

Negotiating with Criminal Groups: From Prejudice to Pragmatism

Paper Series of the Technical Working Group on the Confluence of Urban Safety and Peacebuilding Practice

Hugo van den Eertwegh

This paper develops an argument about integrating negotiations with criminal groups into the violence resolution toolbox. This argument is rooted in the recognition that the threat posed to societies by armed violence is simply too large to keep side-stepping this policy option, especially as both the technical skills as well as negotiating opportunities with Criminal Armed Groups (CAGs) exist in many contexts. The argument raises two major questions which this paper seeks to address: 'when' to negotiate with CAGs; and 'how' to negotiate with CAGs. The key observations that are flowing from the argumentation of this paper are as follows.

- Negotiations with CAGs need to be approached as with any non-state armed group (NSAG). Whether or not to negotiate with CAGs should depend on objective criteria.
- Negotiations cannot be only around ending crime or violence, they should be part of a larger societal change agenda.
- Civil society has to be part of the negotiations as an actor, to compensate for the impact of official corruption and impunity that can create a bias against negotiation. In any case, in a discussion about societal change civil society cannot be absent and must be included.
- Access to objective quality information and the use of professional communication strategies are crucial for negotiations with CAGs.

The issue of negotiation with CAGs is sensitive in many contexts. By developing an argument for the use of negotiation with CAGs, this paper hopes to contribute to reflections about practical and effective approaches to reduce violence and increase safety in urban contexts.

1. Assessing the risks to negotiate

When discussing negotiations with CAGs one usually encounters a range of staunch objections which turn around concepts of sovereignty and justice, and

This article develops an argument for integrating negotiations with criminal groups in the violence resolution toolbox, especially in contexts where the opportunities to do so exist

The Geneva Peacebuilding Platform is a joint project of four institutions:



QUNO
Quaker United Nations Office

are peppered with flakes of morality. Below I discuss three main risks generally associated to negotiating with CAGs and explore why they provide insufficient ground to dismiss negotiations with such groups as a tool towards ending chronic levels of (urban) violence.

Risk 1: Entering into negotiations with CAGs will lend (political) legitimacy to them

The concern of legitimizing armed groups is an old fear of state and city authorities. It harks back to the Weberian political concept that legitimacy rests on the popular acceptance of an authority.¹ As such, legitimacy is part of the social contract between the state and its citizens in which consent, in exchange for security and services, has largely replaced state coercion. In order to be able to protect the security of its population the state has the monopoly on the use of force. In many countries, through their actions – both violent and non-violent – CAGs challenge this monopoly of the use of force and the services a state should provide, undercutting the precepts of the social contract and state legitimacy.

Hence, one could argue that once a state remains unable to establish control over a certain part of territory – or a specific part of a city – that a *de facto* transfer of legitimacy takes place to the controlling group through ‘domination’ of that part of territory. In many contexts the controlling groups can be categorized as CAGs. In some contexts this ‘domination’ may fluctuate between opposing groups, but the absence of the state in providing basic services and, especially, security for its citizens often remains a constant. Zaluar describes, for example, the situation in Rio’s Favelas as follows:

Drug Commandos have transient skirmishes to dispute territory within the favelas where their markets are located. As a result of the ensuing military-type control, in most areas inside favelas or near them, the drug lords or “donos” [owners] restrict the movements of residents and government agents, therefore limiting access to public services such as schools, health agencies and sports compounds. Residents of one favela cannot enter the territory of an “enemy” favela, even when delivering goods, visiting friends and relatives, or when on dates. If they do, they are killed, especially if they are young men.²

An even more explicit statement was made by (former) Mexican President, Felipe Calderon, who said that cartels are “imposing fees like taxes in towns they dominate, extorting money from both legitimate and unauthorized businesses. ... This has become an activity that defies the government, and even seeks to replace the government, ... they are trying to impose a monopoly by force of arms, and are even trying to impose their own laws.”³

In reaching this level of domination, CAGs and NSAGs *modi operandi* converge, both in the illegality of their methods to challenge the state (violence) and in the way they obtain the means to carry out their struggle (funded through criminal activity). In order to achieve their goal, both resort, among many other activities, to assassinations, kidnapping, corrupting state officials, confronting state security forces, forced recruitment or the setting up of a ‘tax system’

¹ Joseph Bensman, ‘Max Weber’s concept of legitimacy’, in Robert Jackall and Duffy Graham (eds.), 2015, *From Joseph Bensman: Essays on modern society* (Knoxville: Newfound Press, 2015), pp. 325-367.

² Alba Zaluar, ‘Turf War in Rio de Janeiro: Youth, drug traffic and hyper-masculinity’, *Vibrant – Virtual Brazilian Anthropology*, v.7, n.2. (2010), p.18; and Ludmilla Mendonca Lopez Ribeiro, Carolina Moulin Aguiar, ‘Old problems and old solutions: an analysis of Rio de Janeiro’s public safety policy and its impact on urban violence’, *HASOW discussion paper 7*, (2013), p. 12.

³ AP Foreign, ‘Mexico: Cartels move beyond drugs, seek domination’, (August, 2010) <http://www.theguardian.com/world/feedarticle/9206056>; and Richard Schultz, Douglas Farah and Itamara Lochard, ‘Armed Groups: a tier-one security priority’, *INSS Occasional Paper 57*, USAF Institute for National Security Studies, USAF Academy (2004).

be it in the shape of 'voluntary' revolutionary taxes or extortion.⁴ What differs is that the end-goal for NSAG is to replace or change a regime or political system; whereas for CAGs it suffices to 'shape' governance to fit its purpose, hollowing out its essence of state authority (at a local or national level), without replacing the 'shell' or 'appearance' of such authority.⁵ By getting into the business of dominating territory both CAGs and NSAGs move into the legitimacy-realm of a state through the provision of security and services – activities reserved for the state under a Weberian notion of governance.

In this context, the question is: What more legitimacy can state authorities lose through considering negotiations with CAGs? Some observers point out that CAGs obtain a stage to present their claims (internationally), garnering both additional external support as well as further strengthening credibility towards their communities.⁶ Even though these risks exist, past experiences in peace processes with groups like the Liberation Tigers of Tamil Eelam (LTTE), Irish Republican Army (IRA) and *Euskadi Ta Akatasuna* (ETA), have shown that any additional perceived legitimacy due to participation in official peace negotiations did not survive beyond a failed process.⁷ Any obtained legitimacy was only preserved once groups actively contributed to the implementation of agreements.⁸ Also, it is questionable whether in the internet age CAGs or NSAGs still need such a 'platform' to enhance their legitimacy.

