

From War-Making to Peacebuilding?

Opportunities and Pitfalls of an Integral Approach
to Armed Social Violence in Mexico

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1 Introduction

The essay by Bernardo Arévalo de León and Ana Glenda Tager constitutes an important and welcome contribution to a much-needed dialogue on alternative ways to address non-conventional armed violence in Latin America. It offers a critical reference point to move away from the militarised and repressive strategies that have been privileged by most Latin American countries, towards an integral approach that aims to create the necessary conditions to build peace in a feasible and sustainable manner (Arévalo de León/Tager 2016, 20-21). The following response is based on my own research dealing with the sociological and historical underpinnings of armed social violence in Mexico and Central America. It also builds on my experience as a practitioner working within a citizen security framework geared towards the adoption of more integral and sustainable approaches to violence in Latin America.

In this response I argue that the peacebuilding approach suggested by Arévalo de León and Tager provides a valuable framework to think about the pertinence of adopting holistic, multi-sectoral, and participatory approaches to address the root causes of armed social violence. It represents a step up from a citizen security perspective that tends to focus on protecting individuals and their communities from violence and crime, rather than on the means to rebuild the social and institutional fabric of communities impacted by non-conventional armed violence. However, I argue that this approach is limited in terms of its capacity to provide a working roadmap to operationalise and strategise these ideas on the ground. This limitation may be both necessary and intrinsic to a peacebuilding approach that seeks to be context-specific – as opposed to generic – and that envisions itself as the end result of a participatory and dialogic process amongst different actors on the ground. It is, nonetheless, a limitation that may hinder this approach's ability to move from the theoretical to the practical, i.e. the operational level.

The operationalisation of this framework could involve delineating, as such, the different practical scenarios that can either increase or undermine this approach's viability. For instance, are some violent actors more prone than others to engage in the inclusive and participatory model envisioned by this framework? Does it depend on their level of organisation or on the character of their relationship with given communities? What are the different stages of implementation that may help us strategise this approach in a more effective manner?

Informed by these queries and based primarily on empirical evidence from Mexico, my argument is divided in two sections. In the first section I present evidence regarding the negative effects that repressive and warlike strategies have had on reducing violence and building safer communities. I also discuss Mexico's particular trajectory of state-building and the current levels of criminal co-optation and impunity faced by these country's institutions. In the second section, I argue for the relevance of a peacebuilding approach in contexts where warlike strategies have utterly failed. I then analyse the different challenges that operationalising this framework could face on the ground and call into question the desirability and feasibility of engaging with criminal actors. I refer to three types of challenges for implementing a peacebuilding approach in contemporary Mexico: institutional, social, and organisational.

2 Leaving the war on crime behind: the added value of a peacebuilding approach

At the end of 2006, Mexico's President Felipe Calderón launched a new security strategy to counteract organised crime and drug-trafficking organisations (DTOs). Announced as a “war on drugs” and a “battle against criminals”, the strategy consisted mainly of militarised operations, massive incarcerations, and the targeting and neutralisation of DTOs' most important leaders (Guerrero 2012). In fact, Mexico had promoted militarised and repressive strategies to tackle DTOs intermittently since the 1990s. However, the 2006 war on drugs was distinct in at least three regards: it was implemented at a national scale, it was regarded as the government's top priority, and it involved an unprecedented level of participation by the military in public security tasks.

This strategy represented a clear departure from the “*pax mafiosa*” that had characterised the relationship between Mexican political elites and DTOs from the 1940s onwards. Under this pact, political elites offered DTOs protection and selective enforcement in exchange for payments and the promise of non-violent or less visible criminal behaviour (Snyder/Durán Martínez 2009, 262). This *pax mafiosa* manifested itself in a subdued criminal structure, as well as in a national homicide rate that remained either stable or declining throughout the twentieth century (Piccato 2002). This arrangement was above all possible due to two factors: the persistence of an undemocratic and highly centralised political system, and the presence of localised DTOs that operated with limited organisational and financial capacities.

The *pax mafiosa* revealed the structures that political elites developed to deal with illicit armed actors – from DTOs to local thugs and regional *caudillos* – throughout Mexico's twentieth century (Pansters 2012). Echoing other non-Western trajectories of state-building described in Arévalo de León and Tager's essay, Mexican political elites were not necessarily able nor were they willing to claim the legitimate monopoly of violence. Rather, they dealt with illicit armed actors and their use of violence through a selective, partial and politically motivated application of the law (Müller 2012, 32-34). These dynamics continue to inform the relationship between state actors and non-conventional armed groups in contemporary Mexico. However, as I will explain further, these dynamics operate in what is now a more democratised and decentralised scenario.

