
Negotiated Exits from Organized Crime? Building Peace in Conflict and Crime-affected Contexts

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This article contributes to a growing discussion in peace mediation and peacebuilding circles about the issue of dialogue and negotiation with organized crime groups. The article seeks to demystify this issue by exploring the range of practice from confrontation to accommodation and transformation. The article argues that there is nothing unusual about engaging in dialogue and negotiation with organized crime groups and that those strategies have been used for decades in crime and violence reduction efforts in urban and civil war settings. In their quest to resolve conflict in violent and fragile contexts, mediators and negotiators can adapt existing peacebuilding practice to help structure dialogue processes with organized crime groups.

Key words: negotiation, mediation, organized crime, peacebuilding, fragile states.

Introduction

This article builds on a growing recognition among peace builders and mediators that they need to better understand the issue of dialogue and negotiation with organized crime groups in violent and fragile contexts. Many informal accounts of peace negotiations and political transitions indicate the rising political power of organized crime groups in violent and

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fragile contexts. Accounts of the consequences of organized crime in regions such as North Africa, the Sahel, Central America, or Southeast Asia testify that the political power of organized crime is real (Kofi Annan Foundation 2012; Kühne 2013; Táger and Aguilar Umaña 2013; Whitfield 2013; Shaw and Mangan 2014). In the absence of functioning institutions and strong state–society relations, criminal organizations infiltrate local and national political systems to serve their needs and, in the process, affect peacebuilding, state building, and development efforts supported by national governments and the international community.

In Libya, for instance, competition between different militias over the control and protection of illicit trade in weapons, migrants, drugs, and consumer goods has been an important driver of armed violence since the ouster of Muammar Gaddafi, Libya’s former leader. As criminal control becomes increasingly consolidated in a few hands, many resources have been dedicated by the militias to leveraging political influence to protect illicit trade and have undermined efforts to reduce violence and build a stable new Libyan state (Shaw and Mangan 2014).

As the Libya example illustrates, organized crime groups can use political transitions to ensure that “the new rules of the game are enforced in ways that maximize criminal actors’ control of criminal markets and criminal rents” (Cockayne 2013b: 11). Much like lobbyists seeking to influence political decisions and systems, organized crime groups work politically to shape the state, the economy, and the society to fulfill their own interests. The political strategies of organized crime groups remain little understood (Garay Salamanca and Salcedo-Albarán 2012).

In light of the political power of organized crime groups, the notion that state authorities can just crush them through a “war on drugs” or “take them out” by imprisoning (or killing) as many of their members as possible seems naïve, especially when the potential for significant profit remains. Such coercive responses — often imported from outside the conflict — are somewhat oblivious to the dynamics present in conflict and crime-affected contexts and to the roles of organized crime groups within them. In Latin America, heavy-handed law-and-order and securitized responses to criminal violence and organized crime have exerted a tremendous humanitarian and human cost and led to even greater violence (Jütersonke, Muggah, and Rodgers 2009; Eavis 2011; UNDP 2013).

Many national and local governments have experienced these consequences and learned their lessons the hard way. But what are the alternatives to “law-and-order” or securitized responses? What do we know about dialogue and negotiation with organized crime groups in violent and fragile settings? In this article, I investigate these questions and argue that we need to demystify the issue of dialogue and negotiation with organized crime groups and develop a better understanding of the full range of effective practices for dealing with them.

I argue that engaging in dialogue and negotiation with organized crime groups should not be seen as unusual. Such practices have been used for decades in crime and violence reduction efforts in urban settings and in civil wars. In many cases, dialogue and negotiation have helped to reduce crime and violence significantly and have contributed to building peace in conflict and crime-affected contexts.