A final observation is that CAGs usually don't reach the levels of control and domination described above without substantial 'assistance' from the state itself, through corruption, and poor governance for instance.⁹ This raises the delicate point that 'the state' and 'CAGs' are usually not two distinct and opposed sets of actors, but are often connected to each other in various ways and at various levels. From this perspective, the question of what lends legitimacy to CAGs becomes more complicated. For example, excessive violence by state or city police forces against the resident population risks contributing to a *de facto* strengthening of local legitimacy of CAGs as the State's legitimacy dwindles due to these abuses. In this regard, a

⁴ Paul Rexton Kan, 'Mexican cartels as vicious firm', *Small Wars Journal*, (2015); and Michael L. Gross, *The ethics of insurgency: a critical guide to just guerilla warfare* (Cambridge: Cambridge University Press, 2015), pp. 204-210.

⁵ See Achim Wennmann, 'Negotiated exits from organized crime? Building peace in conflict and crime-affected contexts', *Negotiation Journal*, vol.30, no.3 (2014), p. 256; and John P. Sullivan, 'How illicit networks impact sovereignty' (Johannesburg: Institute for Strategic Studies, 2014), pp. 1-2; and Ana Glenda Tager and Isabel Aguilar Umaña, '*La tregua entre pandillas: hacia un proceso de construcción de paz social*' (Guatemala City: Interpeace, 2013), p.32-32; and John M. Hagedorn, 'The global impact of gangs', *Journal of Contemporary Criminal Justice*, vol. 21 n° 2 (2005), p. 157-158.

⁶ Chris van den Borgh and Wim Savenije, De-securizing and re-securizing gang policies: the Funes Government and gangs in El Salvador, *Journal of Latin American Studies*, Vol. 47, part 1, (2015), p. 173; and David Petrusek, 'Assymetric mediation: Armed groups and peace processes – take 2', *Working paper, Mediators retreat – Oslo*, (Geneva: Centre for Humanitarian Dialogue, 2004), pp. 4, 7.

⁷ Jonathan Powell, '*Talking To Terrorists*', (London: The Bodley Head, 2014).

⁸ David Petrusek, 'Assymetric mediation: Armed groups and peace processes – take 2', *Working paper, Mediators retreat – Oslo* (Geneva: Centre for Humanitarian Dialogue, 2004), pp. 8-9.

⁹ Baris Cayli, 'Social networks and the Italian mafia; the strong and the weak parts', *CEU Political Science Journal*, vol. 03 (2010), p. 407; and Kevin Lewis O'Neill and Kendron Thomas Ed, *Primero de Julio, Urban experiences of class decline and violence, in Securing the City* (Durham: Duke University Press, 2011), pp.59-64; Eduardo Salcedo-Albaran and Luis Jorge Garay Salamanca, 'Structure of a transnational criminal network: 'los zetas' and the smuggling of hydrocarbons', *Vortex Working Paper n° 12* (2014), pp. 35-37; Anabel Hernandez, 'Los señores del narco' (Mexico City: Random House Mondadori, 2012); John Dickie, *Mafia Republic, Cosa Nostra, 'nDrangheta, Camorra: 1946 to the present'*, Sceptre, 2013; Paola Monzini, 'Groupes criminels dans la ville: une comparaison Naples Marseille', *Méditerranée*, N° 1.2 (2001), p. 38.

recent study on Central America shows that under "some circumstances police transgressions have a greater impact on the legitimacy of the political system than crime or insecurity".¹⁰

Risk 2: Negotiations will give CAGs simply time to (re)organize themselves

CAGs abusing negotiations to win time or strengthen their overall criminal structure is certainly a potential risk, but it applies across the board to negotiations with any armed group, be they state security forces or NSAGs.¹¹ As Zartman notes: "It is difficult at the outset to determine whether negotiations are indeed serious or sincere, and indeed true and false motives may be indistinguishably mixed in the minds of the actors themselves at the beginning."¹²

In El Salvador the argument that gangs abused 'negotiations' to strengthen their structures has been strongly put forward in opposition to the truce process between rival 'maras'.¹³ As an argument against any negotiation, this is fair enough. However, if opponents are really so interested in preventing that the 'maras' are strengthened with Government complicity, they should also not shy away from looking closely at failed (security) policies over the last decade and their impact on strengthening 'maras' in the first place. Studies indicate that it has been the different '*mano dura*' policies in the early 2000's which have pushed the gangs to 'reorganize, regroup and recruit'.¹⁴

Under these 'tough-on-crime' policies the '*ley anti-maras*'¹⁵ was introduced which criminalized anyone being (perceived as) a '*marero*'. Targeting entire groups of youth, deepened their sense of exclusion¹⁶ and bolstered members' defiance identity and perverse integration.¹⁷ As an example of the arbitrariness, between July 2003 and August 2004, 19'275 persons were arrested under the anti-maras law, from these in the end only 975 actually received a sentence.¹⁸ All this

¹⁰ José Miguel Cruz, 'Police misconduct and political legitimacy in central America', *Journal for Latin American studies*, vol. 47, no. 2, (2015), pp. 269-275.

¹¹ James Cockayne, strengthening mediation to deal with criminal agendas, The Oslo Forum Papers n° 002 (Geneva: Center for Humanitarian Dialogue, 2013), pp. 6, 10.

¹² I. William Zartman, The timings of peace initiatives: hurting stalemates and ripe moments, *The Global Review of Ethnopolitics*, vol 1, no.1 (2001), p. 9.

¹³ Alirio Uribe, La Semana, April 2015 (<http://www.semana.com/nacion/articulo/alirio-uribe-proyecto-declarar-las-bacrim-actores-del-conflicto/423270-3>); and Alberto Arce, 'El Salvador throws out gang truce and officials who put it in place', *New York Times International*, May 21, 2016; and Angelica Duran-Martinez, Jose Miguel Cruz, 'Hiding violence to deal with the state: criminal pacts in El Salvador and Medellín', *Journal of Peace Research*, vol. 53, no. 2 (2016), pp. 200-201.

¹⁴ José Miguel Cruz, 'Maras and the politics of violence', in '*Global gangs: Street violence across the world*', Jennifer M. Hazen and Roberts (eds.)(2014), p. 136; Stephen Dudley, 'Gangs in Central America', Congressional Research Service, Report for Congress (2009), pp. 20-21; and Universidad de Centro America (UCA), *Maras y Pandillas en Centroamérica, pandillas y capital social*, volume 2' (2007); and Juan Carlos Garzon Vergara, 'The criminal diaspora: the spread of transnational organized crime and how to contain its expansion', *Woodrow Wilson Center Reports on the Americas*, vol. 31 (2013), p. 12-13.

¹⁵ See Ley Anti-Maras (Decreto N° 158, 2004); and Isabel Aguilar Umana, Bernardo Arévalo de León and Ana Glenda Tager, 'El Salvador, Negotiating with gangs', ACCORD 25 (2013).

