

## From exodus to exitus: causes of post-war violence in El Salvador

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Heidrun Zinecker

# From Exodus to Exitus

Causes of post-war violence in El Salvador

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This report was written within the framework of a project funded by the Deutsche Forschungsgemeinschaft (DFG), entitled “The Phenotypes and Causality of Violence in Latin America: High Intensity of Violence in El Salvador, Honduras, and Guatemala, and Low Intensity of Violence in Costa Rica and Nicaragua”. We are grateful to the DFG for its support.

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## Summary

With the Chapultepec Peace Accords, signed on 16 January 1992, the twelve-year civil war in El Salvador came to an end, having claimed 75,000 victims. While the peace making is documented as a model case, the subsequent peace building proved to be far from quite so exemplary. It brought a variety of ambivalent factors to light. The most crucial of these was the fact that although a stable, concurrent period of peace (i.e. absence of war) has been achieved in El Salvador, the same cannot be said of any civilized life for its citizens (in the sense of a fundamental freedom from violence). On the contrary, El Salvador currently has the highest levels of violence in Latin America. Moreover, the present violence is almost exclusively criminal in nature, rather than still political.

The aim of this report is to explain why post-war levels of violence in El Salvador have remained so high to date, and the highest in Central America, despite the fact that socio-economic and political indicators are really positive, more positive than in any other country in Central America, with the exception of Costa Rica, and including even Nicaragua, which has very much lower levels of violence than El Salvador. Any investigation of this must look for factors which have just as pronounced an effect as violence, so that a correlation between them and high levels of violence can be established, and causality derived on this basis. The report identifies high rates of migration, and of the remittances (*remesas*) associated with it, as a key causal factor for the high incidence of violence. Remittances are income earned by working abroad, which the (in this case Salvadoran) migrants send back home, mainly from the USA. The title of this report, "From Exodus to Exitus", derives from this. A secondary causal factor, but nonetheless a crucial trigger, is identified as a specific combination of poor performance and repressive behaviour by the security sector (police, judiciary and penal system). This accounts for the peaks and the trough in the sine curve progression of post-war homicide rates.

In order to prove that migration and remittances are crucial causal factors in violence, the report will first highlight the exceptionally high volume of Salvadoran migration, most notably to the USA, in comparison with the rest of Central America. Next, proof will be provided of the particularly high value of remittances within the (socio)economic structure of El Salvador, and the implications of this for the loss of importance of local production and labour. Following this, the exceptionally high value of Salvadoran remittances in comparison with the rest of Central America, and the correlation of rates of remittances and levels of violence on the isthmus will be illustrated, so as ultimately to show the same correlation within El Salvador itself. Finally, the example of El Salvador will be used to demonstrate the causality between extremely high rates of remittances and levels of violence. In conclusion it will be established that migration and remittances therefore lead to high levels of violence, because they:

- draw off "excess pressure", dangerous to the system, by providing a (new) outlet for inherited oligarchic structures, which basically promote violence;
- create economic structures, which for reasons of deprivation or frustration suggest the use of violence as a way of accessing the market to those who do not receive remittances;

- create and sustain a social void in their immediate context in both the country from which funds or people are being sent and that receiving them, which on the one hand destroys social capital and gives rise to a state of anomie, and on the other generates a need for new social capital and structure, although the social capital is perverse because it is linked with a violence which is only able to provide itself with a partial structure and otherwise generates anomic violence.

As a consequence, violence evolves into a substitute way of accessing the market for the lower classes, something they cannot guarantee to be able to do relying only on their own labour or remittances. This also supports the hypothesis that the frustrations leading to violence are caused by relative deprivation, although at a low level, which primarily affects the second and third quintiles (from below) of the population.

The report will illustrate the poor performance and repressive behaviour of the security sector in terms of strategies and institutions alike. It will distinguish between three strategic phases: 1) the phase of transition to a more democratic regime and revival of the security sector by putting new or revived institutions into action, without the issue of violence being recognized as such (1992-1996), 2) the transition phase, during which the solution adopted in the face of the violence problem was partial institutional reform and centralization of security policy, along with reforms and counter-reforms in penal legislation, and the development of a repressive security policy (1996-2003), and 3) the phase of repressive security policy in the form of the *(súper) mano dura* ((super) heavy hand) programme, although this is being replaced (from 2003) with elements of new approaches - the *mano amiga* (amicable hand) and *mano extendida* (outstretched hand) plans - aimed at social prevention and reintegration respectively.

As far as institutions are concerned, the police are under-resourced and ill-equipped to an extent that they commit human rights abuses and exercise their powers arbitrarily, as well as being linked with organized crime and showing militaristic tendencies. Equally, lamentable aspects of the judiciary include lack of independence, an inadequate focus on law and order and basic incompetence. The serious deficiencies in both institutions lead to an enormously high level of exemption from punishment. The penal system is characterized by over-crowding and inhumane prison conditions, as well as by lack of supervision and increasing criminalization. The guilty walk free, while the innocent are imprisoned. At an institutional level, violent crime in El Salvador can be attributed to the fact that the political regime, irrespective of whether it is repressive or not, is unable to plug the gaps left behind by the poor performance of its institutions.

By way of conclusion, the report points to the current exodus of Salvadorans and likewise their “exitus” (or death) in large numbers as the sign of a perverse globalization, of new rents and of violence, since both remittances and perpetrators of violence such as the *maras* are global phenomena. This is a lose-lose situation, because ultimately the funds raised through remittances are swallowed up by the cost of violence.

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## 1. Introduction

The violence in El Salvador is no less evident, nor is it any less cruel, than its counterparts in Afghanistan, the DR Congo or Palestine. Nonetheless it attracts far less attention in Germany, from either politicians or academics. The Salvadoran media do not spare the observer any details of the atrocities however: split skulls, heads with no bodies, corpses with amputated limbs; and always accompanied by those young men with bare torsos known as *mareros*, presented as the suspected or actual perpetrators in a highly sensationalist manner. Translating the atrocity into less emotive statistics reveals that, with 56.2 homicides<sup>1</sup> per 100,000 inhabitants, El Salvador currently occupies first place in the statistics for violence<sup>2</sup> in Central America, indeed in Latin America as well, way in front of Colombia, which in contrast to El Salvador is currently engaged in a civil war and has a rate of “only” 39. Furthermore, El Salvador has already been at peace<sup>3</sup> for fifteen years. The homicide rate per 100,000 inhabitants in this country is not only greater than that in those Central American countries with a relatively low level of violence – Costa Rica (8.1) and Nicaragua (3.4) – by about 50 percentage points, but also than that of both the most violent countries in the region – Honduras (46.2) and Guatemala (37.53).

Paradoxically however, El Salvador is also way ahead of the region (with the exception of special case Costa Rica, in all below) with regard to the most important socioeconomic indicators, most notably leaving Nicaragua with its low level of violence way behind it. Its Human Development Index is 11 points better than Nicaragua’s and 16 and 17 points better than those of Honduras and Guatemala. The Bertelsmann Transformation Index ranks El Salvador in 30th place in terms of the Status Index and in 27th place in terms of the Management Index. Honduras in contrast is ranked 53rd/54th, Guatemala 70th/57th and Nicaragua 57th/55th. Per head El Salvador has a national income of USD 4.371, Guatemala achieves USD 2.906, Honduras USD 1.909 and Nicaragua only USD 1.615. El Salvador has by far the lowest percentage of households living in poverty or extreme poverty. The Gini coefficient, used to measure general inequality, comes to 0.518 in El Salvador; it is lower only in Costa Rica, and highest in Nicaragua at 0.584.

Considering that El Salvador, unlike Guatemala, no longer has any problems with racism either, because the *indígenas* here were wiped out in 1932, and that the country is not only classified as “free” in terms of relevant democratic indices such as Freedom House, but even achieves slightly better results than the other Central American countries (again with the exception of Costa Rica), the political factors which are normally perceived to be causes of violence cannot be valid as causal factors here. The argument that El Salvador has this much violence because it is so small and so densely populated no longer carries any weight when countries such as Hong Kong or Singapore are brought into the equation.

1 “Homicide” is the umbrella term for murder and manslaughter.

2 “Violence” is understood in the following text to mean only the intentional physical harming of other people.

3 “Peace” is here defined to be the absence of war.



The claim that wartime violence is being perpetuated in a different form can be refuted in at least three ways. Firstly, the explanatory power of this factor is diminished by Nicaragua, with its low level of violence, because during the war it had a homicide rate equally as high (138/1977-1979) as or much higher (208/1981-1989) than El Salvador (138/1981-1992), but the present homicide rate in Nicaragua is much lower than that in El Salvador. Secondly, it is precisely those regions in El Salvador which were the worst affected by the civil war, such as Morazán and Chalatenango, which now have the lowest level of violence, with the result that in some places in these regions it is not even considered necessary to station police units. Thirdly, the argument that it is ex-combatants or their children who are responsible for perpetrating violence nowadays also fails to hold weight. On the one hand, this is partly to do with the remarkable cohesion of both wartime parties, accompanied by a particular level of discipline which continues to make its effects felt since the war. On the other, it can be ascribed to the fact that ex-guerrilleros generally give their children a political upbringing, whereas modern perpetrators of violence are criminal and have no political motives or interests. The regions once so badly affected by the civil war have a low level of violence precisely *because*, among other reasons, ex-guerrilleros have settled there, and they take it into their own hands to ensure that *mareros* and other perpetrators of violence do not set foot there (González, L. 2006; Linares 2006). Unlike certain African countries, in the case of El Salvador (and also of Guatemala) it is therefore not possible to attribute the high level of violence to clashes between ex-combatants from the civil war.

The question arising from the extremely negative homicide rates on the one hand, and from the positive, by Central American standards, socioeconomic and also political indicators on the other, is as clear as the puzzle it brings to light: How is this contradiction to be explained? Elsewhere I have drawn up a causal model, which explains why in three Central American countries there are such high levels of violence and in two countries such low ones (cf. Zinecker 2006 a; Zinecker 2006 b: 129-174). The model can be applied to El Salvador. In this report however the aim is not only, or not primarily, to explain why El Salvador, like Guatemala and Honduras, has a vastly higher level of violence than Costa Rica and Nicaragua. Instead it will investigate why, when compared to both the other countries in the region with a high intensity of violence, Honduras and Guatemala, violence in El Salvador is ahead of them by quite such a long way. The hypothesis to be tested is: while high levels of violence per se can be explained by other factors, in comparison to the rest of Central America in El Salvador two causal factors underlie its extremely high levels of violence:

- 1) in the context of recent globalization, a particularly high rate of migration and associated rate of remittances (foreign workers' rents), which have transformed the country's currency, surplus and income structure at least as radically as the country's foray into exporting coffee, and later into import substitution industrialization, once did. If the failure of this industrialization, along with other factors, was a root cause of the Salvadoran civil war from 1981-1992, it can be assumed that the transformation to a remittance economy is having a similar causal effect upon post-war violence;
- 2) a poor performance linked with a high degree of repressive behaviour on the part of the security sector (police and judiciary). The lowest figure for homicide rates in the post-

war period was achieved in El Salvador in 2003, and then this rose to a figure comparable with the general offensive of the first year of the civil war, but then again 2003 was also the year in which the repressive *mano dura* government policy aimed at violent crime was introduced, the effect of which trickled, gradually, into the ensuing years.

I will show that the first factor – the unprecedented exodus of Salvadorans and its consequences – is better able than the second to explain the levels of violence unique to El Salvador – the omnipresent, unnatural “exitus” (or death). This is also the explanation behind the title of this report. The second factor – the performance of the security sector – explains on the other hand the dynamic of the Salvadoran level of violence over time.

