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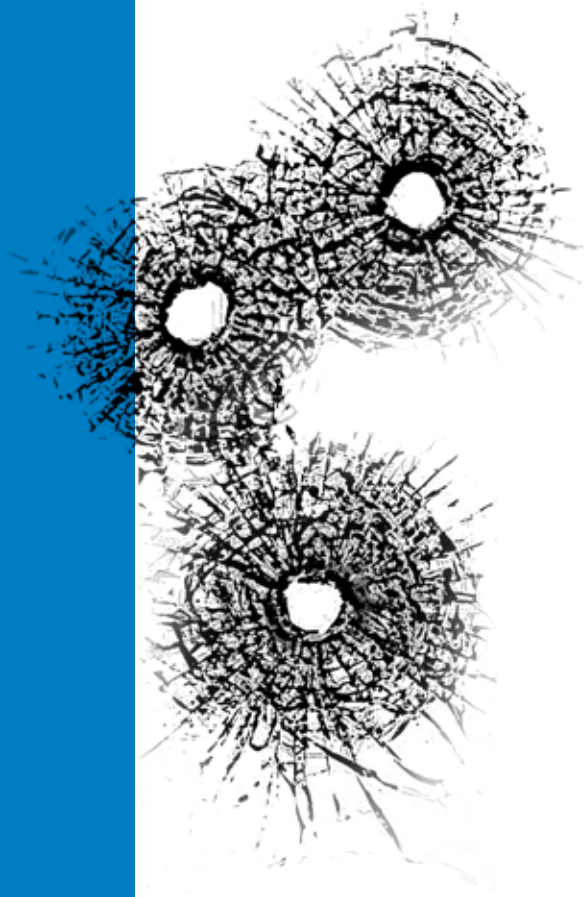
The Northern Triangle's drugs-violence nexus

The role of the drugs trade in criminal violence and policy responses in Guatemala, El Salvador and Honduras

Drugs and Democracy Programme



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Introduction

Since the start of Mexican president Felipe Calderón's military crackdown on drug trafficking organizations (DTOs) in 2006, Mexico has occupied the limelight when it comes to media attention focusing on drug-related violence in Latin America. However, while this 'Mexican focus' continues to be prevalent, it is actually Central America's Northern Triangle[1] – consisting of Guatemala, Honduras and El Salvador – which is currently experiencing much higher rates of violence and increasing DTO activity, thus providing an illustration of the 'balloon effect' previously experienced by Mexico itself after the implementation of Plan Colombia which was conceived at the end of the 90's. Together, the countries of the Northern Triangle now form one of the most violent regions on earth. Both El Salvador and Guatemala have been experiencing murder rates higher than those recorded during the countries' civil wars. But it is Honduras – though having been spared the kind of bloody civil wars as experienced by its neighbours – which currently occupies first place on worldwide homicide rate rankings.

Although it is clear that the violence in Honduras, El Salvador and Guatemala is pervasive and able to destabilize these Central American societies to a large extent, no consensus seems to exist on its exact causes. As in Mexico, much of the violence is attributed to the increased role of Central America as a transit region for controlled drugs destined for the US. While this is to a certain extent justifiable, the possibility of involvement in the drug trade as a symptom of underlying social-economic issues rather than a prime cause of violence and crime in itself should certainly not be overlooked. Another issue often mentioned is the existence of large gangs, or maras, in the region, which foster a culture of machismo and criminal behaviour and have thereby contributed significantly to the high levels of criminal violence. For this problem underlying causes can of course be identified as well, but it should also be noted that the involvement of maras in drug trafficking operations is reportedly growing, taking the form of both collaboration as well as competition with DTOs. One of the most important factors contributing significantly to rising crime levels is, paradoxically, the infamous *mano dura* (iron fist) responses to crime on the part of the region's governmental authorities, showing that the 'cure' might very well be worse than the disease it is meant to treat. Again, this situation can be compared to that of Mexico where the militarization strategy against DTOs has been accompanied by a severe escalation of violence in the country.

This paper will first address the particulars of the high levels of criminal violence in the Northern Triangle. Then an attempt will be made to map out the extent to which the drug trade in general, and in particular the involvement of Mexican DTOs and their part in the region's criminal violence, are important factors in each of the countries of the region. We will then explore the recently reinvigorated debate on alternative approaches to drug control strategies in the Americas. In spite of the similarities of the challenges posed to El Salvador, Guatemala and Honduras when it comes to drug-related problems and criminal violence, the positions occupied by the political leaders of these countries in this incipient debate differ considerably. Further sections of this paper will go into the drug legislation of these countries, as well as the main drug control strategies they have been following to determine how the differences in rhetoric matches actual policies. Then, because of the US opposition to alternative approaches to the war on drugs, important co-operation

frameworks between the US and countries in the Northern Triangle will briefly be described in order to assess US leverage in promoting its preferred drug control strategies in this region.

Violence

Homicide rates

It is common practice to rely on statistics regarding a country's intentional homicide rates to assess the levels of criminal violence of a particular territory. Reports on such rates in Central America show a widespread consensus that the countries of the Northern Triangle – especially Honduras and El Salvador – are among the most violent in the world with the recent rise in violence causing homicide rates in Guatemala and El Salvador to exceed those of the periods during which these countries experienced their civil wars, which in both cases ended in the 1990s. The United Nations Office on Drugs and Crime (UNODC) - relying mainly on data provided by the countries' national police forces – reports that the homicide rates per 100.000 inhabitants for 2011 were as follows: 92 in Honduras, 70 in El Salvador, 39 in Guatemala and 24 in Mexico. UNODC figures show an increase of 161% in Honduras' homicide rate since 2005. For the same period, El Salvador's rate increased almost 11%, while Guatemala saw a small decrease after an initial increase in 2008 and 2009.[2] However, the quality of police records that deal with cases involving homicides varies widely throughout the region, explaining the existence of diverging estimates but also the difficulty in determining to what extent homicides are related to organized crime and gangs. Homicide typology data are extremely limited as it is not uncommon for qualitative information and levels of detail on case files to be insufficient, both on the international as well as on the national level. This causes estimates of homicides attributable to organized crime to vary widely, from 10 to 50% for some ten countries in the Americas for the period 2007-2009.[3]

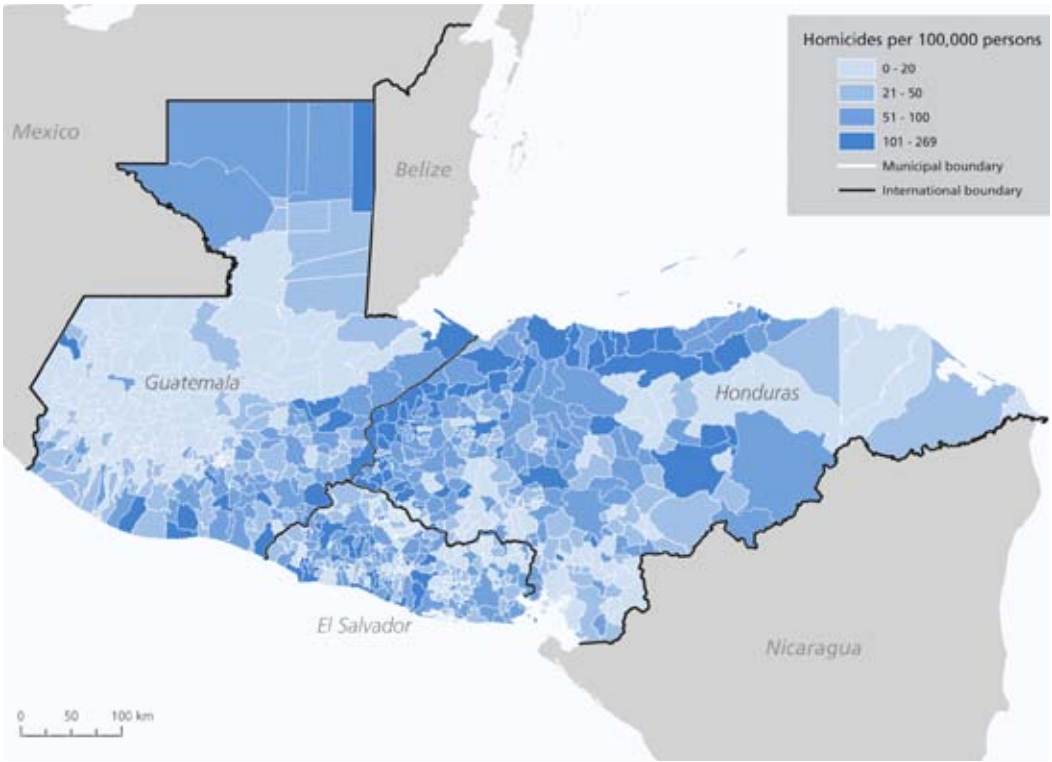
While most reports focus on homicide rates at the national level, it is also important to look at the sub-national level in order to create a proper understanding of the situation in the Northern Triangle. In doing so, it becomes clear that, somewhat surprisingly perhaps, most homicides do not occur in the region's urban areas, but rather, in the provinces, especially in Honduras and Guatemala. This fact sheds more light on the drug-violence nexus in the region, as many of the areas with higher levels of intentional homicides are precisely those that are of great strategic importance to drug traffickers such as border crossings or ports and, by extension, the focus of law enforcement crackdowns on smuggling operations. In particular, border provinces between all three countries, those which offer direct access to both the Atlantic as well as the Pacific Ocean, and the Guatemalan Zacapa (94 murders per 100,000 inhabitants in 2011) and Petén provinces (much more than other areas on the Guatemalan-Mexican border) have been affected.[4]

