the lack of agreement over definitions of organized crime see Jeanne Giraldo and Harold Trinkunas.

<sup>20</sup> Franco, “The MS–13,” 6.

through illegal activities.”<sup>21</sup> However, when policymakers and law enforcement officials invoke the term, they most often are concerned with the features of organized crime that do not appear in this definition: high levels of violence and corruption, penetration of the licit economy, and the increasing sophistication of the organizations.<sup>22</sup> A central argument of this thesis is that these features do not characterize gangs nor are they present at comparable levels in the two countries under study.

The proliferation of crime and violence in Guatemala and El Salvador has been attributed to several characteristics that the two countries share. These include the prevalent culture of violence, the availability of weapons, poverty and inequality, and corruption.<sup>23</sup> Other factors include the inability of the state to reform its security sector following the peace accords, as well as U.S. deportation policy.

The legacy of internal conflict is said to contribute to current high levels of violent crime in a number of ways. Years of conflict can have profound psychological effects on a populace in that “violence may become normalized.”<sup>24</sup> Additionally, the availability of small arms in post-conflict societies also contributes to violence. In 2000, both countries ranked the highest in Central America in numbers of legally registered firearms, with over 145,000 in Guatemala and 170,000 in El Salvador.<sup>25</sup> In addition, UNODC cites a recent survey estimating that there are at least 450,000 small arms in El Salvador, enough to arm one in every fourth person, with an estimated 60% procured illegally.<sup>26</sup> The U.N. Mission in Guatemala (MINUGUA) estimated in 2002 that there were “1.8 million illegal firearms in circulation” in that country.<sup>27</sup>

Underdevelopment is also identified as a key cause of crime in the two countries. Inequality, in particular, has been identified as a contributor to crime in statistical, cross-

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<sup>21</sup> Franco, “The MS-13,” 6.

<sup>22</sup> Giraldo and Trinkunas.

<sup>23</sup> UNODC, “Crime and Development,” 25–43.

<sup>24</sup> *Ibid.*, 36.

<sup>25</sup> *Ibid.*, 67 (Figure 56).

<sup>26</sup> *Ibid.*, 68.

<sup>27</sup> *Ibid.*

national studies. El Salvador and Guatemala are ranked with a Gini inequality index of 55 and 52, respectively. Only eighteen countries worldwide have a score of 52 or higher, four of which are in Central America.<sup>28</sup>

Corruption only adds to the proliferation of crime and violence. Corrupt state officials, at every level, undermine the rule of law, “manipulate state institutions and, at times, achieve near-total control of the political system to guarantee their power, advance and protect their illegal activities and ensure their protection from the law.”<sup>29</sup> Further, “drugs are a key driver of corruption in transit areas, starting among the border and law enforcement officials but potentially reaching even the highest levels.”<sup>30</sup>

The literature on police reform in Central America, and on security sector reform more generally in post-conflict countries, stresses the security vacuum and increased threat to public security that is often created by the process of demilitarization and reform mandated by peace treaties.<sup>31</sup> Additionally, literature shows that when demilitarization did not produce effective results immediately, the state resorted to utilizing the military in lieu of the police for public security. Edgardo Amaya notes that as El Salvador made the transition to democracy, the security apparatus had not transitioned completely from a counterinsurgency approach to one more conducive to a democratic regime.<sup>32</sup> Marie-

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<sup>28</sup> UNODC, “Crime and Development,” 27.

<sup>29</sup> WOLA, “The Captive State,” 2.

<sup>30</sup> UNODC, “Crime and Development,” 70.

<sup>31</sup> Charles T. Call, “Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador,” *Journal of Latin American Studies* 35, No. 4 (November 2003): 827–62; Chuck Call, “Police Reform, Human Rights, and Democratization in Post-conflict Settings: Lessons from El Salvador,” in USAID Conference: Promoting Democracy, Human Rights, and Reintegration in Post-conflict Societies, October 30–31, 1997; Orlando J. Pérez, “Democratic Legitimacy and Public Insecurity: Crime and Democracy in El Salvador and Guatemala,” *Political Science Quarterly* 118, No. 4 (Winter 2003–04): 627–44; William Stanley, “Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning,” in *Peacebuilding and Police Reform*, ed. Tor Tanke Holm and Espen Barth Eide (Portland, OR: Frank Cass & Co. Ltd.).

<sup>32</sup> Edgardo A. Amaya, “Security Policies in El Salvador, 1992–2002,” in *Public Security and Police Reform in the Americas*, ed. John Baily and Lucia Dammert (Pittsburgh, PA: University of Pittsburgh Press, 2006).

Louise Glebbeek asserts that the military in Guatemala was often called upon to fulfill police functions in light of rising crime immediately following the peace accords.<sup>33</sup>

Finally, the literature on the origins and proliferation of gangs and gang activity in both countries provide evidence that U.S. deportation policy may indeed be a major contributor to the increase in gang activity in both El Salvador and Guatemala. Deportations of illegal immigrants rose since the passage of the 1996 Illegal Immigrant Reform and Immigration Responsibility Act (IIRIRA) and in 2006 it was reported that over 10,000 Salvadorans and over 18,000 Guatemalans, many with criminal records, were deported in that year alone.<sup>34</sup>

In sum, much of the literature paints the comparison between Guatemala and El Salvador with broad strokes. The two are seen as suffering from similar levels of crime, violence and corruption, caused by shared histories of civil war, inequality, deportations and inadequate police reform. This thesis, instead, argues that the two differ in important ways in the criminal threats they face and sets out to understand what factors can explain these differences.

### **C. ARGUMENTS AND THESIS OVERVIEW**

Contrary to conventional wisdom, this thesis argues that patterns of criminal activity in El Salvador and Guatemala differ in significant ways. For example, evidence shows that gang activity is far more prevalent in El Salvador than in Guatemala.

Drug seizure data and an examination of historical trafficking routes show that drug trafficking activity is far more prevalent in Guatemala than El Salvador. Guatemala has long been on the U.S. list of “Major Drug Transit” countries (along with Panama, Mexico, and the Dominican Republic) but El Salvador has never appeared on this list,

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<sup>33</sup> Maria-Louise Glebbeek, “Police Reform and the Peace Process in Guatemala: The Fifth Promotion of the National Civilian Police,” *Bulletin of Latin American Research* 20, No. 4 (2001): 439.

<sup>34</sup> Seelke, “Gangs in Central America,” 6–7.

being referred to as simply a “transit country.”<sup>35</sup> Most significantly, for the purposes of this thesis, organized crime and corruption seems to be far more evident in Guatemala than El Salvador.

Chapter II documents these differences and argues that the threat posed by organized crime and corruption to democratic stability and to U.S. security is far greater than the threat posed by gangs. It challenges commonly held beliefs that gangs are heavily involved in the drug trade<sup>36</sup> and are evolving into a transnational criminal threat with ties to other organized crime.<sup>37</sup> Instead, it calls for greater attention to the threat posed by organized crime in Guatemala. The rest of the thesis then sets out to understand the reasons for the higher levels of organized crime in Guatemala, despite the many characteristics the two countries have in common. Isolating the factors responsible for El Salvador’s relative ability to resist organized crime and corruption may provide some leverage for policymakers to combat organized crime in Guatemala and to fortify El Salvador against this threat in the future.

Chapter III argues that one of the reasons for the greater infiltration of organized crime in Guatemala’s security sector can be traced to differences in Guatemala’s and El Salvador’s conflict and post-conflict experiences. During the period of internal conflict, the military regime in Guatemala relied more than the Salvadoran military on drugs and illicit activity to fund counterinsurgency activities.<sup>38</sup> After the war, the process of police reform in Guatemala fell far short of the transformation carried out in El Salvador.<sup>39</sup> As a result, ties between the security sector and illicit actors in Guatemala remained much stronger.

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<sup>35</sup> U.S. Department of State, “Counter-narcotics and Law Enforcement Country Program: El Salvador,” June 30, 2005. <http://www.state.gov/p/inl/rls/fs/48915.htm> (accessed May 18, 2008).

<sup>36</sup> Shifter, Michael. “Latin America’s Drug Problem.” *Current History* 106, no. 697 (February 2007): 62.

<sup>37</sup> Franco, 2008.

<sup>38</sup> Nazih Richani, “Systems of Violence and their Political Economy in Post-Conflict Situations,” Work in progress—Kean University, March 2007.

<sup>39</sup> William Stanley, “Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning,” in *Peacebuilding and Police Reform*, ed. Tor Tanke Holm and Espen Barth Eide.

In addition, as Chapter IV will show, differences in political party development during the internal conflicts can help explain difference in the political-criminal nexus in recent years. In El Salvador internal transformation of the rightist party (ARENA) caused a clean break from the past as business oriented politicians took over from traditional agrarian elites who had ties with paramilitary death squads and other criminal networks from the authoritarian period.<sup>40</sup> In Guatemala, in contrast, these similar ties have persisted into the democratic period, fueling corruption and organized crime and undermining efforts to carry out security sector reform. More generally, the weakness of parties in Guatemala leaves the political system open to penetration by organized crime; weak parties also deprive governments of the backing necessary to take on these “hidden powers.”

Finally, Chapter V will summarize the key points presented herein as well as provide basic recommendations to approaching policy regarding crime and violence in both countries. To date, too much emphasis, in the media as well as by many policymakers, has been placed on the threats of gangs and drug traffickers. A shift in policy attention from these usual suspects to organized crime, as well as a renewed focus on the political party systems in place in both nations may be well warranted, based on the examination presented herein.

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<sup>40</sup> Elizabeth Jean Wood, “Challenges to Political Democracy in El Salvador,” in *The Third Wave of Democratization in Latin America: Advances and Setbacks*, ed. Frances Hagopian and Scott P. Mainwaring (New York, NY: Cambridge University Press, 2005).

## **II. THE NATURE AND STATE OF CRIME AND VIOLENCE: GANGS, DRUGS, AND ORGANIZED CRIME**

### **A. INTRODUCTION**

This chapter examines three specific aspects of illegal activity in both El Salvador and Guatemala: gangs, drug trafficking organizations (DTOs), and organized crime. It shows that while gangs and drug trafficking pose the most serious threats in the form of crime and violence, their level and effects vary between El Salvador and Guatemala. While a trend of increasing criminal activity is evident in both countries, the levels and significance of these increases is not universal to both nations. Specifically, gang activity and gang violence appears to be far more prevalent in El Salvador than in Guatemala. In addition, the chapter shows that the data available does not support the common assertion that youth gangs are highly involved in drug trafficking that the gangs examined are becoming a transnational threat to the United States. With respect to drug trafficking, this chapter will display that there is far more activity and violence attributed to DTOs in Guatemala than in El Salvador.

The second purpose of this chapter is to differentiate both gangs and DTOs from organized crime. While the former can sometimes display characteristics of organized crime, they must, for the overall purposes of this thesis, remain separate. Organized crime entities, at times, may utilize both gangs and drug trafficking organizations, but their involvement with these groups is neither permanent, nor even required. Instead, organized crime is characterized by its heavy reliance on violence and corruption, which are particularly damaging to democratic institutions. In fact, the chapter argues that organized crime poses more of a threat to democratic stability than the much-discussed gangs. It also shows that the threat from organized crime is much greater in Guatemala than El Salvador, a phenomenon that subsequent chapters attempt to explain.

## B. DEFINITIONS

Despite a proliferation of data and commentary on the issue there seems to be no definitive description of what constitutes a “gang” in the context of criminal activity. As such, there are varying definitions of this term among scholars and governmental agencies. The UNODC states that “a distinction needs to be made between criminal associations and true institutionalized gangs.”<sup>41</sup> However, a recent report from the CRS asserts that: “gangs are generally considered to be distinct from organized criminal organizations because they lack the hierarchical leadership structure, capital, and manpower.”<sup>42</sup>

Another CRS report on gang threats states that gangs fall into three categories. First-generation gangs are those that could commonly be called traditional; they are turf-oriented, localized, lacking sophistication, have a loose power structure and engage in small criminal activity. Second-generation gangs are more sophisticated, market-oriented rather than turf-oriented, and engage in criminal activities over a broader area, typically in the local drug trade.<sup>43</sup> Third-generation gangs are those whose criminal activities transcend national borders.<sup>44</sup> Gangs usually have a name and a distinct sense of identity. Additionally they usually employ unique outward reflections of their identity, such as tattoos, specific clothing, hand signs, or graffiti. Gang membership in Latin America is typically composed of members between the ages of 12 and 24, but may also contain members much older.<sup>45</sup> The term *mara* is often associated with Latin American gangs. The word is based most likely from the Salvadoran slang word *marabunta*, referring to a plague of fierce ants that devours anything in its path.<sup>46</sup> In the context of this paper, gangs, or *maras*, will refer to any organization that fits the descriptions previously offered.

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<sup>41</sup> UNODC, “Crime and Development,” 57–58.

<sup>42</sup> Seelke, “Gangs in Central America,” 2.

<sup>43</sup> Note: The operable word here being “local,” as will be examined in this paper.

<sup>44</sup> Franco, “The MS–13,” 4–5.

<sup>45</sup> Seelke, “Gangs in Central America,” 1.

<sup>46</sup> Shifter, “Latin America’s Drug Problem,” 62.



Drug trafficking organizations (DTOs) are far more readily defined and herein refer to any organized and structured enterprise that concerns itself with the production and transnational transportation of illegal narcotics. This paper will limit the scope of DTOs to only those that utilize Guatemala and El Salvador as transit stopover points for the transportation of drugs to the United States.

Of the three types of criminal activity examined, organized crime is the most difficult to define. To reiterate from the previous chapter, what policymakers and law enforcement officials are concerned with when it comes to organized crime are the high levels of violence and corruption, a penetration of the licit economy, and the high degree of sophistication of the organizations.<sup>47</sup> For the purposes of this thesis, it is these features of organized crime are key. Drug trafficking and gangs would only qualify as organized crime if they exhibit the aforementioned traits of violence, corruption, a high degree of sophistication, and penetration of the licit economy.

### C. GANGS

Street gangs have existed in Central America for some time in one form or another, but evidence shows that these gangs have evolved since the early 1990s. With respect to the negative aspects of gang proliferation, El Salvador and Guatemala are among the worst affected in Central America.<sup>48</sup> Of the numerous gangs in Central America, there are two that stand out as a major concern for the United States. CRS reports that:

The major gangs operating in Central America with ties to the United States are the “18<sup>th</sup> Street” gang (also known as M-18) and their main rival, the *Mara Salvatrucha* (MS-13).<sup>49</sup>

The social and economic disparity inherent in El Salvador and Guatemala are cited as facilitating factors in gang proliferation. Poverty and a lack of educational and

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<sup>47</sup> Giraldo and Trinkunas, forthcoming.

<sup>48</sup> UNODC, “Crime and Development,” 16.

<sup>49</sup> Seelke, “Gangs in Central America,” 3.

job opportunities help to encourage new member recruitment while the societal stigma against gang members serves to prevent members from leaving.<sup>50</sup>

## **1. Gang Origins in El Salvador and Guatemala**

The exact origin of gangs in both countries are not always agreed upon but the most frequently cited explanations are the violence of the civil wars in both countries during the 1970s and 1980s and U.S. immigration policy of the 1990s. Before continuing, it is important to note, however, that most of the evidence available regards MS-13 and its origins with respect to El Salvador, with little information presented on other named gangs. Additionally, analysis and commentary on gang activity in Guatemala is significantly lacking.

Regarding MS-13, the civil war in El Salvador had displaced hundreds of thousands of people who sought refuge from the violence in the United States, many of whom settled in predominantly Hispanic neighborhoods in Southern California.<sup>51</sup> CRS reports that:

By the end of the 1980s, some estimates indicate that more than 300,000 Salvadorans had settled in Los Angeles. One hypothesis on the gang formation asserts that Salvadoran immigrants during this period banded together and formed the MS-13 gang.<sup>52</sup>

The report continues with:

MS-13's early membership is reported to have included former guerillas and Salvadoran government soldiers whose combat experience during the Salvadoran civil war contributed to the gang's notoriety as one of the more brutal and violent Los Angeles street gangs.<sup>53</sup>

In 1996, the United States government passed the Illegal Immigrant Reform and Immigration Responsibility (IIRIRA). Deportations of illegal immigrants rose with the

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<sup>50</sup> Seelke, "Gangs in Central America," 5.

<sup>51</sup> UNODC, "Crime and Development," 16.

<sup>52</sup> Franco, "The MS-13," 3-4.