There has so far been no systematic analysis of Salvadoran post-war violence, although studies have been made of violent phenomena such as the *maras* in El Salvador. This report is, empirically speaking, a jigsaw puzzle, and it also treads new ground in theoretical terms, for, as is evident from the first hypothesis especially, in seeking the causes of the present violence it gets involved in a new kind of approach to the issue. The report is based on some 50 interviews with Salvadoran academics, politicians (including ex-presidents), members of the police and judiciary, NGO activists, and also violent criminals. The interviews were carried out by the author in 1997, 2006 and 2007.<sup>4</sup>

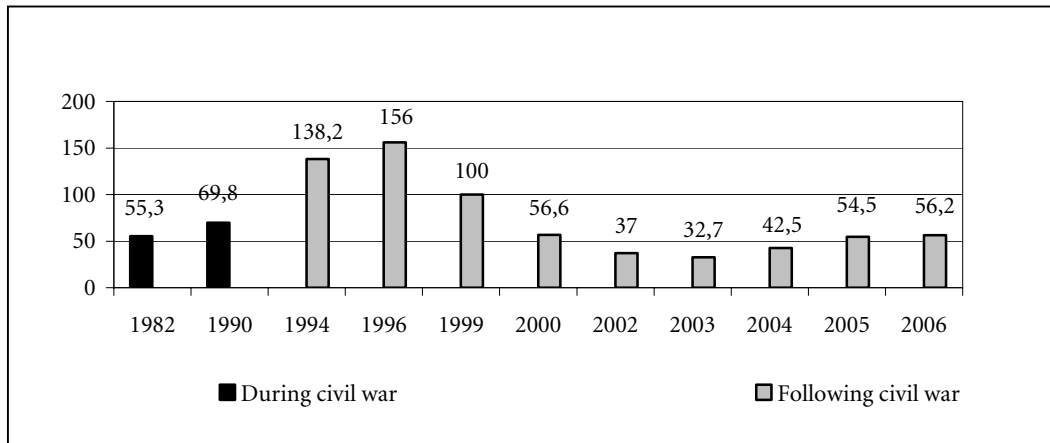
## 2. Empirical findings

### 2.1 Levels of violence

The average homicide rate for El Salvador in the post-war period, since 1992, comes to 74.8. A rate of more than 10 is already classified by the World Health Organization as an epidemic. El Salvador has a homicide rate which is 2.5 times higher than the average for Latin America, which for its part has an average six times as high as the global average.<sup>5</sup>

4 The interviews would not have been possible without the support of the German Research Foundation (DFG) and the remarkable cooperation of the Embassy of the Federal Republic of Germany in El Salvador, of the local branches of the Friedrich Ebert- and Hanns-Seidel Foundations, and also above all of the Salvadoran interviewees. I would like to express my gratitude to them all here.

5 As is customary in literature, the homicide rate is also used here as evidence for the evolution of violence, because it remains the most reliable of all levels of violence, well knowing that homicides always represent only the smaller proportion of acts of violence. The reliability and availability of homicide statistics are themselves extremely poor; the figure therefore had to be compiled from different data sources. Post-war rates for the 1990s are based on data from the World Health Organization, and for the 2000s on statistics from the Salvadoran police. I am aware that in comparison to the homicide rates issued by forensic scientists and the public prosecutor’s office those from the police are the lowest. I am using these statistics, where available, as a basis because the police across all Central American countries have been collecting data the most continuously and they are the only institution in possession of a complete statistical picture of departments and municipalities. However, regardless of which source is used, there is no doubt at all about the distinctive sine-curve graph of the homicide rate as shown in Figure 1.

**Figure 1: Homicide rates per 100,000 inhabitants in El Salvador, 1982-2006**

Own representation, based on: Cruz/Trigueros/González 1999: 19; United Nations 2000: 35; [www.proceso.com.mx/noticia.html?nid=29537&cat=0](http://www.proceso.com.mx/noticia.html?nid=29537&cat=0). (last accessed 05.08.2005); [guanacos.centramerica.com](http://guanacos.centramerica.com) (last accessed 09.04.2007); [www.uca.edu.sv/publica/idhuca/articulos.html](http://www.uca.edu.sv/publica/idhuca/articulos.html) (last accessed 05.03.2005).

The homicide rate rose in El Salvador in the first four years after the war to double the level of the final wartime rates. It reached its peak at a time when political violence had disappeared from the scene; violence was exclusively violent crime, and the *maras* were still at an embryonic stage of development. The rate then dropped dramatically, to below the level of the final wartime rates, only to increase sharply again after 2003. The fact that the rate is rapidly increasing again, only just remaining below the level of the final wartime rates, puts a question mark over the assumption that post-war violence is solely due to the understandably poor performance of the only recently established security sector during the years immediately after the war. Four questions therefore arise:

- 1) Why is the homicide rate generally so high in the post-war period?
- 2) Why did it increase so sharply in the years immediately following the end of the war?
- 3) Why did it then drop for an interim period?
- 4) Why has it been increasingly dramatically again since 2003?

A comparison with the departmental statistics for Guatemala reveals that in El Salvador there is not such a great difference between homicide rates in the different departments. In Guatemala (in 2005) the rate ranges from 7 (Totonicapán) to 111 homicides (Petén) per 100,000 inhabitants, whereas in El Salvador (in 2004) the greatest difference is between 10.2 (Morazán) and 52.8 (Sonsonate). However, taking a look at the municipalities, the difference in El Salvador does turn out to be a considerable one too (PNUD 2005 c: 484): between 132 (Municipio Sonsonate) and 0 (e.g. Municipio Yamabal). Furthermore, even in regions with a low level of violence the large cities, often the regional capitals, are characterized by a homicide rate which is high even by the country's own standards. On the whole, however, violence in El Salvador is more evenly distributed over the country's territory than in Guatemala. It is neither the poorest departments nor those with the highest Gini coefficient (using both indices, these are Cabañas, San Miguel and Morazán), which have the highest level of violence (these are Sonsonate, La Libertad, Santa Ana and San Salvador). Nor yet is it the departments once worst affected by the civil

war, since these are precisely those which were then and are still now characterized by the highest levels of poverty and inequality.

According to Medicina Legal, 57.4 % of homicides in El Salvador in 2003 were to blame on general crime (*delincuencia común*), and only 8.0 % on the *maras*, the youth gangs typical of El Salvador (PNUD 2005 a: 23). However, in March 2007 the police commissioner declared that 80 % of homicides were to blame on the *maras*. Only after further enquiry did he state more precisely that 80 % of all homicides *were connected with maras*, i.e. *mareros* could also simply be victims, going on to concede that only half of the perpetrators of murder and manslaughter were in fact *mareros*. In any event, according to the police commissioner, *mareros* represented the largest group of perpetrators, followed only then by general crime (Ávila 2007). Marcela Smutt, specialist on violence for the UNDP, is meanwhile of the opinion that only 30-40 % of homicides were to blame on the *maras*, with the rest being unsolved, but it could be assumed that the majority of violence was perpetrated by general criminals (Smutt 2006). In 2004, 12.8 % of citizens reported themselves the victims of a crime, but only 4.6 % voluntarily said that they had suffered abuse at the hands of the *maras* (FESPAD 2005: 14). Political violence nowadays is largely immaterial, although it has recently been on the rise again, whether as symbolic violence in political campaigns or as clashes in the context of elections. In any event, however, violence even in the form of violent crime is being manipulated for political ends.

Although the *maras* are not responsible for the majority of violence, they are presented below as an example of perpetrators of violence, because they are currently the most relevant collective perpetrators of violence in El Salvador, inasmuch as they are undergoing important transformations which need to be taken into account, and because the country's entire domestic security policy is focused on them.

## 2.2 Forms of violence – the example of the *maras* (an excursus)

*Maras*<sup>6</sup>, the currently typical form for youth gangs in El Salvador, but also in Guatemala and Honduras, have predecessors in El Salvador who date back way before the civil war, some to as long ago as the 1940s. Based on gangs (*barras*) formed in the context of sports competitions, the 1970s saw the formation of student gangs (*maras estudiantiles*), who had it out with the *maras* from another educational institution, and street gangs (*maras callejeras*), who identified themselves by the part of town (*barrio*) from which they came. Clashes also ensued between both these kinds of gang. However, at most it was stones being thrown, or at very worst a knife being pulled. These gangs did not use guns. Neither gang had anything to do with the political conflicts before or during the war. The civil war drew a cover over the disputes between them, without bringing them to an end (Savenije/Beltrán 2005: 24).

6 The name “mara” was already in use by the Central American youth gangs of the 1970s and 1980s. It comes from “con mis amigos” (with my friends), but was later traced back to “marabunta” (killer ants which caused immense destruction in Brazil in a 1970s film).

In the second half of the 1980s, while the civil war was still being waged, the first Salvadoran migrants were deported back to El Salvador from the USA. They included young men who had belonged to the Mara Salvatrucha (MS) or Barrio 18 in Los Angeles, from where they brought back distinctive cultural influences and symbolism into the Salvadoran street gangs. However, mass migration to the USA, and then the return or deportation of the migrants, did not begin until after the war had ended. Under this influence Salvadoran *maras* increasingly adopted characteristics of their Los Angeles models, although never to the exclusion of all else. Culturally speaking, *mareros* are and will remain “transnational hybrids” in either of the worlds in which they live. Much earlier than those responsible in the Salvadoran state security sector realized, the new *maras* became active after the war. As long ago as in 1993 40 % of city-dwellers in El Salvador confirmed that they had noticed *maras* (Cruz/Carranza 2006: 133). Although the *mareros* deported from the USA continue to bring the, primarily cultural, model into the Salvadoran *maras*, the gangs carry out their recruitment even today mainly in El Salvador: some 90 % of their members join in their own country and not in the USA. Two thirds of these were recruited in the Salvadoran penal system by *mareros* serving a jail sentence. Meanwhile, the first generation of new *maras* has grown older and is about to turn 40. At the same time, far more children are being recruited than before.

However, even in the new *maras*, which reached their peak in the mid 1990s, there was a remarkable development: while at first they were groups who formed for the sake of the “crazy life” (*vida loca*), i.e. so as to have fun and enjoy alcohol, parties, sex and drugs (*vacilar*), the motive later on for joining the *maras* increasingly became primarily the exercise of power and gaining of respect – through fear (Homies Unidos et al. 1998: 71). After 2000 at the latest, the *maras* evolved into associations which employed violence specifically to further largely economic interests (Aguilar/Miranda 2006: 52) and to cooperate with organized crime. The *maras* are closely linked with drugs cartels. For the *maras* violence is not an end in itself, but a means of making money and raising their own status. This does not rule out the fact that earlier reasons for joining the *maras* have retained their appeal, including among others the motivation that the *maras* were frequently the only social reference group available to youngsters in their locality, or *barrio* (Cruz/Carranza 2006: 142). However, the fact remains that not all gangs are *maras*, not all *maras* are part of organized crime, and not every *marero* commits acts of violence. Nonetheless, the desire of young people to gain power, respect and money by criminal means is the dark side of a society dominated by an oligarchy and characterized by economic, social and political exclusion.

Nowadays in El Salvador there are between 9,500 (González, P. 2006 b: 2) and 35,000 (Aguilar/Miranda 2006: 47) *mareros*, 3,500 of whom are in the penal system. The police have registered 309 *clicas*, or *mara* cells (Aguilar/Miranda 2006: 48). With regard to the number of *mareros*, El Salvador takes third place in Central America, behind Honduras and Guatemala (Carranza 2006). When one considers that the homicide rate in El Salvador is some 10 to 20 points higher than in both other countries, it becomes clear that most of the homicides *cannot* be blamed on *maras*, even allowing for the fact that it is possible for one *marero* to have committed more than one homicide. Most *mara* victims belong to the same gang, and have been murdered for desertion or because of enemy rivalries between *clicas*, only then come victims from the other gang, followed by witnesses of crimi-

nal acts, then the police and their assistants, and finally those who resist violent extortion (González, P. 2006 a).

Of Salvadoran *mareros*, 55 % belong to the MS and 33 % to the Barrio 18, with other *maras* playing a subordinate role (Aguilar/Miranda 2006: 48). Barrio 18 is more closely linked with organized crime, more deeply involved in economic crime such as robbery and extortion, and has more resources than the MS. It is said of Barrio 18 that its members are more fanatical, colder and more cruel when they kill. It has a more sophisticated hierarchical structure than the MS, which for its part is more similar to a movement. While Barrio 18 always had leaders (*palabrerros*), the MS *mareros* insisted for years that they had none (Carranza 2006). This changed after the government introduced their repressive anti-*mara* strategy in 2003. In the MS there are now leaders at all levels in the form of *corredores*, while *misioneros* carry out specific duties such as collecting “taxes”, and *avesillas* are responsible for the *barrio*. With *La Cuna*, also known as “the 13”, a kind of council of state, the MS has a clearly delineated management floor, in which a Central American leader is supposed to hold sway (Carlos 2006). The most senior *mara* leaders live in the USA. In their own country the veterans have the highest authority, especially those deported from the USA and those in custody.

The members of the *mara* are systematically robbed of their personality; they are numbers without faces, who have a duty or a “mission” to fulfil. According to an expert with in-depth knowledge who would prefer to remain anonymous for security reasons, the *maras* are more fundamentalist than extreme Islamic groups, for they do not hope for any reward in Paradise, but are bound straight for hell. Death is their fate, and therein lies their only pleasure. Where others crave drugs, they crave death. This observer reports satanic rituals, in which *mareros* eat the heart of their victims, pour blood from a corpse into a cup and drink it in imitation of the Eucharist. They hand the corpse over to the devil, by throwing it into a ditch. This makes them convinced that they have consumed the devil and are now strong enough and ready to commit murder (anonymous member of civil society 2006). Other observers, likewise from a church-going background, are more sceptical about this: the *mareros* might describe themselves as “sons of the devil”, but would nonetheless value priests more highly as “sons of God” (Rodríguez 2006). The talk of the devil, according to another person with knowledge of the *maras*, is in fact just talk. If you tell them that you do not believe in God yourself, then the *mareros* are shocked (Carlos 2006).