Causes

It is not uncommon for research into the causes of these high homicide levels to suggest that the relatively recent occurrence of civil wars in Central America has left behind a legacy of violence –with an extensive arsenal of weaponry being a very important part of this inheritance – and that as such these conflicts might serve as an explanation for the proliferation of criminal violence over the last decade. It may well be

that this assumption is to some degree correct, at least in the cases of Guatemala and El Salvador. Nevertheless, the need for caution in designating these armed conflicts as a definite causal variable for current levels of violence is well illustrated by the case of Honduras; a country which, in spite of not having gone through this type of widespread conflict as recently as its neighbours, ranks as the world's number one when it comes to homicide rates per 100,000 inhabitants.[5] Another development that has been mentioned as a cause of rising violence is the region's transformation to a neoliberal economy which has led to a lack of opportunities for young marginalized citizens as a consequence of growing social exclusion.[6] Zinecker, on the other hand, excludes poverty and general inequality as the main causal variables for the violence in Guatemala, Honduras and El Salvador, mainly basing his claim on a comparison of these three countries with Nicaragua where violence levels are relatively low but which scores worse on several poverty and development indexes than both Guatemala and El Salvador. Rather, he claims that high levels of migration to the US and the related high share of remittances in the region's economies have had an adverse effect on social structures and local job opportunities, providing incentives for citizens to engage in criminal behaviour and to form connections with criminal organizations. Just as important is the absence of effective structures of deterrence, explained by failing state security apparatuses and an interest of parts of the oligarchy in the proliferation of violence.[7] An

Map: Homicide rates by municipal area in 2011



Source: UNODC, elaborated from data from national police (Guatemala, El Salvador) and Observatorio de la Violencia (Honduras)

illustration of such a lack of effective structures of deterrence is offered by Latin American citizens' 2010 assessment of their national police forces: the police force considered to perform the worst was that of Guatemala. The Honduran police was considered to be the third least effective force in the region. El Salvador did somewhat better, but its score had dropped significantly compared to that of the preceding year.[8]

It should thus be clear that there are a variety of developments and particular contextual factors that can serve as explanatory variables in the research into the causes of the Northern Triangle's criminal violence. Notwithstanding, there is one factor that has been increasingly gaining attention in reporting on the matter, specifically in the context of Guatemala, El Salvador and Honduras: that of international drug trafficking. Given the recent intensification of drug smuggling in the Northern Triangle, the partial shift of trafficking routes to (and within) this region and the growing presence of (Mexican) DTOs, it is all too easy to arrive at the conclusion that drug trafficking – and its accompanying variables such as turf wars, corruption, possibly increasing drug use- should now be seen as the main cause of rising violence. While there is undoubtedly a connection between intensified trafficking activities and increases in criminal violence, it is of the utmost importance to submit to careful scrutiny the subsequent counter-narcotics law enforcement crackdowns in the region as a contributory cause of rising homicide rates and other types of violence. Also not be overlooked is the role of underlying causal factors – such as poverty, social inequality and fragmentation, recent civil conflicts, failing state institutions -which have likely served as enabling factors, allowing the drug trade to flourish in the Northern Triangle in the first place.

To what extent violence in the Northern Triangle is actually drug-related, is unfortunately extremely difficult to determine. It has been argued, for example, that in Honduras the political struggles following the 2009 coup have caused connections between law enforcement, security forces, politicians and organized criminals to shift to such an extent that distinguishing between drug violence and politically motivated violence has become next to impossible.[9] Also, as noted above, the quality of homicide typology data – to the extent that these are available in the first place – is highly variable, making it difficult to determine the share of reported homicides that is related to organized crime or gangs. By extension, with DTOs being a particular type of criminal organization and gangs increasingly becoming involved in the drug trade, it is even more difficult to obtain reliable statistics on the extent to which homicides in the Northern Triangle are related to the drug trade. On a related note, the UNODC has argued that drug-related lethal violence is prompted first and foremost by changes in drug markets, rather than by trafficking levels per se. It seems that at least part of the drug-related homicides in Central America can be attributed to such threats to the status quo, either in the form of growing law enforcement counter-drug efforts or changes in the amounts of drugs being trafficked through the region which causes criminal organizations to vehemently fight for control of territory and drug markets.[10] These clashes among DTOs, and between DTOs and law enforcement, are thus to a large extent the cause of the region's high homicide rates, a fact that is all too often overlooked by media outlets eager to portray violent gang members operating under the influence of drugs as the most important 'sources' of violence.

So, while one should be cautious in automatically attributing too much of the Northern

Triangle's violence to drug-related causes, it is clear that the region's increased role as a transit region for controlled drugs has been accompanied by a substantial rise in homicide rates and other types of violence. In large part, this has to do with the high financial stakes involved for DTOs: using Central America as a trafficking route for cocaine creates an added value for criminal revenues that is allegedly equal to no less than 5% of the region's GDP.[11] This bare statistic gives those involved in the drug trade a clear incentive to fight for control over trafficking routes and drug markets with whatever means at their disposal. Whereas cocaine seizures were concentrated in Mexico and the Caribbean in the 1980's and 1990's, the 2000's have seen a shift to Central America. Currently, the US Department of State estimates that around 95% of the cocaine entering the US from South America passes through the Mexico and Central American corridor. The share of this trade stopping first in a Central American country before being shipped to Mexico is growing; the estimate increasing enormously from 42 to 80% between 2008 and 2011.[12] These figures and the potential revenues they represent make clear why it is not uncommon – nor necessarily wrong – for the increasing drug trade in the Northern Triangle to be listed among the main reasons for escalating criminal violence in the region.

Nevertheless, as in Mexico, DTOs in Central America have started to diversify their criminal activities, increasingly branching out into extortion, kidnapping, weapons smuggling and human trafficking. Garzón Vergara notes that this broadening of criminal DTO enterprises into other types of illegal economies – supposedly to break away from their dependence on drug trafficking – means that it is of growing importance to "confront illegal economies in their totality and move beyond the drug trafficking monologue."[13] Diversification of illegal activities, however, is not the sole prerogative of drug traffickers; as will be noted in the next section, Central American gangs such as the Barrio 18 (M-18) and Mara Salvatrucha 13 (MS-13) seem to have stepped up their participation in the drug trade, sometimes leading to cooperative agreements with DTOs, but also to violent clashes with the latter organizations about control over trafficking routes, which has further contributed to the upsurge in violence in the Northern Triangle.

Gang truce in El Salvador

In the context of violence in the Northern Triangle, the truce that has been brokered between El Salvador's main street gangs, MS-13 and M-18, merits special attention. In March, bishop Fabio Colindres and former congressman Raúl Mijango got incarcerated gang leaders to agree to stop the lethal violence between their rival organizations. Soon after negotiations were concluded, some thirty high-profile gang members, many of them leaders considered highly dangerous, were transferred from a maximum security prison to lower-security facilities where detainees had their right restored to receive visitors. Many believed that this transfer was part of a deal with the gang leaders, the move to prisons with laxer security measures also having been necessary to allow them access to telephones in order to communicate with their subordinates outside the prisons the order to stop assassinations.[14] Authorities were quick to deny any direct link between this transfer and the willingness of incarcerated gang leaders to order a reduction in violence levels.[15] Now, after six months have passed and the truce has proven to be surprisingly durable, public security minister Munguía Payés and the brokers of the truce are telling a different

story. Not only is there a connection between demands on the part of gang leaders in the context of the truce and their transfer to lower-security prisons, it has also been disclosed that, with the explicit consent of president Mauricio Funes, the public security minister was in fact the initiator of the strategy of negotiation that has so successfully reduced homicide levels; the average daily homicide rate is now 5.5, considerably less than the 13.6 rate which was the average until March 2012.[16]

Officials from both Honduras and Guatemala – countries where the competition between street gangs is also an important source of criminal violence -have expressed their interest in the Salvadoran strategy at a conference on organized crime in Central America. Honduran security minister Pompeyo Bonilla said that it is an initiative that deserves to be replicated in his own country given the fact that Honduras has the highest homicide rate in the world. The Guatemalan interior minister López Bonilla similarly expressed himself, albeit in somewhat more moderate terms, stating that the gang truce is an initiative that should be studied to see whether it can be exported to other countries in the region.[17] Still, public engagement of government officials in negotiations with criminal organizations such as the street gangs is an extremely controversial issue and whether this is a viable strategy for violence reduction in the Northern Triangle as a whole is quite doubtful. Also, the Salvadoran agreement pertains to just two gangs and focuses mainly on deadly violence.[18] As yet, it is not clear what the impact on levels of other types of criminal acts will be, and whether killings committed by other groups – possibly with an interest in breaking the truce – will eventually increase.[19]

What the consequences of this truce will be for the gangs' co-operation with the DTOs in the region remains to be seen. Perhaps the reduction in the rampant and sometimes undisciplined violence committed by the maras can counter some of the DTOs' objections to collaboration, as it might contribute to the maras becoming somewhat more disciplined and able to keep a lower-profile. Padre Antonio – a clergyman known for his work with reintegrating former gang members- does see a possible link between the gang truce and increased influence for DTOs; he warns of El Salvador becoming a 'narco-state', fearing that the lower incidences of violence as a consequence of the truce might open up a 'space' for the institutionalization and stabilization of drug-trafficking in the country.[20]

Gangs, DTOs and Transportistas

The drug-criminal violence nexus in the Northern Triangle distinguishes itself from that in, for example, Mexico because of the rather complex interplay of a variety of criminal groups with traditionally different backgrounds, activities and modus operandi. Rather complex and shifting linkages have developed between gangs, *transportistas* (transporters) and Mexican DTOs operating on Central American soil.

