

Gang Violence as Armed Conflict:

A New Perspective on El Salvador

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Gang violence is most often considered a criminal rather than a conflict issue, which limits the international community's willingness to mitigate the conflict or provide humanitarian aid. However, the disruption of daily life caused by widespread gang violence is increasingly similar to experiences of war, including limited freedom of movement and high numbers of civilian casualties. High levels of violence lead to significant migration flows and displacement, as has been seen in individuals fleeing from Syria to Europe and from Central America's Northern Triangle (Guatemala, Honduras, and El Salvador) to the United States. This note, which focuses on El Salvador, highlights the scale and nature of gang violence and points to the ways in which the Women, Peace, and Security agenda can help to strengthen prevention and responses.

Introduction

Many countries currently considered "at peace" experience high levels of armed violence and insecurity. In 2017, only two of the five countries with the world's highest reported rates of violent death were experiencing active armed conflict: Syria and Afghanistan. The three remaining countries—El Salvador, Venezuela, and Honduras—all face significant political, economic, and social instability and experience high levels of gang violence.¹ The disruption of daily life caused by widespread gang violence is increasingly similar to experiences of war, including limited freedom of movement and high numbers of civilian casualties. High levels of violence also lead to significant migration flows and displacement, as has been seen in individuals fleeing from Syria to Europe and from Central America's Northern Triangle (Guatemala, Honduras, and El Salvador) to the United States. This note, which focuses on El Salvador, highlights the scale and nature of gang violence and points to the ways in which the Women, Peace, and Security (WPS) agenda can help to strengthen prevention and responses. International law most often classifies gang violence as a domestic criminal issue, which limits the international community's willingness to mitigate the conflict or provide humanitarian aid. In countries such as El Salvador, however, gangs are increasingly pitted against state forces in a political struggle to gain control over territory and population. In those gangs, women are both members and



victims. Some women play crucial support functions for gangs, while others are seriously endangered by gang violence. Additionally, some women serve as disruptors of gang activity. Stakeholders seeking to address the political, economic, social, and humanitarian impacts of gangs should understand how women participate in and are affected by them. To begin to address the high societal impact of gang violence—and, most importantly, the high violent-death rates in countries severely affected by it—we must find new opportunities to engage.

The Case of El Salvador

The Central American nation of El Salvador has endured civil conflicts, coups and regime changes, natural disasters, and drug production and trafficking. Today, the country battles the impact of deeply embedded and devastatingly violent gangs.² These gangs, or *maras*, have contributed to El Salvador's status as one of the most violent peacetime nations, with homicide rates rapidly increasing over the past five years to surpass Colombia, Venezuela, and South Africa.³

In 2015, El Salvador registered a homicide rate of 104 per 100,000 residents, the highest in the world for a nation not at war.⁴ The rate has declined recently (dipping to 60 per 100,000 residents in 2017, perhaps due to increasingly sophisticated gang tactics and narrowed telecommunications access) but remains among the world's highest.⁵

After the formal end of El Salvador's civil war with the 1992 Chapultepec Peace Accords, economic stagnation, broken community and public life, and lack of state infrastructure provided fertile ground for gangs to thrive.⁶ These gangs initially formed in the United States, in low-income neighborhoods in Los Angeles, but expanded geographically when the U.S. government arrested and deported thousands of gang members to El Salvador.⁷ There, gangs gained members and increasingly asserted control over daily life in El Salvador. Two of the best-known and furthest-reaching *maras* are Mara Salvatrucha (MS-13) and Barrio 18 (also called M-18).⁸ Lack of economic opportunity and mobility in impoverished communities fragmented by the civil war contributed to the allure of the gangs, which flaunted relative wealth, power, and a strong, if contentious, community. Gangs relied heavily on local communities to underwrite their activities and their relative affluence, primarily through extortion.⁹

The government responded to the swift gang expansion in the late 1990s with the repressive *Mano Dura* (Iron Fist) policy that led to widespread arrests and was accompanied by human rights violations by El Salvador's security forces.¹⁰ Gangs fought back, and violence has escalated in the decade since. During the civil war, the guerilla group known as the Farabundo Martí National Liberation Front (FMLN) had around 9,000 troops. In 2011, gang members were found to have an estimated 9,000 members in prison alone.¹¹ There is a new form of conflict in El Salvador.