This article contributes to a growing discussion in peace mediation and peacebuilding circles about the issue of dialogue and negotiation with organized crime groups (Bakrania 2013; Cockayne 2011, 2013a; FDFA 2013; Kemp, Shaw, and Boutellis 2013). It also contributes to the literature focused on the issue of engaging or negotiating with “difficult actors,” a broad term that can include “terrorists,” “insurgents,” and “extremists” (Byman 2009; Atran 2010; Mnookin 2010; Zartman and Faure 2011), and a process that can involve walking a fine line between rejecting dialogue on moral or legal grounds and acknowledging the need to find pragmatic responses to problems through negotiation (Mnookin 2010). In this article, I add organized crime groups to the list of difficult actors because they have become an increasingly prominent challenge for mediators and negotiators seeking to resolve conflict in violent and fragile contexts.

The article is based on a systematic literature review in the fields of peacebuilding, peace mediation, organized crime, and armed violence reduction, drawing on several case analyses.¹ I also conducted focus group discussions in London and Geneva, as well as a series of conversations with mediation and peacebuilding experts.²

In this article, “organized crime group” refers broadly to a great diversity of actors involved in criminal or illicit markets. These can include crime cartels, gangs, militias, rebel groups, and state agents who have criminal agendas. Organized crime groups are also often connected to political groups and are part of the social fabric of a given place. Given these complexities, mediators and negotiators face the challenge of how to identify whom we mean when we discuss “organized crime groups” (Shaw and Kemp 2012; Nyheim and Ivanov 2014). As I argue below, clearly understanding the nature of actors involved in organized crime — and the labels that are given to describe them — is a critical exercise for mediators and negotiators to assess the issue of dialogue and negotiation with “organized crime groups.”

In this article, I use a broad definition of “peacebuilding” that encompasses multiple, overlapping, and simultaneous processes that seek to address imminent tensions, forge political settlements, and work toward more systemic conflict transformation (Lederach 2012). Peacebuilding can occur in a whole range of settings in which many different actors manage political transitions or exits from violent conflict through nonviolent means. The term “violent and fragile contexts” refers to places where “political, social, security, and economic risks correlate with organized

violence.” These occur particularly in “periods when states or institutions lack the capacity, accountability, or legitimacy to mediate relations between citizen groups and between citizens and the state, making them vulnerable to violence” (World Bank 2011: xv–xvi).

The nature of armed violence is changing in many of these violent and fragile contexts: many violent conflict situations now fall outside the established categories of interstate or intrastate armed conflict (Geneva Declaration Secretariat 2011; Human Security Report Project 2014). At the same time, the prospect of future violence is rising as many countries undergo unpredictable political transitions (Kumar 2011). In such transitions, the distinctions between politics, business, and crime can be blurred (Krause 2012), which suggests a need to re-examine the inventory of conventional efforts to reduce and prevent crime and violence in such contexts.

Understanding Organized Crime

Although the specific characteristics of organized crime may vary, an analysis of sixteen different scholarly and government sources suggests that organized crime can be defined as “a continuous enterprise that rationally works to make profit through illicit activities that are often in high public demand. Its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials” (Albanese 2011: 4).

The core business of crime is the supply of illegal goods and services, or the supply of goods and services that may themselves be legal, but that are brought onto the market illegally (e.g., smuggling). Crime becomes *organized* to maximize profits and operates in secret to protect itself from enforcement agencies and competitors (Serrano 2002). Organized crime becomes *transnational* when it involves smuggling, which is “bringing or taking out a commodity without state authorization” (Andreas 2002: 38). Transnational organized crime is, therefore, inherently related to the imposition of controls and taxation of cross-border trade and to the capacities of state institutions to execute control over populations and territory.

The transnational characteristics of organized crime also involve the market power of illegal or illicit goods and services. This market captures the demand for such goods and services in developed and emerging economies, as well as the financial incentives that drive the satisfaction of this demand through transnational trade. In practical terms, transnational organized crime is often highly integrated into regular trading and financial practices and infrastructures (Náim 2007). Organized crime is therefore “better understood as an integral part of globalization rather than simply its underside” (Friman 2009: 1).

The individuals and groups involved in organized crime are extremely diverse. Actors can range from the large transnational organized crime cartel to the small-scale territorial group that controls a specific location on

a smuggling route, from the corrupted national or local politician to the truck driver or street vendor who takes occasional jobs, from the terrorist or rebel group to urban militias that raise money through the control of criminal markets. Organized crime in many contexts is often so multifaceted and so integrated within local economies that it is inseparable from the regular economy. In these situations, the distinctions between who is a “criminal” and who is not can become blurred.