¹⁶ José Miguel Cruz, 'Maras and the politics of violence', in '*Global gangs: Street violence across the world*', Jennifer M. Hazen and Roberts (eds.) (2014), p. 132-136.

¹⁷ Alba Zaluar, '*Integração perversa*'. Rio de Janeiro: Editora FGV, (2004); and Alba Zaluar, 'Perverse integration: Drug trafficking and youth in the Favelas of Rio De Janeiro', *Journal of International Affairs*, Vol. 53, No. 2 (2000)

¹⁸ Universidad de El Salvador, '*Análisis del estado constitucional de derecho y democracia en El Salvador: informe ejecutivo*' N° VII (2013), p. 33.

was compounded by assassinations of gang members as security services took the law into their own hands.¹⁹

El Viejo Lin, national leader of the Barrio 18 gang in El Salvador had the following to say on the issue of reorganization:

The persecution of our brothers has been the fertilizer that has made the gangs grow. They capture five this week. Within a month, there are ten more. They put the father in jail, his kids are next. When those kids grow up, then the grandkid is next. He has a wife, she gets pregnant, that kid is already part of it. Do they achieve anything massacring or jailing us? We doubt it..."²⁰

In response, the 'maras' organized to defend themselves and imprisonment helped consolidate group ties and strengthen hierarchy.²¹ Developing links with transnational organized crime provided needed income and weapons,²² intensifying clashes between gangs and pushing El Salvador into a downward spiral of escalating violence. This trend came on top of inherent state fragility due to the preceding civil war and deportations from the US of many thousands of youth, many with criminal records.²³

The El Salvador example underlines that the risk that negotiations are used by CAGs to strengthen their structures needs to be placed into a wider perspective. Also, 'abusing' a negotiation process to strengthen one's operational capacity is of course not only the prerogative of CAGs as Government forces play the same game of using negotiations to buy time and possibly catch a group off-guard to deliver a final military blow. These are common strategic dilemmas of dialogue and negotiation processes which are inherently prone to the potential destabilizing effect of violent acts on a negotiation dynamic.²⁴

Risk 3: Negotiating with CAGs undermines the rule of law, disrespects victims and incentivizes people to enter into crime

In order to fight crime, many governments make significant concessions to the rule of law in their countries. This is especially the case when emergency criminal justice regimes erode constitutional rights and democratic values in order to defeat CAGs. Anti-crime laws are a good example. In Mexico, for instance, the 'arraigo' concept allows for the arrest and detention of up to 80 days of anyone suspected of involvement in organized crime.²⁵ Another example is the

¹⁹ Mark Ungar, Policing Youth in Latin America, Gareth Jones and Dennis Rodgers E., *Youth violence in Latin America* (Houndmills: Palgrave Macmillan, 2009), p. 212; and Jon Moran, 'Crime and Corruption in new democracies', Palgrave Macmillan (2011), p.122-126; and David James Cantor, 'The new wave: Forced displacement caused by organized crime in central America', *Refugee Survey Quarterly* (2014), p. 19; and Tutela Legal del Arzobispado, 'La violencia homicida y otros patrones de grave afectacion a los derechos humanos en El Salvador', *Informe de las investigaciones y lucha contra la impunidad* (2006); and Baltimore Sun, 'Black Shadow' vigilante group creates new climate of fear in El Salvador', (1995) http://articles.baltimoresun.com/1995-05-25/news/1995145176_1_el-salvador-black-shadow-san-salvador.

²⁰ Steven Dudley, 'Barrio 18 Leader 'Viejo Lin' on El Salvador Gang Truce', *InSightCrime*, 07 June 2013.

²¹ Robert Muggah and Ilona Szabo de Carvalho, 'Changes in the neighbourhood: Reviewing citizen security cooperation in Latin America', *Irapé Institute, Strategic Paper 7* (2014), p. 27.

²² David James Cantor, The new wave, forced displacement caused by organized crime in central America, *Refugee Survey Quarterly* (2014), p. 8.

²³ World Bank, 'World Development Report: Conflict, Security and Development. Washington DC: World Bank, 2011), p. 78.

²⁴ Kristine Höglund, *Peace negotiations in the shadow of violence* (Leiden: Martin Nijhoff Publishers, 2008).

²⁵ Cecilia Toledo Escobar, 'El uso e impactos del arraigo en México', *FUNDAR* (2014), p.3; In El Salvador in order to fight the gangs further legal reforms were pushed through which now classify gangs as terrorist groups. As a

Colombian emergency legislation which, remaining in place for decades, has created a parallel criminal justice structure in which citizens' rights are significantly reduced.²⁶ In addition to these legislative measures, there is the region-wide use of the military in law enforcement with tens of thousands of troops carrying out public security functions, often without the proper training or equipment or coordination between forces. Neither is there much oversight nor any clear view on when the deployments might end. In Guatemala, 21'000 troops are deployed to maintain security throughout the country. In El Salvador, 7'000 troops are involved in public security, including Special Forces brigades to fight gangs which were created in 2015.²⁷ In Mexico 45'000 troops are deployed in support of public security operations.²⁸

In addition, in regions like Central America impunity reigns as very few cases are investigated even less actually lead to convictions. As an example for the region, between 2011 and 2013, in the Northern Triangle (Guatemala, Honduras and El Salvador), 48,947 people were murdered leading to convictions in 2,295 cases, representing an impunity rate of some 95%.²⁹ On top of this, victims reaching out to the state often find themselves stigmatized and institutions ill-equipped to meet their needs.

Regardless of the above, negotiations with CAGs could put further pressure on the perception of justice as compromises will have to be made with CAGs in order to end violence. This, however, is not new; and not less painful than transitional justice arrangements after inter- or intra-state armed conflicts or dictatorships. Similarly, also deals done within the normal criminal justice system do not necessarily provide satisfactory results for individual victims.

The question is thus rather which instrument is most appropriate in a certain circumstance to achieve the greater public good, as in the end societies have to find an acceptable balance between the various societal tensions. The truth and reconciliation commissions (TRC) in South Africa, for example, together with the transition to an ANC Government, have mitigated the absence of criminal prosecution of members of the Apartheid regime. Other trade-offs were made to reach agreements with ETA and the IRA. None of these solutions were perfect or satisfactory to all, and for former South African president De Kleck the absence of some key players in the TRC, for example, such as the National Party and the Inkata movement, left South Africa more divided than ever after the departure of the TRC.³⁰ Regardless of this, they were politically considered to be acceptable solutions at a given time.

Transitional and restorative justice arrangements could thus provide interesting tools to deal with situations of criminal violence. Again, if there is space to come to agreements with NSAGs,

consequence, simply belonging to a gang is sufficient to result in a 15-year prison sentence. See '*Asamblea legislativa convierte en delito pactos con pandillas*', *ElFaro*, April 21, 2016.