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Making the Case for Gang Violence to Be Considered Armed Conflict

In international humanitarian law, non-international armed conflict (NIAC)—that is, armed conflict between governmental armed forces and nongovernmental armed groups or among nongovernmental armed groups—is defined in Common Article 3 and Additional Protocol II (APII) of

the Geneva Conventions.¹² Two criteria are used to establish if a conflict can be considered “armed conflict” (as opposed to an internal disturbance or tension) according to Article 1(2) of APII. First, the hostilities must reach a minimum level of intensity, considered to be when the conflict is of a collective nature or when the government uses military force, rather than police, against the nongovernmental group.¹³ Second, the nongovernmental groups must be deemed “parties to the conflict,” meaning that they have organized armed forces.¹⁴ APII, which imposes a stricter standard than Common Article 3, asserts that nongovernmental groups must be “under responsible command” and able to “exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.” By this definition, gang violence in El Salvador reaches the intensity and organization to be considered armed conflict.¹⁵



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Because of their criminal origin, gangs are often excluded from policy and theoretical debates on non-state armed groups, a term usually confined to rebel opposition groups, guerrillas, localized militias, and civil-defense or paramilitary forces.¹⁶ Yet gangs engage in similar activities as many of these groups. As Max Manwaring argues, “Rather than trying to depose a government with a major stroke... or in a prolonged revolutionary war, as some insurgents have done, gangs and their allies... more subtly take control of a territory and

people one street or neighborhood at a time or one individual, business, or government office at a time....Its putative objective is to neutralize, control, or depose governments to ensure self-determined (nondemocratic) ends.” Manwaring notes that gangs can develop from opportunistic criminal organizations to political ones, “at the three-way intersection among crime, war, and politics,” such as is the case in El Salvador.¹⁷ Thomas Bruneau classifies the national security challenges associated with gangs: they strain government capacity through violence, challenge the legitimacy of the state, act as surrogate or alternate governments in some communities, dominate the informal economic sector, and infiltrate police and nongovernmental organizations to further their goals, demonstrating political ambitions.¹⁸ These characteristics are all descriptive of gang behavior in El Salvador.

Violence in El Salvador has reached the threshold of armed conflict according to the following standards outlined by international humanitarian law and theories of armed conflict.

- **Hostilities meet a minimum level of intensity because military force is increasingly used to combat gangs.** The engagement between gangs and state forces arguably reaches the threshold defined by Common Article 3. While gangs originally fell under the jurisdiction of police, the government has fought gangs with a combination of police and military forces since 2003.¹⁹ In 2015, the attorney general’s office began using a 2006 law against terrorism to capture and prosecute gang members.²⁰ Shortly afterwards, El Salvador’s Supreme Court of Justice classified gangs and their financiers as terrorists, in part with the justification that gangs were capturing power that belonged to the state.²¹ These legal changes have helped the state to escalate military action

against the gangs. In 2016, the new Special Reaction Force was created specifically to address the gang presence. This combined military-police unit contained 600 members of the armed forces and 400 police from the national police force.²² In 2017, a military officer told the International Crisis Group, “We operate in a grey area....The criminal problem in this country has turned from a public security to a national security issue.”²³

- **Gangs increasingly display a level of political organization that strains and challenges the legitimacy of the state.** To further their interests, gangs have evolved from their criminal origins into political organizations. Gang activities in El Salvador are financed by extortion. An estimated 70 percent of businesses are “taxed” by gangs, particularly in sectors such as transportation, where



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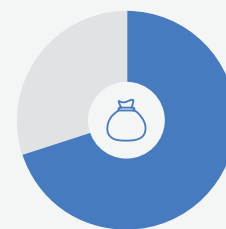
extortion is “virtually institutionalized.”²⁴ In part to maintain their dominance, gangs have sought out political control that subverts the state and undermines democratic processes. At the local level, gangs negotiate with municipal candidates, supplying votes or temporarily reducing violence in certain neighborhoods.