Recent findings from the study of organized crime groups indicate that they are often “hardly groups at all but rather networks of suppliers, transporters and receivers, as would be encountered in any licit supply chain” (United Nations Office on Drugs and Crime 2012: 21). Other findings are that “traditional turf-based activities may have declined in value, leading to a decline in the prominence of territorial groups” and that groups themselves may have become “less important than the markets with which they engage” (UNODC 2010: 28).

Dealing with Criminals

Criminal justice approaches to organized crime have largely focused on actors and especially on criminalizing participation in organized crime groups. The United Nations Convention against Transnational Organized Crime (UNODC 2010: 25), for instance, focused on “organized criminal groups,” which it defines by their “profit-driven nature and the seriousness of the offences they commit.” Criminal justice institutions focus on actors because their primary purpose is to identify, apprehend, and prosecute offenders. In other words, “as hammers, they seek nails, and tend to conceptualize organized crime as the activities of a collection of particular people, rather than a market with a dynamism of its own” (UNODC 2010: 29).

Law-enforcement approaches to organized crime typically follow national laws. Some criminal activities are also subject to international law including, for instance, piracy (United Nations Convention on the Law of the Sea), drug trafficking (United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances), and human trafficking (Annex II of the United Nations Convention against Transnational Crime). From a legal standpoint, therefore, the range of expected policy responses to organized crime would seem to be clearly defined. But within public policy, the state’s need to ensure respect for the law can sometimes be challenged by those circumstances in which the public interest may be better served when authorities apply the law more discriminately.

Organized crime is well understood to be a threat to peace and security within violent and fragile contexts. But despite this understanding, organized crime has rarely been noted as an explicit operational concern for many institutions whose primary role is to safeguard peace and security. In the case of the United Nations, for instance, according to one analysis, “most political missions continue to ‘fly blind’ on transnational threats, often

approaching them as technical problems to be solved through technical means, rather than complex problems that touch on an array of political, economic, and social issues” (Cockayne and Kavanagh 2011: 21). What is more, organized crime is seldom explicitly addressed in the mandates of peacekeeping missions (Kemp, Shaw, and Boutellis 2013).

“Flying blind” can have important effects on the dynamics of peace processes. In Sierra Leone, for instance, the 1999 Lomé Accord gave the Revolutionary United Front (RUF) the chance to become a legitimate political party. It offered a limited amnesty to the group’s leaders, participation in Liberian politics, and control over the country’s natural resources through the control of government ministries. It was an experiment that sought to shift the conflict from the battlefield into the political arena, using accommodation to pave the way.

But in this case, the success was short-lived: the acknowledgement of the RUF’s criminal nature was limited, and the accords served to make criminal elements within the RUF stronger than the group’s more moderate members, leading to its fragmentation and the eventual relapse into conflict (Cockayne 2013a). This case illustrates the inherent risks involved in addressing organized crime through negotiation and dialogue and underscores how important it is for mediators and negotiators to recognize parties’ economic and criminal agendas and how these are related to the internal power dynamics of the parties involved in a peace process (Wennmann 2011).

The type of responses chosen by international organizations or governments to organized crime in violent and fragile contexts may tend to characterize parties to the conflict as primarily political or primarily criminal. According to this kind of thinking, “If they are political actors, perhaps they can become partners for peace. If criminal, then surely they must be targets for law enforcement. . . . A conflict-based approach will bring military and diplomatic resources into play; a crime-based approach will lead us towards policing and law enforcement based responses” (Cockayne 2013b: 10). Such thinking predominates in many international organizations, whose range of actions is defined by specific institutional mandates or mission mandates that are negotiated by groups of member states.