Since the government’s repressive anti-*mara* strategy began in 2003, which included infiltration of the *maras* by police agents, *maras* have altered their appearance and behaviour. They no longer get tattoos, or wear the style of clothes that was typical of them, and have now developed new language codes. Their acts of violence have become more horrific. Decapitation of victims has a far broader significance than before. The *maras* have strengthened their internal code of conduct. Members of Barrio 18 are no longer allowed to leave at all; in the MS they can become “silent” *mareros* (*calmarse*), but only under quite stringent conditions, which include regular reporting to the leaders. The MS has set up 13 new internal rules: the previous initiation rite (to fight the others for 13 seconds) was scrapped. From now, those seeking admission to the *mara* must complete a task

which generally amounts to murder. Police agents would be detected at this point, if not earlier. Women are no longer admitted into this *mara*. Gang members are now forbidden from taking drugs, with the exception of marijuana. Theft not sanctioned by the leader is punished. The general meetings of the *clicas*, the *mirins* (now known as *misas*), are now held only by telephone. The *casas* “destroyer”, or safe houses used by *mareros* for meetings and sometime also to live in, have been abandoned. Nowadays, it is mainly penal institutions that are used specifically to provide structure and potential recruits to the *maras*. Violence has an even greater role to play for the *maras* than it did before, and is exercised increasingly forcefully on the civilian population as well. All these changes have made the *maras* more disciplined and flexible in the face of government strategy.

Other than might generally be expected, *mareros* do not come either from the poorest strata of society or the most marginalized parts of town, instead they come from working class or lower middle class backgrounds, i.e. from sections of the population classified as the second and third income quintiles (from the bottom). They are not street children; they generally have a home, located in urban *barrios* with a high population density and most commonly in a rented house with a large number of inhabitants. *Mareros* are also not war orphans. They do not come from asocial families. Their parents have an income, and are often being sent remittances from family members working abroad. *Mareros* are educated to a higher level than the average Salvadoran. *Mareros* either left school early, or were unemployed or working in insecure part-time jobs before they joined the *maras* (Caranza 2006). 75 % of *mareros* are unemployed. When asked what they would most like to have, the majority of *mareros* questioned replied: work (Homies Unidos 1998: 39, 113).

### 3. Model

The following causal analysis of Salvadoran post-war violence – and also, although not exclusively, of the *maras* – adopts an aetiological sociostructural (macro-)approach as used in criminology. This approach is based on the hypothesis that there are “conspicuous” societal structures which, in certain life situations, exert a social pressure leading to deviant behaviour (Albrecht 2002: 31–33, 37–39). In the context of this theory I have elsewhere differentiated between enabling and preventive structures (Zinecker 2006 a: 20-39). Enabling structures offer fertile ground for (violent) crime. Preventive structures can act to ensure that there are no outbreaks of (violent) crime even where enabling structures are present. Where preventive structures are absent or poorly functioning, this makes the effects of the enabling structures stronger. I make the claim here that, in cases of intensive violence, well developed enabling structures are working hand in hand with poorly functioning preventive structures.

Enabling structures can be political and economic in nature. A *political* enabling structure which particularly benefits violence (and not only war) is semi-democracy, which I describe as regime hybridity, because this term is more precise and gives a better indication that the regimes in question, while not authoritarian, are also simply not democratic.

Using my model, democracy encompasses the elements of civil rule, polyarchy, the rule of law, political inclusion and a civilized (non violent) life for its citizens, where a civilized life must be omitted as an independent variable when investigating the causes of violence, so as not to end up with a circular problem. Where the first two elements exist in a non-democratic system, this is authoritarianism. Where the next three elements exist in a non-democratic version, this is a non-authoritarian form of non-democracy, and therefore regime hybridity. Regime hybridity also arises, however, when state institutions do not function, or function badly, resulting in poor performance. A democracy is no democracy if its institutions do not function. Thus hybrid regime is understood here to be a kind of regime which can be assigned to the grey area between authoritarianism and democracy when judged by its content and/or its performance (Zinecker 2004 b: 239-272).

Poverty, inequality or a low level of economic development are identified in relevant literature as *economic* enabling structures for violence. However, as illustrated in the introduction, this is all just as inappropriate as a causal factor in El Salvador's violent crime as it is for that in Guatemala and Honduras. I therefore assume that other economic enabling structures can be identified in this case, specifically the rent economy. From the variety of rent approaches I will be using a rent model which is open both internally, providing for *several* different types of rent, and externally for linking to political structures. There is such a model in the work of Hartmut Elsenhans (Elsenhans 1994: 106-109). Following this model, there are in rent economies marginal labour forces who possess the physical prerequisites to produce more than they need for their own and their family's needs, but who are unable to do so because of inadequate means of production. A weak economic status for labour results in the levels of real wages and mass income also being low, which leads to a systematic curtailment of internal market relations. This in turn implies that incentives for investment and innovation are low, and as a result self-generating capitalist growth become impossible. If, instead of capital and labour, it is rents and restriction of labour which confront each other, resulting in there being no guarantee of dynamic equilibrium of supply and demand, the opportunity costs argument suggests, indirectly, to the lower classes in particular that they should seek out an alternative kind of market access, for which violence seems to offer a quick and readily available substitute.

El Salvador and the other violent cases Guatemala and Honduras are both hybrid regimes and rent economies. However, Nicaragua is also both these things, while having a lower level of violence. For this reason regime hybridity and rent economy are not per se causal factors for high levels of violence. Instead it is necessary to look for quite *specific* configurations and combinations of regime hybridity and rent economy, which are present only in the cases of high intensity violence, in El Salvador, Guatemala and Honduras, but not in Nicaragua. I perceive the *specific* configuration of *regime hybridity* with the power to explain the high levels of violence in the cases of high intensity violence in El Salvador, Honduras and Guatemala to be on the one hand, with regard to the regime's content, the absence of political inclusion and the absence of the rule of law, and on the other, with regard to the functional competence of state institutions, an extremely poor performance and at the same time repressive behaviour by precisely those institutions which constitute the security sector: the police and judiciary. As far as the absence of political inclusion is concerned, this is inherent in the oligarchic systems prevalent in Central



America's most intensely violent countries, and known to represent the opposite of mass politics in the form of minority rule.

I perceive the *specific* configuration of *rent economies* with the power to explain the high levels of violence to be the predominance of new rents, which have taken the place of the old (agrarian) income, so that instead of creating mechanisms for a market economy they set up a modern outlet for old oligarchic structures, through which the "excess pressure" threatening the system can be channelled off, which otherwise would have represented a threat to the oligarchy from below. These new rents include income from stocks and bonds and (using a broad concept of income) the *maquila* (sweatshop) industry, but first and foremost remittances. This report will concentrate on the remittances and also the poor performance and repressive behaviour of the security sector, one element respectively from enabling and preventive structures, because both these factors are even more firmly rooted in El Salvador than in both the region's other violent cases.

## 4. Reality

### 4.1 Fundamental causes of violence

#### 4.1.1 Regime hybridity

The right-wing government party ARENA and also relevant indicators for democracy consider El Salvador's political regime to be democratic. The left-wing opposition party FMLN describes it on the other hand as a "civil dictatorship" (González, M. 2006). I have shown elsewhere that El Salvador currently has a hybrid regime, which essentially features the democratic elements of civil rule and polyarchy (deficiencies are not pronounced enough here for the basic criterion for this not to apply), while lacking the democratic elements of the rule of law and political inclusion (Zinecker 2004 a: 108-188; Zinecker 2007: 1089-1100). El Salvador is under the thumb of an oligarchy that, although modernized, has persisted in its nuclear form for centuries, which as a minority by definition automatically rules out political inclusion. In the context of Latin America the country also represents an extreme case of the government agenda conforming to the interests of the oligarchy (Segovia 2006: 550).

This peculiarly political exclusion typical of oligarchic regimes, and the corresponding anti-oligarchy opposition, give rise to the bipolarity of the party system, in which ARENA and FMLN are diametrically opposed. The fact that both parties have almost equal followings is evident from the fact that although ARENA always provides the presidents, the FMLN has had more seats in parliament since 2000, without having an absolute majority, and has been the party of numerous mayors, including that of the capital city. While in Guatemala a fragmented party system that fails to attract voters can be said to be the sign of an absence of democracy and the cause of high levels of violence, in El Salvador paradoxically it is the two-pronged party system that does attract voters which has a similar effect.

The government party ARENA makes use of violence for its own political ends. The high income from violence enables it to justify the country's characteristically oligarchic and prohibitive structure superbly well, and force the security sector's institutions into a subordinate role by removing them from democratic control. Ex-President Armando Calderón Sol acknowledges, "We made a lot of mistakes. We made use of violent crime. We are very much to blame. Crime was politicized by us from a party perspective. It was a problem shared by us all. But even we, I mean ARENA, were involved in it. It was a poor approach." (Calderón 2006)

The FMLN on the other hand has used the *maras* as political backup before. But even Ex-President Alfredo Cristiani of ARENA does not believe the claim to be true that the FMLN are in command of the *maras* (Cristiani 2006). Nevertheless, during the last election campaign ARENA booked a TV spot in which a member of Barrio 18 claimed that the MS worked for FMLN. It is certainly true that *mareros* actually do have a greater affinity for FMLN than for ARENA, however, according to Eduardo Linares of the FMLN and former head of police in the capital city, it would be wrong to believe that all *mareros* had left-wing allegiances. "If that were the case, then the FMLN would have been in power long ago." (Linares 2006) Although a few of the municipalities with the highest levels of violence are or were governed by the FMLN (Apopa, Ilopango, Soyapango, Santa Tecla), people should not jump to conclusions: the central government does everything in its power to ensure that mayors from the opposition party fail. This leads to resourcing problems in the security sector as well. Furthermore, the municipalities governed by the FMLN are not the wealthiest anyway. It therefore becomes clear that not only a weak (as in Guatemala), but also a strong party system (as in El Salvador) can generate high levels of violence, in the latter case because in the face of the relative balance of power between the two parties any social issue, including violence, can be manipulated in favour of respective party interests.

As far as performance of state institutions is concerned, many of them, especially the security sector, have entirely restructured themselves in the course of the transition to more democracy and peace building. In doing so, they first of all became increasingly democratic, but functioned worse. The army, historically the state-builder, had to withdraw from politics after the peace accords, and there was no new state-builder in sight. The first post-war explosion of violence coincided with this period of institutional vacuum, lasting until 1996 and completely overwhelming the institutions. Initially they did not react at all, and then they did so in a much more repressive way so as to compensate for their poor performance (which they could not) and put the success of the democratization process once more into question. This goes to explain the second explosion of violence after 2003.

#### 4.1.2 Rent economy

Structures which cause violence can be traced back to quite specific configurations of rent economy, consequently to the predominance of new rents, because these reinforce the bipolarity between the oligarchy and the poor by creating an outlet for rent economies. In spite of economic liberalization, the nucleus of the old coffee-based oligarchy which

dominated the country for centuries continues to hold sway in El Salvador. Since the end of the civil war this nucleus has modernized itself, taken on a global dimension and diversified its activities. Further power groups have sprung up around it, some of which are its economic equals. Even its own most significant income is no longer from coffee but from new, speculative, stocks and bonds. After the peace agreement, the most important coffee oligarchies concentrated their efforts in the sector of financial speculation. Later on they expanded their business into provision for the elderly, insurance and real estate (Segovia 2006: 549). As it was only a few families (in particular Cristiani-Burkard-Llach-Hill, Mathies-Regalado-Dueñas-Baldocchi, Murray-Meza-Ayau and de Sola) who expanded their former business activities in the coffee monopoly into other sectors, namely the financial sector, the Salvadoran rent-appropriating class while admittedly modernizing itself did not stop being an oligarchy, but merely restructured itself as a new oligarchy.

Nevertheless El Salvador has the lowest Gini coefficient after Costa Rica and therefore a relatively low level of general inequality by Central American standards. This is due mainly to the fact that the second, third and fourth quintiles from the lowest are relatively well off, as illustrated in Figure 2. This is also borne out by the high level of migration by Hondurans and Nicaraguans to El Salvador because of the higher wages there.

**Figure 2: Income distribution by quintile in urban households, 1998/1999**

	1st quintile	2nd quintile	3rd quintile	4th quintile	5th quintile
<b>El Salvador</b>	5.6	10.7	15.7	22.5	45.6
<b>Guatemala</b>	5.5	9.2	15.5	19.7	62.2
<b>Honduras</b>	4.7	9.7	13.5	21.2	49.8
<b>Nicaragua</b>	3.5	8.8	13.3	20.2	54.3
<b>Costa Rica</b>	5.5	10.6	15.9	24.1	43.8

Source: UNDP 2004: 129f.