They then maintain leverage over elected officials and influence future decision-making.²⁵ At the national level, gangs send members to enlist as new recruits in the police force and to a lesser extent the military, in order to infiltrate those forces.²⁶ Gangs also send members to train as lawyers and accountants.²⁷

- **Gangs’ significant territorial control provides substantial latitude to carry out violent gang activity.** Widespread extortion grants gangs significant control of public space.²⁸ Particularly, the targeting of the transportation sector restricts freedom of movement for citizens and gives gangs significant control over mobility of goods, services, and people throughout communities. Not only do gangs employ violence, but also, “in an increasing number of neighborhoods throughout El Salvador, the gangs control who enters and leaves, and engage in criminal activity at their discretion.”²⁹ Those who are not in gangs “[believe] that the temporary intervention of authorities will not protect them from the permanent gang presence that surrounds them.”³⁰ Territorial control requires and enables significant violence against civilian populations.

El Salvador has the second-highest rate of violent death in the world, after Syria, in significant part due to gang violence and state response.³¹ The International Crisis Group calculated that there have been 93,000 murders since 1993, of which over half can be considered gang related.³² Many homicides are carried out against civilians, including transportation workers, small-business owners, and women.³³ The violence and threats of violence allow gangs to exert authority and political control in affected communities. At the level experienced in El Salvador (and other communities affected by high levels of gang-related violence), gang violence has characteristics similar to those of war.

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Gang Activity and the WPS Agenda

Once gang violence is understood as a security issue as well as a criminal phenomenon, it becomes clear that the WPS agenda is relevant. As in more conventional conflicts, men often hold the most prominent roles in gangs and in the state response. Yet women are also members of gangs, live in communities in proximity to gang activity, and can be disruptors of gang violence.

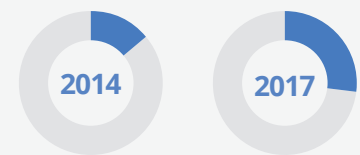
- **Women’s roles can be key to gangs’ growth: women literally give birth to the next generation of gang members and often serve as care providers for gang members.** The overwhelming majority of women gang members have a husband or partner within the gang, and many of the children born within the gang continue to stay with their parents and the group. This means that women are key to the intergenerational growth of gangs; a child might be raised within a gang family or by family members, and the gangs can maintain cross-generational influence.³⁴ Women in Central American gangs have also historically functioned as care providers. They more often perform duties that are traditional Salvadoran women’s tasks, such as chores and cooking, rather than the gang’s violent activities.³⁵ Yet these are critical support roles, akin to the logistics operations of non-state armed forces, that create space for the gang to carry out its activities.
- **Women in gangs are increasingly involved in tasks related to transporting weapons or drugs.** Recently, women have become more involved in gangs’ criminal activities because they can avoid detection by police or victims.³⁶ Like an increasing number of terrorist groups, some gangs use women for tasks related to transporting weapons or drugs, either because the risk of being arrested is greater for a man or because the women have less of a criminal record.³⁷ Women gang members in El Salvador are often involved in smuggling cellphones and drugs into prisons and in supporting kidnapping activities by luring or tricking victims.³⁸
- **Violence against women is a specific tactic used by gangs for control over communities.** The prevalence of violence against women in El Salvador is very high overall and it is aggravated by the use of sexual violence as a tool by gang members. Sexual violence is used not only to force women into submission, but also to create a culture of fear, and to punish community members who disobey the gang. Women gang members can face serious physical violence from rival gangs, police, and their own gangs.³⁹ Violent control over women’s bodies reveals a broader pattern of community control—the unofficial motto of MS-13 is “kill, rape, control.”⁴⁰ Women’s bodies are deployed to initiate new gang members (via sex or birth); to narrow the distance between gangs and communities to dampen neighborhood resistance (via girls taken as *novias*, or “girlfriends of the gang”); and to humiliate communities into submission (via targeted rape and other forms of sexual violence). Women’s bodies help maintain the political economy of a gang, from how it gains to how it maintains power. Addressing the role of women’s bodies is key to dismantling the structures of gangs.