By the end of the 1990s, Mexico's increasing democratisation together with DTOs' consolidation and growing influence in the regional drug market undermined the conditions that made the *pax mafiosa* possible. Political democratisation led to the pluralisation of political competitors and the decentralisation of law enforcement, while Mexican DTOs' economic success increased competition and the incentives to use violence as a means to secure territorial control (Snyder/Durán Martínez 2009). The war on drugs represented the *pax mafiosa*'s final blow as a politically centralised arrangement. It highlighted the central government's decision to control DTOs' presence through direct confrontation, as opposed to the former practice of negotiation or co-optation. It also signalled the adoption of measures aimed at undermining criminal collusion by purging those elements of the police allegedly infiltrated by organised crime. However, criminal collusion was not eradicated. Selective enforcement and corruption on behalf of political actors and security officials remained endemic at the local level. The *pax mafiosa* now became a decentralised and unstable arrangement brokered by multiple actors.

Under Mexico's current administration, these pluralised *paces mafiosae* have not withered away. The security strategy promoted by current President Enrique Peña Nieto (2012 to the present) has not changed Mexico's focus on combating organised crime. Despite initial statements that promised to leave the war on

drugs behind, security responses continue to focus on militarised interventions and the neutralisation of DTOs' main leaders. Furthermore, journalists, academics, and civil society organisations have documented the continuing involvement of governors, mayors, police officers, and military personnel in criminal networks (Human Rights Watch 2015; Felbab Brown 2016). Perhaps one of the most dramatic examples of criminal collusion was the kidnapping, disappearance and apparent massacre of 43 student protesters on 26 September 2014 in Iguala, a city located in the southern state of Guerrero. Government investigations attributed the incident to a group of municipal police officers working on the orders of the city's mayor, who himself was accused of having links to organised crime. Investigations carried out by journalists as well as by the Interdisciplinary Group of Independent Experts (GIEI) have also documented the negligence and possible participation of the military and of elements of the federal police in the massacre (Hernández/Fisher 2015; Partlow 2015; GIEI 2016).

The war on drugs translated into political abuse, forced displacements and human rights violations (Rubio/Pérez Vázquez 2016; Magaloni/Magaloni 2016). National homicide rates more than doubled between 2007 and 2011, while crimes such as extortion, kidnapping and forced disappearances intensified significantly (INEGI 2015). The targeting of DTOs' leaders led to the atomisation of criminal organisations, their geographical diffusion, and the emergence of more volatile and predatory groups that responded to the war by escalating violence. On the part of local communities, insecurity levels contributed to the legitimisation of self-defence forces and other forms of vigilantism such as lynchings (Santamaría 2014; Schedler 2015, 214). Distrust and intra-community tensions thrived under a strategy that depicted insecurity and violence as issues that had to be fought as a battle between 'us' and 'them'.

3 Operationalising the framework: challenges and ways to move forward

It is against this evidence that the pertinence and urgency of adopting a peacebuilding approach become apparent. A peacebuilding approach promotes integral, participatory, context-specific, and multi-sectoral policies. It is understood as a process that can enable the development of social and political capacities for viable and sustainable peace (Arévalo de León/Tager 2016, 16). The notion of peacebuilding moves from an emphasis on the neutralisation of criminal organisations to the adoption of long-term strategies to rebuild the social and institutional fabric of communities ridden by armed social violence. In other words, rather than focusing on the containment of violence, it underscores the importance of transforming the conditions that render violence viable and legitimate amongst different actors.

However, when analysed in light of Mexico's institutional and political dynamics, the peacebuilding approach described by the authors presents a number of operational challenges, which are laid out in the following paragraphs.

Countering criminal collusion and impunity with transparency and accountability

One such challenge originates in the persistence of *paces mafiosae* that promote both criminal collusion and impunity. The existence of these arrangements calls for the identification of political actors and public officials willing and able to increase accountability and transparency. Furthermore, it demands

context-specific regulatory frameworks that can serve to gradually transform the relationship between state, communities, and criminal actors. By regulatory frameworks I mean the adoption of certain codes of conduct and procedures amongst stakeholders, based on the identification of common goals and expectations that are also verifiable and independently auditable below the level of formal laws. Examples of such common goals could include lowering levels of violence, participating in disarmament campaigns, engaging in public forms of dialogue, and moving away from repressive forms of policing such as mass arrests and unreasonable searches.