The rent-appropriating oligarchy as the top quintile implies not only marginality at the other end of the scale, the lowest quintile, but also has no interest in free market economy or the prerequisite for this, the production of capital goods. It generally invests very little in the production sector. Investment rates reflect this: between 1990 and 2003 in El Salvador, with its high level of violence, fixed internal gross investment was 16.6 % of its GDP, ranking the country nine percentage points below Nicaragua, with its low level of violence, in which it was 25.6 points.<sup>7</sup>

Under conditions where oligarchic structures systematically obstruct investments – especially in capital goods production – and therefore also local production and labour, the oligarchy urgently needs an outlet in order to survive. New rents fulfil this function. However, new rents for their part restrict the firm establishment of local labour and production, which once more attracts a low level of investment. The most important new rents in

7 cf. [www.eclac.org/publicaciones/xml/0/14980/DGE-2234-Cap3.pdf](http://www.eclac.org/publicaciones/xml/0/14980/DGE-2234-Cap3.pdf) (last accessed 02.05.07).

El Salvador are the remittances, which are income sent home to their families by migrants working abroad. In El Salvador in particular, remittances are hardly ever saved. Remittances not only fundamentally reduce investments (Cáceres/Saca 2006: 881), but also the supply and, at least in the longer term, because the attraction is no longer there to create employment by investing locally, demand for employment in the Salvadorans own country. Remittances support oligarchic structures, because they make it possible to be a consumer without working or producing anything. In the following section I will show that in El Salvador there is a causal connection between the high levels of migration and remittances – the exodus and its economic consequences – and high homicide rates – the “exitus”.

## 4.2 Specific, highly significant causes of violence in El Salvador

### 4.2.1 Migration and remittances

In a first step I shall demonstrate the exceptionally high volume of Salvadoran migration to the USA. Secondly, I shall illustrate the extremely high value of remittances within the (socio)economic structure of El Salvador and the implication of this for the reduced importance of local production and labour. A third step will confirm the particularly high volume of remittances in El Salvador with the corresponding economic and social implications in comparison with the rest of Central America. If this is successful, then it goes to prove that there is a correlation – as El Salvador is also the country with the highest levels of violence in the region. This correlation will then be confirmed in a fourth step using comparison within El Salvador itself (between the departments and municipalities). A fifth step will finally derive causality from these correlations.

Step 1: The exceptionally high volume of migration by Salvadorans to the USA – in comparison with the rest of Central America

In 2004 2.5 million inhabitants emigrated from El Salvador, i.e. 20 % of the population and almost seven times the global average, primarily to the USA and then to Mexico. This is a real exodus. 90 % of these migrants are younger than 35 and 70 % younger than 26. Viewed statistically, the Salvadoran migrants tend to be male rather than female, aged between 18 and 44 years old, and from rural areas, with a slightly higher standard of living and education than the average for those who do not migrate (Andrade-Eekhoff 2003: 16). Neither the two top quintiles nor the bottom quintile of the population migrate, but instead the second and third quintiles from the lowest, who are better off in El Salvador than their counterparts in Honduras and Nicaragua, but worse off than those in the USA.

In the USA the Salvadorans represented the largest number of Central American residents with 1,201,002 in 2004. This is three times as many Salvadorans as Guatemalans and Hondurans, and almost four times as many as Nicaraguans. 42 % of the Salvadorans who migrated to the USA went to California. More than two thirds of them ended up in Los Angeles, where the American *mara* street gangs had their origins. If one compares the number of people deported from the USA, the rate for Nicaraguans is only a tenth of that for Salvadorans and Hondurans, as illustrated in Figure 3.

Figure 3: (Deported) Central American residents in (from) the USA (2004)

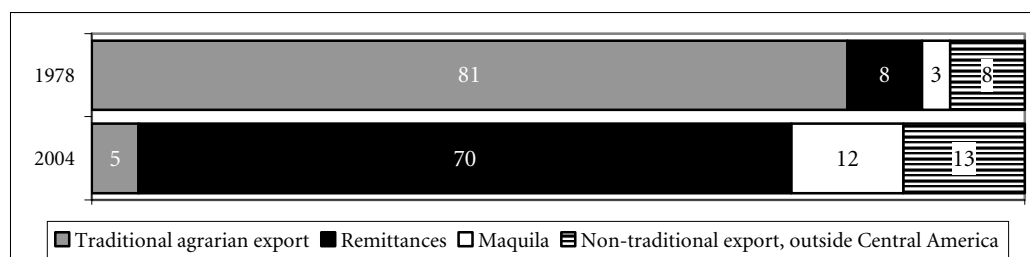
	Salvadorans	Guatemalans	Hondurans	Nicaraguans
Number of residents in the USA	1,201,002	698,745	407,994	248,725
Percentage of population	17.77	5.64	5.68	4.62
Central American residents deported from the USA	56,076	39,669	63,639	50,26
Percentage of population	0.82	0.32	0.88	0.09

Source: Rocha 2006: 47

Step 2: The particularly high value of remittances within the (socio)economic structure of El Salvador and its implications for the loss of importance of local production and labour

Salvadoran emigrants send remittances to 22 % of households in El Salvador. Of these, 40 % of households are supported by their relations with migrants. It is particularly interesting to observe the transformation of the value of remittances within foreign currency inflow.<sup>8</sup> In Figure 4, each section of both bars which represents the remittances is filled in black; the difference in length to the other sections of bars in 2004, but also to the same section in 1978, is enormous:

Figure 4: Transformation in foreign currency inflow to El Salvador in %



Source: PNUD 2005 c: 7.

The figure illustrates that in Salvadoran foreign trade between 1978, when the homicide rate was still relatively low, and 2004, by which time it was high, a complete turnaround has taken place in the relation between traditional agrarian export and remittances. With remittances, 70 % of foreign currency inflow is now acquired abroad. If you include the 12 % of the *maquila*, which is local with regard to labour, but not to capital, then 82 % of foreign currency inflow does not come from the combination of local labour

8 Foreign currency inflow comes from net export, direct investments, portfolio investments, development aid and loans. Debt service must be subtracted. Not all foreign currency inflow is therefore rents.

and local investment. In El Salvador, this transformation in the structure of foreign currency and surplus, which is highly radical and counterproductive for rejecting rent economy and establishing market economy, can be equated in terms of its size with the time the country embarked upon coffee export and then upon import substitution industrialization, the failure of which was one cause of the civil war.

Not only has the economy of El Salvador not been an agro-export economy since the end of the war at the latest, as illustrated in the above diagram, but it has also no longer been an export economy in general, as it hardly produces any industrial goods for export. It always served almost exclusively foreign economic systems. Now however it fulfils the same function, by making labour available to foreign economic systems – whether via remittances or *maquila* – as a factor of production, rather than export goods (Montecino 2006: 838). In this, *maquila* plays a secondary role to remittances. However, if the *maquila* did not exist, having represented almost half export volume since 1997, El Salvador's export rates would drop. The *maquila* is also where presocialization of future migrants and remittance-earners takes place (Puerta 2007).

The influx of substantial volumes of remittances leads to an increase in value of the exchange rate and therefore also to a specific manifestation of the Dutch Disease<sup>9</sup>, the remittances disease, which diminishes the opportunities for export and causes imports to rise: in 2005 42 % of imports in El Salvador were funded by remittances (Equipo 2006: 30). Remittances make consumption possible in the home country, without this being supported by remuneration of local labour. 83 % of remittances in El Salvador are spent on consumption, in particular to buy food (Equipo 2006: 27). Remittances certainly lead to increased demand, but not (at least, not in El Salvador) to an increase in local production. Only about 6 % of remittances are saved in El Salvador, which does not even mean that these savings are invested. Moreover, many migrants save in their countries of residence. The demand artificially created by remittances is not conferred onto local production but onto imports, as is usually the case with Dutch Disease. Remittances therefore fund imports and reduce the incentives for local production. Less is produced and employment opportunities also decline. If foodstuffs are also imported, this has a serious effect on local food production and opportunities for employment in the agricultural sector. This in turn causes migration into the cities and urbanization. Urbanization causes the population density in housing to increase considerably. Families living with 10 people in an area of 30 sq m find it hard to cope. The children flee from the lack of space onto the streets, where the *maras* are waiting for them.

Remittances are the consequence of economically motivated migration, and consequently are linked with a lack of demand for labour in the home country. Migration ensues either because of anticipated higher wages in the other location (in the case of qualified workers) or because of existing unemployment in the country of origin (in the case of less well qualified workers). Not only the second, but also the first motivation is indebted

9 Dutch disease can manifest itself if new resources suddenly open up. The currency appreciation that this causes brings with it sales problems for export industries. Decreased export of these goods leads to the decline or disappearance of the industry in question.

to the geographical difference between supply of and demand for work. Labour migrates if it is undervalued in its own country, or if there is absolutely no demand for it. A low remuneration of labour is typical of oligarchic structures, in which there is hardly any competition. El Salvador is a classic example of an oligarchic structure. Since migration is as a rule linked to the motivation of wanting to send remittances to one's own family, migration and remittances mutually reinforce each other's effect.

If one compares the average remittance amount received monthly by each Salvadoran household (USD 157) with the minimum wage in El Salvador in rural areas (USD 83), the ratio is almost 2 to 1. On the other hand, wages in El Salvador are higher than in Nicaragua, Honduras and Guatemala, and in contrast to the other countries the Salvadoran currency has furthermore been converted to the US dollar. This has resulted in an influx of Honduran and Nicaraguan workers into El Salvador, in greater numbers than the flow of Salvadoran workers abroad. As a result there is a surplus of workers, which has in turn reduced the level of Salvadoran wages, but not the number of local workers migrating to the USA because it is not worth their while to emigrate to neighbouring Central American countries, in view of the inverse pay differential.

Remittances deprive the Salvadoran economy of labour. On the one hand, 67 % of men and 66 % of women migrating from El Salvador are doing so because they want to find work (Equipo 2006: 11). On the other hand, remittances reduce the necessity and desire of those families who receive them to find work themselves. This is because people from households with remittances have higher earning expectations than people from households without remittances and consequently will not accept any work (they do not have to). Unemployment in households with remittances comes to 8.6 %, and in households without remittances 6.4 %. Those departments (La Unión, Cabañas and Morazán) which receive the most remittances have the lowest proportion of economically active inhabitants who are of working age (PNUD 2005 c: 89 – 92). As they are barely invested in education and still less in production, remittances are unable to absorb labour, but instead are able to evacuate it – and that only partially. All this reduces the production capacity and structure of the country despatching the labour.

At 6.8 % of the economically active population (2004), the official unemployment rate in El Salvador is actually relatively low thanks to remittances, or rather to the exceptional rate of migration abroad which underlies them which removes 400,000 people (i.e. 7.5 % of the economically active population) from Salvadoran unemployment statistics. However, if one considers that the Federal Republic of Germany has an unemployment rate of 10 %, this reveals how little credibility can be attached to Salvadoran statistics. Of much more interest is the fact that El Salvador's population tops the list of all Latin American countries when it comes to people's fear of unemployment (Informe Latinobarómetro 2005: 64). El Salvador is also the country in Latin America where the population's fear of unemployment and fear of crime balance each other out most (Informe Latinobarómetro 2005: 70). With 42.8 % of the economically active population El Salvador additionally has the largest informal economy (a form of concealed unemployment) in Central America. Since a large proportion of criminals is young, the unemployment rate for young people

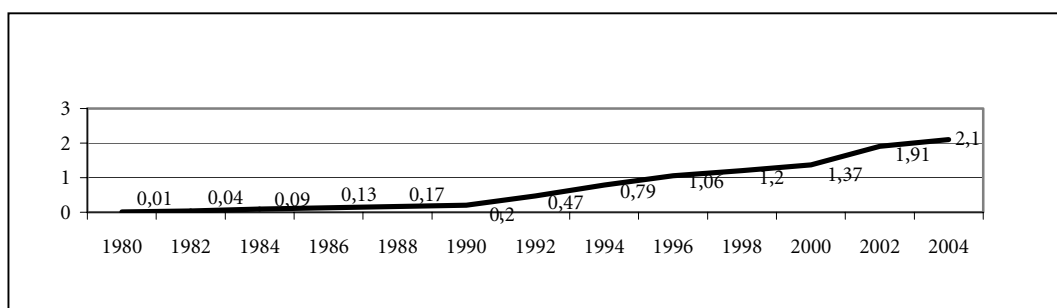
proves to be especially relevant; even according to official statistics it is twice as high as the average in the rest of the population.