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- **Gangs’ control over communities inhibits civil society, which directly affects women’s ability to serve as leaders in their communities.** Civil society is often a space where women connect and organize. Located outside of traditional domains of power—that is, state and business institutions—civil society can be a refuge as well as a source of influence for the traditionally marginalized. Since women are often excluded from formal institutions, civil society is a means to mobilize to provide services or work for change. Gang violence threatens civil society and constrains women’s political mobility and decision-making.⁴¹
- **Gang violence—and specifically gender-based violence—in El Salvador has caused a humanitarian crisis and significant displacement and migration.** In recent years, the number of people from El Salvador seeking asylum has increased sharply.⁴² Thousands of citizens from El Salvador and other Northern Triangle countries have fled to the United States.⁴³ Due to the high levels of violence against women in the country, which gangs help perpetuate, women make up an increasing proportion of those fleeing.⁴⁴ Only 14 percent of the migrants apprehended by U.S. Customs and Border Protection in 2014 were women, but in 2017 that figure was over 27 percent.⁴⁵

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Ramifications

In El Salvador, traditional anti-gang tactics, such as the *Mano Dura* policies, have had limited success. An updated framing of gang violence as armed conflict points to important ramifications and potential new solutions.

- **Re-envisioning gang violence as a subset of armed conflict meaningfully changes worldwide statistics on armed conflict and violence.** This shift would provide a more accurate representation of the numbers of individuals and countries engaged in ongoing armed conflict and a better understanding of the severity of the impacts on communities like those in El Salvador. Tracking gang-violence deaths more systematically is a critical element in creating these more precise measures of violence. In turn, this could help redirect funding and attention to vulnerable populations that currently lack recognition of the severity of their experience.
- **A change in the classification of gang violence could alter the focus of humanitarian funding and workers.** Currently, humanitarian agencies responding to gang-violence crises are not necessarily under the special protection of international law, because this type of violence is not considered armed conflict.⁴⁶ Additionally, humanitarian aid groups interacting with gang members may be considered associates of criminal actors.⁴⁷ Since both Common Article 3 of the Geneva Conventions and APII contain provisions requiring that humanitarian organizations be allowed to offer their services to victims of NIACs, reclassifying gang violence would create a legal duty by countries to enable access to humanitarian service providers and in doing so, provide existing service providers with greater protections.⁴⁸ If societies saturated by gang violence were classified as traditional armed conflict settings, there could be a significant increase in support and aid for civilians and victims in places like El Salvador.

- **A new perspective on gang violence could shift policy-making priorities.** For example, in the United States, engagement in El Salvador and the Northern Triangle region more broadly focuses on smaller-scale initiatives to combat drug trafficking and deliver high-profile seizures and apprehensions.⁴⁹ Different classifications open other opportunities for engagement, specifically diplomatic, legal, and humanitarian resources that have so far been comparatively underutilized.
- **A deeper understanding of the roles women play in gangs can shed new light on how women engage in violence in other settings.** There is still a gap in knowledge about how women engage in non-state armed groups, whether in gangs, in violent extremist groups, as guerrillas, or as insurgents. Investigating the gendered ramifications of women's roles in gangs can expand knowledge about women's roles in violent organizations and how demobilization, disarmament, and deradicalization are gendered processes.
- **Broadening the WPS field to encompass the challenges posed by high levels of gang violence allows for greater analysis of women's roles in violence prevention and peacebuilding.** The WPS framework has evolved as new challenges have arisen since United Nations Security Council Resolution 1325 was adopted. New areas of the WPS agenda include analyzing violent extremism and climate and environment issues. An expanded WPS agenda offers insights that can help prevent violence, end conflict, and promote peace in communities devastated by gang violence.

Conclusions

Expanding the discussion around gang violence can provide new perspectives and open new opportunities for engagement. This can lead to a better understanding of the severity of violence and recognition of the roles that women play in gangs and in communities affected by gangs. Understanding these facets of the conflict in El Salvador and other places deeply affected by gang violence creates new entry points for engagement. Addressing the impact of gangs on communities is a critical humanitarian issue, and the inclusion of women's voices and experiences is crucial for building long-term peace and stability.