There are two main types of drug trafficking organizations in Central America: managers and transporters. The role of managers is mainly fulfilled by Mexican organizations (on which more below), which obtain the required supplies from the source countries through Peruvian, Colombian and Bolivian groups. The other category - of *transportistas*- are groups with prior knowledge of trafficking routes and the necessary contacts in government circles because of their long experience with thievery and smuggling contraband. Currently, the

central task of these *transportistas* is to convey drugs from South America to Mexico, hence their name. Increasingly, however, these groups have broadened their sphere of activity within the drug trade, operating as local distributors and as suppliers of marijuana, raw materials for synthetic drugs, as well as poppy for the production of heroin. In both Guatemala and Honduras, the transportista business is largely family-based. In the latter country, the most infamous players are the brothers Rivera, who run the Cachiros gang.[21] In Guatemala, the Mendozas, Lorenzanas and Leones are the three families that have traditionally dominated the business, maintaining a relative equilibrium in part thanks to their connections among the higher echelons of Guatemalan public officials. Some of the Guatemalan transportista groups also succeeded in establishing contacts in Colombia, enabling them to obtain drugs directly from the source and transporting the drugs through their own networks in Central America. The arrival of Mexican DTOs, however, challenged this status quo, one notable incident occurring in 2008 when the Mendozas reportedly hired Los Zetas (criminal group from Mexico formed by deserted special forces) against the Leones family, only for this to be followed by a firmer hold of this Mexican group over drug trafficking operations in the country. Seeing themselves faced by the threat of DTOs severely undermining their influence and taking over their territories, these traditional *transportistas* groups have recently been trying to rethink their tactics, regroup and forge stronger connections with law enforcement and government agencies. Whether this will enable them to hold onto – or regain – some of their power, however, remains to be seen.[22]

Increased seizures of cocaine (the transport of which requires a level of administrative and logistical complexity which suggests the involvement of larger organizations), rising homicide rates which are also changing in nature, and the coinciding of higher violence levels with strategic trafficking routes, are all factors that indicate a growing involvement of Mexican DTOs in the Northern Triangle, with Honduras and Guatemala being the countries that are most affected.[23] As noted, these organizations started to move parts of their operations and trafficking routes to Central America in response to their country's intensified law enforcement and military anti-drug trade efforts. Their financial power, experience and relatively efficient hierarchical organization have allowed them to effectively take over certain territories, markets and trafficking routes. The Mexican cartels with the strongest presence in the Northern Triangle are the Sinaloa cartel and Los Zetas, while the Gulf cartel is also present but plays a relatively minor role. The main reason for these DTOs to strengthen their foothold in this area is its geographical location which, as noted, makes it very suitable as a transit region for drugs heading for the US from South America. In addition to these trafficking operations, the criminal organizations have increasingly started to use Central America as 'drug warehouses'.[24]

The gangs operating in the Northern Triangle form another factor meriting attention when examining the dynamics of Central American drug trafficking. Generally, especially compared to that of full-fledged DTOs from Mexico, gang control over drug trafficking operations in the region is limited. Their participation in drug trafficking is definitely expanding, but the extent to which maras are to blame for the emergence of Central America as a key transit region is often exaggerated. The ability of Mexican DTOs to take control over large swathes of territory in the Northern Triangle, and the difficulty experienced by the local maras in some of their attempts to wrest control of the drug trade from the DTOs, can

be explained by the general lack of organizational sophistication within the gangs and the fact that the appearance of their members, mainly because of their facial tattoos denoting allegiance to a particular gang, makes them ill-suited for public interaction in operations in which a low-profile is required.[25] Still, in spite of the general increase in DTO presence and limited gang control over drug trafficking in the region, each country in the Northern Triangle is experiencing different levels of cooperation and shifting alliances between traditional drug trafficking organizations, Mexican DTOs and maras.

Guatemala

It has been reported that in 2009 at least 5 out of Guatemala's 22 departments were effectively under the control of criminal groups engaged in drug trafficking, with estimates for 2010 and 2011 ranging from 40 to 50% of the country's territory.[26] Initially, Guatemalan traffickers thought they would be able to benefit from the increased presence of Mexican DTOs by forging partnerships with them. According to a leaked 2009 diplomatic cable, however, these local organizations severely overestimated their own strength and saw themselves forced to place large parts of their networks of corrupt public officials – prosecutors, members of Congress, police, judges – at the disposal of the Mexicans.[27] The discovery of 17.6 tons of cocaine paste in a cargo container from Taiwan in Puerto Quetzal in August 2012, combined with the interception of tons of precursor chemicals over the course of the same year, suggest that Guatemala is also becoming a producing country instead of just a transit region. Nevertheless, as no major laboratories for the production of controlled drugs have yet been discovered, the role of Guatemala as an important drugs producer should not be overestimated.[28]

In Guatemala, Los Zetas have 'evolved' into one of the biggest threats since their arrival through Petén in 2007, when they established themselves by forging ties with the (now captured) Guatemalan trafficker Horst Walther Overdick.[29] As in Mexico, Los Zetas have become known in the Northern Triangle for their brutal tactics. Examples include two incidents that occurred in May 2011: the murder and decapitation of 27 peasants in Petén reportedly in retaliation for the ranch owner losing a drug shipment, and the murder and dismemberment of a local assistant prosecutor in Cobán as revenge for law enforcement having seized a shipment of cocaine.[30] Operating in eight departments, Los Zetas have become the largest criminal organization in the country, according to Interior Minister Lopez Bonilla. Some claim this increased influence stems in part from their successful recruiting tactics among members of local criminal organizations whose leaders have been incarcerated by the authorities. Others, however, found that the local criminal organizations operate according to a logic largely incompatible with that of Los Zetas, as a consequence of which the latter group avoids recruiting locals, at least not for higher-level positions within the DTO.[31] What is certain is that Los Zetas, which itself originates from a group of Mexican special forces deserters, have established links with rogue ex-commandos of the Kaibiles, Guatemala's special operations unit. These Kaibiles have assisted the Mexican DTO by providing new recruits with military style training, in line with the militaristic organizational structure of Los Zetas.[32] This seems to be part of a broader strategy, going back to 2005, of recruiting Guatemalan ex-military officials, in order to save resources otherwise spent on indoctrination and training.[33]

While Los Zetas have the dubious honour of being the most notorious Mexican DTO op-

erating in the Northern Triangle, the Sinaloa cartel has also succeeded in expanding its sphere of influence in Guatemala. This group has developed ties with *transportistas* in the San Marcos province, the country's most important area when it comes to poppy cultivation. Also, agents involved in drug control have stated that they believe most of the cocaine that flows through Guatemala passes through the hands of the Sinaloa cartel, after it has entered the country via the Pacific Ocean. The Sinaloa cartel has relied to an important extent on local integration, creating job opportunities, providing health care and sometimes taking over the role of the state by getting rid of smaller criminal enterprises in the areas under their control. This modus operandi differs significantly from that of Los Zetas, who rely on a vertical structure and brute force, which could explain the success of Sinaloa in keeping Los Zetas from taking over control in the crucial province of Huehuetenango, a region where the two DTOs have clashed, leaving dozens of people dead.[34] Recently, the two organizations have also begun to clash in the province of Zacapa – now the most violent in the country – with the Sinaloa cartel voicing accusations of the Zacapa City mayor's involvement with Los Zetas and a gun battle between the two organizations among recent manifestations of their competition.[35] At the same time, in Cobán Los Zetas are involved in a fight for territorial control with local criminal groups, apparently applying a divide-and-conquer strategy to break up these Guatemalan organizations.[36]

Honduras

Mexican DTOs have been playing a role in the drug trafficking industry taking place on Honduran territory for at least fifteen years, but it is during the last five years or so that they have really started to expand their power to the detriment of local Honduran trafficking organizations. Still, part of the drug trafficking taking place in Honduras is coordinated by a large group of Honduran *transportistas* working relatively independently from the larger DTOs. An example is the Reñazco family which has been active for over a decade, mainly on the Nicaraguan side of the border. Often working in small groups, these organizations acquire cocaine from Colombian and Venezuelan DTOs operating in the southern parts of Central America. They then transport the goods north along the coast to Honduras or Guatemala to resell it to the Mexican traffickers operating in that region.