One could argue that this is precisely the type of gradual transformation that a peacebuilding approach seeks to bring about. However, I would claim that this transformation constitutes a precondition for, rather than the outcome of, the operationalisation of this framework. The following discussion should illustrate my point.

Arévalo de León and Tager point to the creation of unofficial or informal communication channels to engage with violent actors and enhance dialogue and understanding. The authors also establish that “legal frameworks can make constructive engagement difficult or impossible”. That is, legal frameworks may prevent state representatives or civil society actors from engaging in dialogue with violent groups involved in criminal activities (Arévalo de León/Tager 2016, 21). However, in contexts where *paces mafiosae* have persisted for long periods of time, the key problem is not legality as an impediment to engaging criminal actors. The problem is the partial and politicised application of the law and the way impunity and corruption facilitate the existence of state protection rackets. In this scenario, promoting informal and unofficial points of communication may contribute to the undermining of the rule of law. It may also deepen the perception – already prevalent in Mexico – that the state is unable or unwilling to control and punish crime (Zechmeister 2014, 77-88).

No doubt, fostering dialogue and agreements between violent actors, public officials, and local communities is a necessary and integral step to address armed social violence. But the peacebuilding approach should first ensure that such dialogue can take place in a transparent and accountable way. In fact, overcoming strict limitations to establish contact with criminal actors does not necessarily require action outside the law. Rather, it demands the development of context-specific regulatory frameworks that are both endorsed and fulfilled by public officials, violent actors, and local communities. In other words, rather than informal and secretive contacts with criminal groups, a peacebuilding process should build upon public and widely disseminated regulatory frameworks that can contribute to the transparency and legitimacy of the process.

Working with public perceptions and changing codes of conduct

Another operational challenge to the peacebuilding approach, particularly to the creation of communication channels with local communities, pertains to the impact that criminalisation discourses have had in public perceptions of violence and crime. In contexts of high levels of violence in which warlike strategies have promoted an ‘us’ versus ‘them’ discourse, citizens tend to perceive criminals as actors who need to be severely punished and perhaps even eradicated from society (Schedler 2015; Basombrío/Dammert 2013). In Mexico and the countries of the northern triangle of Central America, anti-drug policies and zero-tolerance measures have served to normalise the idea that engaging with criminal actors requires harsher punishments, including torture and extra-legal uses of violence (Cruz 2011; Magaloni/Magaloni 2016). In this sense, the key challenge is again not the rigidity of the law and its application, be it in the form of rules precluding communication with criminal actors or in the form of strict processes of investigation and conviction. Rather, it pertains to the existence of deep-seated public perceptions and attitudes that support confrontation and extra-legal forms of punishment over strategies of dialogue and negotiation.

In light of this challenge, a peacebuilding approach needs to address mechanisms aimed at increasing the feasibility and legitimacy of engaging with non-conventional armed actors. As suggested by Arévalo

de León and Tager, identifying individuals or collective institutions with the experience and capacity to facilitate this process is crucial. Trained mediators can contribute to changing a community's perceptions on how to respond to violence and to ensuring the commitment of armed social actors to a minimum set of rules. However, one aspect overlooked by the authors is how this mediating process can be disrupted, or rejected outright, by the organisational nature of armed social groups and by the activities they see as central to their subsistence (Planta/Dudouet 2015; Cockayne 2013). Three factors are worth discussing here:

- ≡ Is the use of violence instrumental to, or vital for, their criminal activities?
- ≡ Is the relationship between these armed actors and the community mostly predatory and extractive or does it present some form of patronage?
- ≡ Finally, is the organisation of armed actors cohesive, stable and hierarchical or is it fragmented and unstable?