¹ Juan Carlos Garzón and Robert Muggah, "Venezuela's Raging Homicide Epidemic Is Going Unrecorded," *Los Angeles Times*, March 31, 2017, www.latimes.com/opinion/op-ed/la-oe-garzon-muggah-venezuela-violent-crime-statistics-20170331-story.html; Rocio Cara Labrador and Danielle Renwick, "Central America's Violent Northern Triangle," Council on Foreign Relations, last updated June 26, 2018, www.cfr.org/backgrounder/central-americas-violent-northern-triangle; Anastasia Moloney, "Hundreds Flee Gang Warfare in Honduras' Murder City," *Reuters*, May 15, 2017, www.reuters.com/article/us-honduras-displacement-violence/hundreds-flee-gang-warfare-in-honduras-murder-city-idUSKCN18B223; Azam Ahmed, "They Will Have to Answer to Us," *New York Times Magazine*, November 29, 2017, www.nytimes.com/2017/11/29/magazine/el-salvador-police-battle-gangs.html.

² Jessica Farber, "War in Peace: Exploring the Roots of El Salvador's Gang Violence," Council on Hemispheric Affairs, July 18, 2016, www.coha.org/war-in-peace-exploring-the-roots-of-el-salvadors-gang-violence/.

³ Claire Mc Evoy and Gergely Hideg, *Global Violent Deaths 2017: Time to Decide* (Geneva: Small Arms Survey, 2017).

⁴ Associated Press, "A Day without Murder: No One Is Killed in El Salvador for First Time in Two Years," *Guardian*, January 12, 2017, www.theguardian.com/world/2017/jan/12/el-salvador-homicide-rate-murder-two-years.

⁵ Parker Asmann, "What's Behind El Salvador's Recent Drop in Homicides?"

InSight Crime, October 3, 2018, www.insightcrime.org/news/analysis/what-behind-el-salvador-recent-drop-homicides/; Tristan Clavel, "InSight Crime's 2017 Homicide Round-Up," InSight Crime, January 19, 2018, www.insightcrime.org/news/analysis/2017-homicide-round-up/.

⁶ In the early 1960s, the National Conciliation Party took power in a coup, establishing a period of right-wing rule backed by the United States. The FMLN was the primary left-wing opposition to the right-wing government, carrying out a decades-long guerrilla-style conflict. Tens of thousands died on each side of the conflict, nearly a million were displaced, and thousands fled to the United States, Canada, Mexico, and other Latin American countries. In 1991, with the assistance of the United Nations, the FMLN and the ruling ARENA political party signed a peace accord and officially ended the civil conflict, see Farber, "War in Peace"; José Miguel Cruz, "Maras and the Politics of Violence in El Salvador," in *Global Gangs: Street Violence across the World*, eds. Jennifer M. Hazen and Dennis Rodgers (Minneapolis: University of Minnesota Press, 2014), 123-144.

⁷ Farber, "War in Peace."

⁸ Juan J. Fogelbach, "Gangs, Violence, and Victims in El Salvador, Guatemala, and Honduras," *San Diego International Law Journal* 12, no. 2 (2011): 420; DeCesare 2014 Donna DeCesare, "The Children of War: Street Gangs in El Salvador," North American Congress on Latin America, September 25, 2007,

<https://nacla.org/article/children-war-street-gangs-el-salvador>; Farber, "War in Peace."

- ⁹ Despite the perception of extravagant gang lifestyles, most Salvadoran gang members live at subsistence levels. MS-13's annual revenue has been estimated at \$32 million, which, even if divided up equitably among its thousands of members, would provide each member with approximately \$15 per week—without taking into account the cost of lawyers, weapons, and support for those in prison; see Óscar Martínez et al., "Killers on a Shoestring: Inside the Gangs of El Salvador," *New York Times*, November 20, 2016, www.nytimes.com/2016/11/21/world/americas/el-salvador-drugs-gang-ms-13.html; Bryan Avelar, "The Bus Route That Institutionalized Extortion in El Salvador," *InSight Crime*, December 13, 2016, <https://www.insightcrime.org/news/analysis/bus-route-institutionalized-extortion-el-salvador/>.
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- ¹³ Factors used by international courts to assess the intensity of conflict include the number of casualties caused by the conflict; the number of civilians forced to flee combat zones; the occupation of territory, towns, and villages; and the mobilization of government forces to suppress the nonstate armed group. See *Prosecutor v. Boskoski et al.* (ICTY Trial Chamber 2008), para. 177.
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