The first-time discovery of a cocaine lab in March 2011 –with sufficient capacity to process a ton of cocaine per month –points to a growing role for Honduras as a producer of controlled substances.[37] The dismantled lab allegedly belonged to the Sinaloa cartel, which is considerably more powerful in Honduras than their counterparts, Los Zetas. Since 2006 Honduras has even been used repeatedly by the Sinaloa cartel's leader Javier 'El Chapo' Guzman as a hideout in his successful attempts to avoid both Mexican and Guatemalan authorities. The Sinaloa cartel has established a transport route for moving large amounts of cocaine by airplane and 'go-fast' boats from Colombia to Honduras, before sending it farther north. The Mosquito Coast on the border with Nicaragua, lacking any state or law enforcement presence to speak of, serves as a "respite and staging zone" for local trafficking groups that cooperate with the cartel. These types of operations are also taking place in other northern provinces such as Yoro, Atlántida, Colón and Olancho. The Sinaloa cartel, furthermore, oversees production of ecstasy and methamphetamine – particularly in the Olancho department – which are then shipped to Europe and the United States. Related to this are

reports that shipments of pseudoephedrine – a precursor chemical for the production of methamphetamine – from Asia and Europe are being routed through Honduras under the auspices of the larger Mexican DTOs. Experts who track the shipments of controlled drugs have reported that, within Central America, Los Zetas are more inclined to move their product over sea, while the Sinaloa and Gulf cartels – the latter having a limited presence in the country – mainly use land routes crossing the Honduras-Guatemala border.

An incident in 2010 in which members of the M-18 killed over a dozen rival gang members with AK-47s and M-16s provides additional – albeit indirect – evidence for increased collaboration of local groups with Mexican DTOs, as M-16s are the preferred weapons of Los Zetas. Although this particular incident appears to have been a clash between competing gangs and not necessarily a DTO-backed operation, M-18 members have indeed been known to function as hired assassins for Los Zetas, which are most active in Cortés and Olancho. Los Zetas have also hired former Honduran police officials to provide protection during drug trafficking operations and to assist them in operations involving the kidnapping and extortion of migrants, a growing sphere of activity for this DTO. Meanwhile, in Olancho and near the Gulf of Fonseca, Sinaloa operators are working more closely with the local *transportistas*, rather than with local gangs. [38]

In response to the Honduran government's crackdown under its tough anti-gang laws, the maras have started to change their tactics, lowering their profile by moving their operations away from the country's main urban areas. Another strategy is that of the Mara-61, which has aligned itself with DTOs as their 'armed wing' in the northern province of Colón.[39] Like in the other countries of the Northern Triangle, the gangs are mainly in control of local drug distribution, although there are also reports that they are trying to wrest some control over trafficking routes from DTOs. There is, however, a growing problem of drug use among gang members, who mainly sniff glue and other inhalants but who are also increasingly using marijuana and cocaine. Officials have remarked that this is related to a growing tendency on the part of the DTOs to use these drugs to pay the maras for their services, something that in the past was discouraged by local *transportistas* and the gangs themselves.

The increase in violence and opportunities for DTOs to use Honduran territory as trafficking routes might be attributed to a considerable extent to the ousting of then-president Zelaya in 2009 and the several years of political turmoil that followed this highly controversial move. The number of cocaine flights entering Honduran airspace shot up right after the coup. In fact, the DTOs were so confident they would not get caught got due to the complete lack of focus on organized crime on the part of the interim-government, that they started reusing their airplanes for new cocaine shipments, instead of simply abandoning them as had been common practice until then. These developments, coupled with a weak socio-economic environment and understaffed and insufficiently capable law enforcement institutions, make that Honduras is seen by some as the Central American country that is at the greatest risk of becoming a narco-state, in which political institutions seize to have any real authority and are ultimately subservient to the competing transnational and local DTOs.[40]

El Salvador

In the Northern Triangle's smallest country, Mexican DTOs have also developed impor-

tant links with local groups of *transportistas* that are in charge of protecting cocaine shipments as these are moved from Colombia and Ecuador through Central America before arriving in Mexico. Los Perrones Orientales is such a transportista organization – the largest of its kind in El Salvador – which operates in the east, in and around La Unión, San Miguel and Usulután. It is responsible for making sure that many of the cocaine that is being smuggled across El Salvador moves safely from the Pacific Coast to Guatemala or Mexico, where it is handed over the Mexican traffickers with whom they collaborate. Many traffickers belonging to this Salvadoran organization have extensive past experience with smuggling contraband through the region, including the smuggling of cheese (earning them the nickname Cartel de los quesos) from Honduras which partly explains their access to routes in that country. Los Perrones Orientales, in turn, are linked to Los Perrones Occidentales, a trafficking organization which is active around the city of Santa Ana and controls smuggling routes for trafficking cocaine, humans and weapons over land into Guatemalan territory.[41]

Meanwhile, DTOs have also forged strong connections with El Salvador's maras, more so than seems to be the case in neighbouring Guatemala and Honduras. DTO-maras collaboration in El Salvador goes back to the late 1990s, but has become considerably wider in scope since the recent move of larger DTOs to Central America. This move spurred the occurrence of disputes among criminal groups, but it also created a need for criminal labour, providing 'job opportunities' for Salvadoran gang members. (A survey conducted among incarcerated gang members in 2006 showed that of those that had collaborated with DTOs, 27% had operated as hitmen, 21% had smuggled arms into El Salvador, and 17% had participated in car-jacking.[42]) Furthermore, maras have been known to make DTOs pay for using gang territory as trafficking routes in exchange for helping the traffickers with drug dealing operations by offering assistance and protection. There have even been reports that some 40 members of one of the most violent faction of the MS-13, the Fulton Locos Salvatruchas, were sent to Guatemala to receive training from Los Zetas.[43] Additionally, there are indications that Los Zetas are increasingly trying to recruit upper-level gang leaders because of the networks of contacts, markets and security arrangements they can provide on the US side of the border, to which access for Los Zetas is otherwise limited (the main Salvadoran gangs originate in the US and large factions of the organizations still exist there). In spite of this increased contact between Salvadoran criminal organizations and Los Zetas, the latter group does not seem to have established itself permanently in El Salvador. So far, they have rather opted for occasionally sending in key members that are based in Guatemala.[44] Nevertheless, this strengthening of DTO-maras ties has led the country's minister of justice and security David Munguía Payés to warn against a transformation of gangs into full-fledged drug cartels.[45]

While this prospect still seems distant, there is a role for gang members as drug dealers and distributors in their own right, as illustrated by the recent arrest of Marcos Antonio V., who started out as a small-time dealer but over the years came to be one of the main MS-13 drug distributors in the province of Sonsonate.[46] The local production and distribution of crack, which requires little infrastructure, is a particularly profitable market for the maras. So profitable apparently, that the gangs have been trying to gain complete control over this market at the expense of the traditional distributors. Both police intelligence officials and academics have remarked that increases in El Salvador's

homicide rates can be attributed to the violent clashes resulting from this competition, for example in La Unión and San Miguel where– at least until recently –trafficking is believed to still be under control of Los Perrones, a loose network of *transportistas*.[47]

However, as noted, even though the ties between DTOs and maras are getting stronger and the latter organizations are becoming more involved in the drug trade, the gangs are still a far cry from becoming as efficiently and hierarchically organized as the Mexican criminal organizations. For one thing, the gangs – not even the well-established MS-13 with a presence in the entire Northern Triangle as well as in the US – do not have a clear general command structure. Rather, the maras are composed of separate 'cliques' which are not necessarily in contact with each other on a regular basis, if at all. Also, the tactics of certain cells in, for example, kidnappings and drug trafficking operations have often shown a lack of discipline and 'professionalism', which could lead DTOs to be somewhat reserved in developing alliances with certain gang factions. It should, however, be noted that great differences exist in the levels of organization and discipline not only among the gangs, but also among different cells nominally part of the same organization. While not yet equal in power to the larger DTOs, parts of the gangs have definitely succeeded in becoming better organized and integrating themselves into local communities, clearly benefiting them in increasing their influence in the drug trade.[48]

Recent debates

Although it is difficult to determine exactly the extent to which violence in the Northern Triangle should be attributed to drug trafficking-related causes, it is a fact that Mexican DTOs have increased their presence in El Salvador, Guatemala and Honduras in an attempt to gain control over Central American trafficking routes while local gangs and other criminal organizations are also reportedly becoming more involved in drug trafficking enterprises. The suspected role of drug trafficking in the region's rising violence, coupled with largely unsuccessful attempts on the part of the US to curb demand for illicit substances, led Guatemalan president Otto Pérez Molina to call in early 2012 for a debate on alternatives to the war on drugs, a battle so eagerly promoted by the US and exported 'successfully' to different parts of Latin America. While he had vehemently opposed legalization during his presidential election campaign, Pérez Molina now argued that current drug control strategies are based on the false premise that the global drug markets can be eradicated and called for a discussion "based on a realistic approach – drug regulation" and free of ideological propositions. Furthermore, he spoke in favour of an approach that treats drug abuse not as a criminal justice issue but as a public health problem.[49] Subsequently, on 24 March 2012, Pérez Molina hosted a regional summit called New Routes against Drug Trafficking as a follow-up to his call for a re-orientation of the region's anti-drug trafficking efforts. Unfortunately, in spite of all Central American presidents initially having accepted Pérez Molina's invitation, only half of them eventually attended with last-minute cancellations from the presidents of El Salvador (Mauricio Funes), Honduras (Porfirio Lobo) and Nicaragua (Daniel Ortega), supposedly because of their opposition to legalization. Lower-level representatives from these three countries did attend: Honduran vice-president Samuel Reyes, Salvadoran minister of justice and security David Munguía Payés and the Nicaraguan deputy foreign minister Manuel Coronel.