<sup>53</sup> *Ibid.*, 4.

passage of this act; it was reported that over 10,000 Salvadorans, many with criminal records, were deported in 2006 alone.<sup>54</sup> But 1996 was not the beginning of this trend. There is evidence that the problem goes as far back as 1993 with increased deportations of criminals to Central America. In 1994, *The New York Times* (NYT) reported that a crackdown on illegal immigration, initiated in 1993, was beginning to show its effects in the changing nature of street gangs in El Salvador. According the article, the brash and belligerent social attitude, as well as the distinct outward appearance (tattoos, clothing, and hand signs) of U.S.-based Latino gangs began to gain hold among the Salvadoran youth populace.<sup>55</sup>

Even though MS-13 is, as indicated by most analysis, a gang with origins in the Salvadoran community in the United States, it is present, along with Barrio 18 (another term for the 18th Street Gang), in Guatemala as well. The most recent United States Agency for International Development (USAID) assessment on gangs in Central America states that MS-13 comprises approximately 80% of total gang members in Guatemala, with Barrio 18 representing 15%, and the remaining 5% composed of smaller gangs.<sup>56</sup> However, as will be explained in the following section, these numbers may be misleading. This same assessment also indicates that the U.S. deportation policy previously described is most likely responsible for the proliferation of Guatemalan gangs, but it also indicates that the gangs may have migrated cross-border from El Salvador.<sup>57</sup> Ultimately, however, it is important to note that there is a significant lack of reported information concerning the origins of gangs in Guatemala.

## **2. Assessing the Gang Threat**

With respect to the numbers of gang members in each country, the recent report by UNODC does provide detailed information on gangs and violence, and also raises a

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<sup>54</sup> Franco, "The MS-13," 6.

<sup>55</sup> Mike O'Conner, "A New U.S. Import in El Salvador: Street Gangs," July 3, 1994. <http://query.nytimes.com/gst/fullpage.html?res=950DE4DF113CF930A35754C0A962958260&sec=&spone=&pagewanted=all> (accessed June 17, 2008).

<sup>56</sup> US AID, "Central America and Mexico Gang Assessment, Annex 2: Guatemala," April 2006, 6.

<sup>57</sup> *Ibid.*, 5-6.

few questions. According to UNODC, gang membership in 2007 was estimated at 10,500 in El Salvador and 14,000 in Guatemala.<sup>58</sup> This may seem significant but the numbers represent less than 1% (.14% and .11% respectively) of the population in each country.<sup>59</sup> Additionally, the numbers bear further scrutiny. UNODC examined the average number of members in each gang for each country and found some significant differences between the two. In El Salvador, average gang membership was listed as 2625, indicating that there were four main gangs present in the country, MS-13 obviously being one of them. Regarding Guatemala, UNODC reports that the average gang membership per gang was only 32 members, indicating that there were over 437 separate gangs.<sup>60</sup> This number alone makes it difficult to validate the USAID assertion that 80% of gang members in Guatemala were part of MS-13. The only plausible answer to this discrepancy is that gang members in Guatemala have only a loose affiliation among each other and utilize MS-13 as an “umbrella” gang. UNODC describes gang umbrella bodies as “...more symbolic of historical relationships than demonstrative of present unity of leadership.”<sup>61</sup> Simply stated, separate gangs may use a common name and leave any other affiliation amongst each other at that.

Determining the extent to which gangs in El Salvador and Guatemala are responsible for the increased violence and criminal activity in the years since the end of civil war in Guatemala and El Salvador is difficult at best. In El Salvador, it is reported that gangs engage in several criminal activities such as “kidnapping; human trafficking; drug, auto, and weapons smuggling” and other activities such as extortion of residents and business, in which gangs in San Salvador demand that citizens pay “war taxes.”<sup>62</sup> The press and electronic media often attribute that violence and crime to gangs, even

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<sup>58</sup> UNODC, “Crime and Development,” 60.

<sup>59</sup> CIA World fact Book, "El Salvador," May 14, 2009. <https://www.cia.gov/library/publications/the-world-factbook/print/es.html> (accessed June 1, 2009); and CIA World Fact Book, "Guatemala," May 14, 2009. <https://www.cia.gov/library/publications/the-world-factbook/geos/gt.html> (accessed June 1, 2009).

<sup>60</sup> UNODC, “Crime and Development,” 60.

<sup>61</sup> *Ibid.*, 59.

<sup>62</sup> *Ibid.*, 4. and UNODC, “Crime and Development,” 16.

when other actors (like DTOs and organized crime) are just as likely culprits.<sup>63</sup> Additionally, the basis for these assertions come mostly from police statistics and government officials in the countries themselves, and maybe inaccurate, or outright exaggerated.<sup>64</sup> For example, the 2007 UNODC Report examined the crime data and their origins and found several unusual statistics. With respect to homicide, UNODC states:

In El Salvador, it is claimed that 60% of all intentional homicides are carried out by the maras, but again, the evidence for this conclusion is unclear. According to the Fiscalía General, there were 3781 murders in 2005, 60% of which is 2269. If the country's 10,500 gangsters were responsible for these, then about one in four killed another person that year.<sup>65</sup>

That assertion does not seem credible.<sup>66</sup> As for Guatemala, UNODC reports:

Similarly, in Guatemala, a recent police study of the 427 murders that occurred in that country in January 2006 could only attribute 58 of these to gang activity (14%), 40 in urban areas and 18 in the countryside.<sup>67</sup>

### **3. Gangs and Drug Activity**

In addition to questionable claims about gang responsibility for overall levels of violence, assertions about gang involvement in drug trafficking are also tenuous. A 2007 *Current History* article stated that:

El Salvador's gangs are heavily involved in the drug trade, acting as enforcers and dealers within established distribution networks, creating their own inroads and supply chains, and using profits and addiction to recruit new members.<sup>68</sup>

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<sup>63</sup> Note: A recent search of media sources via the internet concerning gang activity in Guatemala and El Salvador revealed several articles with sensational headlines attributing violence and criminal activity to gangs. However, a thorough examination of these reports indicates an almost ambiguous relationship between gangs in general and the crimes that have been attributed to them.

<sup>64</sup> Seelke, "Gangs in Central America," 3-4.

<sup>65</sup> UNODC, "Crime and Development," 61.

<sup>66</sup> Seelke, "Gangs in Central America," 4.

<sup>67</sup> UNODC, "Crime and Development," 61.

<sup>68</sup> Shifter, "Latin America's Drug Problem," 62.

In fact, evidence suggests that gangs in El Salvador are more interested in buying the drugs for their own use rather than becoming involved in trafficking for a source of income. UNODC reports that in 2006 a national drug survey indicated that only approximately 0.25% of the population, aged 15–64, used cocaine regularly, which is less than 10,000 persons in the entire country. This number is less than the total number of estimated gang members in El Salvador,<sup>69</sup> indicating that the distribution and sale of cocaine is certainly not a lucrative prospect for the gang. Additionally, UNODC reports that 43% of gang members in El Salvador are regular drug users, supporting the assertion that the gangs are dealing to themselves, rather than the population.<sup>70</sup>

Regarding Guatemala, the information on gangs and their connections to drugs is significantly lacking, or at the very least highly ambiguous. Confounding the issue are some U.S. government reports and media articles. The USAID assessment for Guatemala states:

The international drug trade is closely connected to gang activity in Guatemala. Guatemala serves as a critical point of trans-shipment of drugs originating in Colombia and destined for United States markets, which has created thriving narco-trafficking and organized crime networks in the country.<sup>71</sup>

USAID, however, offers no other data to support the assertion that the drug trade is “closely connected” to gangs. In *Current History*, it is reported that:

Large cocaine and heroin deliveries enter Guatemalan ports via speedboats and fishing vessels, then are broken down into smaller shipments and sent overland to the United States via Mexico.<sup>72</sup>

Given that drugs enter the country via maritime ports, UNODC seems to refute this gang/drug trade assertion, stating:

It is unclear how the bulk of youth gang members, who live far from the sea and are not known for their maritime skills, would add value to the

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<sup>69</sup> UNODC, “Crime and Development,” 62.

<sup>70</sup> Ibid.

<sup>71</sup> US AID, “Central America,” 20.

<sup>72</sup> Shifter, “Latin America’s Drug Problem,” 62.

process of moving drugs northward. Even with regard to traffic along the Pan American Highway, it is unclear how mareros could assist.<sup>73</sup>

News articles also perpetuate the myth of a strong link between gangs and drugs but, given the evidence currently available, there is reason to doubt that gangs in El Salvador and Guatemala are significantly involved in the trafficking of illegal narcotics.

#### **4. Transnational Gangs**

Significant doubt can also be cast on recent claims that of Central American gangs have evolved into “third-generation” transnational organizations.<sup>74</sup> In 2005 *The Los Angeles Times*, in an extensive exposé on MS–13, asserted that the gang, as a result of deportation policy, has increased its transnational activity. According to the article, deported MS–13 gang members would return to the United States illegally, via Guatemala and Mexico, and often with new recruits.<sup>75</sup> This article pointed to an increase in cross-border activities by gangs with affiliations transcending national borders. Additionally, a recent CRS report indicates that there is a concern within the U.S. government regarding the transnational nature of Central American gangs with US affiliations, specifically the 18th Street Gang and MS–13. CRS reports that the FBI, Bureau of Alcohol, Tobacco, and Firearms (ATF), and the Department of Homeland Security (DHS) have all initiated aggressive investigations of violent third-generation transnational street gangs, specifically MS–13.<sup>76</sup> However, at this time, the case for identifying gangs as truly “third generation” and transnational is not entirely made. CRS states that, “most researchers agree that the *primary* distinction between transnational gangs and other domestic street gangs is that transnational gangs are criminally active and operational in more than one country.”<sup>77</sup> Ties between individuals in different countries, as presented in the *Los Angeles Times* exposé, does not indicate the level of

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<sup>73</sup> UNODC, “Crime and Development,” 63.

<sup>74</sup> Franco, “The MS–13.”

<sup>75</sup> Lopez et al., “Gang Uses Deportation.”

<sup>76</sup> Franco, “The MS–13,” 8–20.

<sup>77</sup> *Ibid.*, 6.

sophistication and central control implied by the above characterization. While MS–13 and M–18, as noted by CRS, display some characteristics of “third generation” and transnational gangs, they do not exhibit the main characteristics of such gangs, which is “highly sophisticated, ‘mercenary-type group[s] with goals of power or financial acquisition and a set of fully evolved political aims.’”<sup>78</sup>

## **5. Summary: Gangs in El Salvador and Guatemala**

Gangs certainly pose a public security threat in El Salvador and Guatemala. The majority of data, analysis, and commentary on gangs in Central America are reserved for El Salvador. Of this, it is evident that gangs in El Salvador, particularly MS–13, have proliferated since the early 1990s and their activities, specifically small-time extortion, theft, and violence, are increasing. The origins these gangs, specifically MS–13, seem to have roots in the gang culture imported from the United States, and there is strong evidence that U.S. immigration policy may in fact play a large role in both the origin and continued expansion of these criminal groups. However, there is little evidence to support the assertion that gangs have evolved into transnational organizations and are deeply involved in drug trafficking. The 2007 UNODC Report offers some useful insight on this issue:

The relationship between street gangs, which start out as local and territorial, and trans-national organized crime can be difficult to discern. Clearly, where possible, it is to the advantage of both the gangs and transnational syndicates to form alliances. Street gangs provide the ideal network for drug distribution or for sourcing stolen property...But street gangs often have their own issues to deal with, rooted in the fact that they are generally more than just income-generating ventures. Street gangs are made up of young people associated by their residence in a particular location, and remain chiefly concerned about local issues, including matters of identity, turf, and respect. This can cause them to act against their own economic interest, making them unpredictable partners for true professional criminals.<sup>79</sup>

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<sup>78</sup> Franco, “The MS–13,” 5.

<sup>79</sup> UNODC, “Crime and Development,” 58–59.



## **D. DRUG TRAFFICKING ORGANIZATIONS**

El Salvador and Guatemala are both regarded by the U.S. government as transit countries for the transportation of illegal narcotics.<sup>80</sup> The geographic location of these two countries with respect to the United States make for ideal stop over points for narcotics en route from coca producing regions in the Andean Ridge. Essentially, Guatemala and El Salvador, like the rest of Central America, are “trapped between the world’s biggest suppliers and consumers of cocaine.”<sup>81</sup> However, the following sections will show that while DTOs do operate in both countries, their activities in El Salvador are not as significant as trafficking activity in Guatemala.

### **1. DTOs in El Salvador**

Regarding El Salvador, the US Department of State’s most recent International Narcotics Control Strategy Report (INCSR) states that:

Heroin and cocaine smuggled through the Eastern Pacific transit routes along El Salvador’s coastline. Traffickers using go-fast boats and commercial vessels smuggle narcotics through adjacent international and Salvadoran waters. Land transit of cocaine and heroin from Colombia is typically through El Salvador on the Pan-American Highway. Most drugs transiting over land are carried in the luggage of commercial bus passengers and in hidden compartments inside commercial tractor-trailers traveling north to Guatemala.<sup>82</sup>

According to the same report, in 2007, over 4 metric tons (MT) of cocaine were seized in Salvadoran territory. The 2007 UNODC World Drug Report shows cocaine seizures in El Salvador were almost insignificant during the period of 1995 to 1999 and showed a an increase from 0.4 MT seized in 2000 to a total of 2.7 MT in 2004.<sup>83</sup> It must be noted that using drug seizures as the sole evidence to gauge DTO activity is not

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<sup>80</sup> U.S. Department of State, “Counternarcotics: El Salvador,” and U.S. Department of State, “Counternarcotics: Guatemala.”

<sup>81</sup> UNODC, “Crime and Development,” 9.

<sup>82</sup> U.S. Department of State, “International Narcotics Control Strategy Report: Volume I Drug and Chemical Control,” March 2008.

<sup>83</sup> UNODC, World Drug Report, 2007, 26, 184.

entirely conclusive; an increase in seizures could simply be evidence of increased interdiction activities rather than increased trafficking. That being said, lacking any other evidence, there is an indication that over time, from 2000 to the present day, DTO activity did increase in El Salvador.

But, while the seizure of illicit narcotics in Salvadoran territory does indicate that DTOs operate in the country, there is a palpable lack of other data regarding the subject. A review of the UNODC reports, CRS reports, and news articles provide little to no data expounding on the significance of El Salvador in the international drug trade. The most recent International Crisis Group (ICG) report concerning drug trafficking gives one mention to El Salvador with respect to trafficking activity. The report merely mentions that the Mexican Sinaloa drug cartel relies on trafficking cells in that country, and this evidence is based on the interview of a single unnamed drug expert.<sup>84</sup> No other evidence is presented.

## **2. DTOs in Guatemala**

Whereas little reported evidence, aside from drug seizure data, is available concerning DTOs in El Salvador, far more is available for Guatemala. In early 2005, the U.S. Drug Enforcement Administration (DEA) reported on the success of investigating and then dismantling a Guatemalan-Colombian DTO in which:

100 individuals linked to this powerful drug trafficking organization have been arrested, in excess of 22 kilograms of heroin and 80 kilograms of cocaine have been confiscated, and over \$1 million in United States currency have been seized.<sup>85</sup>

UNODC also mentions Guatemala as a significant country in the international drug trade. Cited in the UNODC report, a 2005 Boston Globe article stated that:

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<sup>84</sup> International Crisis Group, "Latin American Drugs I: Losing the Fight, Latin America Report No. 25," March 14, 2008, 25. Note: it also mentions Guatemala in the same reference.

<sup>85</sup> U.S. Drug Enforcement Administration, "Press Release: Guatemalan-Colombian Heroin and Cocaine Cartel Dismantled," February 15, 2005. <http://www.usdoj.gov/dea/pubs/pressrel/pr021505p.html> (accessed June 20, 2008).

In 2003...the DEA estimated that 150 metric tons, or 330,000 pounds, of cocaine moved through Guatemala annually. But in just two years, the problem has dramatically worsened.<sup>86</sup>

This article cites “loosely patrolled borders, two coastlines, staggering corruption, lax enforcement, and judicial impunity” as all contributing to the use of Guatemala as a transit stop for DTOs.<sup>87</sup> These assertions are not merely speculation on part of the journalist, as a government official was cited:

"The narco nexus may be stronger than the state now," said Julio César Godoy, Guatemala's deputy minister of security. "There are areas where the army, police, local officials all work for narco-traffickers—it's like Colombia in the 1980s."<sup>88</sup>

Guatemala is also “the primary landing zone for private aircraft trafficking cocaine from Colombia to the United States (making use of hundreds of concealed airstrips), and is also used as a transit point for ships carrying cocaine destined for Europe.”<sup>89</sup> The World Drug Report also notes that, according to Mexican sources, 28% of cocaine entering Mexico for the United States comes overland from Guatemala (and Belize).<sup>90</sup>

Using World Drug Report data, cocaine seizures in Guatemala from 1995 to the present day far outweigh those in El Salvador. Seizures increased from 1.0 MT in 1995 to as high as 10 MT in 1999. There was a significant decrease in seizures in 2000 (1.5 MT, with its cause being beyond the scope of this paper) but levels peaked again in 2003 with 9.2 MT seized until decreasing to 5.1 MT in 2005.<sup>91</sup> Again, one must understand that drug seizure data should not be viewed as the only evidence of DTO activity. Be that as it may, there appears to be a significant amount of drug trade activity in Guatemala, especially when compared to El Salvador.