²⁶Alekandro Madrazo Lajous, 'The constitutional costs of the war on drugs: Ending the drug wars', *Report of the LSE expert group on the economics of drug policy* (2014), pp. 55-60.

²⁷Loren Riesenfeld, 'El Salvador to deploy special forces to combat gangs', *InSightCrime*, (May 2015).

²⁸Peter J. Meyer and Clare Ribando Seelke, 'Central America Regional Security Initiative: Background and policy issues for Congress', *Congressional Research Service, Report for Congress R42731*, (2014), p.13; and '*Se mantienen 45 mil soldados en la calle por seguridad*', *Mexico Noti.Net*, May 2015.

²⁹Suchit Chávez y Jessica Ávalos, 'Los países que no lloran a sus muertos', *La Prensa Grafica*, (March 2014); and Gareth Jones and Dennis Rodgers (eds), '*Youth Violence in Latin America*', Palgrave Macmillan (2009), p. 9; and Eric L. Olson, (ed.), '*Crime and Violence in Central America's Northern Triangle*', Woodrow Wilson International Center for Scholars (2015), p. 2; and Juan Antonio le Clerq y Gerardo Rodriguez Sanchez Lara, '*Índice Global de Impunidad*', IGI, 2015, Centre de estudios sobre impunidad y justicia CESIJ, Universidad de las Américas Puebla (2015) pp. 63-64; and Maureen Meyer, 'Release of three soldiers accused of extrajudicial killings raises further questions about Mexico's commitment to justice', *WOLA*, May 18, 2016.

³⁰Jonathan Powel, *Talking to Terrorists* (London: The Bodley Head, 2014), p. 305.

perpetrators of war crimes and crimes against humanity, including 'terrorist groups', there should be space to work out arrangements around CAGs.

Overall, high levels of corruption and impunity should weigh considerably in the balance on what real justice and respect for the rule of law for the population is all about.³¹ For example, a recent survey in Mexico showed that 49% of those interviewed believe that public authorities are involved in criminal activity and only 4% of those interviewed has trust in municipal and state police.³² This then begs the question of what 'incentivizing crime' actually means in the first place. Rather than possible negotiations with CAGs, it is more often the state itself through corruption and lack of opportunities for its people that gives the signal that 'crime pays' and there is really no other option to gain a living.

2. Precedents of negotiations with CAGs

"Politics and the Mafia are two forces that share the same space: they either fight each other or come to an agreement."³³ This statement of anti-Mafia magistrate Paolo Borsellino underlines the political reality that states either fight or come to an 'agreement' (negotiate) with criminals or CAGs. In case of the latter, this is usually done regardless of the risks previously mentioned and I would like to briefly look at a few interactions.

To start with, there are negotiations within the criminal legal framework. These negotiations are most common and concern mostly individual arrangements between a criminal actor and the state ('plea-bargaining'), usually an exchange for information on a criminal network or high level criminal actor in exchange for reduced sentencing (and possibly protection). Very famous are the '*pentititi*' in Italy and the insights they have given into the workings of the different transnational organized crime structures in Italy. In El Salvador the concept is called '*testigo criteriado*' which has been used very widely to incarcerate gang members. These legitimate negotiations remain within the confines of the criminal justice system and are done without the involvement of victims.

Within this sphere are also the use of informants, infiltrated agents and different types of 'sting' operations. Grey areas where constantly interests are balanced, allowing lower level criminal activity to happen in order to crack down on higher echelons of a criminal network. These are all engagements where there are elements of negotiation, be it direct (between state and informant) or indirect (allowing certain activities to continue) which often lack oversight and at times help reinforce CAGs. A recent case was the 'fast&furious affair' in the US where the ATF had allowed the 'walking' of weapons from US arms dealers via straw purchasers across the border into Mexico in order to arrest the buyers. In the process some 2'000 weapons, many of which military grade (AK-47, AR-15), 'walked' into the hands of Mexican drug cartels. Apart from the fact that US agencies lost trace of more than half of these weapons, many were later identified at crime scenes in Mexico. When this affair was exposed it led to political tensions

³¹ Peter J. Meyer and Clare Ribando Seelke, 'Central America Regional Security Initiative: Background and policy issues for Congress', *Congressional Research Service, Report for Congress R42731*, (2014), p. 8; and Fabio Armao, 'Criminal clusters: State and organized crime in a globalized world', research note, *The European Review of Organized Crime* vol.1, no.1, (2014), p. 2.

³² 'Seguridad y confianza: encuesta telefónica nacional', *Centro de Estudios Sociales y de Opinión Pública (CESOP)*, Cámara de diputados LXIII Legislatura, Mayo 2016 (diputados.gob.mx/cesop), slides 29 and 30.

³³ "Politica e mafia sono due poteri che vivono sul controllo dello stesso territorio: o si fanno la guerra o si mettono d'accordo." Unofficial translation by the author.

between the US and Mexico, as well as within the US Government.³⁴ These operations raise the question of how risks were evaluated (and against what) when taking the decision to go ahead with such an operation, compared to the risks which are quickly presented when proposing negotiations with CAGs. Another grey area are kidnapping negotiations with CAGs.

Other types of arrangements concern tacit agreements between a Government and criminal groups to respect each other's space. It allows for the Government to present a calm and relatively peaceful environment, whereas it allows at the same time for criminal groups to carry out their business without too much interference. A classic example here is the *entente cordiale* between the PRI in Mexico and different criminal groups.³⁵ Very common in Latin and Central America is also the financing of candidates of (local) electoral campaigns by CAG in order to obtain political support including with regard to influencing the drafting of legislation.³⁶

Then there is a wide array of commercial agreements, triangulations between political, business and criminal actors involving from granting permits, violating (indigenous) land rights to complex money laundering schemes.³⁷

A last category of illegal interactions are covert operations. This involves Government involvement with criminal groups to attain some broader objective. A well-documented example is the CIA weapons deliveries to the contras in Nicaragua in exchange for allowing drugs to enter the US.³⁸

In addition to the above, there are humanitarian negotiations with criminal groups, mainly around projects or specific situations (for instance on access for health personnel) in violence affected neighbourhoods.³⁹

Gang truces have also taken place in various places, most recently in Medellin, Belize and El Salvador.⁴⁰ All after an initial positive start with important impact on homicide rates, over time did not last. Much of this is blamed on the gangs involved and their dishonesty, however, in El Salvador the truce was also torpedoed by powerful spoilers within the establishment as well as due to a lack of popular support mostly linked to the upper middle class (a segment of society

³⁴ United States Department of Justice, 'A Review of ATF's Operation Fast and Furious and Related Matters', *Office of the Inspector General Oversight and Review Division* (2012); and Full coverage: ATF's Fast and Furious scandal, *LA Times* (June 2012).