Thus the enormous value of remittances to the economic structure of El Salvador has been shown from its percentage share of foreign currency inflow, export volumes and GDP. Remittances create advantages because they make consumption possible. But this is consumption on tick, because remittances mean consumption without (local) production, imports without exports, and wage losses and loss of importance of labour. Remittance influx and growth of GDP are inversely related to one another, because the loss of human capital – the main source of economic development – through emigration leads to recessive consequences. This is confirmed by the fact that the nominal GDP growth rate has been falling in El Salvador since 1995, while the remittance rate has simultaneously been increasing. Experts on violence have discovered that there is a correlation between falling economic growth rates and increasing crime (Fajnzilber et al. 2000: 219-302). If there is a correlation between increasing remittances and falling/stagnating GDP, as well as between high/increasing GDP and low/falling homicide rates, then there is also a correlation between increasing remittances and increasing homicide rates (Cáceres 2006: 602).

Step 3: The exceptional value of Salvadoran remittances in a Central American comparative context and the correlation of rates of remittances and violence on the isthmus

Figure 5 illustrates that since the beginning of post-war violent crime in 1992 the annual remittance inflow is not only steadily increasing, as was already the case during the war, but that its growth rate has a particularly steep gradient. It is therefore possible to identify a correlation between the fundamentally high homicide rates and the remittance rates, which are high and which also increased sharply at the time the post-war period began. While this demonstrates a correlation with the generally high factor of the post-war homicide rate, it does not yet explain its sine-curve progression. For this explanation, the relevant factors are expounded in Chapter 4.2.2.

**Figure 5: Annual remittance transfers to El Salvador, in billions of US dollars**



Source: Orozco 2004 b: 4.

In Latin and Central America it is El Salvador where remittances make up the largest proportion of export volume at 54.6 %. In second place in Central America, but with 20 percentage points difference, comes Nicaragua (FMI 2000). Only in the Dominican Re-



public and in Nicaragua do remittances represent a higher percentage than in El Salvador (PNUD 2005 c: 137). In this respect, El Salvador with 16.1 % is ahead of Guatemala with 10 %. In 1989 it was still 4 % (Andrade Eekhoff 2003: 18). In Nicaragua the percentage of GDP represented by remittances is a little higher than in El Salvador at 17.8 %.

However, unlike Salvadoran remittances, a third of Nicaraguan remittances comes from Costa Rica and therefore not from the USA. In El Salvador, in contrast, 90 % of remittances come from the USA. With 361 dollars per capita distribution of remittances (2003) El Salvador takes first place unchallenged in Central America. With 147 dollars, Nicaragua ranks only third place (Orozco 2004 a: 5, 7). In the annual distribution of remittances per recipient household Salvadoran households receive USD 2,300, almost double the USD 1,170 received by Nicaraguan households (Informe del Diálogo 2004: 7). Finally, with regard to the contribution of remittances to volume of foreign investments and also to volume of official development aid, in El Salvador this is more than double (investments) or 60 times (development aid) as high as in Nicaragua (Agunias 2006). This could also explain the far higher investment rate in Nicaragua. From this it can be deduced that in Nicaragua the same amount of remittances, which experience shows are not invested, are accompanied by a far higher influx of those funds which are always, or at least often, invested. The picture thus corrected no longer stands at odds with the low levels of violence, quite apart from the fact that El Salvador according to all other remittance-indicators is top of the league in any case in Central America and way in front of Nicaragua. At the end of the day, relevant to any explanation of the different levels of violence in El Salvador and Nicaragua is the fact that a far lower proportion of remittances in Nicaragua come from the USA, which is linked with a far lower rate of migration to the USA by Nicaraguans than by Salvadorans. This in turn has repercussions on the lower or higher influence of American socialization to violence on Nicaraguans and Salvadorans.

With regard to the value of remittances in the overall economic structure, I have shown that El Salvador is ahead of every country in Central America even – this is especially important for the argument put forward here – up to and including the contribution to the GDP, and in particular a long way ahead in every respect of Nicaragua with its low level of violence. Crucial to the explanation of violence are the per capita and per household figures, however, where El Salvador is way in front of Nicaragua, and less so the contribution of remittances to GDP, the importance of which in the case of Nicaragua is in any event compensated by foreign investments. This was demonstrated in the context of the fundamentally high homicide rate after the war being accompanied by a high, indeed sharply increasing, growth rate in remittances. This goes to prove the correlation between higher remittance rate and higher levels of violence in the Central American context.

#### Step 4: The correlation between high remittance rates and high levels of violence in an internal Salvadoran context

Households in the *departments* of El Salvador which have relatively low levels of violence do receive comparatively large sums in remittances, but as far as the households in the more densely populated *municipalities* are concerned, these receive large sums in remittances independently of whether they are located in departments with a high or a low level of violence, and they are at the same time areas where violence is intensive. Among the

departments with intensive levels of violence, San Salvador with 19,511 and Santa Ana with 14,840 households head the league for remittances. A huge number of households also receive remittances in Soyapango (19,332), after San Salvador the city with the most homicides. San Salvador, Soyapango and Santa Ana are top of the league both in terms of number of households receiving remittances and also of the monthly remittance-rate per person. At the same time they occupy the first three places in the homicide rate statistics. Sonsonate municipality, which heads the list of statistics on violence, has a similarly high remittance contribution per capita to San Salvador, Soyapango and Santa Ana, which are behind it in the statistics on violence (PNUD 2005 b: 175-178).

While this does not mean that there is a correlation between high rates of remittances and levels of violence in the departments, there probably is one in the municipalities, with their denser populations and urban character. The positive correlation between the municipalities is therefore more significant than the negative one between the departments, because violence is especially rooted in the more densely populated urban centres.

Step 5: The causal relation between the highest rates of remittances and levels of violence using the example of El Salvador

*Hypothesis 1: Remittances lead to high levels of violence as, by channelling off “excess pressure” which poses a threat to the system, they create a new kind of outlet for inherited oligarchic structures, which basically promote violence.*

Remittances are an outlet for oligarchic structures, because they allow the oligarchy and its system some stability by releasing the “excess pressure” of the dangers (unemployment and poverty) which otherwise might put those structures at risk, so that the oligarchy does not have to give up its own aspirations in terms of rents and power in favour of establishing a market economy. With the remittances as new rent, the oligarchy wins a substitute for the no longer lucrative agricultural rent, which furthermore ties in really well with its own new rent from (speculatively invested) stocks and bonds, especially as the remittances are as a rule sent back to the home country via branches of Salvadoran banks in the USA, which are owned by the Salvadoran oligarchy. *Maquila* along with banks and trade are those sectors which are boosted in a special way by tax subsidies from the (oligarchic) state and were therefore able to achieve the highest medium growth between 1990 and 2004 (PNUD 2005 c: 140). Remittances not only link up perfectly with income from stocks and bonds, but as an outlet they also enabled the old oligarchy to become a new oligarchy, and made possible El Salvador’s leap from being an agro-export economy to a financial and service-providing society – with a speculative instead of a productive economy.

Rather than increasing, remittances reduce poverty and inequality, the latter at least in the form it is measured by the Gini coefficient, because they make consumption possible. This is also the case in El Salvador. If there had been no remittances in 2004, poverty would have been 7 % higher than it actually was. In the other Central American countries, remittances have far less potential for reducing poverty. Without remittances the Gini coefficient would also have been some 0.04 % higher in El Salvador. This carries with it a legitimating advantage for the oligarchy: the migrants do not appear in the home country’s statistics for unemployment, or those for poverty, illiteracy and malnourishment. If as a rule

it is people with considerable initiative and single-mindedness who migrate – it is often those who are leading figures in the *comunidades* – then this too favours the stability of the oligarchic system, even if it is also bad news for the social capital of the *comunidades*.

It is not the poorest people who migrate abroad; they would not be able to raise the USD 5,000-10,000 that they need for the unofficial guides who lead them across the borders (*coyotes*): one across the Mexican border and one across the border to the USA. In countries with a particularly high poverty rate the poor are too poor to be able to afford the cost of migration, especially to the USA. Despite the high costs incurred by each migration, it is above all the second and third quintiles from the bottom that migrate to the USA, although in comparison to their counterparts in Central America (except in Costa Rica) they are relatively well off. Honduran migration specialist Ricardo Puerta assumes that first of all it is the lower middle class, once upwardly mobile but whose ascent has been brought to a halt, which is migrating to the USA (Puerta 2007).

Remittances therefore act as an outlet for oligarchic structures, as they reduce poverty, general inequality and unemployment, by taking them elsewhere. Remittances help to legitimize oligarchic structures, by ensuring that the channelling of discontent otherwise present in precarious distribution ratios among the lower classes especially, who might call the ruling oligarchy and rent acquisition into question, does not manifest itself. Thanks to remittances the oligarchy can dispense with the risk, which would be entailed by rejecting the rent economy and turning towards a market economy.

*Hypothesis 2: Remittances lead to violence, by creating economic structures which suggest violence for reasons of deprivation or frustration as a way of accessing the market to those who do not receive remittances.*

Even if Salvadorans get work in El Salvador, it is not worth it for them in view of the radical drop in wages in their own country and the lucrative alternatives offered in the USA. If working at home is no longer worth it, and those affected are “wealthy” enough to migrate and find work abroad, then this alternative is a lucrative one for them. If on the contrary they are too poor to migrate, or if they cannot spare enough to meet the other costs associated with migration, or if they are deported home from the country to which they were headed, and can then no longer find any work there, they feel themselves compelled to choose another alternative. Those who receive remittances can afford to buy a designer T-shirt, but the poor have to make do with an ordinary one. Those who receive remittances can afford a pick-up truck, and the poor only a horse. This causes frustration. Those frustrated in this way look for a substitute for accessing the market, to replace or complement working at home or abroad. Violence steps forward. Not without reason is violence in El Salvador increasingly to be blamed on economic interests. *Maras* offer an economically better life, not only in the USA, but also in the home country. In this way young people who remain in El Salvador can, as long as they are *mara* members, compete with their emigré friends, or with friends at home who do receive remittances, as far as standard of living is concerned, even if they do not receive any remittances themselves.

Since 1989 wages in El Salvador have fallen drastically: the medium real wages by more than 12 % and the minimum wages by almost 17 % (PNUD 2005 c: 13, 26). In the USA

Salvadorans earn more than six times as much as their fellow countrymen in El Salvador. With regard to the Human Development Index, Salvadoran migrants in the USA rank about 24 places ahead in comparison to their compatriots in El Salvador (PNUD 2005 c: 93). If they are deported, those returning home experience frustration and deprivation, which leads to their no longer wanting to start from where they left off and seeking – violent – alternatives to enable them to achieve the same living standards as they did while in the USA.

El Salvador is a classic example of how relative deprivation at a comparatively low level, i.e. without there being any great difference from the deprived individual's surroundings, can happen and bring about the same consequences as absolute or relative deprivation on a high level – among other things, violence. Consumer choice and expectations are extremely high in El Salvador because of the value of remittances, however the opportunity for everyone to satisfy these, especially for young people, is comparatively limited, with the result that crime, including violence, is perceived to be the only chance of meeting expectations and standards set by other people.

In addition to the bipolarity between the highest and lowest quintiles, which can provoke political discontent, but which does not do so in El Salvador, because the civil war, having broken out on this basis and failed in its objective, left only weariness in its wake, there are in El Salvador remarkable differences in income and consumption within and between the second and third quintiles from the bottom. It is not so much the economic cost-benefit calculation per se which encourages violence in El Salvador. Instead, relative to the surroundings – to the related and well-documented migrations to the USA and also to those returning home from their own or the next higher quintile – it is the real or at least perceived low standard of living, which arouses strong senses of deprivation and frustration similar to those aroused by poverty or great inequality. Unlike absolute deprivation and even unlike relative deprivation at a high level, relative deprivation at a low level – although it does not cause any less frustration – cannot be politically channelled and therefore vents itself in violent crime.

*Hypothesis 3: Migration and remittances lead to violence, by generating and sustaining a social void in their immediate context in the countries sending and receiving people and funds, which on the one hand destroys social capital and causes anomie, and on the other hand creates the need for new social capital and structure. However the new social capital is ungovernable, because it is linked with a violence which can only provide itself with a partial structure and otherwise generates anomic violence.*

The migration of the social context, and the possibility continually explored by Salvadorans of migrating themselves, destroys social networks and leads to a social void, which paradoxically manifests itself in the densely populated urban centres themselves. The majority of Salvadorans feel themselves abandoned by relatives and friends, and uprooted by their own or other people's migration. They are always "in transit", with the feeling that they may have to move on again tomorrow. This reduces any sense of belonging to a nation or a community or any community spirit, especially since it is precisely the individuals with leadership skills who leave the *comunidades*. Salvadorans therefore are under the impression that they have no nation (González, L. 2006). As a result those affected seek a

place in the *maras*, which are not “empty” and where “people look after them”, and where they can join up with social networks of their own. By doing this they see themselves as being no longer outsiders, but at the heart of society. As an alternative to social void and anomie, *maras* offer not only income or status, but also structure, although for their part they can only continue to exist in an anomic society and are only able to impose order on anomie within limits, i.e. only in their immediate context, by setting up orders of violence there.