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<sup>86</sup> Indira A. R. Lakshmanan, "Cocaine's new route," November 30, 2005. [http://www.boston.com/news/world/latinamerica/articles/2005/11/30/cocaines\\_new\\_route/](http://www.boston.com/news/world/latinamerica/articles/2005/11/30/cocaines_new_route/) (accessed 20 June 2008).

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> UNODC, “Crime and Development,” 48.

<sup>90</sup> UNODC, World Drug Report, 2007, 79.

<sup>91</sup> Ibid., 184.

### 3. Effects of DTOs

It is clear that DTOs are operating with significant scope in Guatemala, and to a lesser extent in El Salvador. But what is sometimes less clear, or at least questionable, are the effects of their operations. The same Boston Globe article previously mentioned asserts that of the estimated 150 tons of cocaine that passed through Guatemala annually, it has been approximated that 10% is for local consumption and that DTOs are paying Guatemalans in cocaine, rather than hard currency.<sup>92</sup> This is not wholly accepted by the UNODC. While allowing for the “spillage” of drugs in lower value markets (paying workers in kind, rather than with cash)<sup>93</sup> UNODC states that “these estimates do not resonate with the prevalence rates from drug use surveys.”<sup>94</sup> Simply stated, the estimated levels of cocaine use in Guatemala do not support the assertion that 15 tons of cocaine are staying in the country for local consumption.

The effects of drug trafficking in Guatemala and El Salvador are seen more clearly in each country’s murder rate. UNODC presents convincing data that there is a strong correlation between DTO activity and increasing levels of homicides in both countries. Based on 2002 data, both Guatemala and El Salvador are listed in the top ten countries in the world with respect to murder rates per 100,000 people. They are both in the top three in all of Latin America, with 37 and 38 per 100K respectively, behind only Colombia with a rate of 72. They are the top two countries in Central America.<sup>95</sup>

With respect to Guatemala, law enforcement data regarding murder rates from 1996 show an initial increase of murder rates in the first year from 35 to 36 per 100K followed by a sharp decline to 24 in 1999. However, rates have steadily increased from 26 in 2001 to as high as 47 in 2006.<sup>96</sup> Additionally, the highest murder rates did not

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<sup>92</sup> Lakshmanan, “Cocaine's new route.”

<sup>93</sup> UNODC, World Drug Report, 2007, 26.

<sup>94</sup> UNODC, “Crime and Development,” 48.

<sup>95</sup> *Ibid.*, 53. In this report, Honduras, another violent country, is not listed because no crime trend survey (CTS) data is available.

<sup>96</sup> *Ibid.*, 55. 1999 marked the same year that 10 MT of cocaine was seized in Guatemala. It is puzzling that murder rates declined in the same year that cocaine seizures increased dramatically. The cause for this, however, requires further investigation and is well beyond the scope of this thesis.

occur in Guatemala City and the province of Guatemala, which is the largest urban area in the country. According to data, the highest murder rates occurred in “Escuintla (on the Pacific Coast), Petén (site of the so-called ‘airplane graveyards’, where drug traffickers scuttle their craft) and Izabal (on the Caribbean coast, hosting the two largest ports in the country).<sup>97</sup> Here the correlation between DTO activity and violence is seen. In addition, this data apparently helps to negate the assertion that youth gangs are highly involved in the drug trade in that while gangs exist in predominantly urban areas, while Izabal and Petén are mostly rural.<sup>98</sup>

There also appears to be a disturbing rise in the nature and brutality of many of the killings in Guatemala. UNODC reports that the use of contract killers is more prevalent and that torture prior to killings is increasing. In all of 2005 there were 624 torture related deaths while in just the first month of 2006, there were already 306 homicides involving torture.<sup>99</sup> The violence attributed to DTO activity is echoed in the media as well.<sup>100</sup> Not only was there increased violence, but it also has spilled over from conflict among competing DTOs to acts of violence and corruption involving politicians, thereby affecting the political process.<sup>101</sup>

In El Salvador, the effects of trafficking activity, as some have argued, appear the same. However, assessment is made more difficult by the lack of reliable crime trend data. El Salvador reports three different murder rates from three separate government agencies:

...there are at least three official homicide rates: one published by the police, one by the national forensic science institute, and one published by the national prosecution authority. The forensic data should, at least,

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<sup>97</sup> UNODC, “Crime and Development.”

<sup>98</sup> Ibid.

<sup>99</sup> Ibid., 56.

<sup>100</sup> Mark Lacey, “Drug Gangs Use Violence to Sway Guatemala Vote,” *The New York Times*, August 4, 2007, <http://www.nytimes.com/2007/08/04/world/americas/04guatemala.html> (accessed June 18, 2008).

<sup>101</sup> Ibid.

agree with the public health data given to the Pan American Health Organization, but it does not, suggesting a fourth rate.<sup>102</sup>

Even so, existing data did show that in two provinces, La Libertad and Sonsonate, both home to the only major ports on the Pacific Coast and near the Guatemalan border, murder rates were higher (76 and 79 per 100K, respectively) than those in San Salvador (69 per 100K), the most urbanized province. Additionally, the ports, Acajutla and La Libertad, are connected to the Pan American Highway, which is a conduit for overland drug trafficking.<sup>103</sup> This would suggest, as in the case with Guatemala, that DTO activity within port areas shows a strong correlation with violence. However, UNODC notes that both La Libertad and Sonsonate are highly urbanized provinces.<sup>104</sup> This could possibly add support to the assertion that youth gangs are significant contributors to the high murder rates in El Salvador.

#### **4. Summary: Drug Trafficking Organizations in El Salvador and Guatemala**

The evidence shows that DTOs appear to be far more active in Guatemala than in El Salvador. Based on drug seizure data over the past years far more activity is seen in Guatemala. Geography and history seem to be the main reasons for this: Guatemala has both a Pacific and a Caribbean coastline, providing two avenues for DTOs to transit coastal areas. Having a longer Pacific coastline than El Salvador may also contribute by providing more land from which traffickers can choose to offload their cargo for ground transportation. El Salvador only has access to the Pacific Ocean, thereby denying maritime traffickers in the Caribbean with any transit port. Guatemala has numerous abandoned airfields available in isolated areas for illicit use, whereas El Salvador is a small and densely populated country. Further, Guatemala is closer to Mexico and shares a common border, increasing its importance to drug traffickers. Finally, the Guatemalan military has had a long history of involvement in the drug trade during, and after,

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<sup>102</sup> UNODC, “Crime and Development,” 52.

<sup>103</sup> *Ibid.*, 54.

<sup>104</sup> *Ibid.*

authoritarian rule. As for the effects of drug trafficking through Guatemala, data regarding murder rates shows that more homicides are committed in provinces where there is a high degree of DTO activity. With this, a positive correlation between violence and DTOs is clear. As for El Salvador, unreliable crime trend data makes any correlation between trafficking activity and violence difficult to ascertain.

In sum, the evidence shows that DTOs appear to be far more active in Guatemala than in El Salvador. Drug trafficking organizations in both countries present a domestic threat in the form of associated violence, though the link is more questionable in El Salvador than in Guatemala. Additionally, DTO activity in Guatemala and El Salvador do pose a serious threat to the United States in the form of the harmful effects that these drugs have on our society.

## **E. ORGANIZED CRIME**

Organized criminal activity—characterized by high levels of violence and corruption, penetration of the licit economy, and the high level of sophistication of the organizations—is far more prevalent in Guatemala than in El Salvador.

### **1. El Salvador: Organized Crime**

In the years after the signing of the peace accords in El Salvador, there was a surge in crime and violence, as evidenced by an increase in annual homicides from 3,229 in 1992 to over 9,000 in 1994.<sup>105</sup> As Charles Call notes, “by 1995 deaths by homicide exceeded the average annual number of deaths during the twelve-year war, and in 1996 El Salvador’s homicide rate reached 139 per 100,000, the second highest in the world according to one study.”<sup>106</sup> At the same time, there was a concern that organized crime would show a similar increase, as has happened in so many other post-conflict environments. William Stanley and Robert Loosle write:

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<sup>105</sup> Call, “Police Reform,” 5.

<sup>106</sup> Charles T. Call, “Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador.” *Journal of Latin American Studies* 35, No. 4 (November): 840.

Of particular concern was the expansion of organized crime, ranging from heavily armed rural gangs that robbed and terrorized communities and highway travelers, to highly sophisticated kidnapping and car theft rings. Such organizations were not new to El Salvador, nor was support from and participation by elements of the old security forces and the military a novelty.<sup>107</sup>

There was the fear that corrupt former security personnel, “trained in the use of arms, organized into tightly knit groups, and familiar with the ways of crime...could easily turn into significant organized criminal networks.”<sup>108</sup> Stanley and Loosle assert that the “demobilization of tens of thousands of former soldiers, policemen, and guerilla combatants into a context of inadequate employment” had fed the burgeoning crime wave in the wake of the transition.<sup>109</sup>

Organized crime groups with corrupt links to the state and political system were a feature of the post-conflict environment. The Washington Office on Latin America (WOLA), in a 2007 special report, cited the 1993 Truth Commission report that suggested that former clandestine military security forces had expanded into organized crime.<sup>110</sup> WOLA, drawing on the work of the combined United Nations and Salvadoran *Grupo Conjunto* (Joint Group) that was established in 1993 to investigate the activities of illegal armed groups, found that “these groups had integrated with organized criminal networks, relying on violence to intimidate or eliminate those who threatened their political or money-making interests.”<sup>111</sup> The key word here is “political”: criminal entities with corrupt links to political elements of the state. WOLA asserts:

Their politically motivated activities were directed primarily against local political or social leaders. In urban areas, these criminal-political groupings were used to target high-profile political leaders...[and]

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<sup>107</sup> William Stanley and Robert Loosle, “El Salvador: The Civilian Police Component of Peace Operations,” in *Policing the New World Disorder*, ed. Robert B. Oakley, Eliot M. Goldberg, and Michale J. Dziedzic (Washington, DC: National Defense University Press, 1998), 117.

<sup>108</sup> Call, “Police Reform,” 5–6.

<sup>109</sup> Stanley and Loosle, “El Salvador,” 117.

<sup>110</sup> WOLA, “The Captive State,” 3.

<sup>111</sup> *Ibid.*, 4.



evidence revealed the high degree of organization and sophisticated logistical capabilities attained by these groups to carry out their activities.<sup>112</sup>

For example, in early 1994, an attempt was made on the life of FMLN leader María Marta Valladares when her bodyguard was driving to her residence. Valladares was not in the vehicle as it was sprayed by bullets from gunmen who exited from another car. The bodyguard was slightly wounded. Not long after the attack political activist Edmundo López found an anonymous note at his residence that read “FMLN, now you see what we do if you don’t want more dead like this get out of here you damned cowards.”<sup>113</sup> A few months later Valladares was again the victim of an attempt on her life when assailants opened fire on her vehicle. Again, however, only the bodyguard in the vehicle was injured. The degree of sophistication of these attempts led the Joint Group to conclude that they could only have been carried out by a highly organized criminal group.<sup>114</sup>

Organized crime groups were also involved in traditional criminal activities, with the complicity of key members of state institutions. To underscore the involvement of elements of the state in organized crime, the Joint Group report, released in 1994, stated that:

[I]t is impossible for organized criminal networks to sustain themselves without the complicity or active support from high-ranking officials of the security forces...some of these illegal activities are directed, supported, covered-up and tolerated by members of the military and police institutions and the judicial and municipal organs.<sup>115</sup>

Interestingly, WOLA cites these 1993 and 1994 reports to include the Salvadoran state as an example of the “captive state” in Latin America in 2007. This is a fundamentally mistaken view. In fact, the findings of the Truth Commission (1993) and the Joint Group (1994) brought attention to the problem of corruption and political

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<sup>112</sup> WOLA, “The Captive State,” 4.

<sup>113</sup> *Ibid.*, 5.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*, 6.

violence in the early to mid-1990s and it was subsequently dealt with by the government. For example, in June of 1995 the PNC had detained the “Benedictos Band,” reputed to be a powerful trafficking organization specializing in stolen vehicles, whose leader was “a former alternate National Conservative Party (PNC) deputy presumed to have links dating back to the war to powerful elements of the armed forces.”<sup>116</sup> The next month the PNC had detained several individuals linked to a clandestine vigilante group, La Sombra Negro (the Black Shadow). Among those detained were an important businessman, a financier, and four members of the police force itself.<sup>117</sup>

In recent years, the perceptions of crime and corruption in El Salvador have been shown to be lower than immediately following the peace accords and certainly when in comparison to Guatemala. An examination of corruption and victimization surveys indicates as much. Charles Call notes that, “in a 1996 poll, fifty-six percent of respondents expressed ‘little’ or ‘no’ confidence in the PNC, 28 percent said they had ‘some’ confidence in the PNC, and only 15 percent expressed ‘much’ confidence in the new police force. By 2001, the numbers had improved, with 25 percent having ‘much’ confidence in the police force and 45 percent expressing little or no confidence.”<sup>118</sup> More recently, the 2008 Transparency International Global Corruption Report ranks El Salvador as 67th out of the 180 countries examined. While not an exemplary score, it is near the top third and, by comparison, far better than Guatemala, which was ranked in the bottom half of all countries, with a score of 111.<sup>119</sup> The 2008 AmericasBarometer Insights victimization survey data also shows a difference between the two countries concerning corruption linked to the police. Whereas 8.2% of the population of El Salvador that claimed that they were solicited for a bribe by police, 14.3% of the population in Guatemala responded in kind.<sup>120</sup>

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<sup>116</sup> Revista Envío, “Labor Unrest and Organized Crime.” September 1995. <http://www.envio.org.ni/articulo/1891> (accessed June 8, 2009).

<sup>117</sup> Ibid.

<sup>118</sup> Call, “Democratisation,” 845.

<sup>119</sup> Transparency International, “Global Corruption Report 2008.” (Cambridge, United Kingdom, Cambridge University Press, 2008). 299–300.

<sup>120</sup> Diana Orces, “Corruption Victimization by the Police.” AmericasBarometer Insights, 2008 (No 3). Latin American Public Opinion Project (LAPOP), Vanderbilt University. 2008.

In sum, despite the radical upsurge in violent crime in the post-conflict period, the available evidence suggests that criminal groups were not able to penetrate the state permanently and that the ties that existed in the years immediately following the peace accords were largely broken through state action. Subsequent sections of the thesis will explore the reasons why this happened.

## **2. Guatemala: Organized Crime**

The organized crime situation in Guatemala, in comparison to both El Salvador as well as to the rest of the region, is abhorrent, and far easier to illuminate. With origins dating back to the clandestine military groups specializing in counterinsurgency, similar to the death squads in El Salvador, organized criminal entities in Guatemala have had in the past, and maintain now, a virtual stranglehold on the country. A seminal work highlighting the problem of organized crime in Guatemala is the 2003 WOLA report *Hidden Powers*, in which authors Susan Peacock and Adriana Beltrán examine in depth the ties of these former military and security force members to organized crime. The authors write:

In Guatemala, the *hidden powers* specialize in connections that allow them to carry out crimes involving state resources—skimming and bribery at customs, corruption in the awarding of lucrative contracts, bribery and kickbacks. At the same time they manipulate the justice system in order to protect themselves from prosecution.<sup>121</sup>

The state of organized crime and the hidden powers is just as bad recent times as it was when the report was released. A 2007 WOLA report notes that many in Guatemala believe “that many government officials and law enforcement officers participate regularly in criminal acts and corruption.”<sup>122</sup> The WOLA report also notes that organized crime has penetrated deep into the state in that “their reach extends into the legislature, customs, and other state agencies. The result has been a devastating

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<sup>121</sup> Susan C. Peacock and Adriana Beltrán, “Hidden Powers in Post-conflict Guatemala,” Washington Office on Latin America (WOLA), 2003.

<sup>122</sup> WOLA, “The Captive State,” 11.

deterioration of state institutions and the rule of law.”<sup>123</sup> In Guatemala, therefore, organized crime exists and displays all of its hallmarks. Far greater emphasis and analysis of organized crime in Guatemala will be found in the following chapters and sections.

## **F. CONCLUSION**

Gangs, drug trafficking, and organized crime are present in both El Salvador and Guatemala, though the degree to which each is prevalent varies by country. Gangs are much more of a problem in El Salvador than in Guatemala, while the converse is true with respect to drug trafficking organizations. Contrary to the attention and commentary provided by many in the media, the problem of gangs and gang violence are, while important issues to contend with, not the most serious threat facing El Salvador and Guatemala. Additionally, drug trafficking, while contributing to, and mimicking many characteristics of, organized crime, does not pose as great a threat as organized crime itself. Organized crime syndicates, with their involvement in numerous illicit activities, drug trafficking being but one, poses the most immediate threat. The threat of crime and violence caused by gangs and drug trafficking activity is not as significant as the threat of violence and corruption caused by sophisticated entities that permeate state institutions and threaten democracy in both countries. This being said, the remainder of this thesis will show the differences in the causes, levels, and effects organized crime in El Salvador and Guatemala as brought about by differing approaches to security sector reform and differing political party systems.