³⁵ Ioan Grillo, *El Narco, the bloody rise of the Mexican drug cartels*, Bloomsbury Publishing (2012) pp. 35, 52-53; and Gema Santamaria, 'drugs, gangs, and vigilantes: how to tackle the new breeds of Mexican armed violence', *NOREF* (2014), p. 7.

³⁶ An example here is the case of former Colombian President Samper who allegedly received millions of dollars from the Cali-cartel for his 1994 presidential campaign. *elNuevoHerald*, 'Cartel de Cali dio 10 millones de dólares a campaña de Samper, dice hijo de capo' (May 2014).

³⁷ For an overview of political corruption in Latin America: Ivan Briscoe, Catalina Perdomo, Catalina Uribe Burcher, 'Illicit networks and politics in Latin America', *International IDEA, NIMD and Clingendael Institute* (2014), pp 31-52 & 251-253; and Dawn Paley, 'Drug War Capitalism', AK Press (2014).

³⁸ United States of America v Jose Rafael Abello Silva, Reporter's transcript of proceedings (April 1990) <http://nsarchive.gwu.edu/NSAEBB/NSAEBB2/docs/doc17.pdf>.

³⁹ Elena Lucchi, Humanitarian actors' struggle for access, impartiality, and engagement with armed non-state actors, *PHAP*, (2014).

⁴⁰ Karin Planta and Véronique Dudouet, 'Fit for negotiation? Options and risks in the political transformation of non-conventional armed groups', *NOREF Reports* (2015), p. 4-5; for more details on truces in Medellin, see Angelica Duran-Martinez, Jose Miguel Cruz, 'Hiding violence to deal with the state: criminal pacts in El Salvador and Medellin', *Journal of Peace Research*, vol.53, no.2, March 2016, pp. 198 -199, 201 -204.

that is not necessarily the most affected by armed violence).⁴¹ With regard to the Belize gang-truce, money and commitment ran out.⁴² In Medellin the truce collapsed after the extradition of strong man aka 'Don Berna' to the US.

In sum, there is a solid case to be made that state interaction or negotiation with CAGs is very much a reality and not uncommon. Yet, in many contexts such interaction is either illegal, hidden, *ad hoc* and with little or no (democratic) oversight. This raises the question that if the mantra that 'states do not negotiate with criminals' is anyway not respected, why not try more constructive and transparent engagements than what has been done so far and seize engagement opportunities which actually offer the possibility to reduce armed violence and improve urban safety.

3. Criteria for engaging CAGs

When starting to explore criteria for engagement with CAGs three recognitions may frame this effort:

1. Negotiating with CAGs implies risks, but these are similar to negotiations with other armed groups and hence should be approached much the same way.
2. Governments or states are an important part of the problem with regard to CAGs and the violence they produce, both through poor governance, high levels of impunity and endemic corruption. This should be added to the equation when assessing risks of negotiating with CAGs. Engagements is not one sided, but include both state and non-state related dynamics of organized crime.
3. There exists already substantial interaction between different state authorities and CAGs in many contexts; yet most of it is not geared towards violence reduction and is usually *ad hoc* and lacking oversight.

In many contexts, ending criminal violence through negotiations is a concrete opportunity and can be a policy alternative to increase security and safety, especially in urban contexts. The attention on the issue of negotiations with CAGs should therefore rather focus on 'when' and 'how' to negotiate, than on 'if' or 'why' to negotiate.

3.1 When to engage

Zartman refers to the concept of the 'ripeness' of a conflict as the key moment to engage, a situation that is normally linked to parties having reached a 'mutually hurting stalemate' (MHS) which occurs "when parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful for both of them."⁴³

How can the MHS concept be applied to CAGs and situations of armed violence? CAGs are not seeking a particular victory, so when do they reach their part of the MHS?

⁴¹ Mabel González Bustelo, 'El Salvador's gang truce: a lost opportunity?', *Open Security conflict and peace building* (May 2015) <https://www.opendemocracy.net/opensecurity/mabel-gonz%C3%A1lez-bustelo/el-salvador%E2%80%99s-gang-truce-lost-opportunity>.

⁴² Jeremy McDermott, 'Money Runs Out for Belize Gang Truce', (December 2012) <http://www.insightcrime.org/news-briefs/money-runs-out-for-belize-gang-truce?highlight=WyJiZWxpemUiLCJiZWxpemUncyJd>.

⁴³ I. William Zartman, 'The timing of peace initiatives: Hurting stalemates and ripe moments', *The Global Review of Ethnopolitics*, vol. 1, no. 1 (2001), 8-18, p. 8.

I would posit that what is different with CAGs is that the concept of 'victory' is a more individual victory, the continuation of a certain lifestyle. The 'stalemate' is the moment where, through individual actors, a majority of a group reaches a point of disillusionment around the realization that it is stuck in a perpetual cycle of violence from which the only escape is jail or death. CAG members of course know this and often even brag about it as a way of life ('*la vida loca*'), but many come to a point where they see more shades of grey and where alternatives to crime and violence become attractive.

These dynamics have been expressed very clearly by the leaders of different '*maras*' during the truce process in El Salvador. They are looking for a way out and a way to help their families back into society from which they have become largely excluded.⁴⁴ Zaluar describes a similar sentiment when talking with gang-members released from prison in Rio de Janeiro:

When they talk about the past, they do not seem to miss it or wish to go back to the same path. Although some liked to boast of their fearless actions confronting enemies, displaying prowess and pride, most referred to this time as a very difficult one because suspicion, self-interest and the yearning for money made real friendship impossible. The images they report are of a time in which they were surrounded by enemies and had to watch their backs constantly, something I also registered when interviewing young boys on the verge of becoming traffickers.⁴⁵

None of the persons interviewed had gotten rich as everything had disappeared in "corrupt policemen, lawyers, women, loans to family members, relatives or friends, parties and feasts."⁴⁶ They were ready to move away from crime but found it impossible to get jobs as Brazilian law demands for an applicant to provide a document ascertaining that s/he has never been arrested.

These are, in my view, all expressions of, albeit individual, hurting stalemates and therefore the MHS theory has its relevance for CAGs. Though rather fleeting, it is identifiable and quantifiable and much will depend on the skill and contextual knowledge of a mediator. If, as in El Salvador, they are expressed by the leadership of a gang there is real potential to transpose this view onto a larger group simply due to their central role in the peer-network in which gang members interact with each other. Gang-leaders have an impact on behaviour well beyond any other factor, including family.⁴⁷ This is reflected by statements of Barrio 18 leader El Viejo Lin when asked what younger gang members thought of the truce process:

For the younger generation, this doesn't matter. They are there because we have sat them down, explained it to them. We are on top of them. And they're getting it, they're getting it. There are obstacles, difficulties. This is not easy. But no one said it was going to be easy. We think this is a historic process. If this doesn't work...If this doesn't work, we don't have any idea what will happen. It's hard.⁴⁸

⁴⁴ Raul Mijango, 'Tregua entre pandillas y/o proceso de paz en El Salvador', (San Salvador: Red-Imprenta, 2013).