How strong institutional mandates can be is reflected in this example from the Democratic Republic of the Congo, in which the same actors are described as “rebel group” or “organized crime group” depending on the mandate of the organization. In peace mediation circles, the *Forces Démocratique de Libération du Rwanda* (FDLR), the *Congrès National pour la Défense du Peuple* (CNDP), or the *Mai-Mai* militias are generally described as rebel groups or non-state armed groups. To the United Nations Office on Drugs and Crime (UNODC), however, these same groups are “more aptly described as organized criminal groups, engaged in illicit activities with a transnational dimension, involving cross-border smuggling” (UNODC 2011: 12).

Given the tension between legal and public policy perspectives and between framing an actor as “criminal” or “political,” what are the most effective ways to develop innovative approaches for dealing with organized crime in violent and fragile contexts? I suggest a range of practices for dealing with organized crime actors grouped into three categories: *confrontation*, *accommodation*, and *transformation*.

Confrontation, in this context, is defined as the use of militarized or law-and-order approaches against organized crime. Accommodation includes efforts to manage organized crime by reaching agreements to establish certain rules for criminal markets, for example, the state allows the criminal enterprise to continue as long as certain limits are honored.

A third strategy is transformation, a term I use here to refer to a process to change the organized crime group and the context in which it operates, so that the group can more easily assimilate into an existing or new political, economic, or social order and function legitimately and legally within that order. Transformative approaches can be especially important components of peacebuilding efforts because conflict resolution and violence reduction will often involve the transformation of a rebel group into a political party, or an urban gang into a community group (De Zeeuw 2008; Dudouet, Giessmann, and Planta 2012).

Confrontation

In the peacebuilding community, confrontation using force has been a controversial strategy in contexts ranging from Afghanistan (against the Taliban and the Haqqani network), Mexico (against crime cartels), and Central America (against gangs). Such strategies have often been described using such terms as “the war on drugs” or “zero tolerance,” with the suggestion that crime, violence, and corruption can be easily addressed by “taking the criminals out” — either by killing or imprisoning them. But the effectiveness of these approaches in fragile and violent contexts has been increasingly questioned (Eavis 2011; Felbab-Brown 2013). In Latin America, for instance, the United Nations Development Programme (UNDP) found that “iron fist policies — with a punitive focus privileging repression, increasing the severity of penalties and the use of force — have had negative repercussions, many unexpected, among which are an increase in levels of lethal violence, the strengthening of criminal networks, congestion in already overcrowded prisons, human rights violations — particularly against youths and minors — and abuse of authority” (UNDP 2013: 13).

The limits of confrontation can be seen in Mexico’s war on drugs under the presidency of Felipe Calderón. The killing of cartel leaders has weakened and fractured these groups, but has also led to new spirals of violence that the government could not control and to a new dynamic of concentration and fragmentation. For example, while the larger groups have consolidated their power, a number of upstart gangs and recomposed

groups focusing on new markets have arisen (Corcoran 2012). The Mexican experience also illustrates that confrontation and negotiation frequently go hand-in-hand. Despite the picture of an uncompromising war on drugs as painted by U.S. and Mexican authorities, former Mexican president Vicente Fox alleged that the United States Drug Enforcement Agency (DEA) negotiated with a series of high-profile cartel leaders by offering them reduced prison sentences. Such practices often involve trade-offs in which authorities offer to reduce law enforcement pressure in exchange for information about other groups. They also have been critical to successful law enforcement work against drug trafficking by the DEA in other contexts (Ramsey 2012).

But despite the limited effectiveness of confrontation strategies, they remain widely used. Politicians proclaim that they are tough on “crime,” “criminal gangs,” and “drug traffickers” because such maximalist language engenders domestic and international political support and can be an effective slogan to use against political opponents. Confrontation is also popular in many military and police circles because it justifies higher defense budgets and foreign assistance (e.g., military aid and intelligence support) and strengthens the role of the military and the police within the state or society. These incentives can be very powerful in shaping the political discourse on organized crime and specific armed conflicts.