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<sup>123</sup> WOLA, “The Captive State.”

### **III. POST-CONFLICT POLICE REFORM AND ITS EFFECTS ON ORGANIZED CRIME**

The transitions to democracy have been difficult for both nations as each had to contend with the social conditions created by years of internal conflict and burgeoning poverty. Military downsizing and the process of police reform carried out in accordance with the peace treaties that ended the internal conflict are said to have created security vacuums that criminals could exploit.<sup>124</sup> However, as the previous chapter showed, significantly different patterns of criminal activity evolved in the two countries. In particular, organized crime was able to take advantage of the post-conflict security environment in Guatemala but not El Salvador. This chapter shows how diverging processes of police reform contributed to these different outcomes.

One of the major conditions stipulated in the peace accords in both countries was the immediate reform of the state security apparatus. Prior to the accords, both El Salvador and Guatemala utilized the military and subordinate civilian components as the main security force. Both countries have a long history of repression, violence and human rights abuses attributed to the militarized security apparatus. This chapter shows that in El Salvador, security sector reform essentially purged the new PNC of militarized elements that could have later evolved into corrupt police forces. Conversely, the security sector reform in Guatemala retained a clandestine militarized element with ties to organized crime within its ranks. It was this element that evolved into the various corrupt networks linked to organized crime that exists today. This chapter will first examine the case of El Salvador, followed by Guatemala in a close comparative analysis, in an effort to highlight the important differences between the two.

#### **A. EL SALVADOR**

In 1989, changing conditions on the global and domestic front brought the government of El Salvador and the insurgency to the peace table. One of the most

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<sup>124</sup> Stanley, William. "Building New Police Forces," 113–115.

important intentions of the peace accords was to demilitarize the security apparatus. By adhering to the democratic *intent* of the accords, El Salvador had effectively purged the police force of much of its former militarized personnel. While this reform process had serious near term consequences, specifically a rise in crime and violence immediately following the dismantling of the former security apparatus, El Salvador was, in the long term, able to prevent corrupt former security personnel with ties to organized crime entities from operating wholesale within the new police force.

### **1. The Security Apparatus During Civil War**

In order to understand the security sector reforms that took place at the time of the peace accords and during the transition to democracy, an examination of the security institutions that were in place prior to the accords is warranted. For much of the twentieth century internal security in El Salvador was the task of the military. Subordinate to the Ministry of Defense were the National Guard, the National Police (PN) and the Treasury Police. According to Edgardo Amaya:

These *cuerpos de seguridad pública* (public-security forces, CUSEP) played a major role in repressing and controlling social conflict. The National Guard, in particular, was deployed in El Salvador's rural areas, and, under an explicit legal mandate, it assisted large landowners and agricultural interests in repressing labor sectors that resisted the existing work conditions.<sup>125</sup>

Amaya asserts that the twelve-year civil war that began in 1980 was largely in response to the military controlled government's use of this security apparatus to maintain the political and social status quo and to "disciple, dominate, and control the population..."<sup>126</sup> Charles Call writes:

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<sup>125</sup> Amaya, "Security Policies in El Salvador," 132–133.

<sup>126</sup> *Ibid.*, 132.

Civil war was rooted in class and ideological, rather than religious or ethnic, divisions in an economic system whereby a small number of landed elites controlled the state in an alliance with a powerful military.<sup>127</sup>

By the end of the 1970s, five separate guerilla organizations and several other rural leftist and centrist social movements were active in opposing the authoritarian government and the landed elite. In response to growing opposition, the military increased repression of the social movements and conducted brutal death squad operations that culminated in a record of 1000 political murders per month in 1980. Though the guerilla groups did conduct killings at this time as well, the majority of deaths were the cause of the military's security forces. The increased repression and violence perpetrated by the security forces polarized the nation and prompted the five main guerilla movements to band together in armed resistance under the single banner of Farabundo Martí National Liberation Front (FMLN). Additionally, the leftist and centrist social movements and organizations that received the brunt of the security forces' violence coalesced into the Revolutionary Democratic Front.<sup>128</sup> For the next twelve years, El Salvador would endure civil war in which, as William Stanley notes, "the military continued to amass a truly appalling human rights record, committing large-scale massacres in rural areas and continuing death squad killings: at least 50,000 unarmed civilians were murdered by state forces, most during the early 1980s."<sup>129</sup>

## **2. The Peace Accords**

In 1989, Alfredo Cristiani was elected president and his party, the right-wing Alianza Republicana Nacionalista (ARENA), was in power in El Salvador. Though promises were made to continue cursory peace negotiations with FMLN that had failed in previous years, the government increased its efforts against the FMLN and continued

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<sup>127</sup> Charles T. Call, "Assessing El Salvador's Transition From Civil war to Peace," in *Ending Civil Wars*, ed. Stephen John Stedman, Donald Rothchild, and Elisabeth Consuens (Boulder, CO: Lynne Rienner Press, 2002), 384.

<sup>128</sup> Call, "Assessing El Salvador's Transition," 385.

<sup>129</sup> William Deane Stanley, "El Salvador: state-building before and after democratisation, 1980-95," *Third World Quarterly* Vol. 27, No. 1 (2006): 102.

repression of opposition movements.<sup>130</sup> However, as Call notes, two important events prompted both sides to recognize a stalemate and seek a resolution. First, the end of the Cold War signaled also the end of external support for both the authoritarian government and the FMLN. For the FMLN, assistance from Soviet bloc nations, such as Cuba, would become far less likely, and for ARENA, a shift in Central American policy that came with the new Bush administration meant that the military could no longer count on unlimited support from the United States, which had supported the government with military aid during the civil war.<sup>131</sup> Second, in late 1989, the FMLN initiated a coordinated attack on military bases and brought a 2000 combatant-strong offensive into San Salvador. On the one hand, the offensive was a military failure. It brought to light the FMLN's inability to win the civil war by armed force, thereby prompting many die-hard elements within the movement to seek peace. On the other hand, it was a political success, helping to convince many economic elites that a peace agreement was perhaps necessary. Additionally, when six Jesuit priests, and two others, were killed at the Central American University in San Salvador during the offensive, it was suspected (and later confirmed) that the Salvadoran military was responsible, resulting in public outcry for the atrocity both domestically and internationally and thereby prompting the United States to suspend further aid until progress was made at the peace table.<sup>132</sup> Both ARENA and many leaders in FMLN came to the conclusion that a negotiated peace was far better than a protracted conflict that would end in stalemate.<sup>133</sup>

### **3. Police Reform**

In January of 1992, the ARENA-led government and the FMLN signed the peace accords that marked the transition to democracy and begin reforming the security

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<sup>130</sup> Call, "Assessing El Salvador's Transition," 387.

<sup>131</sup> Stanley, "El Salvador: state-building," 101–106. Note: both Stanley and Call reference U.S. aid to El Salvador during the civil war in their examinations, though more detailed is provided by Stanley in his journal article.

<sup>132</sup> Call, "Assessing El Salvador's Transition," 387–388.

<sup>133</sup> Christine Wade, "El Salvador: The Success of the FMLN," In *From Soldiers to Politicians: Transforming Rebel Movements After Civil Wars*, ed. Jeroen De Zeeuw (Boulder, CO: Lynne Rienner Publishers, Inc., 2008), 38.



apparatus. El Salvador did not undertake these reforms alone. Throughout the peace negotiations that led to the 1992 accords, substantial international mediation, mainly from the United Nations, was provided.<sup>134</sup> Regarding police reform, the UN, along with the United States, Canada, Sweden, and Spain all offered and provided police training programs and reform projects.<sup>135</sup> The UN established an observer mission, ONUSAL, to monitor progress of the reforms to ensure they were in keeping with the accords. Additionally, a special UN police component, CIVPOL, was deployed to monitor police reforms and provide training.<sup>136</sup>

One of the major and most important tenets of the accords was the transformation of the security apparatus from military to civilian control.<sup>137</sup> However, the establishment of a new, civilian controlled, police force in El Salvador would prove very difficult. The most immediate matter for security forces was dealing with the security vacuum that was established by the peace accords when “the number of members of the security forces were cut from 60,000 to 6000 in the course of a few weeks.”<sup>138</sup> The reduction in forces was facilitated by the demobilization of the National Guard and the Treasury Police, leaving the National Police as the only domestic security apparatus in operation after the peace agreements.<sup>139</sup>

This reduction contributed to a surge in crime and violence following the peace accords, evidenced by an estimated threefold increase in annual homicides from 3,229 in 1992 to over 9,000 in 1994.<sup>140</sup> The reduction in security forces notwithstanding, several factors were responsible for this increase in criminal activity, including the prevalent culture of violence, the availability of weapons, as well as pervasive poverty and

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<sup>134</sup> Amaya, “Security Policies in El Salvador,” 134.

<sup>135</sup> William G. O’Neill, “Police Reform and Human Rights,” in United Nations Development Programme (UNDP) / The Human Rights Strengthening Programme (HURIST) Report July 20, 2004. 49. Note: other countries cited are Holland, Japan, Brazil, Taiwan, and France.

<sup>136</sup> Stanley, “Building New Police Forces,” 116.

<sup>137</sup> Pérez, “Democratic Legitimacy,” 630.

<sup>138</sup> UNODC, “Crime and Development,” 38.

<sup>139</sup> Amaya, “Security Policies in El Salvador,” 118.

<sup>140</sup> Call, “Police Reform,” 5.

inequality.<sup>141</sup> Additionally, corrupt former security personnel, “trained in the use of arms, organized into tightly knit groups, and familiar with the ways of crime...could easily turn into significant organized criminal networks.”<sup>142</sup>

The police reform agreed to in the peace accords was very ambitious and, not surprisingly, met with some resistance from the military. According to the peace agreements, the new PNC was to be comprised of 20% personnel from the demobilized National Police (PN), 20% from the demobilized FMLN, and 60% from new civilian recruits.<sup>143</sup> In order to recruit, train, and equip the new police force a new police academy, the *Academia Nacional de Seguridad Pública* (ANSP) was established. In addition, the accords stipulated higher minimum education requirements for all levels of the police structure. Basic police agent applicants were required to have, at first a 9<sup>th</sup> grade education, but this requirement was later raised to a 12<sup>th</sup> grade education. Three years of university education was required for inspectors, and five-year university degrees were required for police commissioner.<sup>144</sup> It was the goal of this new academy to provide some 5,700 new police agents, within two years, before the PNC would assume full responsibility for domestic security. In the interim, the PN was to act as the sole security apparatus.<sup>145</sup> As previously noted, the size of the PN (approximately 6,000 personnel) was grossly inadequate to combat the severe increases in crime and violence, thereby making it an unrealistic assumption that this interim security force could deal effectively with rising crime rates and violence.

The military attempted to undermine, or at least delay, the establishment of the fledgling police force. Call notes that “the military not only saw the new police force as a threat to its ability to continue corrupt behavior, but also worried that former guerillas inside the PNC might use the new police force to itself to destabilize the state.”<sup>146</sup> In

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<sup>141</sup> UNODC, “Crime and Development,” 25–43.

<sup>142</sup> Call, “Police Reform,” 5–6.

<sup>143</sup> Pérez, “Democratic Legitimacy,” 630.

<sup>144</sup> Stanley, “Building New Police Forces,” 116.

<sup>145</sup> *Ibid.*

<sup>146</sup> Call, “Assessing El Salvador’s Transition,” 400.

light of these concerns, the military impeded the establishment of the ANSP by taking over facilities set aside for the new academy and withholding basic equipment such as cars, radios, and weapons.<sup>147</sup>

Despite this, the ANSP graduated its first class in August of 1992.<sup>148</sup> However, because it was stipulated in the accords that 20% of the new PNC could be from the former security forces its effectiveness was, in the near term, undermined. José Miguel Cruz writes:

...the PNC began with little practical experience but still with substantial risks to authoritarian contamination. This is because most of the old regime's personnel had been trained for political repression rather than crime prevention or investigation.<sup>149</sup>

To further Cruz's assertion concerning "authoritarian contamination," two intact police units, the Special Investigative Unit (SIU) and the Anti-Narcotics Unit (UEA) were transferred directly from the PN into the PNC after minimal retraining at the ANSP in 1993. Following this transfer, human rights abuses attributed to the PNC increased and "some thirteen of the hundred SIU agents transferred to the PNC were eventually implicated in politically motivated murders or in their cover-up."<sup>150</sup>

As will be shown in the following sections, however, the immediate ill effects of dismantling the security apparatus were not to last and the agreement to limit the number of former security personnel from entering the new police force had quite positive implications for long-term success. A purge of most of the former militarized security forces created an environment within the new security apparatus in which corruption and criminal activity was limited.

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147 José Miguel Cruz, "Violence, Citizen Insecurity, and Elite Maneuvering in El Salvador," in *Public Security and Police Reform in the Americas*, ed. John Baily and Lucia Dammert (Pittsburgh, PA: University of Pittsburgh Press, 2006), 154–155; Call, "Assessing El Salvador's Transition," 400.

148 Stanley, "Building New Police Forces," 117.

149 Cruz, "Violence, Citizen Insecurity," 149.

150 Call, "Assessing El Salvador's Transition," 401.

#### 4. Measuring Success of Police Reform

Despite the initial problems, scholars and analysts cite the establishment of the PNC as a success, and a critical element in stabilizing the country. Orlando Perez writes that “the new police academy that was created from scratch trained 5,700 police agents and officers by the 1994 deadline set forth in the Peace Accords...” and that “the Salvadorian police force has made an overall successful transition, despite its remaining problems.”<sup>151</sup> Call writes:

The creation of the national Civilian Police (PNC) was crucial for peace and democracy...Government negotiator David Escobar Galindo called the PNC the most significant (*‘más trascendental’*) institution to come out of the reforms, and UN Secretary-General Boutros Boutros Ghali hailed the new police force in 1995 as ‘one of the fundamental elements of the peace accords...’<sup>152</sup>

These observers judge the reform a success because it transformed the security apparatus from a militarized institution into a transparent and civilian-oriented institution. However, if success is determined by the ability of the reformed security apparatus to reduce crime and violence and provide a secure environment for the citizenry, then the reforms must be viewed as unsuccessful, or at the very least, not very effective. Stanley asserts that, “the PNC has not been successful in providing adequate security for the Salvadoran public, which has faced an unprecedented crime wave and a murder rate that exceeds the casualty rate during the civil war.”<sup>153</sup> Even Call notes that “effectiveness ultimately proved to be the Achilles heel of the new police” and that “between 1993 and 1999, crime would consistently be ranked as the single most important problem facing the country in surveys conducted by the Central American University’s Public Opinion Institute (IUDOP).”<sup>154</sup> The prevalence of violence and crime has not diminished much since the turn of the century. As of 2005, El Salvador reported a homicide rate of 59 per

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<sup>151</sup> Perez, “Democratic Legitimacy,” 631.

<sup>152</sup> Call, “Democratisation,” 83–37.

<sup>153</sup> Stanley, “Building New Police Forces,” 118.

<sup>154</sup> Call, “Democratisation,” 839.

100,000 inhabitants.<sup>155</sup> This is an increase from 38 per 100,000 reported in 2002, in which El Salvador was ranked the FIFTH most violent country in the world based on homicide rates.<sup>156</sup> Therefore, in the context of general security of the populace today and in light of the PNC's inability to deter and reduce crime and violence following the peace accords, it may certainly be an exaggeration to term police reform in El Salvador a complete success.

## 5. Impact of Police Reform on Organized Crime

Little attention has been paid to the impact of police reform on organized crime. As was noted in Chapter I, organized crime in the country, while it still exists, is not nearly the problem that it is in Guatemala. Further, the problem of gangs and gang violence seem to far outweigh the violence and corruption that results from organized crime. The reason for this is most likely because of the democratic reforms negotiated and implemented in the security sector.

The stipulation to have no more than 20% of the new PNC come from the former militarized PN, and no more than 20% from former FMLN combatants played a major role in this respect. Essentially, El Salvador had purged the security sector of a great number of personnel who might otherwise have remained within the security apparatus and utilized their combat and clandestine experience to form criminal entities *within* the state. The purging did make available thousands of former military and police for employment in criminal groups *outside* the state. WOLA notes:

Indeed, the transition from war to peace left many members of the old security forces and death squads out of work and without many prospects for employment. Looking for a new way of life in which to make use of their skills, many joined the organized criminal world.<sup>157</sup>

It must also be reiterated, however, that El Salvador had dealt with the growing problem of organized crime after the 1994 Joint Report highlighted the situation and

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<sup>155</sup> Overseas Security Advisory Council, "San Salvador, El Salvador: 2006 Crime and Safety Report," April 19, 2006. <http://www.osac.gov/Reports/report.cfm?contentID=45275> (accessed December 03, 2008).