⁴⁵ Alba Zaluar, 'Turf War in Rio de Janeiro: Youth, drug traffic and hyper-masculinity', *Vibrant – Virtual Brazilian Anthropology*, v. 7, n.2. (2010), pp. 22-23.

⁴⁶ Ibid.; and Christophe Cramer, 'Unemployment and participation in violence', *World Development Report 2011*, World Bank, Background Paper.

⁴⁷ John M. Hagedorn, The global impact of gangs, *Journal of Contemporary Criminal Justice*, vol. 21 no 2 (2005), p. 163; and Alba Zaluar, 'Turf war in Rio de Janeiro: Youth, drug traffic and hyper-masculinity', *Vibrant – Virtual Brazilian Anthropology*, vol. 7, no.2. (2010), p.17.

⁴⁸ Steven Dudley, 'Barrio 18 Leader 'Viejo Lin' on El Salvador Gang Truce', *InSightCrime*, 07 June 2013.

On the side of governments, the issue of victory is more straightforward. Thus, it will need to come to a more classic stalemate, feeling the (political) 'pain' of continuing to fight on. The prejudice against CAGs and a Government's 'moral obligation' to fight crime tends to erode capacity of accepting that a hurting stalemate has been reached. This is compounded by rapid electoral cycles where candidates have to again show their toughness on crime. Though rendering everything more complex, these issues are also familiar challenges with regard to negotiations with NSAGs.

The 'ripeness-theory' is about the antagonistic relationship between 'warring' parties to a conflict reaching a MHS. I would argue that in the case of armed violence one of these 'warring parties' is also the general public in a violence-affected area (neighbourhood, region) because they have the biggest stake in violence reduction.

This is especially the case when corruption, impunity and poor governance make state authorities a critical part of the violence problem and as such not truly representative of the people affected by the violence.⁴⁹ Once the separation of powers which lies at the heart of the democratic state becomes eroded due to endemic levels of corruption and impunity, the state becomes (at least partially), an actor on the problem-side. As discussed above, this reduces its legitimacy, creating a void⁵⁰ which is often partially filled by CAGs, but also by civil society actors that are detached from both State and CAGs and therefore can become a separate actor in a negotiation process.

As a separate actor, 'the public' will have its own 'pain' and concept of 'victory', which can be transferred upon the MHS concept. The level in which the public has reached a stalemate will determine its acceptance of any negotiations with CAGs, a crucial precondition for the sustainability of a process. A 'hurting stalemate' for the public therefore could be quite different than for a Government, as well as its concept of 'victory'. For example, for the public the issue of insecurity is often not only linked to CAGs, but also to state security forces, including the police.

This leaves a more complicated negotiation-field wherein the question very much revolves around the 'how' of the participation of 'the public' in the process as an actor. Again, this is also nothing new when comparing discussions about 'inclusive participation' in peace processes related to inter- or intrastate armed conflict.⁵¹

Beyond participation, the issue of timing is also related to 'ripeness'. To start any process at the end of a political cycle, for instance, would be unadvisable. Negotiating with CAGs is simply too easy a target for any political opposition to attack. A better use of pre-election periods is to prepare the ground so that after elections a process can start.

3.2 How to engage

Cockayne argues that it is important to be very clear about the desired end-state of a negotiation and pay attention to careful sequencing in the shift away from criminal rents. He considers the latter particularly complicated as, unlike NSAGs with their political agenda, there are few steps in what has to be delivered by criminal groups apart from stop committing crimes. This creates the risk of a zero-sum game as CAGs will find it practically impossible to give up

⁴⁹ Kees Koonings and Dirk Kruijt (eds.) *Fractured Cities: Social exclusion, urban violence and contested spaces in Latin America* (London: Zed Books, 2007), p. 20.

⁵⁰ Kees Koonings and Dirk Kruijt (2007), *Id.* p. 17-19.

⁵¹ Thania Paffenholz, 'Broadening participation in peace processes: dilemmas and options for mediators' (Geneva; Centre for Humanitarian Dialogue, 2014).

crime from one day to the next, and for a government to have CAGs continue commit crimes during a gradual phase out period cannot be sold to its population. Therein lies a dilemma.

Transiting from violent to peaceful societies implies replacing shadow or 'coping' economies, and this requires time and the acceptance that change does not come in a neat sequential process. Markets need to be able to absorb any additional labour force and policy-makers need to understand the impact of shadow economies on households and communities.⁵² All this needs to be done without creating voids that could be exploited by dissidents or other groups, which means that for some time both the legal and the illegal are likely to have to coexist as part of a transition process.⁵³ This is a very complex exercise that will require strong commitment on all sides, a real willingness to understand the workings of a CAG and a lot of patience and trust. Social investment will take time and re-integrating people into society who in their lifetime have only seen violence and exclusion is a massive task, as is fighting prejudices and reforming justice and political systems.

What is offered to a CAG during this transition period and will a population (and victims) accept this? What will they receive in compensation? It links in to Cockayne's observation that it is very difficult "to mobilize and sustain the economic transformation required to resolve criminal agendas without losing social support for the process"⁵⁴ this especially when a process is in crisis and when the 'balance of payment' between disbursed funds and the reduction in violence and crime is uneven.

Public participation – or rather having 'the public' as a distinct actor in a negotiation – could be a possible way to reduce the impact of this imbalance. As party to a negotiation, civil society can partly steer discussions, rather than merely being a bystander or occasional participant. So far public participation in peace processes has never really been 'at par' with the parties, though negotiations in Colombia, Guatemala and Mali came quite close with regard to the level of direct public involvement in the peace process.⁵⁵ With the public as an actor one would go beyond that and really create a triangular negotiation environment which, as a consequence, would move a process somewhat beyond the state, reducing its negotiation 'power' (sovereignty).⁵⁶

⁵² John M. Hagedorn, 'The global impact of gangs', *Journal of Contemporary Criminal Justice*, vol.21 no.2, (2005), pp. 160-161; and Karen Ballentine and Heiko Nitzschke, 'The political economy of civil war and conflict transformation', *Berghof Research Center for Constructive Conflict Management* (2005), pp. 3, 8-9, 19; and United States Institute for Peace, 'Control over the illicit economy and economic-based threats to peace', p.3 <http://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/9-sustainable-economy/control-ov>.