However, migration also leads to the disintegration or dysfunction of the families left behind in the home country, increasing the likelihood that children and young people left behind will resort to violence. The Salvadoran children and young people who migrate to the USA with their parents experience other reasons for family disintegration or dysfunction of this kind: their parents are working so hard and are frequently so overwhelmed by the new living conditions that they have neither the time nor the energy for their children, who seek refuge among people of like mind and age in the American *maras*. Although remittances flow, there is little trust between the sending and receiving parties, as documented by sociological studies (Puerta 2007). Men (more often than women) frequently enter into new relationships in the new country and send their remittances home, as a way of clearing their conscience. Those who migrate to the USA and stay there illegally, having neither residence permit nor visa, and therefore having no legally recoverable employment or other rights, are on the one hand themselves criminal (as they are illegal) and on the other (because unprotected by the law) themselves quickly fall victims to crime. This experience socializes the *mareros*-to-be and becomes more entrenched in the *maras*, where the young people affected seek refuge. If they are deported from the USA because of illegal residency or other illegal activities, they are often already socialized as criminals. Finally, for young people especially, there are two migrations: one to the USA and one to the *maras*, sometimes both concurrently. *Mareros* also send remittances home from the USA. As far as the *mareros* in El Salvador are concerned, they find their remittances even if they or their families do not receive remittances: in the criminal activities of the *maras*. Not by chance does the UNDP view the *maras* as an independent “social and cultural remittance” (PNUD 2005 c: 372).

The connection between remittances and violence is therefore complex: viewed in terms of long-term structure, remittances act as an outlet for oligarchic and marginal structures, because remittances relieve the oligarchy of its duty to support local labour and production of capital goods. By doing that it would generally get rid of itself or the rent economy, i.e. precisely those structures which are inherently more conducive to violence than market economy would be. In the shorter term remittances imply 1) a new relative deprivation at a low level, arousing envy and frustration, which encourages those affected to resort to violence as a substitute for market access, 2) the destruction of existing (violence-limiting) social networks, and 3) the socialization of migrants in the corresponding violent environments in the USA.

## 4.2.2 Poor performance and repressive behaviour by the security sector

### 4.2.2.1 Strategies

Post-war Salvadoran security policy is characterized by three strategic phases, which do not coincide with individual presidencies: 1) the phase of transition to a more democratic regime and revival of the security sector by putting new or revived institutions into action, without the problem of violence having been recognized as such (1992-1996), 2) the transition phase, in which the violence issue is addressed with a partial institutional reform and centralization of security policy, and with reforms and counter-reforms in penal legislation, and the ground is laid for a repressive security policy (1996-2003), and 3) the phase of repressive security policy in the form of (*súper*) *mano dura* ((super) heavy hand), which has been replaced with elements of a socially preventive *mano amiga* (helping hand) and a reintegrative *mano extendida* (outstretched hand) policy (after 2003).

#### *Phase 1*

The paradox of this phase, which began under President Alfredo Cristiani and ended under his successor Armando Calderón Sol, and which still classifies as peace building, was that on the one hand a great deal had been done as part of implementing the peace accord to establish a new security sector, and on the other hand real developments in precisely the policy field on which its policy focuses had been completely ignored. The peace talks made provision for post-war violence, if at all, as merely a problem to do with ex-combatants and their inadequate integration into civilian life (Cristiani 2006; Calderón 2006), but not as a phenomenon which might apply to perpetrators who already belonged to a new generation and who also had no relation to or anything at all to do with ex-combatants. Nevertheless, the acts of violence perpetrated during this phase were actually also political in nature and originated from ex-combatants on both sides or from new death squads, or else they were blamed on the usual disagreements within families or between neighbours. However, those responsible overlooked the fact that the transition from political violence to violent crime, already with some protagonists among the *maras*, was underway significantly even as early as during this phase.

There was no program for public security, according to former President Cristiani, either under his presidency or that of his successor Calderón (Cristiani 2006). The economic and political élite was at that time solely interested in bringing the abductions, which affected them, to an end. To this end they lent their support to a special police unit, which went on to stop the abductions. The following anecdote goes to show how violent crime continues to be ignored as an overall structural phenomenon: in 1997, when violent crime had just reached its peak, the author received this response from the then security minister: “Violence? There is no violence here. If you are looking for violence, go to Guatemala” (Barrera 1997).

Nonetheless, there were successes to report during this phase, although only early on: firstly, in El Salvador, national defence (abroad) was differentiated from public security (domestic). The old national police force, formerly under the orders of the ministry of defence, was replaced by a new civilian national police, controlled by the ministry for public security, which was to comprise 20 % FMLN revolutionaries, 20 % members of the

old police force, and 60 % independent police officers. This was a unique achievement, at least in Latin America to date. The Academia Nacional de Seguridad Pública (ANSP) was founded, which candidates for the new police force had to attend. However, demobilization of the old police force and other security bodies created a security vacuum while the new ones were not yet established. It was not until one year and two months after the peace accords that the new police force began operating in the first department (Chalatenango).

Unlike the police, the judiciary did not play a significant role in the transition. The fusion of the three powers and politicization of the judiciary persisted after the peace accord as well. However the peace negotiations and constitutional reforms of 1991-92 reinforced the independence of the judiciary, even though the latter underwent less reform during the transition process than the army and the police (Díaz 1995: 138).

### *Phase 2*

This transition phase began under the presidency of Calderón Sol and ended under President Francisco Flores. The institutions of the new security sector were now essentially in place, and the immediate violent (political) after-pains of the war had come to an end. Consequently, the level of violence fell, also because the partial and repressive institutional reform and centralization of security policy along with the counter-reforms in penal legislation, which were the response to the continuing problem of violence, which although considerably lower was still at quite a high level, had just got underway, and so had not yet wrought their devastating effect.

The phase was heralded by the adoption of the Ley Transitoria de Emergencia contra la Delincuencia law on 19 March 1996. The law had a period of application lasting two years and served to introduce an unconstitutional state of emergency. At the same time, new laws were brought in, under which the sentence customary up until then for such offences was increased by a third, or even two thirds for members of the police force. Young people aged between 14 and 18 years were supposed to receive sentences which might extend for up to a seven-year prison sentence. This amounted to an abuse of the UN Convention for the Rights of Children. In 1997 reforms were adopted for the modification of Article 24 of the constitution, which curtailed citizens' privacy. Letters could now be read by state employees, and telephones could be bugged. In 1998 a new penal legislation was adopted. It already demonstrated a strong tendency to apply laws that were originally designed with organized crime in mind to normal delinquency (Martínez Ventura 2005: 358f.). Undercover investigators, house searches, and arrests without judicial orders, along with the seizure of property, were now legally permitted. Since 2001, the year of the *contrareforma*, there has been a further tightening of criminal justice and the code of criminal procedure is beginning to make itself felt. The maximum sentence was raised to 75 years, and provisional arrests became the rule rather than the exception, counter to the American Convention on Human Rights. This was quite apart from the fact that illegal arrests under the false accusation of opposing the authority of the state became the order of the day, so as to meet quotas.

In 1996, when the UN mission for verifying the Peace Accords ended, the Consejo Nacional de Seguridad Pública was founded as a replacement for it in the field of domestic security. Initially, this council was under the command of the security minister, Hugo Barrera. At that time, the council was considered to be a mediating authority between ARENA and FMLN. With Salvador Samayoa, who later became its president, and David Escobar Galindo it was home to two “fathers” of the peace accord, who had each espoused differing sides during the civil war. In 1999, under President Francisco Flores, the Consejo was given the role of counselling body to the president with regard to security issues and was commissioned to develop preventive strategies (Bonilla 2006). The council president had cabinet status. However it was not until 2002, when the Consejo was allocated to the newly founded Ministerio de Gobernación, that it actually began to operate.

President Flores had, not least because his candidacy was a result of the crisis in ARENA (Calderón 2006), declared from the beginning of his term in office onwards that public security was a priority as a way out of this crisis. He proceeded along a more strongly problem-orientated course than his predecessor, which was however put into action in a technocratic and unsustainable way – i.e., without announcing the elimination of structural causes of violence. With the formation of the Ministerio de Gobernación in 2001, which bundled together all the security institutions into one, a mega-ministry was created and security policy completely centralized. This has in the mean time been reversed: since December 2006 there has once again been an independent Ministerio de Seguridad Pública y Justicia. This is a reaction to the massive increase in levels of violence.

### Phase 3

In July 2003, while still under President Flores, the *mano dura* strategy was introduced, initially mainly as an election campaign theme; not for nothing was the interior minister vice-president for ideology in ARENA and at the same time director of their election campaign. According to Ex-President Cristiani, this was what the population wanted: the *maras* were to be stamped out, even if this meant killing the *mareros* (Cristiani 2006). The corresponding Ley Antimara<sup>10</sup> was adopted by parliament in October 2003, but with a period of application of only 180 days, and on 1 April 2004 it was officially declared unconstitutional. On the same day it was replaced by the Ley para el Combate de Actividades Delincuenciales de Grupos o Asociaciones Ilícitas Especiales, which for its part remained applicable for three months before being likewise declared unconstitutional.

The premises of the *mano dura* strategy and special laws were that the majority of the violence was perpetrated by the *maras*. However, these premises were false. The argument that simply being a member of the *maras* was criminal, because these were associations set up expressly for the purpose of committing crimes, rendered every *marero* a criminal in name at least, regardless of whether he had committed murder, rape or robbery. Furthermore no checks were made to see if the group of youths in question really was an association which fulfilled the criteria for being a criminal organization. What is more, external characteristics such as tattoos, graffiti or sign language were sufficient alone to identify an

10 The Ley Antimara was supposed to be applicable to all persons over the age of 12.



individual as a *marero* and so criminalize them. However, the deaf also use sign language, and rockers also wear tattoos.

The *mano dura* plan had at least four advantages for the government: 1) a scapegoat had been found in the shape of the *maras*, a universal perpetrator of violence, easily recognizable and easy to combat severely without going into the causes of the violence. Repeated attempts to claim connections between the *maras* and al-Qaeda, which “threatened world peace” (Vilanova Chica 2006) were intended to paint a picture of the *maras* as the Central American counterpart to Islamic terrorists. This attempt was gratefully seized upon by some American military strategists and politicians. 2) After the former FMLN revolutionaries had been integrated into civilian life, there were now “new guerrilleros”, whom government supporters seemed to think they could accuse of being the political reserve of the FMLN. As the definition of “illegal group” was not based on any clear criteria, and since the threat of terrorism undermining national security was universally and continually suspected to be present, social protests in the street could now be labelled as criminal. 3) The public insecurity stirred up in this way resulted, according to the Human Rights Ombudswoman (Alamanni de Carrillo 2007), in fearful people who kept quiet – just right for a system whose stability was shaky. This was useful for the ARENA leadership. 4) The topic of the *maras* proved outstandingly relevant as an election campaign theme, not only on the occasion when the president drove tanks into Colonia Monserrat especially for the media.

President Antonio Saca, in office since 2004, is caught between two camps: on the one hand in view of international criticism he had to give way on Flores’ anti-*mara* law which contravened human rights, and on the other he wanted to make his mark by successfully fighting violence. The solution he adopted was the *súper mano dura* strategy, which was supposed to include a *puño de hierro* (iron fist) as well as a *mano amiga* and a *mano extendida*. The strategy was unveiled at the end of August 2004. A new law for the battle against *maras* was not considered to be necessary, reforms of existing laws were considered to be adequate. The *mano amiga* implied social measures to prevent violence, that is for young people who although resident in risky *barrios* were not yet perpetrators of violence. The *mano extendida* was designed for those young people who were already gang members and who wanted to be reintegrated into society. As even a leading ARENA founding member, who prefers to remain anonymous, explained the *súper mano dura* carried far more weight than the *mano amiga* or *extendida*. This must have been interpreted as provocation by the *maras*. However, provocation was the worst thing that you could do (ARENA, anonymous 2006). With the *mano amiga* and *mano extendida* strategies, Saca was moving away from the *exclusively* repressive strategy typical of Flores. At the same time, he sold his strategy to the media more effectively.

The police and the Consejo Nacional de Seguridad Pública were subsequently given four guidelines for domestic security: correction, prevention (these are the two tasks of the police and penal system), rehabilitation and reintegration (these are the two tasks of the Consejo). The last three points were new. The first point on the other hand was already a component part of the old *mano dura* strategy, but under the new plan it was designed to be even more repressive, hence *súper duro*, but at the same time more rigidly

specified: membership of a *mara* as an illegal association continued to be of consequence from the point of view of criminal law. However, external characteristics such as tattoos or graffiti were no longer supposed to be enough for an individual to be arrested as a suspected *marero*. Arrests were no longer made in such great numbers as before, but more selectively. The battle against the *maras* was more strongly institutionalized, among other things with the establishment of the Grupos de Tarea Anti-Pandilla (GTA), composed of four soldiers and one police officer and therefore operating independently, so that frequently not even the police chief of the *municipios* knows anything about their activities. The police also now have the authority to enter *mara* “destroyer” houses or *mirins* without a search warrant and arrest *mareros* there without their having harmed anybody or damaged anything.