<sup>156</sup> UNODC, "Crime and Development," 53. Note: See Figure 38, World Health Organization data.

<sup>157</sup> WOLA, "The Captive State," 6.

domestic, as well as international attention, was focused on the problem. Therefore, while El Salvador's reforms actually helped to foster an increase in organized crime activity after the peace accords, it had dealt with the problem such that organized criminal and political violence has decreased in the years since. Additionally, by purging the security sector of experienced and militarized security personnel, El Salvador prevented an opportunity for these elements to corrupt the security forces in later years. The importance of the purging of the police forces (and the state's willingness to target organized crime after the transition) becomes even more evident when viewed in light of Guatemala's very different experience. .

## **B. GUATEMALA**

The conditions that led to the peace negotiations in Guatemala were far different from those in El Salvador. Additionally, security sector reform in Guatemala took a far different approach. Similar to El Salvador, one of the major tenets of the peace accords that the two sides in Guatemala had agreed to was demilitarization of the security sector. While this was the *intent* of the agreement, in practice, it was not the reality. Citing fears of a security vacuum as was seen in El Salvador following its initial police reforms, Guatemalan officials decided to utilize most of the militarized former security sector in the new police force. This effectively enabled thousands of the corrupt personnel with ties to organized crime entities to infiltrate the security sector and operate with impunity. While crime and violence in the near term was abated, the environment that was created by the reforms allowed for corruption to evolve and develop into what is seen today.

### **1. The Security Apparatus During Civil War**

The security conditions present in Guatemala were, on the surface, very similar to those in El Salvador. Since the beginning of the civil war that began in the early 1960s with armed resistance by the Revolutionary Armed Forces (FAR), Guatemala endured a conflict that "pitted an insurgency that sought to achieve socialist revolution against a state devoted to suppressing the revolutionaries and excluding leftist parties from

political competition.”<sup>158</sup> The government suppressed opposition in attempts to maintain the status quo throughout most of the later half of the twentieth century. Initially, the government was able to subdue leftist opposition by 1967 but by the late 1970s and early 1980s, a rural insurgency took root in the highlands of the northeast and “government forces quickly and ruthlessly suppressed the rebellion.”<sup>159</sup> As in El Salvador, the various separate guerilla movements came together under a single banner. In 1982, the FAR, the Guerilla Army of the Poor (EGP), the Organization of People in Arms (ORPA), and the Communist Party of Guatemala joined together to form the Guatemalan National Revolutionary Unity (URNG).<sup>160</sup>

Guatemala, like El Salvador, relied on the military for domestic security during the conflict, and the same patterns of brutal state control were employed. Marie-Louise Glebbeek writes: “over 200,000 people were killed or disappeared as a result of political violence” and “during the conflict, the military institutions monopolised their institutional strength against all organized segments of society, thereby creating a civil-military political regime of violence and repression.”<sup>161</sup> Along with a Treasury Guard, Guatemala also employed a National Police (PN) that was subordinate to the military, in particular the military’s intelligence apparatus, or the G–2. Citing testimony from a former member of the G–2, Glebbeek notes: “...what the G–2 says is what the National Police does, they carry out military orders, only they do it in a more dirty way.”<sup>162</sup> Basically, the PN carried out counterinsurgency operations in which human rights abuses were a hallmark.

## 2. The Peace Accords

While Guatemala’s security apparatus was in many ways similar to El Salvador’s, the similarities in the overall security conditions that led to the signing of the peace

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<sup>158</sup> William Stanley and David Holiday, “Broad Participation, Diffuse Responsibility: Peace Implementation in Guatemala,” in *Ending Civil Wars*, ed. Stephen John Stedman, Donald Rothchild, and Elisabeth Consuens (Boulder, CO: Lynne Rienner Press, 2002), 421.

<sup>159</sup> *Ibid.*, 425.

<sup>160</sup> *Ibid.*

<sup>161</sup> Maria-Louise Glebbeek, “Police Reform and the Peace Process in Guatemala: The Fifth Promotion of the National Civilian Police,” *Bulliten of Latin American Research* 20, No. 4, (2001): 433.

<sup>162</sup> *Ibid.*

accords was far different. First, although Guatemala did receive military assistance from the United States in combating leftist and communist movements during the 1960s and 1970s, most aid was severed when President Jimmy Carter highlighted human rights as a critical policy in 1977.<sup>163</sup> It is commonly cited that the end of the Cold War meant the end of leftist insurgencies and ideological civil conflict in Latin America.<sup>164</sup> However, as is seen in this case, the incentives for both sides to negotiate a peace settlement was not influenced by the end of the Cold War and the resulting shifts in U.S. or Soviet bloc aid policy. Guatemala did not see both sides reach a consolidated a peace until five years after the fall of the Soviet Union and the end of the Cold War. Second, no single culminating event, like the FMLN's offensive of 1989 in El Salvador, prompted either the URNG or the government to seek a peace. Rather, the peace process was a long and drawn out affair that actually began in 1989 with a "national dialogue"<sup>165</sup> and is explored in depth by Stanley and Holiday, whose analysis is the basis for the following summary.

Stanley and Holiday write: "By the mid-1980s the war was a prolonged, sputtering conflict in which the URNG managed to survive and periodically attack government forces or economic targets."<sup>166</sup> The URNG began to realize that military victory was not an option and "leaders perceived that real gains could be achieved at the table that exceeded those likely to be won on the battlefield."<sup>167</sup> Stanley and Holiday cite three factors that stalled the initial peace talks. First, in the late 1980s, a negotiated peace settlement was certainly in the interest of the URNG, but not of the government or conservative economic elites. The URNG's limited capacity as a military force failed to create a sense of urgency within the government for peace negotiations. Second, various specific agreements met with resistance from the factions of the armed forces, the economic elites, and/or the URNG. Third, because Guatemala was not reliant upon international aid, leverage from the international community was almost non-existent.

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<sup>163</sup> Stanley and Holiday, "Broad Participation," 426.

<sup>164</sup> Cynthia McClintock, *Revolutionary Movements in Latin America: El Salvador's FMLN and Peru's Shining Path* (Washington, DC: United States Institute of Peace Press, 1998), 7.

<sup>165</sup> Stanley and Holiday, "Broad Participation," 431.

<sup>166</sup> *Ibid.*, 425.

<sup>167</sup> *Ibid.*, 429.



By late 1993, however, conditions changed. The UN began mediating the peace talks and by late 1994 it established a human rights observer mission (MINUGUA) in the country to monitor progress. Additionally, elements within the government, realizing Guatemala's isolation on the world stage due to an abysmal human rights record, began to understand that proceeding with negotiations would open doors to foreign aid and build confidence for foreign investment. Finally, the dynamics of the peace talks would change with the 1995 elections. Stanley and Holiday cite two aspects of these elections as critical to the peace process. First, the presence of MINUGUA had opened political representation by a leftist party, the New Guatemala Democratic Front, which gained six congressional seats. Though a small number by comparison to the eighty seats up for election, this small electoral victory instilled confidence in the URNG that substantial gains may be made by negotiating. Second, URNG confidence in newly elected President Alvaro Arzú was high, despite the fact that he was from an elite family and supported by both the military and business sectors.<sup>168</sup> As Stanley and Holiday's analysis shows, it was in the context of evolving conditions and incentives over time that led both sides to pursue a peace settlement.

The conditions that led to the peace accords affected how security sector reform was to be implemented and, as will be shown the following sections, very different from what was seen in El Salvador. Specifically, while FMLN in El Salvador possessed a strong position at the negotiating table and was able to press for more radical reforms, the URNG was not nearly as fortunate and was thereby relegated to accepting terms that were not in keeping with the democratic intent of the accords.

### **3. Police Reform**

In September 1996, the Arzú administration and the URNG signed the peace accords. The "Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society," herein referred to simply as "The Agreement," proposed, among other things, that "a set of constitutional amendments that would take the policing and domestic security out of the hands of the military, and establish instead a

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<sup>168</sup> Stanley and Holiday, "Broad Participation," 428-437.

National Civilian Police (PNC), with a monopoly on internal security duties....”<sup>169</sup> As Glebbeek notes, the main tenets of The Agreement included:

First, the expansion in the number of police, from the current 12,000 to 20,000 by the end of 1999. Second, constitutional changes to remove the military from internal security tasks and give a single PNC force that responsibility. Third, a government commitment to revamp public security laws and structures with support of the United Nations Verification Commission (MINUGUA) and the international community. Fourth, a government commitment to establish a formal police hiring and promotions policy, including the requirement that new members of the PNC receive a six month course at the Police Academy.<sup>170</sup>

The case of police reforms in both Guatemala and El Salvador bear some similarities, but many more differences. In general, the *intention* to establish a new civilian-controlled police force is seen in both countries, as is the removal of the military from the security apparatus. Similarly, the timeline set to establish a specific police force size, in this case 20,000 new police agents by 1999, is reminiscent of the reforms in El Salvador. However, both the terms of the peace accords and their subsequent implementation in Guatemala fell far short of any goal of producing a police force based on democratic ideals that would move away from the corruption, human rights abuses, and authoritarianism of the previous security apparatus.

Whereas El Salvador stipulated that only 20% of the new PNC could be comprised of former military or PN members in order to provide for a new force that was mostly free of authoritarian or insurgent influences, the Guatemalan reforms stipulated no such thing. In fact, according to Glebbeek: “One of the first decisions made by the Guatemalan government and accepted by the URNG during the peace talks was, to incorporate most members of the old police force into the new PNC.”<sup>171</sup> Additionally, there was no screening process to identify police agents with past criminal histories or

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<sup>169</sup> Stanley, “Building New Police Forces,” 123–124.

<sup>170</sup> Glebbeek, “Police Reform,” 437–438. Note: Glebbeek does note two other tenets of The Agreement but these are not pertinent to this discussion.

<sup>171</sup> *Ibid.*, 438.

human rights violations, negating further the intent of the accords.<sup>172</sup> Not wanting to waste time training new recruits in the midst of burgeoning crime and violence, “this decision was meant to protect Guatemala against a crime wave, which could have arisen when the old forces were dissolved before a new force was up to strength, as happened in neighboring El Salvador.”<sup>173</sup> In summary, “the Arzú government took some shortcuts, in which rapid deployment took precedence over deeper measures needed to ensure the long-term quality, professionalism and efficacy of the PNC.”<sup>174</sup>

Reform in El Salvador, as previously mentioned, was conducted with the assistance of the UN and several donor nations. The UN, the United States and other nations in Europe and Asia provided funds, technical assistance, and training. While ONUSAL in El Salvador was able to deploy a CIVPOL component, “MINUGUA had no mandate to deploy a CIVPOL component to monitor police during the transition, nor to provide training and other assistance.”<sup>175</sup> Guatemala chose, early on, a bi-lateral route for the development and training of the new PNC. According to Stanley, “Before [The Agreement] was even signed, the Guatemalan government had reached an exclusive agreement with the Spanish Civil Guard (GCE) to train and advise the new force. GCE advisors proceeded to write a draft of the enabling legislation for the PNC, without taking into account the accord being negotiated between the government and the URNG.”<sup>176</sup> This legislation passed without opposition, even though it “disregarded many points in [The Agreement]...” such as applying no standards for professionalism and offering no safe-guard against admitting former police agents with human rights abuses into the new force.<sup>177</sup> Glebbeek claims that it is unclear exactly why Guatemala chose a bilateral approach with a single entity to train its police but notes that: “Guatemalan leaders claimed they wanted to avoid the Salvadoran model of multiple donors and the mixed

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<sup>172</sup> Stanley, “Building New Police Forces,” 126.

<sup>173</sup> Glebbeek, “Police Reform,” 438.

<sup>174</sup> *Ibid.*, 439.

<sup>175</sup> Stanley, “Building New Police Forces,” 124.

<sup>176</sup> *Ibid.*, 125.

<sup>177</sup> *Ibid.*

messages they said came from this approach.”<sup>178</sup> Additionally, observers at the time questioned whether the militarized model of the GCE was an appropriate one to emulate.<sup>179</sup> Whatever the case, Guatemalan police reforms in this respect stand in contrast to the multi-lateral and transparent approach taken by El Salvador and seem to negate, at least in spirit, the third tenet of The Agreement in which the United Nations and the international community were to play significant roles. Further, training provided by the GCE does not seem to hold within the spirit of forming a new, non-militarized police force.

The police academy in El Salvador, as stipulated by the accords, required a minimum of a twelfth-grade education for applicants while promotion to inspector or commissioner required three-year university training or a five-year university degree respectively. The education requirements for police counterparts in Guatemala were not nearly as stringent. In 1977, regulation was enacted that stipulated police applicants must have a minimum of a sixth-grade education and be able to pass the academy course. This requirement remained with the formation of the new academy but when many observers noted that large numbers of applicants could not pass the training curriculum, the minimum requirement was eventually raised to a ninth-grade education.<sup>180</sup> Even so, the aptitude of a great portion of the academy’s trainees (both new and recycled former PN members) was not sufficient in order to excel. Additionally, the quality of instruction at the academy was determined to be deficient and new police agents were deemed inadequately prepared for the mission once they graduated and entered service.<sup>181</sup> It has also been suggested that of those members from the former PN that were recycled through the academy, very many, despite poor aptitude and performance as well as uncertain criminal backgrounds, were allowed to graduate regardless.<sup>182</sup>

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<sup>178</sup> Glebbeek, “Police Reform,” 441.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid., 444.

<sup>181</sup> Stanley, “Building New Police Forces,” 127–128.

<sup>182</sup> Ibid., 126–127.

#### 4. Measuring Success of Police Reform

As with the case of El Salvador, defining success of the police reform is a matter of observing the extent to which it followed the accords and created a reorganized force subordinated to democratic civilian control and effective in dealing with violence and crime both immediately after the reforms as well in recent years. With respect to following the intent of the accords, specifically the four tenets cited above, evidence shows that Guatemala's police reform was a failure. Only one goal, the deployment of 20,000 police agents by 1999, was mostly met. Stanley writes:

By mid-2000 the PNC largely completed its initial deployment and assumed full responsibility for public security, a mere three and a half years after the signing of the final accords. This is an important achievement and, in the words of one police official, "the one area of the accords in which the most implementation has taken place."<sup>183</sup>

However, while the size of the force may be keeping with the *letter* of the agreed upon accords, the construct of the deployed force, specifically an evident majority of former PN agents, did not keep in with the *intent* of the accords. The *intent* of the accords was to demilitarize the security sector. Whereas El Salvador had written agreements to limit the number of former security personnel in the new police force, the reforms agreed to in Guatemala stipulated no such limitation, effectively allowing officials to fill the ranks of the police with whom they chose.

The size of the PNC in October of 1999 was 17,330, with 36.5% being new recruits.<sup>184</sup> This implies that over 73% of the new PNC was comprised of members of the former PN. Previous discussion also notes that Guatemala did not work fully with the international community, choosing a bilateral agreement with the GCE and limiting MINUGUA's role in training and monitoring the new security force. Finally, scholars note that the training received by new recruits and the recycled former PN agents was quite deficient, indicating again that though the letter of the accords was met, the intent of

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<sup>183</sup> Stanley, "Building New Police Forces," 450.

<sup>184</sup> Glebbeek, "Police Reform," 438.

the accords, producing an effective and demilitarized PNC force, was not.<sup>185</sup> By all accounts, and certainly in comparison to El Salvador, Guatemalan police reform cannot be viewed as a success in terms of creating a demilitarized police force.

In observing the effectiveness of the reforms, however, an interesting point needs to be addressed. Because the Arzú administration claimed that they feared a security vacuum following the peace accords similar to the one that occurred in El Salvador, the decision was made to rapidly deploy a new police force comprised mostly of former PN members. Writing in 2000, Stanley notes:

The existing crime problem in Guatemala is unlikely to worsen because of the end of the war. Crime was already high by the early 1990s, and there is little evidence of increases resulting from the post-war transition. In contrast to El Salvador, the Guatemala accords do not call for the demobilization of a significant portion of the public security apparatus before the deployment of the PNC.<sup>186</sup>

Whether or not a security vacuum would have existed in Guatemala if similar police reform like that undertaken in El Salvador is uncertain, or at least not specifically stated by the scholars reviewed. However, it is interesting to note that even though the decision to rapidly deploy the new force may have not been entirely justified, at least according to Stanley, data does in fact point to a reduction in the homicide rate from 37 per 100,000 in 1997 to as low as 24 per 100,000 in 1999.<sup>187</sup> Further, the UNODC does note that in Guatemala, “homicides declined sharply following the signing of the Peace Accords in 1996....”<sup>188</sup> If the measure of effectiveness is based on the declining homicides rates, then it does appear that the new PNC was effective. Additional data supports this assertion. In 2000, the Latin American Public Opinion Project (LAPOP) reported that victimization rates in Guatemala had significantly declined from 67% in

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<sup>185</sup> Here I am assuming that the intent was to produce an “effective” police force simply because it does not stand to reason that any state would agree to accords that would produce a poorly trained and “ineffective” police force.