⁵³ UNODC (United Nations Office on Drugs and Crime), '*Delincuencia organizada transnacional en centroamérica y el caribe, una evaluación de amenazas*', (Vienna: United Nations, 2012) p. 80.

⁵⁴ James Cockayne, 'Strengthening mediation to deal with criminal agendas', *Oslo Forum Papers*, No.2, (2013), p. 10-11.

⁵⁵ Catherine Barnes (ed.) '*Owning the process: Public participation in peacemaking*', *Conciliation Resources*, (2002), pp. 38-72; and ACCORD, '*Public Participation in peace-making*', *ACCORD Policy brief* (2009); and Enrique Alvarez and Tania Palancia Prado, '*Owning the process: Public participation in peace-making. Guatemala's peace process: context, analysis and evaluation*', *ACCORD* (2002); more on public participation see Lisa Schirch, '*Structuring public participation in official peace processes - Afghanistan: pathways to peace*', *Policy brief 4, 3D security initiative* (2009); and Gilberto Algar-Faria, '*FPC Briefing: understanding the conditions necessary for fruitful negotiations in Afghanistan*', *The Foreign Policy Centre* (2013); and Lawrence Susskind, '*Complexity science and collaborative decision making*', *Negotiation Journal*, Vol.26, No.3 (2010); Isabel Aguilar Umana, Bernardo Arévalo de León and Ana Glenda Tager, '*El Salvador: Negotiating with gangs*', *ACCORD* 25 (2013), p.4.

⁵⁶ Sukanya Podder, '*From spoilers to statebuilders: Constructive approaches to engagement with non-state armed groups in fragile states*', *A thematic paper supporting the OECD DAC INCAF project*, Cranfield University

Such a process requires a lot of pre-negotiating and can take a long time, but it would allow for a much more bottom-up and transparent process in which also corruption of the state can be addressed. How to practically organize 'the public' as an actor, through representation, focus groups, large public debates or other will need to be seen for each situation. However, the sustainability of negotiated outcomes and accepted trade-offs will strongly benefit from having had 'the public' go through the full negotiation cycle up to an agreement.

A key question will be about how the involvement of 'the public' can bring legitimacy to a process and provide what Cockayne's described a 'social support' needed to sustain negotiations with CAGs. This is especially important when a certain level of criminal activity continues, as well as when implementation of an agreement becomes contested. Participation can initiate a wider dialogue on issues of social exclusion and enable CAG members to re-connect with a society from which they have withdrawn, and which they perceive as largely hostile (and vice versa).⁵⁷ If parties can work through significant periods of tension it can create a stable base for implementation and a realistic view for all of the 'way out' of crime and violence.

Another key point is the need for quality information and careful communication to guide a process. Communication should follow the example of Nelson Mandela in South Africa by using a language to heal the nation, not further antagonize it.⁵⁸ With regard to CAGs, credibility and 'honour' are important concepts which both negotiators and government officials will have to internalize in their communication and interaction. To limit the impact of disinformation, a credible news or information platform where people can access reliable information could be imagined.⁵⁹ A third party could play this role, including a news agency or NGO, ideally with local public participation.

Trauma and anxiety are to be taken into account as part of the impact of chronic violence on a population, including perpetrators.⁶⁰ This can affect reasoning processes on all sides and needs to be integrated into the challenges surrounding negotiations with CAGs.⁶¹

Justice and the fight against impunity is of prime importance to avoid people falling back into armed violence, and it includes accountability of the state.⁶² This needs to be integrated from the beginning and all parties have to accept a return to democratic values as often, due to the chronic violence, very harsh opinions have been formed on what criminals 'deserve'. The LAPOP

(2012), p.19; Such a process would also strengthen the democratic oversight role of civil society. See Archel Riade Koumou Itouiba, *'Strategies pour la prevention et la resolution des conflits armés'* (Paris: L'Harmattan, 2016), pp. 94-97.

⁵⁷ Interpeace, talking in relation to the (now defunct) truce between gangs in El Salvador described the importance of public participation in the change it needs to undergo, as a civil society, as much as a government needs to change course in its approach to gangs. As such it needs to overcome prejudice and moral bias. Ana Glenda Tager and Isabel Aguilar Umaña, *'La tregua entre pandillas: hacia un proceso de construcción de paz social'* (Guatemala City: Interpeace, 2013), p.36.

⁵⁸ Seelke mentions the negative impact of sensationalist media coverage of the gang phenomenon in Central America. Clare Ribando Seelke, 'Gangs in Central America', *Congressional Research Service, Report for Congress*, 7-5700, RL 34112, (2014), p. 6.

⁵⁹ On the use of (social) media and big data for conflict transformation see Joseph G. Bock, *'The Technology of Nonviolence, social media and violence prevention'* (Cambridge: MIT Press, 2012)

⁶⁰ Tania Adams, 'Chronic violence and non-conventional armed actors: A systemic approach', *NOREF Report* (2014), pp. 4-7.

⁶¹ T.W. Ward, *'Gangsters without borders'* (Oxford: Oxford University Press, 2013), p.57.

⁶² Christian Parenti, 'Crime as social control', *Social Justice*, (2000); on the negative impact of police brutality: Antonio Sampaio, 'Criminal gangs fight back in Rio's favela's', *Jane's Intelligence Review* (2014), pp-4-5.

survey (*Proyecto de Opinion Publica de America Latina*) showed that support for the break with democracy due to criminal violence is the highest precisely in those countries where violence is highest.⁶³ Due to high crime rates and very low conviction rates, people have low levels of trust in law enforcement, which has in turn increased support for government initiatives aimed at increasing the role of the military in public security. The LAPOP data shows that

those who have been victims of crime or who perceive that crime is increasing in their countries express less support for the political system and the rule of law than other citizens, including less support for the idea that police should always obey the law. In extreme cases, people in some Central American countries have taken justice into their own hands by carrying out vigilante killings of those suspected of committing crimes.⁶⁴

This trend will need to be reversed and negotiations with CAG could be a good starting point to do so. This will also include working on improvements of conditions of detention inside prisons and treatment of detainees, first and foremost dealing with the high levels of overcrowding.⁶⁵ Many members of CAGs will in the end remain incarcerated, which is something the public demands and most CAG members can accept as an outcome. However, as prison conditions in many countries are appalling, this alternative becomes unacceptable.