Critics (including first and foremost judges) find fault (justifiably) with the fact that police investigations are unsatisfactory because the police do not furnish enough evidence and take perpetrators into custody on spec, which is not permitted under the principles of law and order. The police complain (just as justifiably) that they, from the legal point of view, are not allowed to start any investigations at all on their own initiative, because these or the instruction to do them are the duty of the public prosecutor, but this does not happen. The police claim that they investigate cases in any case, to be of assistance to the public prosecutor. If they have to release a suspect after 72 hours, because there has been no instruction issued by the public prosecutor, this creates the impression of crime going unpunished. They say that judges are not worried by this, they let criminals walk free and fail to uphold the law because they are afraid (Ávila 2007). For their part the judges (justifiably) point to the fact that it is not their duty to carry out investigations and that they should order someone to be imprisoned only if there is sufficient relevant and legally acceptable evidence (Ortíz Ruíz 2006). In the absence of evidence they let both innocent and guilty people go free – and this they are obliged to do, in the eyes of the law. These released individuals include *mareros*, who go on to use their experiences to make themselves and their operations even more secretive (Linares 2006).

In March 2007 the Ley del Crimen Organizado was finally passed. This made the *súper mano dura* strategy even more strict. *Maras* are now perceived to be part of organized crime, not simply an instrument of it. They remain an illegal organization in the eyes of the law. Organized crime is liable for up to 50 years’ imprisonment, whereas homicide by adult perpetrators is generally only punished with a sentence of up to 35 years, and up to 7 years for minors. More than one sentence can be concatenated however, so that a single individual can be sentenced to up to 75 years for several offences.

The left-wing opposition party FMLN views the current violence as a “latent threat to the state and society” (González, M. 2006), but has put together its strategy for containing violent crime rather late in the day, far later even than the government. This was also initially focused exclusively on post-war political violence, so as to interpret opposition as merely “saying no” in the issue of violence. This changed with the elaboration of the FMLN platform for the presidential election in 2004. For this the FMLN conceived a programme of shock tactics to address organized crime, but a very soft strategy on the other hand to deal with young people who had fallen foul of the law, i.e. the *maras*, which pri-

oritized prevention and reintegration. The FMLN justified this in retrospect with the (erroneous) argument that the *maras* at this point had no links with organized crime yet. The FMLN furthermore pursued this position so as to distinguish themselves from ARENA in terms of strategy. In the minds of the population, for their part seriously disturbed by the violence, this created the impression that the FMLN, unlike the government, were seeking to avoid any kind of severity in their dealings with perpetrators of violence, and had joined forces with them. Government supporters accordingly fanned the flames of this impression. The basic problem – not only for the FMLN, but also for the government and population in general – is a misunderstanding over the interpretation of “severity”. No one side has understood that severity when dealing with criminal offences does not have to mean being repressive, but simply being consistent in imposing punishment under the rule of law. In the mean time, however, as emphasized by Hugo Martínez, member of parliament for the FMLN, even the FMLN have now come to view the *maras* as criminal organizations and are now tending towards striking a balance between preventive and coercive measures to deal with the *maras*, since at the end of the day the victims have to be protected first and foremost. In response to the author’s observation that there was now barely any distinction between the FMLN strategy and that of the government, Martínez replied that the government had indeed adopted the viewpoint of the FMLN, but was not yet acting upon it, which the FMLN on the other hand would do, were they in government office (Martínez, H. 2006).<sup>11</sup>

#### 4.2.2.2 Institutions

##### *Police*

The Salvadoran police force is nowadays apolitical, in accordance with the law forbidding police officers from belonging to a political party. The influence of the FMLN on the police and above all its command, which was considerable until the mid 1990s, has declined sharply, in contrast to that on the judiciary. The FMLN describes it as a failure to have allowed itself to agree, thinking that the other side was doing to the same, to do without its political influence in the police (Martínez, H. 2006). On the whole the police suffer from inadequate internal and external monitoring, militarization, insufficient staff, unsatisfactory training, a lack of any transparent command structure, low salaries and poor equipment (Martínez Ventura 2005: 295-303). Police officers are discontented, demotivated and demoralized. In the case of the police the combination of poor performance and repressive behaviour can be shown in four points:

*Slim resources and poor equipment:* Of the 14,000 police officers operational during the war – counting other security bodies and FMLN as well, there were 75,000 public security

11 If one questions mayors about deficiencies in the current government strategy to tackle violence, the gulf between ARENA and FMLN appears less wide than at the central level. Completely independently of which party they belong to, the mayors urge concertation between government and opposition on these issues, but more importantly a decentralization of this policy and autonomy for the municipalities (Ortíz 2006; Vilanova 2006).

employees at that time – only 6,000 remained in the first instance after the war ended (Costa 1999: 149). Even by 1996 the police had no presence in 73 out of 262 municipalities (La Prensa 1996: 3). In the interim this number has risen to 15,000 police officers. Bearing in mind the small surface area and population count, this is not an insignificant number by Central American standards. However, according to Comisionado Pablo de Jesús Escobar Baños, deputy director of domestic security for the police, in order for the police to operate as they should and achieve the requisite quota of 3 police officers per 1,000 citizens, this figure should be 23,000 police officers. However, this would exceed the budget (Escobar 2006). A “purge” carried out in 2000-2001, as a result of which 2,400 police officers had to leave their jobs, did not comply with the employment law then in force. Police officers are not paid enough, receiving USD 300 which is the minimum wage. Between 2000 and 2005 the police suffered 56 fatalities (FESPAD 2005: 35). All this has led to a loss of staff. Although the homicide rate has risen since 2003, the share of expenditure allocated for the police in the total national budget fell from 7.05 % in 2000 to 4.81 % in 2004 (Martínez Ventura 2005: 332). However in comparison to their counterparts in Guatemala and Honduras the Salvadoran police still qualify as the more professional and better equipped with more staff and resources; nevertheless the homicide rate here is higher than in both other countries.

*Human rights abuses and arbitrariness:* Following a promising start after the signing of the peace accord, the new national civil police force has almost fully returned to the same repressive, incompetent, and indifferent (towards further education) model that existed under the dictatorship, according to Human Rights Ombudswoman, Beatrice Alamanni de Carrillo. She goes on to say that in the last five years in particular, there has been a disastrous and complete deterioration in spirit, morality and behaviour in the police force. Even the command is once again in the hands of the stick-in-the-muds. Furthermore, she continues, it is not the ex-soldiers or ex-guerrilleros who are abusing human rights in the police. On the contrary, it is police officers of the new generation instead. A good police officer receives no support from the supreme police command. The problem is therefore not a technical one, but an economic and political one. She observes that there is simply no interest in the police becoming how people anticipated they would be following the peace accord. The police are either involved in “social cleansing” activities themselves, or they turn a blind eye to them, by not carrying out any investigations. The rumour that “social cleansing” is perpetrated by former death squads is, she says, a false one; on the contrary, this cleansing now has no political objective of any kind (Alamanni de Carrillo 2007). The police in El Salvador are the one state institution against which the Human Rights Ombudswoman has the most complaints of human rights abuses. In 2003, from January to November, they accounted for more than 40 % of all such complaints (Procuraduría 2003: 2). Some 300 complaints a day are brought against police officers (Alamanni de Carrillo 2007). Whereas in the 1990s the police were not once accused of torture, it has to be assumed that since 2000 they have been carrying out systematic torture to obtain information or exact revenge. The biggest sensation has been caused by the torture perpetrated in the presence of former police commissioner, Mauricio Sandoval.

*Links with organized crime:* According to Alamanni de Carrillo there is evidence to suggest that police behaviour is seriously illegal, and that they have clear links with organized

crime (Alamanni de Carrillo 2007). There is a large group of police officers who cooperate with organized crime. “Taxes” extorted by the *maras* find their way even into the upper echelons of the police chain of command (Alamanni de Carrillo 2007). As even their commissioner acknowledges, the police have been infiltrated by the *maras* (Ávila 2006). The Ombudswoman has an anecdote from her own personal experience to add to the lack of any political will to address its own criminality on the part of supreme police command: when it came to light that for over two years one of the police officers who was guarding her was head of a criminal organization and she complained about this to the police commissioner, the latter greeted her agitation with a lack of sympathy; after all, this person had also worked in his office for a considerable length of time (Alamanni de Carrillo 2007).

*Militarization:* As they are unable to get violence under control, the police are supported by the army in realizing their task of ensuring domestic security, although constitutionally speaking the army is only responsible for external security. In any event, the constitution gives the president the possibility of seeking assistance from the armed forces in the event of a threat to domestic security, and the latter are under police command in joint patrols (Grupos de Tareas Conjuntas).

#### *Judiciary*

In contrast to the police, there was no “purging”<sup>12</sup> of human rights abusers in the judiciary, it is true, but in the course of transition progress can be noted here too: the number of courts has been doubled, more judges than before are being appointed, and judges to the Supreme Court are no longer directly elected by parliament (and therefore essentially by the executive) as they were during the dictatorship, but instead proposed 50 % by the Consejo Nacional de Judicatura and 50 % by lawyers as a body. Only then can parliament elect members of the Supreme Court from the list compiled in this way, with a two-thirds majority. The Supreme Court more or less reflects a balance between judges who are sympathetic to the FMLN and to ARENA, but this is repeatedly called into question by ARENA. Schools specializing in further education for law were also founded, which all judges have to attend. Within criminal law, there was a transformation from the principle of inquisition to that of accusation – more acceptable under the rule of law. However this has since begun to exhibit characteristics of the principle of inquisition more strongly once again.<sup>13</sup> In the case of the judiciary, the combination of poor performance and a lack of law and order, along with tolerance of repressive behaviour, which results in exemption from punishment to a high degree, can be shown in three ways:

*Little independence:* The judiciary is manipulated for political gain and is anything but independent (Ortíz Ruíz 2006; Santos Mejía de Escobar 2007). The executive repeatedly

12 In Spanish: depuración; in German „Säuberung“

13 The principle of accusation means that criminal prosecution in court only happens if a charge is successfully brought. The conduct giving rise to the accusation must be described sufficiently clearly in an indictment or equivalent ruling. In the case of the principle of inquisition, on the other hand, the judge can initiate proceedings based on a report or any other kind of suspicion and conduct the case themselves until a ruling is reached.

intervenes in their affairs. De facto public prosecutors and the Supreme Court are put together in accordance with the balance of political power, and they are also subsequently politically dependent. The Supreme Court is a disaster, according even to Ex-President Cristiani, one of the earliest prominent representatives of national law, who lends his voice to the criticism (Cristiani 2006). From time to time, for example until April 2006, there were key positions such as that of chief public prosecutor which remained unfilled for several months because politicians were unable to reach agreement so as to be able to appoint somebody who would be anything other than politically independent. It is true that the Consejo Nacional de Judicatura proposes judges for the Supreme Court, but their selection is then in part boycotted and other judges in part appointed. This is described as promotion, replacement or transfer. A third of judges are appointed to their posts in exactly this way. The other two thirds date from the days of the dictatorship (Vidales 2006).

*Poor attitude towards law and order:* The manipulation of the judiciary for political gain is not perceived to be such by all protagonists, naturally, especially not by those who benefit from this political manipulation by the government (party). These latter do not complain about there being too little, but too much independence of the judiciary, too much administrative freedom, which (they claim) leads to disorder, and of too little subordination of the judges to higher authorities, in particular the Supreme Court. Judges would abuse their independence by applying their own criteria when sentencing and by failing to apply laws, claiming that they were unconstitutional. Legality within penal legislation, as has been in force since the criminal law and code of criminal procedure of 1998, would be interpreted formalistically, by placing too much weight on the presumption of innocence and the precision of the evidence, even in those cases where it was clear who the perpetrator was and therefore completely reasonable simply to establish their guilt. For that reason El Salvador is a state under the rule of law for the benefit of criminals, but not for victims (Guzmán 2007).