<sup>186</sup> Stanley, “Building New Police Forces,” 129.

<sup>187</sup> UNODC, “Crime and Development,” 55.

<sup>188</sup> *Ibid.*

1996 to 42% in 1999.<sup>189</sup> Taken together, the data indicates that the deployment of the new PNC proved effective in reducing crime and violence for a few years immediately after the reforms. This is certainly in contrast what was experienced in El Salvador during the similar length of time period.

This initial effectiveness in reducing crime was not to last, however. Recent data points to increases in crime and violence after the turn of the century. Since 1999 homicide rates in Guatemala have increased more than 120% to a rate of 47 per 100,000 inhabitants, as reported in 2006.<sup>190</sup> This is an increase from 37 per 100,000 inhabitants in 2002, when Guatemala was ranked the sixth most violent country in the world based on homicide rates.<sup>191</sup> Therefore, any initial successes in terms of effectiveness appear to have been lost.

## **5. Police Reform Impact on Organized Crime**

Whereas the security sector reform in El Salvador effectively purged the new police force of former militarized personnel, the same can certainly not be said about Guatemala's reforms. In a possible effort, according to Guatemala at least, to negate the possibility of creating a security vacuum as was seen in El Salvador, the new PNC consisted mainly of the same militarized personnel, many of whom were former members of the counterinsurgency groups that existed over the last decades of the civil conflict. According to WOLA, these clandestine counterinsurgency groups, with their years of experience and numerous illegal (and legal) contacts, adapted to, or even flourished in, the new security apparatus environment and had evolved into the *hidden powers*.<sup>192</sup>

Essentially, by not demilitarizing the security sector, Guatemalan police reform maintained an environment in which former clandestine groups with ties to organized crime in the security sector today can operate unabated. In 2007 WOLA asserted:

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<sup>189</sup> Latin American Public Opinion Project (LAPOP), "Guatemalan Values and the Prospects for Democratic Development: With Emphasis on Civil Society Participation and Attitudes Regarding Crime, Due Process and Authoritarian Regimes," 2000, 92.

<sup>190</sup> World Health Organization, "Statistical report on violence in Guatemala."

<sup>191</sup> UNODC, "Crime and Development," 53. Note: See Figure 38, World Health Organization data.

<sup>192</sup> WOLA, "The Captive State," 8.

In reality, Guatemala remains as it was described in 2002 by Amnesty International, a “Corporate Mafia State” built on an alliance of traditional sectors of the oligarchy, new entrepreneurs, police and military officers, and common criminals. The clandestine groups live off profits derived from state corruption, contraband, drug trafficking, kidnappings, car theft, money laundering and other forms of organized crime.<sup>193</sup>

### **C. SUMMARY**

The main purpose of this chapter was to examine the differences between El Salvador with respect to security sector reform following the negotiated peace accords that took place in both countries. Given the information provided herein, it is evident that, aside from the most general similarities between the two countries, El Salvador and Guatemala experienced quite different conditions that led each to the negotiating table, different approaches to security sector reform, and different outcomes with respect to impact that these reforms had immediately after their implementation.

Whereas El Salvador experienced significant culminating events that prompted them to negotiate with the FMLN, Guatemala endured a drawn out and delayed path to peace caused by a different set of circumstances. Police reform undertaken by El Salvador was a great deal more far reaching than that in Guatemala. As a result, the years following the peace accords in El Salvador saw an increase in crime and violence, indicating an initial security vacuum due to a limited and ineffective police force. Guatemala, on the other hand, experienced a discernible reduction in violence and crime that seemed to prove an initial effectiveness of the newly formed PNC. This was short lived, however, and today both Guatemala and El Salvador are ranked among the most violent nations in the world.

How each country approached the issue of security sector reform had significant impact, both immediate and long term, on organized crime. Because El Salvador adhered to the democratic tenets of the accords and demilitarized its security apparatus it essential removed a potentially dangerous element from a state institution and provided a far less agreeable environment for organized crime. Guatemala, on the other hand, maintained a

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<sup>193</sup> WOLA, “The Captive State.”



militarized security sector consisting of many former counterinsurgency personnel with ties to organized crime. These personnel adapted to the new security force structure and evolved into the clandestine organized criminal groups that threaten state security today.

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## **IV. EFFECT OF POLITICAL PARTY SYSTEMS ON SECURITY SECTOR REFORM AND ORGANIZED CRIME**

As was seen in the previous chapter, security sector reform in El Salvador and Guatemala followed significantly different paths. The cause for these differences can be found in the nature and relative strength of each country's political parties. In addition, the strength, or weakness, of party systems has had a direct impact on the ability of organized crime to infiltrate the state in El Salvador and Guatemala. This chapter details these connections. It begins by showing that the political party system in El Salvador is much stronger than the party system in place in Guatemala. Second, it will show that the relative strength and weaknesses of these party systems had a direct impact on security sector reform both during the peace process as well as on the implementation of the reforms in the following years. Finally, it will show that the strength, or weakness, of party systems has had a direct impact on the ability of organized crime to infiltrate the state.

### **A. PARTY SYSTEM STRENGTH**

Before any discussion can be made of the relative effects of strong or weak political party systems on the security-sector reform in either country, it is important to understand what defines a strong or weak party system. In other words, it must be determined how *institutionalized* a party system is. Highly regarded scholars Scott Mainwaring and Timothy R. Scully provide four criteria, which will be described below, for determining the degree to which a political party system is institutionalized.<sup>194</sup> Omar Sánchez examined in detail, using Mainwaring and Scully's four criteria, the level of institutionalization of the political party system in Guatemala.<sup>195</sup> Rice University's Mark P. Jones, in a detailed paper for the Inter-American Development Bank, examined eighteen Latin American countries utilizing opinion poll and empirical data to gauge each

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<sup>194</sup> Scott Mainwaring and Timothy R. Scully, *Building Democratic Institutions* (Stanford, CA: Stanford University Press, 1995).

<sup>195</sup> Omar Sánchez, "Guatemala's Party Universe: A Case Study in Underinstitutionalization," *Latin American Politics & Society*, Vol. 50, no. 1 (Spring 2008): 123–151.

country's degree of institutionalization in the context of Mainwaring and Scully's four criteria.<sup>196</sup> Using these sources, the following will show that the party system in El Salvador is far more institutionalized than the party system in Guatemala.

### **1. Criterion 1: Party System Stability**

The first criterion for institutionalization, and most important to Mainwaring and Scully, is party system stability. Mainwaring and Scully assert:

Patterns of party competition must manifest some regularity, which is not to suggest that they become "frozen." A venue in which major parties regularly appear and then just as quickly evaporate is not characteristic of an institutionalized party system. Where such stability does not exist, institutionalization is limited.<sup>197</sup>

Here, one can look to electoral volatility, or the degree to which voting trends change across electoral cycles, as a measure of stability. Omar Sánchez remarks that Guatemala's electoral volatility is the highest of any Central American country and one of the highest in all of Latin America. Sánchez writes:

Guatemala's average level of vote volatility is staggering, standing at 43.2 percent for parliamentary elections during the 1985–2003 period and 53.4 percent for presidential elections from 1985–1999. To place these numbers in context, rates of electoral volatility in Western Europe hover around 5 to 10 percent in most countries, while the Latin American average stands at 21.5 percent.<sup>198</sup>

Sánchez also points out as remarkable the "...fleeting relevance of large political groupings. Indeed, it is difficult to find other examples of countries partaking in the global third wave of democratization in which the political parties that dominated the first postauthoritarian election became marginal only two elections later."<sup>199</sup>

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<sup>196</sup> Mark P. Jones, "The Role of Parties and Party Systems in the Policymaking Process," Workshop event for the Inter-American Development Bank February 25, 2005.

<sup>197</sup> Mainwaring and Scully, *Building Democratic Institutions*, 5.

<sup>198</sup> Sánchez, "Guatemala's Party Universe," 126.

<sup>199</sup> *Ibid.*, 126–128.

Coupled with the inability of major parties to win re-election is the great number of separate political parties vying for power during each election cycle. Sánchez presents data on the top seven political parties for electoral cycles from 1985 to 2007. During the four electoral cycles from 1995 to 2007, no less than twenty different political parties were presented. Taking the top three parties from each cycle, this number is reduced to seven. The Frente Revolucionario Guatemalteco (FRG) and the Partido de Avanzada Nacional (PAN) emerge within the top two for the 1995 and 1999 elections, but by the 2007 election, the PAN failed to emerge within the top seven and the FRG was reduced to electoral insignificance.<sup>200</sup>

In contrast to Guatemala's unstable electoral landscape, El Salvador presents a far more institutionalized party system. Since the signing of the peace accords in 1992, ARENA and FMLN have maintained their status as the two predominant political parties in the country, thereby making El Salvador a two-party system. Electoral volatility in El Salvador, as of 2005, averaged approximately 10% and is more along the lines of Western European countries than countries in Latin America.<sup>201</sup>

## **2. Criterion 2: Party Roots in Society**

The second criterion by which institutionalization can be gauged is the degree to which political parties have their roots in society.<sup>202</sup> Mainwaring states that:

The ties that bind parties and citizens are firmer; otherwise, parties do not structure political preferences over time and there is limited regularity in how people vote. Strong party roots in society help provide the regularity that institutionalization implies.<sup>203</sup>

One indicator in measuring the strength of a party's roots in society is determining the extent to which the public identifies with a political party.<sup>204</sup> A 2003

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<sup>200</sup> Sánchez, "Guatemala's Party Universe," 127–128.

<sup>201</sup> Jones, "The Role of Parties," 5.

<sup>202</sup> Mainwaring and Scully, *Building Democratic Institutions*, 5.

<sup>203</sup> Scott Mainwaring, "Party Systems in The Third Wave," *Journal of Democracy*, Vol. 9, no. 3 (1998): 69–70.

<sup>204</sup> Jones, "The Role of Parties," 7.

Latinbarómetro poll showed that Guatemala “...displayed one of the four lowest levels of party identification in Latin America.”<sup>205</sup> In addition to low party identification among the populace, a lack of participation in the political process by the public in Guatemala is also significant indicator of the weak roots of Guatemala’s party system. Sánchez writes:

The 1999 referendum on constitutional reforms, which would have enshrined the most important elements of the 1996 Peace Accords in the constitution, had an extremely low participation rate of around 20 percent. In terms of other forms of political participation, such as following political news, partaking in public protests, and contacting parliamentary deputies, Guatemala has been ranked as the second-lowest country in the hemisphere.<sup>206</sup>

Once again, in contrast to Guatemala, El Salvador displays a much higher degree of strength of party roots in society. The 2003 Latinbarómetro poll showed that 45% of the populace identified themselves with a particular party in El Salvador, as opposed to only 34% in Guatemala.<sup>207</sup> Additionally, setting itself far above Guatemala with respect to participation, El Salvador saw in the 2004 presidential election an unprecedented 67% voter turn out.<sup>208</sup> Further, Jones utilized the Latinbarómetro poll along with other data in order to rank Latin American countries in terms of their political parties’ roots in society. El Salvador was ranked near the top third of the eighteen countries examined where as Guatemala was ranked last.<sup>209</sup>

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<sup>205</sup> Sánchez, “Guatemala's Party Universe,” 133.

<sup>206</sup> *Ibid.*, 132.

<sup>207</sup> Jones, “The Role of Parties,” 7–8.

<sup>208</sup> U.S. Department of State, “Background Note: El Salvador,” March 2009. <http://www.state.gov/r/pa/ei/bgn/2033.htm> (accessed May 22, 2009).

<sup>209</sup> Jones, “The Role of Parties,” 8.

### 3. Criterion 3: Party Legitimacy

The third criterion offered by Mainwaring and Scully is that “...major political actors accord legitimacy to the electoral process and to parties.”<sup>210</sup> Jones, citing Mainwaring, explains:

A basic prerequisite for an institutionalized party system is that both political parties as well as the elections in which they compete are viewed as legitimate by the population. Furthermore, for an institutionalized party system to exist, political parties must be viewed as institutions that are vital to the proper functioning of the democratic system.<sup>211</sup>

In terms of legitimacy, or rather the perception of legitimacy, Guatemala does not diverge as much from El Salvador as compared to the first two criteria offered by Mainwaring and Scully. Prior to the 1996 peace agreements in Guatemala, as Sánchez notes, “the all-powerful counterinsurgency army made it impossible for left-wing political groups to participate, which constrained political freedom.”<sup>212</sup> Since the 1995 elections, however, and the following year’s peace accords, Guatemala has drastically improved its electoral processes. Sánchez writes:

While Guatemala remains very far from the ideal of a liberal democracy—characterized by constitutional government, the rule of law, and the protection of human rights—perhaps the country’s greatest achievement in recent years has been the consolidation of procedural, electoral democracy. In the postconflict era, Guatemala has conducted elections that foreign observers and prominent international watchdog organizations have judged to be reasonably free and fair.<sup>213</sup>

It is important to note, however, that the public image of free and fair elections is but one facet that constitutes legitimacy within a party system. Sánchez and Jones both look to how indispensable to the political process, as viewed by the citizenry, the political party system is. Sánchez notes, “Guatemalans view parties as corrupt, opportunistic,

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<sup>210</sup> Mainwaring and Scully, *Building Democratic Institutions*, 5.

<sup>211</sup> Jones, “The Role of Parties,” 8.

<sup>212</sup> Sánchez, “Guatemala’s Party Universe,” 135.

<sup>213</sup> *Ibid.*

demagogic, and unnecessary.”<sup>214</sup> Jones, citing the 2003 Latinbarómetro poll, shows that only 26% of the Guatemalan populace viewed political parties as indispensable.<sup>215</sup> Moreover, Sánchez also points to how both the private business sector and the military accord legitimacy to political parties. The private business sector in Guatemala has no real motivation to support a legitimate political system as a whole because doing so could “well weaken its preeminent position of power in society.”<sup>216</sup> Similarly, the military, which has yet to be controlled by the civilian government, still remains well apart from politics as a separate autonomous entity and is, in effect, a “state within a state.” Sánchez asserts that the military has no motivation to accord legitimacy to the party system and states that “few Guatemalan generals have come to terms with the idea that in a democracy, elected governments, parties, and other democratic institutions are the ultimate power brokers.”<sup>217</sup>

Political parties in El Salvador do display higher degrees of legitimacy than do parties in Guatemala. The Salvadoran parties do so, however, by a very slim margin. While 26% of Guatemalans view parties as indispensable, 33% of Salvadorans, according to Jones, have the same view.<sup>218</sup> Jones provides a scale to provide the overall measure of legitimacy by combining poll data concerning both “party legitimacy” and “election legitimacy.” This combined measure, what he calls “Party and Election (P&E) Legitimacy” reveals the percentage of society that considers both parties and elections as legitimate. According to Jones, 34% of Salvadorans view both parties and elections as legitimate, while 33% of Guatemalans hold the same view.<sup>219</sup> Overall, the party system in El Salvador appears to hold more legitimacy than the party system in Guatemala, but certainly not by very much.

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<sup>214</sup> Sánchez, “Guatemala's Party Universe,” 137–138.

<sup>215</sup> Jones, “The Role of Parties,” 9.

<sup>216</sup> Sánchez, “Guatemala's Party Universe,” 137.

<sup>217</sup> *Ibid.*

<sup>218</sup> Jones, “The Role of Parties,” 9.

<sup>219</sup> *Ibid.*, 9–11.



#### 4. Criterion 4: Party Organization

The final criterion by which Mainwaring and Scully assess party system institutionalization is how parties are organized. The authors write:

They [parties] are not subordinated to the interests of ambitious leaders; they acquire an independent status and value of their own. The party becomes autonomous vis-à-vis movements or organizations that initially may have created it for instrumental purposes. It is a sign of greater institutionalization if party structures are firmly established, if they are territorially comprehensive, if parties are well organized, and if they have resources of their own.<sup>220</sup>

Sánchez asserts that party organization is the most critical factor in determining party system institutionalization and he unequivocally states that, “Guatemalan parties are unambiguously subordinated to the interests of their founders or leaders.”<sup>221</sup> In Guatemala, more often than not, as goes the party leader, so goes the party. In other words, parties are not separate entities that can either exert influence on the leader or continue on after the leader has left the political stage. Sánchez writes that, “most parties are so firmly in the grip of their creators that they can scarcely be conceived as viable organizations without them. The empirical record shows that in virtually all cases, the doom of the party leaders seals the fate of the party itself.”<sup>222</sup> Sánchez also cites the shifting allegiances of elected leaders, little public financial support for parties, lax regulations governing private contributions to parties, the infiltration of organized crime, and a lack of ideological commitment by both leaders and constituents alike as all contributing to poor party system institutionalization.<sup>223</sup>

Jones examines political party organization by analyzing two variables: the age of the political party and perception by elites that the party is a continuous entity. By combining historical data with data from opinion polls he constructs a scored ranking scale by which party organization is measured across the eighteen Latin American

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<sup>220</sup> Mainwaring and Scully, *Building Democratic Institutions*, 5.