Considering that CAGs will probably have no experience in official negotiation procedures, time will have to be spent to explain the process. A strong third party would probably be advisable to provide technical support, help the process along, protect it during setbacks and accompany implementation. As mentioned earlier, religious actors could play a role here as they often have the trust and confidence of both the State and CAGs.⁶⁶

An international 4th party as an observer or witness, as was the Organization of American States in the case of El Salvador, can also help foster further goodwill as well as mobilize funds needed for implementation of any agreement. CAGs involved in a negotiation are also likely to become more politically conscious something a 4th party can also accompany.⁶⁷

Identifying sponsors and spoilers of negotiations and, where possible, limiting their capacity to harm the process, will be a key task during negotiations. Both will either have to be co-opted as much as possible, or their impact neutralized. Much like in post-conflict situations, interests of elites will have to be catered for.⁶⁸ Powerful third parties, including private business, could play

⁶³ Tania Marilena Adams, 'Chronic Violence and non-conventional armed actors: a systemic approach', *NOREF Report* (2014), p.6.

⁶⁴ José Miguel Cruz, 'The impact of violent crime on the political culture of Latin America: the special case of Central America', in M. Seligson (ed.), '*Challenges to democracy in Latin America and the Caribbean: Evidence from the Americas Barometer 2006-2007*', Vanderbilt University press (2008); and Rob Canton, 'Crime, punishment and the moral emotions: Righteous minds and their attitudes towards punishments', *Punishment and society*, vol.17, mo.1, (2015), pp.54-72..

⁶⁵ Marcelo Bergman, Luis Enrique Amaya, Gustavo Fondevila, Carlos Vilalta, '*Reporte de cárceles en El Salvador*', Universidad Francisco Gavidia (2015); and United States Department of State, '*El Salvador 2013 Human Rights Report, Country Reports on Human Rights Practices for 2013*', Bureau of Democracy, Human Rights and Labour (2013), p.3.

⁶⁶ Theresa Whitfield, 'Mediating criminal violence: Lessons from the gang truce in El Salvador', *Oslo Forum Papers*, no.1 (2013), pp. 16-17; and Steven Dudley, '5 Differences between El Salvador, Honduras Gang Truces'. <http://www.insightcrime.org/news-analysis/5-differences-between-el-salvador-honduras-gang-truces>.

⁶⁷ For an overview of 3rd party mediation, see Vicenc Fisas Armengol, 'The Principles of mediation and the role of third parties in peace processes', *NOREF Report* (2013).

⁶⁸ Craig Valters, Erwin van Veen, Lisa Denney, 'Security in post-conflict contexts', *Overseas Development Institute, Dimension Paper No.2*, (2015), pp.22-24; and Stephen John Stedman, 'Spoiler Problems in Peace Processes', *International Security*, Vol 22, N°2 (1997).

an important role here, the latter especially as the monetary aspect has been a key driver for armed violence. Religious entities (Catholic Church, Pentecostal church, etc.), also need special mention here as they often have influence over both actors and sponsors and spoilers. In fact, for gang-members 'religious awakening' is one of few possibilities members have to leave a gang.⁶⁹

Finally, labelling groups as 'criminal', though legally correct, does not promote dialogue and national and international legal restrictions on engagement with CAGs should ideally be suspended for the duration of talks. An example, from armed conflict, is the suspension of the arrest warrants for members of the FARC-EP while negotiating in Cuba.⁷⁰

Conclusion

Overcoming the moral hurdles and prejudices associated to negotiating with CAGs is a complicated journey in a state-centric world, very similar to the one taken to start to overcome objections in relation to negotiations with liberation movements, NSAGs and terrorist groups during the course of the 20th century. It remains difficult to free us from the shackles of indignation and fear related to CAGs, even if it could help communities move away from the endless chain of violence that surrounds them. Moving towards an objective assessment of reality, at times to the detriment of individual or group interests of the stronger party, takes courage and strength, but with such political will, policy space can open and with it opportunities for negotiations with CAGs to forge lasting exits to violence and towards more inclusive and safer countries and cities.

In the end, negotiating with CAGs is not essentially different from negotiating with NSAGs and there is therefore no need for complex new schemes or new negotiation or mediation handbooks. Use what exists and avoid trying to create new categories with new guidelines, which will only confirm prejudices. Existing negotiation and mediation practices can be transposed onto interactions with CAGs and risks with regard to such groups need not to be exaggerated but, as objectively dealt with as with NSAGs. Dealing with criminal rents should also not be made into something new as it is a reality as well in negotiations with other NSAGs.

More experience is required in integrating 'the public' as an actor into negotiations between state authorities and CAGs, in creating as neutral and accessible as possible information spaces, and in assuring discreet accompaniment by outside actors who can guarantee delicate transformation processes.

⁶⁹ Alba Zaluar, 'Turf war in Rio de Janeiro: Youth, drug traffic and hyper-masculinity', *Vibrant – Virtual Brazilian Anthropology*, vol. 7, no..2(2010), p.22.

⁷⁰Walter Kemp and Mark Shaw, 'From the margins to the mainstream: toward an integrated multilateral response to organized crime', *International Peace Institute* (2014), p. 16; also Britt Sloan and James Cockayne, 'Terrorism, crime and conflict: exploiting the differences among transnational threats?', *Center on Global Counter-terrorism Cooperation*, Policy Brief (2014), pp.4-5.

About the author

Hugo van den Eertwegh has been working mostly in the field for the International Committee of the Red Cross (ICRC) since 2000, the last three years he has been Operations Coordinator for the Americas region.

The views expressed in this article are those of the author. The author would like to express special thanks to Achim Wennmann for his comments and support.

About the Technical Working Group

The Technical Working Group on the Confluence of Urban Safety and Peacebuilding Practice brings together focal points on urban safety of cities with peacebuilding, peace mediation and conflict prevention practitioners in order to help craft solutions to the rapidly increasing risk of conflict & insecurity in urban settings. It is co-facilitated by the United Nations Office at Geneva, UN-Habitat's Safer Cities Programme and the Geneva Peacebuilding Platform. For more information, see: <http://www.gpplatform.ch/pb-city>.

About the Geneva Peacebuilding Platform

The Geneva Peacebuilding Platform is an inter-agency network that connects the critical mass of peacebuilding actors, resources, and expertise in Geneva and worldwide. Founded in 2008, the Platform has a mandate to facilitate interaction on peacebuilding between different institutions and sectors, and to advance new knowledge and understanding of peacebuilding issues and contexts. It also plays a creative role in building bridges between International Geneva, the United Nations peacebuilding architecture in New York, and peacebuilding activities in the field. The Platform's network comprises more than 4,000 peacebuilding professionals and over 60 institutions working on peacebuilding directly or indirectly.

The Geneva Peacebuilding Platform is a joint project of four institutions: The Centre on Conflict, Development and Peacebuilding (CCDP) of the Graduate Institute of International and Development Studies; the Geneva Centre for Security Policy (GCSP); Interpeace; and the Quaker United Nations Office, Geneva (QUNO).

Series Editor
Dr. Achim Wennmann, Executive Coordinator
© **Geneva Peacebuilding Platform, 2016**