During the regional summit, four alternative strategies were presented by president Pérez Molina: the intensification of interdiction efforts under a mechanism of financial compensation, whereby the consuming end-destination country pays the transit country a part of the market value of the seized drugs as compensation for the latter's drug control expenditures; the establishment of a regional penal court for drug offences with its own prison system to relieve national criminal justice systems; the establishment of a corridor through which drugs can be transported freely from South to North America to minimize destabilization of areas along the current trafficking routes; and the development of a global framework of regulation for the production, trade and use of drugs.[50] Shortly after this summit, on 30 March, the presidents of Honduras, El Salvador and Nicaragua held their own high-level consultations on the issue, which ended with them jointly declaring their opposition to regulation and decriminalization.[51] The debate was then continued in a closed session during the Summit of the Americas in Cartagena in April after host president Santos of Colombia added alternative approaches to the war on drugs to the summit's agenda. As a result of this meeting, the Inter-American Drug Abuse Control Commission (CICAD) has been tasked with conducting an investigation into the effectiveness of currently prevalent counter-drug strategies.

One of the remarkable aspects of the reinvigoration of the 'drugs-debate' in Latin America during recent months is that it is mostly political representatives of the centre-right that have taken up the initiative to rethink current prohibitionist and security-focused strategies. Conversely, it seems that there is an inclination among the more leftist governments in the region towards supporting precisely such prohibitionist policies.[52] In this context of diverging perspectives and preferences it is important to recall that the three most outspoken advocates for a debate on alternative policies – Peréz Molina, Calderón and Santos – have all stressed that it is of paramount importance that the adoption of any of the suggested alternative approaches takes place on an international scale with the support of most – if not all – countries in the Americas. Given the transnational character of the drug-trade and criminal violence plaguing the region, failing to reach such broad consensus would mean that any new strategy is bound to fail.[53]

However, as pointed out, even in the relatively small area of the Northern Triangle, the recently expressed stances of the presidents of El Salvador, Honduras and Guatemala are a far cry from anything resembling a consensus. The question remains, however, to what extent these countries are really different with regard to their legislation and penalties for drug-related offences, and their currently implemented strategies aimed at countering criminal violence and drug trafficking. To answer these questions, we now briefly set out the different legislation on drugs in the countries of the Northern Triangle, followed by a section describing the prevailing responses to drug-related problems on the part of the region's authorities.

Legislation on controlled substances

Guatemala [54]

Framed in 1992, Guatemala's current Law against Drug-Related Activities set out a schedule of penalties. The first – and severest – penalty for individuals listed for drug-related offences in article 12 of this law is death, fol-

lowed by: imprisonment; fines; general or specific disqualifications; confiscation, forfeiture or destruction of objects of the offence and of instrumentalities used for its commission; expulsion of aliens from the national territory; payment of expenses and costs of the proceedings; and publication of the conviction. Article 14 goes on to specify that fines can be converted to prison sentences, but that no person shall serve a prison sentence of more than 30 years. The death penalty, according to article 52, meanwhile, can only be applied in cases in which another person has died as a consequence of offences established under the law in question. An alternative penalty for this aggravating circumstance is the maximum prison sentence of 30 years. It should be noted that, although the death penalty has not been applied for quite some time, in 2008 the Guatemalan congress passed a decree that ended the moratorium put on this punishment by the Constitutional Court in 2002, thereby ending the legal vacuum that had prevented application of the capital punishment since 2000.[55] Specific penalties for offences related to the production, trafficking, trading and possession of controlled drugs and narcotic substances can be found in the table below.

The penalty for illicit marketing, trafficking and storage applies to seeds, leaves, plants, flowers or other products or substances that have been classified as narcotic or psychotropic substances, drugs or precursors. The penalty for international transit also pertains to actions regarding the transit of precursors or essential substances intended for the production of controlled drugs. Determining whether the quantity of drugs found should be considered to have been intended for personal use is apparently left to the discretion of the judiciary, as no specific amount is given to serve as a threshold. Rather, it is stated that the relevant article is applicable if the amount seized does not exceed a reasonable quantity for immediate consumption and if the contextual factors give reason to believe the drugs were indeed intended for personal use. When special aggravating circumstances have occurred in relation to the offence with which the suspect is being charged, the penalty imposed may be increased by up to twice the maximum penalty established for the offence in question under article 21. Furthermore, according to article 69 of the law, both the national police and other security forces have a role in the prosecution and suppression of unlawful acts pertaining to the traf-

Offence	Years imprisonment	Fine (Quetzal)	Fine in US$ (July 2012 exchange rate)
Sowing and cultivation	5-20	10,000-1,000,000	1,280-127,930
Manufacture and processing	8-20	50,000-1,000,000	6,397-127,930
Illicit marketing, trafficking and storage	12-20	50,000-1,000,000	6,397-127,930
International transit	12-20	50,000-1,000,000	6,397-127,930
Possession for the purpose of use	4 months-2	200-10,000	26-1,280

The Northern Triangle's drugs-violence nexus

Guatemala

1 Huehuetenango
2 Quiché
3 Alta Verapaz
4 Petén
5 Izabal
6 Zacapa
7 Chiquimul
8 Baja Verapaz
9 El Progreso
10 Jalapa
11 Jutiapia
12 Santa Rosa
13 Guatemala
14 Chimaltenango
15 Sacatepéquez
16 Escuintla
17 Suchitepé
18 Atitlán
19 Totonicapán
20 Quezaltenango
21 San Marcos
22 Retalhuleu

El Salvador

1 Ahuachápan
2 Santa Ana
3 Chalatenango
4 Cabañas
5 San Miguel
6 Morazán
7 La Unión
8 Usulután

Honduras

1 Cortés
2 Atlántida
3 Colón
4 Gracias A Dios
5 Olancho
6 Yoro
7 Comayagua
8 Francisco
9 El Paraíso
10 Choluteca
11 Valle
12 La Paz
13 Intibucá
14 Lempira
15 Ocotepeque
16 Copán
17 Santa Bárbara

9 San Vicente
10 La Paz
11 Cuscatlán
12 San Salvador
13 La Libertad
14 Sonsonate

ficking of controlled drugs which is to be coordinated by Guatemala's Commission on Drug Addiction and Trafficking. This is also the body formally in charge of studying and deciding on Guatemalan policies in the field of addiction, and acts related to offences under this law. This particular provision thus seems to allow for involvement of the Guatemalan military in what is actually a domestic law enforcement issue. This militarization of law enforcement has indeed expanded considerably in response to the high violence levels in the country, as will be described below.

In the 1940s, Guatemala passed legislation that allowed for the extradition of Guatemalan nationals suspected of committing narcotics offences. The US Department of State indicates that it expects all US extradition requests which are based on drug-related charges "to be consolidated and expedited in specialized courts located in Guatemala City."[56] The processing of such extradition requests, however, has been far from smooth. The director of the UN commission against impunity in Guatemala (CICIG) has even gone so far as to claim that "extradition orders are processed here like they were in the nineteenth century." Between 1994 and 2007, no individuals were extradited on drug-related charges, and when an extradition did take place in 2007, it concerned two mid-level traffickers who had been caught smuggling a mere five kilos of cocaine. Now, however, Guatemala seems to be moving away from its long-standing position as one of the countries with the lowest levels of prosecuting and extraditing major drug traffickers. During the first half of 2012, courts approved the extradition of no fewer than three alleged kingpins, among them Horst Walther Overdick (aka El Tigre), accused of collaborating with Los Zetas, as well as Juan Chamale, who is considered to be the country's top drug trafficker.[57] Nevertheless, the process remains a complicated and tedious one, which to a large extent is caused by the frequent use of amparo by lawyers defending major drug traffickers. This is a legal tool within Guatemala's justice system which can be used when a defendant feels that his constitutional rights are being violated by a law, statute or government action. As of February 2012, at least nine high-profile individuals suspected of drug trafficking had employed the measure, successfully and indefinitely delaying their extradition procedures.[58]

At this point, the high maximum sentences for the offences listed in the table above, the inclusion of the death penalty in the case of special aggravating circumstances, and the continuing (military) crackdown on the drug trade, still form a stark contrast with the country's classification as one that would welcome decriminalization and legalization based on the president Peréz Molina's recent statements on the issue.[59]

Honduras [60]

In contrast to the situation in Guatemala, Honduras' repressive drug laws are quite in line with the opposition of Honduran political leaders to legalization as well as decriminalization, even though president Lobo did acknowledge that current approaches to drug trafficking have significant shortcomings.[61] Implemented in 1989, the Honduran Law Governing the Abuse of and Illicit Trafficking in Drugs and Psychotropic Substances is even older than its Guatemalan counterpart. The objectives and scope of the law, as set out in chapters one and two, are followed by a very elaborate chapter on definitions of the terms used, listing specific illicit (groups of) substances -such as cocaine, coca, narcotic and hallucinogenic drugs – and activities and other terms related to them, such as cultivation, to distribute, dose and delivery.