Mexico is characterised by several expressions of armed social violence. These include DTOs, but also self-defence forces and criminal youth gangs (Santamaría 2014). These armed groups are organised differently and vary in their aims and in the relationship they develop with local communities. I will focus on DTOs as they continue to play a prominent role in Mexico's confrontation with armed social violence (Shirk et al. 2014, 24). DTOs have in general become more predatory and their organisation has lost stability in the wake of an ongoing targeting and neutralisation of high-level leaders (Felbab-Brown 2016, 80; Mendoza Rockwell 2012). In addition, competition and internal fragmentation have helped to undermine networks of patronage and protection that existed between DTOs and local communities. These networks enabled the existence of certain codes of conduct that prevented the use of predatory forms of violence within these localities. Furthermore, DTOs have diversified and expanded their criminal activities – from production and transshipment of drugs to kidnappings, extortion, and human trafficking. This diversification has made the use of violence a central element for these organisations' subsistence, rather than a mere instrument of intimidation and territorial control.

The operationalisation of a peacebuilding approach needs to take these recent shifts into account and identify rather granularly which organisations would be more likely to engage in a process of dialogue. Evidence suggests that DTOs such as the Sinaloa cartel have traditionally opted for networks of patronage over predatory tactics, whereas groups such as *Los Zetas* and *Los Caballeros Templarios* (Knights Templar) rely more heavily on extractive criminal activities as well as on the use of overt forms of violence (Santamaría 2014). Engaging criminal actors who depend on the use of violence for their survival poses operational challenges that may be extremely difficult to overcome. More so, focusing on violence reduction as the preferable measurable outcome of a process of dialogue may in fact create pervasive incentives for these armed groups to 'hide violence'. Regional experiences such as the pacts brokered with armed groups in Colombia at different periods of time and the more recent truce between gangs in El Salvador have centred on the aim of reducing violence. In both contexts, armed groups have tended to reduce the visibility of violence by hiding or disappearing bodies rather than by actually committing to cease aggression (Cruz/Durán Martínez 2016). These examples should serve as a cautionary reminder of why a peacebuilding approach needs to go beyond the containment of violence and incorporate, early on, a regulatory framework that facilitates accountability on behalf of all actors involved.

Finding robust interlocutors among armed social groups

Lastly, the cohesiveness and stability of armed social groups are central to determining the viability of a long-term process of dialogue and engagement. The structure of Mexican DTOs has, in general, become more volatile and fluid. The government's partial success in dismantling DTOs has increased internal rotations and has thus undermined hierarchical stability. The experience of El Salvador illustrates why stability matters. In order for the truce to work, gangs had to demonstrate cohesiveness and their leadership had to have the strength and legitimacy needed to enforce an agreement amongst gang members (Cruz/Durán Martínez 2016, 10-11). This poses an apparent paradox: in order for a process of engagement to work, we may require the existence of armed social groups with strong leadership and solid structures. However,

if these groups have strong organisational capacities, what makes a process of peacebuilding appealing and feasible in the first place?

In the case of Mexico, peacebuilding practitioners would need to work with those armed groups that show greater cohesiveness and organisational stability. In order to determine their willingness to participate in a process of dialogue, a pivotal factor may be the extent to which such groups maintain a less predatory and more protective relationship with given communities. This would guarantee a certain level of commitment and could bring to the table non-material benefits, such as the integrity and stability of the community and the restitution of codes of conduct that serve to prevent the escalation of violence. Put differently, in order to operationalise a peacebuilding approach, we need to take into account the very level of embeddedness of actors engaged in armed social violence.

4 Conclusion

In this response, I have delineated the negative consequences that warlike strategies on violence have had in contemporary Mexico. I have, furthermore, argued for the pertinence of adopting a peacebuilding approach, as presented by Arévalo de León and Tager. At the same time, I have also argued that, in order for this approach to be effective, we need to think more carefully about some of the challenges to its operationalisation. From the viewpoint of state institutions, we need to promote context-specific regulatory frameworks that shield a peacebuilding approach from feeding into *paces mafiosae* that have traditionally regulated the relationship between DTOs and the Mexican state. From a social perspective, its operationalisation demands the gradual transformation of public attitudes and perceptions of crime in order to help legitimise a peacebuilding approach in communities divided by warlike responses to violence. Lastly, with regard to armed social groups, we need to analyse and profile their organisational capacities and cohesiveness as well as their reliance on predatory activities.

As desirable as a peacebuilding approach may be as a matter of principle, its successful implementation will depend on the development of a working roadmap that operationalises it on the ground. This roadmap can be context-specific, but it should also offer some generalisable observations as to how a peacebuilding approach can become more viable and sustainable.

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