Besides voices such as these, which complain about the exaggerated, because it is “formalistic”, implementation of the law, there are also, even at ministerial level, critics who regard the laws themselves as being the greatest evil. They talk about a “*sistema (ultra)garantista* for the benefit of criminals”, which is “too much under the rule of law”, “at least for the first fifteen years following the end of the war”. While the police are “*súper dura*”, the judiciary are “*súper blanda*”. This is not a good combination (Barrera 2006). Roberto Vidales, legal specialist at FUSADES (the Salvadoran Foundation for Economic and Social Development), sees the evil as lying on the other hand in the inversion: “Here laws are made not to be kept. Instead of imposing them, new legal reforms keep being passed, which are then not imposed either” (Vidales 2006). Judges, for their part, emphasize their independence and their right or rather their duty not to impose unconstitutional laws and, as in the case of the Ley Anti-Mara for example, also always to release presumed perpetrators if there is insufficient evidence against them. Judges concede that by doing this, guilty people also walk free, which increases exemption from punishment. However, they emphasize that the principles of law and order such as presumption of innocence and burden of proof are valid also and especially for criminals. They claim that the executive has been carrying out a campaign against them, branding them as friends of crime and communists. This in turn has ultimately led, they say, to many of them “indiscriminately”

complying with the law, with the result that increasing numbers of guilty, but also of innocent, individuals are being sent to prison. The prisons are becoming extremely overcrowded and mainly turning into “crime universities” for young people, from which they emerge as criminals even if they were not criminals when they went in. After all, 38 % of prison inmates have not been convicted of anything (Santos Mejía de Escobar 2007).

*Incompetence:* The fact that evidence is repeatedly insufficient, irrelevant or illegal is due primarily to the lack of investigative proceedings by the police. However, according to law investigative proceedings have to be ordered and monitored by the public prosecutor’s office. This is a new task for the public prosecutor’s office. Public prosecutors do not know how to go about executing it, while police officers, especially those from the old police force, have enough experience to carry out investigative proceedings under their own steam. On the one hand the public prosecutor’s office keeps trying to delegate investigation and the responsibility for it entirely to the police, and on the other hand the police are refusing to accept any kind of responsibility including that which they actually do have for investigation. The public prosecutor’s office is, for its part, put together according to political calculations and not competence, with the result that it lacks the will or the competence to take on the responsibility of investigative proceedings – and so the story begins all over again. The level of education in the legal sector is low, in the opinion of Roberto Vidales, even lower than during the days of the dictatorship. This is not due to the laws, but to the individuals. The basic problem is that legal professionals are not selected for their merit and competence, but for their political loyalties to the parties “There are judges”, explains Vidales, “whom I would consider to be illiterate.” False references or diplomas from the PR China are the order of the day (Vidales 2006).

Technically speaking, serious deficiencies are most apparent primarily in criminal investigation and witness protection. The result is a level of exemption from punishment of way in excess of 90 %, even in the case of reported homicides (Vidales 2006; Flores 2006). Only 10 % of those arrested provisionally by the police are taken into custody, and of these only 5 % are convicted (Santos Mejía de Escobar 2007), with the rest serving a prison sentence without any conviction. 55 % of court cases end in acquittal or with the case being dismissed (Martínez Ventura 2005: 363).

#### *Penal system*

In 2006 there were 19 penal institutions in El Salvador with 12,500 individuals held in custody, including 3,500 *mareros*. They represent 26 % of inmates. Of these, 62.6 % belonged to the MS and 36.6 % to Barrio 18 (Vilanova Chica 2006). *Mareros* are not necessarily serving a prison sentence for homicide, so that even from this situation in the prisons it can be seen that *mareros* most probably are responsible for far less than half of all homicides. The *mareros* are accommodated separately from the other inmates in detention centres. Both *maras* are also held separately from each other. The penal system exhibits mainly the following two failings:

*Overcrowding and inhumane prison conditions:* The penal system is undergoing a serious crisis, as the state is not in a position to administer imprisonment in a humane way. As a consequence of the *contrareforma* of the codes of criminal law and criminal proce-

ture the number of prison inmates has risen from about 7,000 (in 1999) to more than 12,000 (2004, 2005 and 2006). If this rhythm is maintained, the number of prisoners will rise to over 19,000 by 2009 (Procuraduría 2004: 6f). Only 62 % of inmates have been convicted. Salvadoran penal institutions are on average overcrowded by around 175 %, as they have a real capacity for 6,000. There are sensational cases in which up to 70 individuals are packed together into a shared cell (Procuraduría 2006: 11). 35 inmates in dormitories which are designed for 15 is the norm, as in Centro Penal Quetzaltepeque. Not all prisoners have a bed here; there is no centralized serving of meals: the prisoners have to be self-sufficient. The penal institution has neither psychologist nor priest. If inmates want to work, they can only do so with their own resources. They are locked up in their cells for 11 hours, without any dedicated guard (Martínez, V. 2006). During this time those informal power structures of *mareros* are created, which repeatedly explode into clashes.

In the so-called solitary confinement cells the prisoners have to relieve themselves into holes sunk into the floor of the cell. They use the same holes to wash themselves. Alternatively they relieve themselves into plastic bags which are left in the cell. The cells are exposed to sun and rain, cockroaches, rats and flies. There have been cases brought to light of tear gas being fed into the cells. In particular, prisoners awaiting trial are not provided with any food, unless the police officers on duty pay for this out of their own pocket. The “*cuartos de risa*” (laughter rooms) in Apopa achieved a macabre notoriety, named for the laughter of those on duty there over the twitchings of prisoners who were being subjected to electric shocks. These rooms now reportedly no longer exist.

*Lack of supervision and increasing criminalization:* One of the consequences of overcrowding is prison massacres. On 18 August 2004 during a clash between prisoners at the Penitenciaría Central La Esperanza 31 inmates were killed and 30 wounded. This was the biggest prison massacre in El Salvador since 1993. This particular penal institution was overcrowded by 305 %. This means it had 1,638 more inmates than the space available. The most recent example of a prison massacre is at Centro Penal Apanteos, where 21 inmates died between 5 and 6 January 2007. Although this violent action had been in the air, the authorities took no preventive measures of any kind. This penal institution is overcrowded by 146 % (Procuraduría 2006: 30). The *mareros* conduct their *mirins* in prison without any problem, organizing criminal actions by mobile phone and being supplied with drugs<sup>14</sup> and weapons by visitors. They are also able to conduct their satanic rituals, likewise without any problem. The prison walls are covered with graffiti, in which gravestone upon gravestone, but also the names of murdered friends and the devil, can be seen. Over years the *mareros* have subjugated these surrounding to their psyche. “They have made the detention centre into their ‘casa destroyer’”, comments the Roman Catholic priest and expert on the *maras* quoted above. Imprisonment was no punishment for the *mareros*. They already knew that they had no future (Civilian in 2006). In spite of these serious failings, the director of the Salvadoran penal system in office at the time of

14 The former head of the Salvadoran penal system, Roberto Vilanova, considered it deeply regrettable that it is legally forbidden to carry out manual searches of visitors, including especially women, for drugs hidden in their genital areas (Vilanova Chica 2006).



this interview, Jaime Roberto Vilanova, made the following robust declaration to the author: “We consider human rights to be fundamental. There is no violence in the prisons” (Vilanova Chica 2006).

All in all, in El Salvador’s post-war domestic security policy there has been a strategic transformation in favour of a more sophisticated strategy, better endowed with preventive and integrative elements, but on the whole nonetheless more repressive, which – as can be seen from the homicide rates – is not only unproductive, but counter-productive. The strategies have no relation at all to the causes of violence. There is no weakest link in the security sector, be it police, judiciary or penal system. Police and judiciary alike are characterized by a similar pendulum movement: transition to a more democratic regime (more pronounced in the police than in the judiciary) in the first five years following the end of the war, followed in the case of both institutions by a turn towards more repressive behaviour. A continuing extremely high level of inefficiency (failing performance) on the part of these institutions is now accompanied by their highest level of repressive behaviour, imposed on them by corresponding government strategies, and it can therefore not be balanced out by these. All three institutions listed above systematically violate the right to life, increasingly in a direct way, but also still in an indirect way, through failure to act.

## 5. Conclusions

In this report it has been empirically proven that in El Salvador within the enabling and preventive structures for violence, which generally exist or are absent respectively in the extremely violent countries of Central America, and which manifest themselves here as rent economy and regime hybridity, there are two factors in this form and combination specific to this country, which cause the region’s highest level of violence here: these are on the one hand the extremely high rates of migration and remittances, and on the other the security sector characterized by its poor performance and repressive behaviour. As far as the rate of migration and remittances are concerned, by Central American standards these are at this level just as unique to El Salvador as the level of violence. At the same time they are constant as factors, inasmuch as they are increasing steadily and continually, i.e. without any jumps.

The four questions raised in Chapter 2 can be answered as follows: while the extremely high rates of migration and remittances explain the fundamentally high level of the post-war rate of violence in El Salvador, the strategies and configurations of the security sector trigger the decisive factor in both the peaks and the trough of the homicide rate: its sine curve reached its first peak when the security sector institutions were not yet operational. It sank into a trough when the new police force and judiciary were established, and these had achieved their highest level of democratic form to date, and when a newly implemented repressive security policy had not yet been able to unleash its devastating effect at this point. The second peak in the sine curve corresponds with when further progress with performance in the security sector was not made, the democratic form dwindled and repressive behaviour increased.

Socioeconomic deprivation, as I have shown, is the order of the day in the case of post-war El Salvador: on the one hand there is a high level of relative deprivation, which is connected with the bipolarity of the highest and lowest quintiles. El Salvador possesses a homogenous oligarchic nucleus and a comparatively very poor lowest quintile. The possibility of falling into this hangs like the sword of Damocles above the heads of those in the second and third quintiles, especially in view of the enormous insecurity of the labour market. Both quintiles suffer at the same time from a relatively low level of relative deprivation by Central American standards, and particularly in comparison with others in their own quintile or in the next highest quintile, rather than with the very highest, which does not provoke any less frustration than a high level of relative deprivation.

The fact that it is those belonging to the second and third quintiles who represent the majority of perpetrators of violence in El Salvador, is directly connected with this: on the one hand, if they are not already unemployed, they are conscious of a particularly high level of insecurity in the labour market (for example in the informal sector); on the other, if they do have work, they are discontented with their, falling, wage and compare it with lucrative alternatives in the USA. As everybody basically does, the Salvadorans compare themselves to others, especially to their own kind, i.e. those from the same or the adjoining quintile. Remittances are the decisive factor for who among their kind in the second and third quintiles has a better standard of living. But not every member of these two quintiles by a long way is able to shoulder the economic and emotional transaction costs necessary for a migration for the sake of remittances. It follows from this that those belonging to the second and third quintiles compare themselves with those who either (unlike them) already receive or are still receiving remittances, or else are getting more remittances, and so have a slightly better standard of living than they do. The person affected by this, whether in reality or in their perception, gets themselves the remittances they lack for such a standard of living – by means of violence. The more successful they are in doing this, the easier it appears to them to be, ultimately to achieve the standard of living typical even of the top two quintiles.

While relevant specialists on political violence are of the opinion that, in keeping with the rational cost-benefit calculation, individual advancement is an alternative to (political) violence, this does not hold for violent crime, which does not call the status quo into question. It is true that individual advancement here appears to be possible via migration and remittances, and so it is, however it suddenly gets called into question whether because of a failed migration attempt or return home due to deportation. Even in these cases, however, the discontented do not join efforts as a political force against the status quo, but attempt to achieve individual advancement in another way, namely by using violent crime to access the market. Even if those affected organize themselves into *maras*, they do so for the sake of advancing their own economic or personal status and not to change the system. In other words, not only are the *maras* no collective alternative plan to the political status quo, but they also operate only for as long as individual advancement is possible through being in or using them.

The present exodus of Salvadorans, just like their “exitus” (death) in large numbers, is a symbol of a perverse globalization: labour at home is becoming - in addition - devalued,

because it is being offloaded across the borders through migration or a labour market which is globalized but at the same time in difficulties, with labour no longer being in demand in the home country, and even the labour that remains not being absorbed because the capital goods industry is not being expanded. The resulting labour abroad generates remittances and therefore an income which crosses borders, and which for its part devalues labour in the home country, because it makes consumption there possible without production, i.e. without labour. Remittances are a new but at the same time classic case for the globalization of rent, with which the development of a worldwide civilized (non-violent) civilian society is being impeded (Elsenhans 2006: 211). Both those who earn the remittances (because they and their children have been socialized in the violent environment of America) and the “undeserving” recipients (because they have been released from having to work and at the same time are complaining about a lack of remittances), but also those whose contact with the remittances is limited “only” to awareness of them, as they do not have access to such an income themselves, come into contact with violence. Violence is, or appears to them to be, the only or at least the most easily accessed substitute for access to the market, especially to make money. The cross-border offloading of labour and income in this way causes violence that transcends borders and regions, via the intermediary link of relative deprivation. The *maras*, who personify this violence the most strongly, are on the one hand a consequence of the perverse economic globalization of rent, and are on the other themselves globalized, as they have a presence way beyond Central America. On the one hand migrants end up funding violence, in this case violent crime, with their remittances, similarly to the diaspora in the “new wars” (although in this case it is unintentional). On the other hand the financial influx from remittances is ultimately swallowed up by the costs of the violence. Relating to society as a whole, there is not only a causal connection between exodus and “exitus”, but also the most disastrous lose-lose situation which it is possible to imagine.

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