<sup>221</sup> Sánchez, “Guatemala's Party Universe,” 138.

<sup>222</sup> *Ibid.*

<sup>223</sup> *Ibid.*, 138–142.

countries. In this scale, El Salvador shows a much higher degree of party organization by ranking seventh among the eighteen countries with a score of 78.25 out of 100. Guatemala, on the other hand, is ranked last, with a score of 57.5 out of 100.<sup>224</sup>

## **5. Summary**

Both the commentary and analysis by Sánchez and the data provided by Jones clearly indicate that across all four criteria offered by Mainwaring and Scully, El Salvador possesses a political party system that is far more institutionalized than the system within Guatemala. With the exception of party legitimacy, El Salvador and Guatemala are well apart from each other in the degree to which the party systems function as an institution, with Guatemala almost always at the bottom of any scale of measurement. The rest of this chapter details how a strong party system in El Salvador and weak party system in Guatemala have affected the extent to which organized crime has infiltrated the security sector and the political system.

### **B. PARTY IMPACT ON SECURITY SECTOR REFORM**

The differences inherent in the political party system in both El Salvador and Guatemala had a definitive impact on how security sector reform was undertaken during the peace negotiations in 1992 and 1996 respectively. The strong party system in El Salvador created an environment in which thorough and democratic negotiations concerning security sector reform could take place between ARENA and FMLN. In Because ARENA had broken its ties with the military (as will be discussed) and because FMLN, now a legitimized and sizable political party with notable strength at the negotiating table, neither side had the incentive, nor wherewithal, to effectively take full advantage of the other. Conversely, a loose and weakly institutionalized party system in Guatemala created an environment in which negotiations and the subsequent accords were so complex and vague as to provide the government with first, a scapegoat in the face of threatening opposition from traditional power structures (the military and private

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<sup>224</sup> Jones, "The Role of Parties," 11–13.

sector elites) and second, a process of reform that could be manipulated or stalled, because of its sheer complexity, so as to avoid any unwanted concessions.

### **1. Political Party Impact on Police Reform in El Salvador**

When the governing party ARENA entered into the peace talks with FMLN that culminated with the end of the conflict, it legitimized FMLN as a political party; a party that was now guaranteed full political rights under the law.<sup>225</sup> ARENA and FMLN negotiated what was to be the most important aspect of the peace accords; the transformation of the security apparatus from a militarized institution to a largely transparent and civilian-oriented institution.<sup>226</sup>

Throughout the conflict, FMLN had enjoyed substantial popular support. Though downplayed by the Salvadoran government, as well as the United States during the civil war, FMLN had garnered much support from a good portion of the populace. Once FMLN was legitimized as a political party, this popular support translated into strength at the negotiating table as well as strength at the ballot box in elections following the peace accords.<sup>227</sup> This strength enabled FMLN to act as more or less an equal to ARENA during the negotiations. Further, continued electoral support in the following years allowed FMLN to function as a cohesive and viable political party in the congress and enabled the party to monitor the implementation of the peace accords.

As for ARENA, internal transformation of the party prior to the peace accords created incentives for extensive security sector reform. According to Christine Wade:

Following ARENA's legislative victory in 1988, Alfredo Cristiani, a wealthy businessman and landowner, became head of the party. Cristiani was more moderate and more pragmatic than party founder Roberto D'Aubuisson, and expressed a strong desire to end the war. Cristiani's

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<sup>225</sup> Wade, "El Salvador," 39.

<sup>226</sup> Pérez, "Democratic Legitimacy," 630.

<sup>227</sup> Wade, "El Salvador," 46.

administration embraced the neoliberal model, and believed that ending the war was necessary to guarantee foreign aid and the return of foreign capital.<sup>228</sup>

As noted in Chapter III, following the murder of six Jesuit scholars and two others by Salvadoran troops in November of 1989 (as a response to the FMLN offensive), public outcry at home and abroad resulted in the suspension of U.S. aid to the Salvadoran armed forces. ARENA, as well as many in the FMLN, now saw that a negotiated peace settlement was a far better option than a continued military stalemate and Cristiani personally solicited mediation from the United Nations.<sup>229</sup> ARENA had now developed a new free market ideology and strong ties to the business class, thereby breaking from its original right-wing roots in the military and death squads. Further, as Stanley and Loosle note, the political influence enjoyed by the Salvadoran military in the years prior to the 1989 FMLN offensive was now greatly diminished. As a result, the military was “no longer in a position to veto any civilian-led peace initiatives...”<sup>230</sup> The party made concessions on military and police reform to FMLN, both as a way to consolidate the transformation of the party and as a way to avoid making any concessions on socioeconomic issues. Stanley notes that “remarkably absent from the accords were the socioeconomic issues that had helped spark the conflict and that motivated many supporters of the FMLN.”<sup>231</sup> Land and other economic benefits were awarded to many former combatants from both the FMLN and the Salvadoran military but socioeconomic issues were relegated to a special forum, consisting of representatives from the government, business, and labor interests, in which very little progress was likely to be achieved. Stanley further notes:

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<sup>228</sup> Wade, “El Salvador,” 37.

<sup>229</sup> *Ibid.*, 38.

<sup>230</sup> Stanley and Loosle, “El Salvador,” 104.

<sup>231</sup> Stanley, “El Salvador: state-building,” 109.

This wasn't just a sell-out by the FMLN: its leaders recognized that they had limited leverage. They also recognized that ARENA was willing to sacrifice much of the power of the armed forces but would be much less willing to negotiate major economic concessions.<sup>232</sup>

ARENA and FMLN, while not the only parties in El Salvador since the accords, are certainly the two most powerful, thereby the only real players in a two-party system. Both parties had negotiated and signed the accords, which in turn, provided strong incentives to implement and enforce the agreements they reached. For example, in mid-1995 the ARENA-led government and the PNC had shown definite signs of taking seriously the threat of organized criminal entities by increasing pressure on known suspected organizations, indicating that ARENA supported implementation of the reforms.<sup>233</sup>

The situation in El Salvador, in which a highly institutionalized party system created an environment that was conducive to democratic peace negotiations and successful implementation of security sector reforms in the following years, is in stark contrast to the conditions in Guatemala. There a weakly institutionalized party system had immediate as well as long lasting effects on security sector reform.

## **2. Political Party Impact on Police Reform in Guatemala**

In Guatemala, unlike in El Salvador, the political conditions present during the prolonged peace negotiations were not conducive to expedient and democratic security sector reform. The main problem lie in the strength, or rather lack thereof, of both sides. The National Advancement Party (PAN) government had obtained power by a very small margin and “continued to confront the traditional weaknesses of civilian governments: a powerful military, a conservative business elite, a fragmented and unstable political party system, and one of the weakest fiscal bases in the hemisphere.”<sup>234</sup> The URNG, having been essentially defeated militarily almost a decade prior, posed no real threat to the

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<sup>232</sup> Stanley, “El Salvador: state-building.”

<sup>233</sup> Revista Envío, “Labor Unrest and Organized Crime.”

<sup>234</sup> Stanley and Holiday, “Broad Participation,” 423.

government, and therefore brought no real strength to the negotiations in order to demand concessions.<sup>235</sup> As noted in the previous section on party institutionalization, neither the military nor the private business sector had any real motivation for supporting political parties, which in turn translated into little support for any reforms throughout the peace negotiations. A 1997 North American Congress on Latin America (NACLA) report highlighted this point at the time the accords were being implemented. NACLA states:

The second-largest party in Congress [FRG] is the extreme-right party of ex-dictator Efraín Ríos Montt, which has stated that it feels no obligation to cooperate. Both in the army and in the private sector, there will be hundreds of ways to sabotage the Accords or to secure only partial compliance—which, on some points, would be as bad as non-compliance. An early example of just how difficult the struggles will be is the February 1997 Congressional law creating the new civilian police.<sup>236</sup>

In contrast to the expedient peace process in El Salvador, as described in Chapter III, negotiations for a democratic peace in Guatemala had been taking place since the late 1980s and experienced a long and drawn out, largely unfruitful process. While a complete examination of the initial peace negotiations is far beyond the scope of this chapter, some mention must be made as to the impetus for the government to move the process along to a conclusion. In late 1993, three years before the peace accords were signed, the UN began mediating initial peace talks and by late 1994 it established a human rights observer mission (MINUGUA) in the country to monitor progress. At this time many in the government began to understand that a consolidated peace agreement was in their best interest because it could counteract the horrendous human rights record and open the door to renewed foreign investment. By 1995, realizing the benefits of reaching a consolidated peace, the new administration of Alvaro Arzú, and the slim majority of the PAN party in Congress, sought to complete the peace process with international mediation. Their efforts, however, did not proceed with the intensity and commitment to democratic change as was seen with ARENA in El Salvador. Stanley and

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<sup>235</sup> Stanley and Holiday, “Broad Participation.”

<sup>236</sup> North American Congress on Latin America (NACLA), “The Guatemalan Peace Accords,” October 17, 1997. <http://www.hartford-hwp.com/archives/47/140.html> (accessed May 25, 2009).

Holiday explain that the peace process had offered Arzú a strategy that could overcome the resistance from the military and the conservative private sector elites. They write:

The accords promised the government a framework to rally support for modernization, while retaining the option of blaming unpopular measures on international pressure and the demands of economic globalization. At the same time, the implementation processes agreed to were so complex and involved so many different actors that the government could easily allow individual reforms to languish if opposition proved too strong.<sup>237</sup>

In other words, for Arzú and PAN, a mediated peace process would improve the government's reputation both domestically and on the global stage, thereby garnering domestic support as well as opening avenues for increased foreign investment. Because of his party's weak political position, however, Arzú needed a scapegoat to deflect opposition to any unpopular concessions to URNG. Therefore, if pressure from the military and economic elites became too threatening, Arzú and PAN could then turn the blame on international pressure. Finally, the accords were made so vague so as to provide an "out" in the form of convoluted implementation of complex reforms. It was in this cautious and half-hearted spirit then, with little pressure from the weak URNG, that Guatemala approached the peace accords and undertook security sector reform.

Whereas the government in El Salvador implemented reform in concert with the democratic principles set out in the peace accords (a newly structured, civilian trained, and de-militarized police force), reform implementation in Guatemala fell far short. Unlike in El Salvador, the U.N. observer mission MINUGUA did not field a CIVPOL component to monitor the new PNC. The U.N. was unable to take the same proactive role that it did in El Salvador in large part because of the government's cautious and half-hearted approach borne of a weak political party. Stanley writes:

In Guatemala, the vagueness of the accords, the weakness of the incumbent government, and the existence of a domestic right-wing opposition presumed to be opposed to many of the accords, all conspired to weaken the ability of the UN to challenge the government's approach to police development.<sup>238</sup>

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<sup>237</sup> Stanley and Holiday, "Broad Participation," 430.

<sup>238</sup> Stanley, "Building New Police Forces," 131.

Not only did the weakness of the government party undermine reform negotiation and implementation in Guatemala, but so too did the weakness of the political party associated with the guerrillas. In El Salvador, FMLN, because of its inherent strength as a party, was able to ensure that, for the most part, any security sector reform that was agreed upon was implemented and sustained in the years following the peace accords. In Guatemala however, the weak URNG, coupled with a weak political party system, meant that any negotiated reforms were constantly in danger of being altered or not implemented at all. Bernardo Arévalo de León, in an examination of civil-military relations and military reform implementation in Guatemala following the peace accords, notes that between 1997 and 2000, new senior military officers appointed by Arzú and with good political ties to his administration, adopted a level of resistance to reform implementation. One such example is that while the accords called for the demilitarization of the security sector and utilizing the military for external defense only, military officials merely renamed several military units that were once assigned to counterinsurgency operations in an attempt to deceive MINUGUA. Additionally, surveillance of political opponents to Arzú's administration had continued to be conducted by the military.<sup>239</sup>

In the 1999 elections, the Arzú administration and PAN was defeated by president Alfonso Portillo and the FRG. While Arzú was able to somewhat subjugate the military to civilian control, at least on the surface, by installing new senior officers of his choosing as well as reducing the military budget, Portillo faced opposition to reform implementation by those sympathetic to the military. J. Mark Ruhl, in an examination of reform implementation by both the Arzú and Portillo administrations, writes:

However, ex-military officers unfriendly to reform, such as Ríos Montt, now president of Congress, and presidential advisor and retired general Francisco Ortega Menaldo, gained great influence in the new administration. The FRG-dominated Congress also showed little interest in building on the changes to the armed forces that Arzú had made. The

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<sup>239</sup> Bernardo Arévalo de León, "Civil-Military Relations in Post-Conflict Guatemala," *Revista Fuerzas Armadas y Sociedad* 20, no. 1 (2005): 63–103.



military reform process soon began to regress, as military missions multiplied and the armed forces budget decline was reversed.<sup>240</sup>

As de León notes, the election of Oscar Berger as president in 2004 saw little implementation of security sector reform as well. In fact, the opposite seems to have occurred. While the initial peace accords in 1996 called for the demilitarization of the security sector, under Berger, it actually increased. De León writes:

The trend for continued involvement in internal security issues has been reaffirmed by President Berger's Administration. Upon the legal basis provided by Decree 40-2000, intelligence and operative collaboration between National Civilian Police and the Armed Forces has been strengthened...And a rising level of social protest over socio-economic issues has been met with the mobilization of military forces in support of police operations, in confrontation—once again—with social organizations.<sup>241</sup>

The commentary and analysis cited here by de León and Ruhl have mainly focused on resistance from the military to any reform. Former members of the military were key players in the party system or government advisers, as weak parties were unable to develop their own ideas or personnel to run the country. De León identifies four reasons for the failure of security sector reform, three of which concern weaknesses of the political system:

1. The weakness of the civilian political leadership in terms of its capacity to negotiate the design and implementation of the necessary reforms with the armed forces.
2. Resistance to transformation from the armed forces as a result of misinformation, mistrust and ideology.
3. The marginalization of the issue on the public agenda because of a lack of understanding and interest from political parties, government officials and the media.

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<sup>240</sup> J. Mark Ruhl, "The Guatemalan Military Since the Peace Accords: The Fate of Reform Under Arzu and Portillo," *Latin American Politics & Society* 47, no. 1 (Spring 2005): 68.

<sup>241</sup> De León, "Civil-Military Relations," 93.

4. The weakness of concerned civil society groups in terms of their capacity to influence the agenda on security reform and negotiate substantive proposals with government and political parties.<sup>242</sup>

De León's last point concerning the weakness of "concerned civil society groups" can be expounded on in an example provided by Ruhl. The May 1999 national referendum concerning two amendments to the constitution as called for by the accords was defeated. One amendment would have placed a civilian at the head of the defense ministry and the other legally absolved the military of any responsibility for internal security, except in special cases. Despite the importance of these reforms, political parties showed little interest or ability in mobilizing the public to vote. Ruhl notes a significant lack of public interest in the referendum as "less than 19% of those registered voted in the referendum, and its failure constituted a major setback for military reform."<sup>243</sup>

### 3. Summary

The relative strength or weakness of political party systems in El Salvador and Guatemala had a direct impact on how security sector reform was negotiated and implemented in each country. A strong party system consisting of ARENA and FMLN in El Salvador ensured that reform was negotiated along democratic principles and ensured that these negotiated reforms were implemented and maintained in the following years. In contrast, the weakness of both the political party system in Guatemala and the URNG, coupled with an inability to oppose resistance from a strong conservative and regressive right, as well as an almost indifferent public, are most responsible for the initial shape and following scope of security sector reform in Guatemala, both of which fell far short of democratic intentions of the peace accords. How security sector reform was undertaken had direct impact on the future state of organized crime. Comprehensive reform, as was seen in El Salvador, was highly critical to breaking the links between the security sector and organized criminal elements. In contrast, limited reform in Guatemala ensured that those links remained.

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<sup>242</sup> Bernardo Arévalo de León and Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform* (Birmingham, AL: University of Birmingham, 2007), 69.

<sup>243</sup> Ruhl, "The Guatemalan Military," 62.

## **C. PARTY IMPACT ON INFILTRATION OF ORGANIZED CRIME**

The relative strength of the political party systems is not only important in shaping the nature of security sector reform (and hence the links between that sector and organized crime), but it also influences the ability of organized crime to penetrate the state. The following sections describe how a strong party system in El Salvador has limited the penetration of organized crime elements within the political system and the government and, conversely, how the weak party system in Guatemala allowed for a much more prolific infiltration of organized crime elements.