According to article 7, it is prohibited to sow, cultivate, produce, collect or harvest any type of plant that contain substances which are considered narcotics or controlled substances. Meanwhile, in the chapter on definitions it is determined that any plurality of plants from which dependence-forming drugs may be extracted should be considered to be a plantation under the law. The table below gives the minimum and maximum sentences for these offences in terms of duration of imprisonment and additional fines. In terms of possession, article 11 states that it is forbidden to keep any quantity of narcotic or controlled substances without legal authorization. The penalties listed in the table below for possession for the purpose of use are applicable in cases where the amount of drugs seized may be considered to be for immediate personal consumption – described as a dose in the definition section –if this is so determined in a report of the Department of Forensic Medicine, of the Legislature, or of a State-employed doctor. Penalties for this offence differ depending on how many times the suspect had previously been apprehended for possession. According to article 26c, forced internment in a rehabilitation centre until social reintegration has been achieved applies when a suspect is arrested for possession for the third time, or when they are a drug addict, regardless of the number of times they have previously been charged with this offence. Note that social integration is not one of the terms that is defined more specifically in this law, making it unclear for how long an individual may be held in a rehabilitation facility.

Article 26 goes on to state that in cases in which the amount seized exceeds the minimal quantity for immediate personal consumption as specified by the aforementioned report(s), it shall be considered a violation of article 18 which concerns trafficking, an offence with considerably higher penalties. In contrast to Guatemala's law which gives the possibility for doubling the maximum sentence for a given offence in the case of aggravating circumstances, Honduras has set this increase at one third of the penalty (with the exception of aggravating circumstances related to inducement of drug use which can lead to an increase from one-third to two-thirds of the penalty set for the said offence).

Offence	Years imprisonment	Fine (Lempiras)	Fine in US$ (July 2012 exchange rate)
Sowing and cultivation	9-12	5,000-25,000	263-1,313
Manufacture	9-15	50,000-1,000,000	2,625-5,251
Trafficking	15-20	1,000,000-5,000,000	52,510-262,548
Illicit possession of precursors	3-6	20,000-50,000	1,050-2,625
Possession for the purpose of use	1st: <30days 2nd: 30-90 days 3rd: rehabilitation	500-1,000 1,000-5,000 5,000-10,000	26-53 53-263 263-525

Over the course of 2011, Honduran authorities reportedly arrested over 84 individuals on drug-related crimes. Even though the Honduran constitution prohibits extradition of its nationals, a bilateral extradition treaty with the US is in place, which has led to one Honduran citizen being handed over to US authorities in 2011.[62]

El Salvador [63]

Implemented in 2004, and most recently amended in 2006, El Salvador's Law Regulating Drug-Related Activities is by far the youngest such law in the Northern Triangle of Central America. Under this law, the possession, use and trafficking of drugs is prohibited, which is largely in line with the government's position in the recent debate on alternative approaches. Although president Funes initially responded positively to Peréz Molina's call for a debate on decriminalization and legalization, he soon reversed his stance and declared his opposition to such reforms.[64] Salvadoran drug law stands out with its focus on counter-drug efforts; the main part of the definition section is dedicated to explaining terms such as undercover agent, controlled purchase, precautionary seizure and attachment etcetera, rather than defining, for example, what should be understood by the names of specific types of drugs or related activities on the part of suspects. The second chapter continues by elaborately describing the specific tasks and responsibilities of different governmental agencies that are involved in the implementation of this law, such as the Ministry of the Interior and the Ministry of Public Health and Welfare. Article 9, furthermore, concerns the Ministry of National Defence and states that this body shall cooperate with the National Anti-Drug Commission as required, but within the parameters of the country's constitutional provisions which state that the executive branches of government can employ the military when this is considered necessary to fulfil the specific tasks assigned to them. This National Anti-Drug Commission is responsible for planning, coordinating, supervising and assessing governmental drug-related policies and is comprised of an executive director and the ministers of the interior, public health and welfare, education, national defence and the higher council for public health.

Offence	Years imprisonment	Fine (x current minimum monthly urban wage)	Fine in US$*
Sowing and cultivation	5-15	5-2,500	1,052-526,150
Manufacture and processing	10-15	5-2,500	1,052-526,150
Illicit trafficking	10-15	50-5,000	10,523-1,052,300
Possession and keeping <2 grams >2 grams	 1-3 3-6	 5-1,000 5-1,000	 1,052-210,460 1,052-210,460

*Minimum wage in El Salvador differs per sector. Here, the average of 2011 minimum wages for the retail and service, industrial, and apparel assembly sectors was used to calculate fines in US$.[65]

As can be seen in the table below, penalties for possession of illicit drugs depend on the quantities that were found. However, if possession or storage occurred for the purpose of engaging in trafficking operations, the sentence will be imprisonment for 6 to 10 years and a fine of 10 to 2,000 times the current minimum urban wage, irrespective of the quantity of drugs that was seized. The law makes no reference to a particular low quantity of drugs being automatically assumed to be for personal use, or of a specific agency being in charge of determining – on a case-by-case basis – whether the drugs seized can be considered to be meant for this. This likely means that someone could be charged with illicit drug trafficking even if they were in possession of only a very small amount of drugs, with considerably higher punishments as a consequence.

Illicit trafficking, dealt with in article 33, is itself broken down into two categories, with specific provisions for international trafficking: if the offence concerns an international trafficking operation in which Salvadoran territory is used as a transit state or a place of import or export, the maximum punishment for trafficking mentioned in the table above shall be increased by one third. This specific level of increase of the maximum penalty for a given offence under this law also applies to all other instances of special aggravating circumstances. Remarkably, the law again goes on to specify the provisions for specific aspects of counter-drug operations, such as technique of controlled purchase and delivery, temporary closure of establishments, disposal of seized property and the return of such property.

According to the US Department of State, the 1911 extradition treaty between the US and El Salvador is limited in scope, and negotiations for a new bilateral extradition treaty are hampered by the prohibition on life imprisonment as laid down in El Salvador's constitution. Even though drug-related offences are extraditable crimes, and many requests have been filed by the US with the authorities of the Northern Triangle's smallest country, only one suspect – a US naturalized citizen born in El Salvador – has so far been extradited.[66]

Overall, there are some notable differences between the drug-regulation laws of the three countries of the Northern Triangle. For one thing, only Honduras has included provisions regarding forced internment into a rehabilitation centre in its legislation. Meanwhile, El Salvador is the only one of the three countries that does not make any mention of personal use and whether a certain amount of drugs seized should logically be considered to be for this purpose. While both Guatemala and Honduras do mention such personal use, their laws are not very specific in this respect either, given the fact that they leave determining whether the amount seized should be considered to have been intended for personal use to the discretion of either the judiciary or other public officials. The involvement of the security forces in domestic law enforcement issues – that should normally fall under the police – are mentioned in the laws of Guatemala and El Salvador, but not in that of Honduras.

Generally, Guatemala has the highest maximum prison sentences for the offences discussed in this section (only Honduras has an equal maximum sentence in the case of trafficking). On the other hand, while maximum sentences are lower in Honduras, minimum sentences are higher than in Guatemala. The same holds for El Salvador, which is also the country with the severest prison sentences for possession of controlled drugs. In terms of fines, Honduras on average has the mildest sentences, in particular in the case of possession for personal use, but with the exception of

cases of trafficking. In El Salvador, a remarkably high maximum fine is set for trafficking, while the minimum fine that can be applied to this offence is somewhat higher than that of Guatemala, but much lower than that of Honduras. What these drug-regulation laws have in common -in spite of all of these considerable differences- is that none of them have succeeded in reducing drug trafficking and drug-related violence in the countries in the Northern Triangle, and that the provisions included in them, generally speaking, do not approach anything resembling the promotion of legalization or decriminalization. It is clear that if the reinvigorated debate on drug policy and reducing drug-related violence in the Americas were to lead to greater support on the part of the region's political leaders in favour of decriminalization or legalization of currently illicit substances, the drug-regulating legislation of the Northern Triangle would be up not for mere adjustments of its current provisions, but rather for quite an extreme reform process given the fundamentally prohibitionist character of the current legislation.

Responses

Mano dura and militarization

Political leaders in the Northern Triangle have generally responded to the continuing violence in their countries by advocating a *mano dura* (iron fist) policy. As part of this approach, gang membership has largely been criminalized and law enforcement institutions have focused on massive incarceration of gang affiliates and other suspected criminals. Harsh sentencing and, with regard to the drug trade, an emphasis on seizures of drug shipments and on capturing many low-level traffickers has been the trend, rather than addressing underlying motives for joining the drug trade or curbing demand. In this context, all three countries in the Northern Triangle have at a certain point over the last few years implemented 'crisis measures' to grant law enforcement institutions unprecedented power in searches and seizures. Such measures, sometimes referred to as anti-terrorism laws, were for example implemented in Honduras in 2003 and 2011 and El Salvador in 2003 and 2007. Pérez Molina, meanwhile, has given new impetus to his crackdown on gangs by proposing legislation that allows children as young as 12 to be tried as adults.[67] Rather than stemming the violence, this *mano dura* policy has resulted in a deepening of the region's security crisis and a crisis in its penal systems due to overcrowding and corruption. Prisons have become hubs of criminal activity where gang leaders are – ironically – relatively safe from their outside enemies, giving them the opportunity to organize their gangs more efficiently and to develop strategies to deal with law enforcement crackdowns, ultimately contributing to the rising crime and violence levels on the outside.

Involvement of the military in law enforcement affairs has also increased considerably in Guatemala. Since 2010, the government has declared a state of siege several times, which has been accompanied by limitations on civil rights and the declaration of martial law, increasing the power of military forces to interrogate and arrest suspects without warrants. In December 2010, then-president Álvaro Colom declared such a state of siege and martial law in Alta Verapaz, stating that the violent acts of the Mexican organization Los Zetas had made the region ungovernable. Nevertheless, violence continued and in May 2011 Los Zetas massacred 27 peasants on a ranch near the Mexican border in the Petén province, leading Colom to declare a state of siege for this region as well.[68] Pérez Molina has been

increasing the size of the military, with the intention of employing it in support of anti-crime operations.

On 30 June 2012, the *Brigada Especial de Operaciones de Selva* was presented, which operates in Petén to protect the border with Mexico and ensure public safety, but its main task will be to combat drug trafficking. The brigade consists of some 500 members of the region's infantry battalion and an additional 300 Kaibiles. Involvement of the Kaibiles is rather controversial given the role of this unit in human rights abuses during the country's civil war. Additionally, a military police unit has been created and stationed at San Juan Sacatepéquez, offering another example of the blurred distinction between domestic law enforcement and military security operations in Guatemala.[69] The president used the event on 30 June to publicly instruct his defence minister to open nine new military bases throughout the country over the course of the next twelve months, with the goal of increasing the state's power to combat drug trafficking and crime. While the claim of Guatemala's interior minister, that 58 of the country's 334 municipalities have become ungovernable due to the pervasive criminal violence, might be used by the president as an argument in favour of his military strategy, voices from Guatemala's civil society have expressed serious concerns about this further militarization of Guatemala's law enforcement efforts.[70] One of the responses to Pérez Molina's call for a debate on regulation of drugs has even been to claim that he never expected it to succeed, that it should mainly be considered an attempt to attract US attention and to push the US congress into lifting the ban on military aid to Guatemala that has been in place since 1978.[71]

Recently, in response to local riots, Pérez Molina declared a state of emergency for the indigenous community of Santa Cruz Borillas. It has been suggested, as with the establishment of the new brigades, that the need to fight drug trafficking has served as a convenient pretext for this course of action, while the true underlying goals are ultimately very different. The riots in Santa Cruz Borillas were a protest against the lack of investigation of a murder of a campaigner who opposed a local hydroelectric project. The declaration of the state of emergency was followed by public outrage, with hundreds of protesters taking to the streets of Huehuetenango. Under additional pressure from the Catholic Church and Guatemalan human rights organizations, the measure was eventually lifted on 18 May 2012.[72] Also notable is the fact that the new military police brigade has been stationed in an area which has seen continued opposition from local communities to the establishment of a cement plant, leading to speculation that the force is actually meant to defend the new plant. At this point, it does not seem that Pérez Molina is inclined to tone down the militarization of Guatemala's law enforcement. After a recent meeting in which the US director of the White House's Office of National Drug Control Policy (ONDCP) – Gil Kerlikoswkse – argued in favour of a 'third way' policy on drugs (which would focus more on health and prevention instead of the other two ways: either combating drug problems by force as is now done in the war on drugs, or promoting regulation of currently illicit substances), Pérez Molina stated that, until the debate on alternative approaches to the region's drug problems yields the desired results, Guatemala will continue to act "firmly and with determination against drug trafficking".[73]

But Guatemala is not the only country that has stepped up its reliance on the military with the formal purpose of fighting drug trafficking, nor has its government been the only one in the region to be criticized for allegedly

using the war on drugs as a pretext to hide ulterior motives for the militarization of the Northern Triangle's law enforcement. Across the region, militarization is concentrated around areas with conflict over land and resources, and death-squad style killings of land rights activists have increased since March 2010, along with the increased militarization of law enforcement. In November 2011, the same month that the Honduran congress passed a law that allowed for involvement of the military in police operations, El Salvador's left-wing president Funes appointed former general Munguía Payés as minister of Justice and Public Security, allegedly as a result of US pressure.[74] Funes has also overseen the selection of former army general Francisco Ramón Salines Rivera as head of the national police in January 2012, as well as the expansion of El Salvador's military by some 57% and its periodical sharing in policing duties on the streets of El Salvador. Not surprisingly perhaps, El Salvador's defence budget has increased by 32% over the last decade.[75] In May 2012, Funes declared that the army would remain active in anti-crime operations in co-operation with the national police for at least six more months.[76]

Nevertheless, in the eyes of the country's citizens, this approach has not yielded the desired results. While delinquency and crime have for several years topped the list of what Salvadorans consider to be the principal problem facing their country, preoccupation with this issue reached new highs in 2011 with 65% of citizens citing this to be the main problem in El Salvador, the highest percentage to do so over the last decade. Asked about the effectiveness of the government's security strategies, 58.3% said they had little to no effect.[77] Still, hard-line strategies and a militarized approach to law enforcement remain dominant in the countries of the Northern Triangle as El Salvador's neighbours too have followed in the footsteps of Mexico's Calderón by boosting their military budgets considerably over the last few years in response (at least formally) to the upsurges in criminal violence and growing role of the region in drug trafficking operations.[78]

Private security and vigilantism

Notwithstanding the increasing military budgets described above, governments in Central America as a whole have been struggling to find the required resources to fund their anti-crime strategies and law enforcement institutions, as tax revenues are largely insufficient and fiscal reforms have been slow to come about. This is mainly the result of the private sector's unwillingness to contribute to their governments' strategies to stem the criminal violence and the sector's effectiveness at fiercely lobbying against any legislative initiatives that aim to increase tax revenues. For a while, Honduras appeared to be an exception to this rule when a law was approved which would have generated tax revenues of some $79 million per year to combat organized crime. This projected amount was soon significantly reduced, as the Honduran congress voted to reverse parts of the new law in September 2011 in response to protests from the private sector.

Another part of the private sector, however, has been all too eager to respond to the increased threats from organized crime in the region; the private security business has grown immensely with an estimated 235,000 private security guards active in Central America in 2007. For that year, this translated to a ratio of 611 private security guards per 100,000 inhabitants, as opposed to no more than 187 police officers.[79] In Guatemala, the proliferation of these private security companies is a subject of grave

concern. Approximately 150,000 private security guards are now active in this country and many of the businesses that employ them are run by former high-ranking military men with extensive knowledge of intelligence tactics and often long-time connections to criminal organizations.[80]

Another response of citizens to the continuing ineffectiveness of their governments to stop the criminal violence in the region can be discerned; there has been a worrisome spike in vigilantism on the part of frustrated citizens who feel the need to take the law into their own hands. In Guatemala, reports of such cases have increased by 400% since 2004, with 131 such incidents occurring between January and October 2011 alone. These actions are sometimes directly related to the fight against drugs, as for example in March 2011 when a Guatemalan group of vigilantes – which call themselves Los Encapuchados – attacked a local bar owner, severely beating him and vandalizing his establishment as punishment for his suspected participation in drug dealing operations. The group has been involved in other criminal acts, resembling more a gang than a group of concerned citizens fighting for justice in areas beyond government control.[81]

The lack of results in the region's hard-line approach to criminal violence has of course also generated responses from civil society organizations which are preoccupied with human rights and the underlying development issues that prompt youth to affiliate themselves with organized crime in the first place. Surprisingly little can be found, however, on local civil society initiatives that focus mainly on the role of the drug trade in the Northern Triangle's security challenges, or on the possibilities offered by an overhaul of the region's legislation on currently illicit substances. It is to be hoped that Pérez Molina's call for a debate on such alternative approaches – regardless of the sincerity of his proposals – will lead to a more explicit civil society response on the drugs issue in order to give the broader regional debate sufficient input from a non-governmental local perspective.

US-Northern Triangle co-operation

The ongoing militarization of law enforcement efforts in El Salvador, Guatemala and Honduras, combined with the repressive legislation on drug issues in these countries, limits the hope for a radical overhaul of the region's approach to both criminal violence and drug-related problems in the near future. Such reform is likely to be further stalled due to the heavy involvement of the US in the region with regard to development assistance, but also – and more importantly – security co-operation frameworks that aim at stemming the flow of drugs from south to north. While the US government has expressed the view that current and alternative approaches in the war on drugs are legitimate topics for debate, and that the US-supported strategies in which drug trafficking is viewed as a 'hard-security' issue requiring a forceful response might be critically evaluated to determine their effectiveness, US officials were also quick to declare, in response to Pérez Molina's call for a debate, that whatever the outcome of such a debate or evaluation, the US will not support the legalization of currently controlled substances.

CARSI

An important example of a US-Central American security co-operation framework is the

Central American Regional Security Initiative (CARSI). A derivative of the foregoing Mérida co-operation framework – which also included Mexico and the Caribbean – this agreement was implemented in 2010. The framework is designed to complement existing Central American strategies and programmes and is "designed to stop the flow of narcotics, arms, weapons, and bulk cash generated by illicit drug sales, and to confront gangs and criminal organizations" and to disrupt "criminal infrastructure."[82] Another US Department of State communiqué on the framework puts much more emphasis on a 'soft security' agenda, mentioning capacity building and democratic reform of Central American criminal justice and law enforcement systems as the main goals. Strengthening government presence in communities that are at risk to crime, gangs and trafficking, and increasing citizen involvement in law enforcement initiatives are also addressed.[83] Interestingly, in 2010, research conducted by the US Congressional Research Service found that officials from nearly all Central American countries included in the security initiative to be of the opinion that they had been insufficiently consulted during the drafting process of the 'agreement' and that it did not sufficiently reflected their countries' priorities.