### **1. Political Parties and Organized Crime in El Salvador**

The strong two-party system serves to limit the penetration of organized crime in El Salvador in two ways. First, the institutionalized parties act as gatekeepers in keeping nefarious elements out of the system. Highly institutionalized parties with roots in society and strong party organizations have access to and maintain their own resources borne of a strong support base. The old adage “nature abhors a vacuum” applies as well to politics. Where parties are weak and fluid organizations without clear programs, personnel to fill candidacies, apparatuses for getting out the vote, and consistent sources of funding, organized crime elements can easily fill the void. While institutionalized parties do not inoculate the political system from organized crime penetration—individual politicians will always have incentives to seek money from all sources—it keeps this from reaching systemic proportions (and even provides a check against individual violations, as party members without ties to organized crime will “raise the alarm”). Nor does the existence of institutionalized parties guard against other possible forms of corruption unrelated to organized crime: ARENA has benefited business contributions in return for favorable government contracts and concessions. A recent editorial noted that “it is well known that ARENA has a donors list organized according by amount contributed. Those who give more are owed the juiciest rewards.”<sup>244</sup>

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<sup>244</sup> Envío, “El Salvador Corruption.”

The second way in which the party system in El Salvador keeps organized crime at bay lies in the elected president's support base. A president with a strong support base is better able to establish policy and execute legislation than a president with minority support in congress. Advisers come from within the president's own party and the president has organized support for pushing forward the party agenda, in security sector reform or any other issues area. This can be seen in the mid-1990s, following recommendations by the Joint Group. El Salvador saw the creation of a special "police unit to investigate political crimes and passage of new laws to facilitate prosecution of cases related to political violence and organized crime."<sup>245</sup> In March of 1996, the government passed the Emergency Law Against Organized Crime. Though controversial because provisions would increase prison terms for serious crimes and effectively overcrowding the prison system at the time, it was an example of legislation passed in an effort combat organized crime.<sup>246</sup>

Both ARENA and FMLN are strongly institutionalized and ARENA, in the distant and recent past, has shown solid support for their presidents. In March of this year, FMLN candidate Mauricio Funes won the presidential election, marking the first time FMLN has won the presidency.<sup>247</sup> While it is far too soon to determine how well the party will support Funes, there are currently no indications that suggest that party support will be a problem.

Like the previous examination on party strength in El Salvador (and lack thereof in Guatemala), it is probably more convincing to examine the case of Guatemala and compare it to El Salvador in order to show that how first, strong parties act as gatekeepers to the political system and second, how strong party support for presidents both keep organized crime from infiltrating the state. In other words, by showing that the weak

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<sup>245</sup> WOLA, "The Captive State."

<sup>246</sup> Research Directorate of the Immigration and Refugee Board, "El Salvador: the National Civilian Police (PNC)," Ottawa, Canada. April 1998. [http://www.asylumlaw.org/docs/elsalvador/ELS\\_2/Section%20I/The%20National%20Civilian%20Police.pdf](http://www.asylumlaw.org/docs/elsalvador/ELS_2/Section%20I/The%20National%20Civilian%20Police.pdf). (accessed June 08, 2009).

<sup>247</sup> STRATFOR, "El Salvador: Presidential Elections and a Change in Politics," March 16, 2009. [http://www.stratfor.com/analysis/20090316\\_el\\_salvador\\_presidential\\_elections\\_and\\_change\\_politics](http://www.stratfor.com/analysis/20090316_el_salvador_presidential_elections_and_change_politics) (accessed May 30, 2009).

party system in Guatemala has allowed organized crime penetration of the state, it can be better understood how the strong party system in El Salvador has kept organized crime out.

## 2. Political Parties and Organized Crime in Guatemala

According to the 2007 WOLA report *The Captive State*, “much of the rising violence has been attributed to illegal armed groups or clandestine security organizations that emerged during the war years and today use bribery, intimidation, and violence to protect their political and financial interests.”<sup>248</sup> Additionally, WOLA asserts that “they [organized crime elements] develop or buy political influence, and they infiltrate the state apparatus to build a shield of impunity.”<sup>249</sup> From these two statements alone it can be understood that organized crime, with its hallmarks of corruption and violence, have penetrated the Guatemalan state through the political system. The answer as to why this is able to occur lies in the fact that Guatemala, unlike El Salvador, has a weakly institutionalized party system.

Guatemala’s weak party system is desperately inadequate to act as a gatekeeper to keep organized crime out of the political realm. The reason for this is found in the same reason that El Salvador’s parties are able to prevent organized crime infiltration. Because the numerous parties in Guatemala lack the strong financial support from a legitimate support base they suffer, in effect, from a financial vacuum. Realizing the tremendous opportunity to capitalize on this vacuum, organized crime entities are able to use vast amounts of funds from illegal activities to purchase political influence and power. WOLA’s 2003 *Hidden Powers* best describes the infiltration of criminal elements into the state. Authors Peacock and Beltrán state:

In addition to reaping huge profits, the *hidden powers* in Guatemala use their connections, with political actors and with the military and police, to intimidate, or even eliminate, those that get in their way, know too much, offer competition, or try to investigate their activities.<sup>250</sup>

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<sup>248</sup> WOLA, “The Captive State,” 7.

<sup>249</sup> Ibid.

<sup>250</sup> Peacock and Beltrán, “Hidden Powers,” 6.

The authors cite a Hemisphere Initiatives report in which they state that “the relative weakness of political parties in Guatemala” is a major cause for organized crime penetration.<sup>251</sup> Had a financial vacuum caused by a weak support base not been present within the party system, organized crime entities would not have had the opportunity, or at least not as open an opportunity, to utilize bribery to gain access to the political sphere. This is not to say that organized crime would not use other means, such as violence and intimidation (which they currently employ) to gain access to politicians, but if the parties were more consolidated and enjoyed a stronger base to provide financial resources, at least one major opening to the state would have been closed to organized crime elements.

Presidents in Guatemala have found the influence of organized crime to be severe. Peacock and Beltrán describe the conditions facing newly elected President Portillo in 2001. The authors write:

Flanked by his Minister of Defense and U.S. Ambassador Prudence Bushnell, Portillo told a mixed audience of civilians and military officers that, during his short tenure, he had found that the power of the state does not rest in the presidency, but rather is unlawfully held by the *hidden powers*.<sup>252</sup>

Peacock and Beltrán reinforce Portillo’s sentiments by calling into question Portillo’s actual role as president, providing evidence, albeit anecdotal, that the real power lay in his appointed presidential advisors, who had close ties with organized crime.<sup>253</sup>

Perhaps the most recent, albeit speculative, indication of the infiltration of organized crime into the national political sphere is found in the murder of Guatemalan attorney Rodrigo Rosenberg on May 10, 2009. Rosenberg, in a highly publicized video that was recorded prior to his death, stated that “if you are hearing or seeing this message it is because I was assassinated by President Álvaro Colom, with the help of Mr. Gustavo Alejos and Mr. Gregorio Valdez.”<sup>254</sup> While the investigation into Rosenberg’s murder is

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<sup>251</sup> Peacock and Beltrán, “Hidden Powers,” 36.

<sup>252</sup> *Ibid.*, 51.

<sup>253</sup> *Ibid.*, 36–41.

<sup>254</sup> José De Cordoba, “Dead Lawyer’s Video Pitches Guatemala Into Crisis,” May 13, 2009. Wall Street Journal Online <http://online.wsj.com/article/SB124217669632213371.html> (accessed May 31, 2009).

not complete and no suspects have been identified as of this date, Rosenberg alleges in the tape that he was targeted “because he planned to go public with evidence that the Colom administration used Guatemala's rural development bank, Banrural, to launder drug money and funnel public funds to drug cartels through shell organizations linked to the first lady, who oversees scores of social programs.”<sup>255</sup> According to Guatemalan expert professor Anita Isaacs, as reported in the Wall Street Journal, “this speaks to the incredible violence that takes place every day in Guatemala from organized criminal networks that have infiltrated the state.”<sup>256</sup> Regardless of the future outcome, Rosenberg’s murder and recent developments have cast grave assertions concerning both President Colom’s strength as a president and his ties to organized crime.<sup>257</sup>

In sum, there is no shortage of commentary and evidence displaying how the weak political party system in Guatemala creates an environment that can be readily exploited by organized crime.

### **3. Summary**

El Salvador’s highly institutionalized party system creates an environment that has prevented, or at least severely limited, wholesale infiltration of organized crime into the state. While organized crime does exist in El Salvador, and some government corruption is evident, organized crime does not penetrate the state in a systemic way. Strong party organization, one of Mainwaring and Scully’s four criteria for institutionalization, ensured ARENA and FMLN had the financial and personnel resources necessary to function as gatekeepers to the political sphere. Additionally, strong party organization afforded presidents in El Salvador the support they required to enact policy without influence from organized crime—and, indeed, to implement policies targeting and breaking preexisting ties between organized crime and the state.

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<sup>255</sup> Juan Carlos Llorca, “Guatemalan murder mystery threatens government,” May 28, 2009. Associated Press <http://www.google.com/hostednews/ap/article/ALeqM5jb8meixxXMk89FR1Qyqwc8xnFsBAD98F30B80> (accessed May 31, 2009).

<sup>256</sup> De Cordoba, “Dead Lawyer's Video.”

<sup>257</sup> Llorca, “Guatemalan murder mystery.”

In Guatemala, however, the opposite is true. Weak party organization allowed a vacuum to exist that organized crime elements exploit for financial gain and political influence. Further, the weakness of Guatemalan presidents from the time of the accords to the present day allowed for the extreme penetration of organized crime. Unable to rely on a strong party base for support, presidents in Guatemala have been unable to take on organized crime. In the worst cases, the lack of a strong base of support has made them highly susceptible to organized crime's influence.



## V. SUMMARY AND CONCLUSIONS

### A. SUMMARY

Contrary to popular perception, the evolution of crime and violence since the signing of the peace accords in El Salvador and Guatemala has taken divergent paths. The causes for each type of criminal threat, gangs, drug trafficking, and organized crime vary between each nation and both the levels and effects of each criminal pattern is significantly different.

Gangs and gang activity are prevalent in both nations, but pose a greater threat in El Salvador than Guatemala. U.S. immigration policy changes in the 1990s likely contributed to the emergence of a newer and more violent form of gangs when thousands of illegal immigrants, many with criminal records, were deported back to El Salvador after that country's transition to democracy. Gangs such as MS-13 and Barrio 18, while in existence in both countries, are far more active and consolidated in El Salvador than in Guatemala. Crime data, in the form of homicide rates, does lend credence to assertion that gangs and gang violence have a definite impact on the security of the populace, but since crime data available on El Salvador contains inconsistencies, it is difficult to ascertain the true level of the effects of gang violence in that country. Given the sometimes contradictory and inaccurate data available, it appears evident that much more investigation is required if an accurate assessment of the violence and crime with respect to gangs is to be made. Once again, this further investigation is beyond the scope of this thesis. While gangs are involved in local drug dealing, there is little indication they are involved in transnational drug trafficking nor is there support for claims that they have evolved into sophisticated "third generation" transnational criminal enterprises. Gangs such as MS-13 are increasingly labeled as organized criminals, but this definition lacks all of the hallmarks of such activity, specifically corruption, penetration of the licit economy in the form of money laundering, and high degrees of sophistication.

The transportation of illegal narcotics from the Andean Ridge to the world's largest customer base, the United States, takes place through both El Salvador and

Guatemala, and as such, is of great concern to policymakers in the United States. Drug seizure data collated by several U.S. and international organizations shows that by far, more drug trafficking takes place in Guatemala than in El Salvador. Geographical advantages provided by the boundaries of Guatemala appear to make that country a more desirable locale with which to conduct illicit activity. The effects of DTO activity are more readily seen in Guatemala. Analysis presented in Chapter II shows that there is a strong correlation between high homicide rates and trafficking activity based on the locations in which DTO activity is known to take place. As for El Salvador, an incomplete set of reliable crime trend data does not allow for a true assessment of DTO's impact on the country. Regardless of the exact measurement of its effect in each country, DTO activity does pose a serious threat to both country's domestic security, as well as a threat to U.S. national security in the form of harmful illegal narcotics entering the country.

The focal point of interest to this thesis is organized crime and its penetration of the state. There is no denying that organized crime is present in El Salvador, in the form of a litany of criminal activities from connections to drug trafficking, car theft, kidnapping, and other illegal ventures. In the previous chapters, however, it has been shown that organized crime, with its hallmarks of high levels of corruption and violence, is far more prevalent in Guatemala. Organized crime in El Salvador has not in the past, nor in the present, developed into a threat that has pervaded the state and affected its institutions. This is not the case in Guatemala. The *hidden powers* at work in Guatemala display all of the hallmarks of organized crime; high levels of corruption and violence, penetration of the licit economy, and a high degree of sophistication.

A key purpose of this thesis was to determine the reasons for the different levels of organized crime in the two countries. Chapters III and IV provided evidence that both security sector reform and the past and current state of political party systems have had a major impact on the ability of organized crime to take hold. In El Salvador, a highly institutionalized party system created an environment in which peace negotiations and subsequent security sector reforms were conducted in a democratic fashion that kept within the true intent of the peace agreements. ARENA's institutionalized support base

within the business sector led it to agree to security sector reform in exchange for making no concessions to the FMLN on socioeconomic issues. Additionally, FMLN was strong enough as a party to ensure that police reforms continued to be implemented and maintained in the years following the peace agreement. The strength of these parties, as was shown, effectively filled the role of gatekeeper to keep organized criminal elements from penetrating the state.

In Guatemala, conversely, clandestine groups and interests, unafraid to use bribery, intimidation, and violence have permeated the highest levels of government. These *hidden powers* have become so ensconced within state institutions that the continuance of democracy is threatened. With origins in the militarized security sector in place during the many years of civil war, organized crime has developed and adapted to the security sector reforms that Guatemala undertook as part of the peace agreements. In contrast to El Salvador, the security apparatus in Guatemala was not demilitarized. In fact, over the years a trend of increasing involvement in domestic security by military forces has been seen. The weakness of the numerous political parties in Guatemala has inhibited security sector reform and permitted criminal elements to infiltrate politics. The weakness of URNG meant that limited police reform could be implemented with little or no effective opposition. While the continued presence of militarized factions in the security sector did effectively deal with a potential security vacuum following the end of hostilities, it set the stage for elements with illicit motives to adapt to the changing security environment and continue with criminal activity. Further, the weak party system could not, and to this day is unable to, act as a gatekeeper of the political sphere. Corruption tied to the *hidden powers* is nearly all-pervasive in Guatemala, and with this corruption comes high levels of violence, as is evident by the recent murder of Rodrigo Rosenberg.

## **B. POLICY RECOMMENDATIONS**

Of vital interest to the United States is the promotion and sustainment of democracy in regions throughout the world. While gangs do pose a serious threat to domestic security in countries throughout Central America, they are not the most critical

criminal threat, contrary to what is often reported in the media and by many policymakers. Similarly, drug trafficking activity, which poses a threat to domestic security in the United States and contributes to crime and violence in El Salvador and Guatemala, is not the preeminent threat in the region. It is the existence of sophisticated organized criminal entities with the hallmarks of public violence and corruption within state institutions that threatens democracy the most. Corruption at all levels, from local police forces to high ranking government officials and business leaders, erodes the rule of law and severely affects the confidence of the citizenry in the state to function as a democratic institution. This erosion of the rule of law leads to the further expansion of criminal enterprises and shadow economies at all levels of society in which the populace partake either for personal enrichment, or in many cases, survival. With the expansion of crime inevitably comes an increase in violence, further eroding both public security and the rule of law thereby starting the cycle once again.

To date, much emphasis by scholars, the media, and policymakers has been on the problem of gangs or drug trafficking while neglecting the larger problem of organized crime. As such, further investigation into the specific activities of criminal syndicates operating within the state is required. It has been asserted in this thesis that Guatemala suffers far more from organized crime than does El Salvador. It has not been asserted, however, that organized crime in El Salvador is nonexistent, and therefore concerted further research should be conducted on organized crime in both countries to better equip analysts and policymakers with the background information required to make sound decisions.

Any foreign policy implementation by the United States with respect to El Salvador and Guatemala should take into serious account the political party systems in both countries. The examination presented herein clearly indicates that the strength of party systems has a definitive impact on the ability of organized crime to operate and expand, and important lessons can be learned by the comparison of party systems in El Salvador and Guatemala. Policy designed to strengthen the party system in Guatemala could provide dividends in the future in the form of effective political resistance to the infiltration of the organized crime. Pressure from strong party leaders to prosecute and

dismantle the criminal networks in place may also put secondary pressure on the drug trafficking organizations with whom the *hidden powers* collaborate. Policy designed to maintain the current strength of the two-party system in El Salvador would pay similar dividends in that organized crime penetration of the state would remain limited in the near term, and possibly reduced in the future.

How to specifically design new policy regarding crime and violence in El Salvador and Guatemala is far beyond the scope of this thesis. What is recommended, however, is that a greater focus should be made in order to better understand the nature, levels, and effects of organized crime and their interaction within the state, rather than continuing policy that is only geared towards responding to the threats of gangs and drug trafficking organizations.

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