Over $361 million in US assistance has been allocated to Central America under the CARSI framework since 2008 (this includes the amount allocated while assistance to this region was still part of the first Mérida agreement). An additional $100 million is expected to be allocated by the Obama administration during FY2012. The vast majority of funding has so far been appropriated through the International Narcotics Control and Law Enforcement account, more than twice the amount that has been channelled through Economic Support Funds (ESF). Funding through the Foreign Military Financing account under CARSI took place for the last time in 2010, but it should be noted that, while ESF funds are not intended for military expenditure, recipient governments are allowed under ESF agreements to free up their own money for military programmes so, as money is fungible, funds could indirectly still be used for goals other than those specified in ESF agreements.[84]

Also noteworthy is the fact that the 2012 appropriations, for the first time since the Mérida/CARSI framework came into existence in 2008, are no longer subject to human rights provisions which previously stated that 15% of certain parts of funding was to be withheld in the case of non-compliance with human rights on the part of security and governmental institutions in the recipient countries (an exception is Honduras to which some provisions remain applicable in 2012).[85] The focus of CARSI as communicated by the US Department of State is quite broad, but in terms of concrete assistance the emphasis is on providing equipment, security and law enforcement training and technical support. This seems to be in line with the intention to complement existing strategies in the Northern Triangle, supporting drug interdiction operations and military law enforcement efforts. It is not unlikely that this increase in resources helps the region's governments to maintain their *mano dura* and militarization policies in their fight against criminal violence, showing that few lessons have been learned from Mérida supported strategies, the adverse effects of which Mexico is now suffering.

Operation Anvil

Operation Anvil, a joint US-Honduran drug control undertaking launched in April 2012 as part of CARSI, is a concrete illustration of

the priority given to intercepting drug shipments and disrupting trafficking routes. The operation includes the use of military outposts closer to drug trafficking routes to enable a quick deployment of Honduran police and their US Drug Enforcement Administration (DEA) advisers, and of US helicopters flown by Guatemalan pilots (reportedly, there are no Honduran pilots who are able to fly these helicopters). The DEA has been cooperating closely with Honduran law enforcement on these tasks, a collaboration that has been getting increased media attention over the last few months because of several incidents. First, on May 11, an interdiction operation gone wrong led to the death of four people (two of them pregnant women). According to local villagers the victims were innocent civilians, a claim that has been disputed by US authorities. The DEA maintained that none of its agents fired their guns during this confrontation. Then, on 23 June, a DEA agent killed a suspected trafficker when the latter appeared to reach for a gun (DEA agents involved in operation Anvil are only allowed to fire in self defence). A sixth casualty was the result of two DEA agents opening fire on 3 July when one of the traffickers on a crashed smuggling plane carrying 900 kilos of cocaine allegedly made a threatening gesture.[86] The already "shaky" US-Honduran co-operation in counter-narcotics operations received another blow in August, when the US decided to stop sharing radar intelligence in response to the unilateral decision on the part of Honduran law enforcement to shoot down two suspected drug flights in July 2012.[87]

The vigour with which the DEA and Honduran police and troops have stepped up interdiction efforts might be an attempt to produce tangible results of US counter-drug strategies that are being promoted throughout the hemisphere, possibly in response to the growing call for legalization, against which the US remains opposed. Intensified US involvement in Honduras is the result of more than this, however. In addition to the already close co-operation between the two nations on drug control operations and in spite of mounting criticism of such collaboration, Honduran president Lobo actually urged the US to increase its aid in this field, as well as the US's own counter-drug efforts, in the light of shared responsibility. Access to Honduran trafficking routes is essential to the US war on drugs in Latin America and Lobo's call might be a strategy to get the US to promise more aid on a broader scale. On the other hand, the mounting criticism of such US involvement might prove to be detrimental to Lobo's position, while an expansion of aid programmes will give the US even more leverage.[88] In response to the three fatal shootings over the course of less than two months, the Honduran human rights ombudsman, Ramón Custodio, has expressed grave concerns about the particular approach to drug trafficking taken in Operation Anvil, stating that the widening confrontation between US-backed troops and drug traffickers will lead to a situation in which "air and sea operations won't be enough and we'll see military and police operations on land."[89]

US leverage in the Northern Triangle with regard to promoting hard-line strategies is likely to continue – if not increase – as other assistance frameworks are being developed. The US has been working with El Salvador's government on establishing a National Electronic Monitoring Centre. This centre should improve co-operation between different governmental agencies, as well as provide evidence that can be used in court cases against suspects of drug operations and organized criminal gang activity.[90] Another example is the evolution of a Partnership for Growth (PFG) agreement US and El Salvador. One of the greatest challenges facing president Funes is improving his coun-

try's economic situation, to push up growth rates and create viable job opportunities, with a view to discouraging young people from getting involved with organized crime. Hence, one of the main goals of the PFG is to identify the main barriers to growth – crime and insecurity are the most important obstacles – and to subsequently reduce poverty levels and spur the country's socio-economic development.[91] While the PFG does address development on a broad scale, including some of the underlying causes of the high crime rates, the additional US leverage it undoubtedly generates might be considered a cause for concern, given the adverse effects of the US-backed *mano dura* strategies being pursued in the region.

Concluding remarks

It is clear that the upsurge in levels of criminal violence in Central America's Northern Triangle can be attributed to a considerable extent to the growing importance of this region for drug trafficking operations. The increased presence of Mexican DTOs and the threat they pose to local criminal organizations is a notable source of violent conflict. Meanwhile, the ties between DTOs and local *transportistas* and gangs have also strengthened, with the latter groups becoming better organized and increasingly involved in the drug trade. As noted, determining with any precision to what extent drug-related issues are responsible for growing criminal violence in El Salvador, Guatemala and Honduras is as yet impossible. Even determining precisely the role of the much broader category of organized crime has proved to be unfeasible. The correlation between growing violence and intensified drug operations in the Northern Triangle, however, is striking. In itself, this could mean that the call for alternative approaches from one of these countries' leaders might not come as such a surprise, given the extent to which the violence and drug trade are destabilizing the region. What should not be overlooked, however, is the extent to which the *mano dura* approaches and accompanying strategy of militarization as pursued by the Northern Triangle's governments are in themselves sources of severe destabilization and of rising levels of violence. This, combined with the alleged use of drug trafficking as a pretext for increasing state control over areas with conflicts between local citizens and the authorities further complicates the situation.

Notwithstanding, these difficulties should not lead us to disregard the fact that the call for a discussion on alternative approaches by Guatemala's president is a remarkable development, which has significantly contributed to and broadened the wider regional debate on a departure from the prevailing war-on-drugs strategies. In the face of US opposition and disagreement of some of the other Central American countries, this has been no small feat. The current discrepancy between repressive drug control legislation in the Northern Triangle combined with the *mano dura* approaches of the region's authorities to criminal violence and drug trafficking, and the proposed alternative measures is enormous, but the Guatemalan government seems to be serious about its desire to learn more about potential alternative policy options. While it is of course not realistic to expect a fundamental redirecting of the region's strategies to counter drug trafficking and criminal violence in the short term, some cautious optimism in assessing the possibility of changes towards more effective and humane drug policies in the Northern Triangle might not be entirely misplaced.

Endnotes

1 The term Northern Triangle, indicating the region encompassing Guatemala, El Salvador and Honduras (sometimes Nicaragua is included in the definition as well, which is not the case in this paper), seems to be relatively new with its usage growing as research into recent developments regarding drug-related problems in this area increases.

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T N I

Mexico has occupied the limelight when it comes to media attention focusing on drug- related violence in Latin America. However, it is actually Central America's Northern Triangle– consisting of Guatemala, Honduras and El Salvador – currently experiencing much higher rates of violence and increasing Drug Trafficking Organization (DTOs) activity, sthus providing an illustration of the 'balloon effect' previously experienced by Mexico itself after the implementation of Plan Colombia which was conceived at the end of the 90's. Together the countries of the Northern Triangle now form one of the most violent regions on earth.

Although it is clear that the violence in Honduras, El Salvador and Guatemala is pervasive and able to destabilize these Central American societies to a large extent, no consensus seems to exist on its exact causes. As in Mexico, much of the violence is attributed to the increased role of Central America as a transit region for controlled drugs destined for the US.

This paper will address the particulars of the high levels of criminal violence in the Northern Triangle, and try to assess to what extent the drugs trade is responsible for this violence. The recently reinvigorated debate on alternative approaches to drug control strategies in the Americas suggests changes in drugs policies can be expected from the central American region, but in spite of the similarities of the challenges posed to El Salvador, Guatemala and Honduras when it comes to drug-related problems and criminal violence, the positions occupied by the political leaders of these countries in this incipient debate differ considerably.

Founded in 1974, TNI is an international network of activists and researchers committed to critically analysing current and future global problems. Its goal is to provide intellectual support to grassroots movements concerned about creating a more democratic, equitable and sustainable world.

Since 1996, TNI's Drugs and Democracy Programme has been analysing trends in the illegal drug economy and global drug policy, causes and effects on the economy, peace and democracy.

The programme does field research, fosters political debate, provides information to off icials and journalists, coordinates international campaigns and conferences, produces analytical articles and documents, and maintains an electronic information service on the topic.

The goal of the programme and the Drugs and Conflict series is to encourage a reevaluation of current policies and advocate policies based on the principles of harm reduction, fair trade, development, democracy, human rights, protection of health and the environment, and conflict prevention.

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