In Latin America, for instance, the link between state weakness and drug-related security threats has been used strategically by politicians to attract support from the United States and justify requests for development and military assistance (Kenny and Serrano 2012). In the case of Colombia, the Colombian Government launched an uncompromising “war on drugs” after the link between drug trafficking and the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) became more evident by the late 1990s. This strategic shift to fighting the FARC as a “criminal group” — and no longer as an “insurgency” — made it possible to obtain significant U.S. military assistance through the Plan Colombia. The FARC’s involvement in the drug trade and the subsequent shift in military strategy by the government also complicated efforts to negotiate an end to the civil war: it delegitimized the FARC’s political objectives and hence the use of political negotiations to end the conflict. The FARC’s labeling as a criminal organization also limited opportunities for the group to eventually transform into a political party and for its leaders to exit from crime (Metelits 2010).

Accommodation

Engaging in dialogue and deal making with organized crime groups in violent and fragile contexts is not unusual. Some state and non-state parties to peace negotiations have been known to have played active roles in criminalized war economies, such as in the civil wars of Sierra Leone, Liberia, and Angola in the early 2000s (Wennmann 2007). From peace

negotiations to gang truces, accommodation involves recognizing the distribution of power among actors at a specific place and time.

Several well-documented cases of accommodation have taken place in Afghanistan, involving arrangements with local warlords to stabilize a specific area (Giustozzi 2007) and in the Balkans where crafting deals between peacekeepers and local “business people” was essential for enabling the safe transport of supplies to sustain the civilian population (Andreas 2009). In Iraq in 2004, the “Anbar awakening” that rallied Sunni tribes against al-Qaeda in Mesopotamia was mainly motivated by the tribes’ resistance to the market entry of al-Qaeda into lucrative banditry and smuggling activities. The U.S. military took advantage of these market incentives to mobilize local people to fight al-Qaeda while simultaneously turning a blind eye to the tribes’ extra-legal revenue (Williams 2009).

Accommodation can also include dialogue and deal making as part of a state-led strategy to manage organized crime in order to mitigate the humanitarian and societal impact of criminal violence. In the mid-1950s, Mexican state authorities responded to the ever-increasing power of drug cartels by creating a “state-regulated criminal market.” This arrangement provided security and stability for criminals and peace of mind for the middle classes, required police and military forces to take on multiple roles (including protecting the drug market monopoly of large cartels while simultaneously taking action against drug market intruders), and guaranteed a more stable southern neighbor for the United States in the early stages of the Cold War (Serrano 2009). In subsequent decades, some regional state authorities are known to have tolerated monopolistic control of illicit and criminal markets by drug cartels as long as they adhered to a series of “unwritten rules.” These rules included (1) no deaths in the street; (2) no drugs in schools; (3) no scandals in the media; (4) occasional tip-offs for drug seizures and the arrest of low-level traffickers; (5) commitment to community development; (6) no proliferations of gangs; (7) no undermining of the state institutions and justice officials; (8) errors to be paid back through prison sentences not assassination; (9) adherence to order and respect in the territory; and (10) reinvestment of the profits into the country (Guerrero Gutiérrez 2009).

In Mexico, accommodation between the state and crime groups controlled the behavior of such groups for decades, but also helped build a series of major cartels that were able to grow under the protection of the state. Accommodation has led to the infiltration of the state, the hollowing out of state institutions, and the perpetuation of injustices. But arguments for accommodation remain strong, as exemplified by a comment from ex-president Fox at the height of Mexico’s war on drugs. He said that the Mexican government should “gather the violent groups to a truce and evaluate the advantages of an amnesty law” so as to reduce levels of armed violence (Ramsey 2012).

Many individuals feel uncomfortable with the idea of deal making or negotiations with organized crime groups. They worry that deal making rewards bad behavior and sets bad precedents. They ask: Are there any alternatives to deal making? And are these alternatives more morally justifiable? (Mnookin 2010). In Afghanistan, such questions were countered by appealing to a certain *realpolitik*: international actors face the difficult reality “that for the sake of peace, stability, and progressive change, deals may have to be struck, or allowed to be struck, that confound expectations of good governance or good policy” (Cramer 2009: 139). They were also countered with appeals to leadership: deal-making strategies by international actors necessitate “political dexterity to do what was once unthinkable and a long-term view that accepts both the possibility of real change as well as the risk of failure” (Byman 2009: 136).

From a negotiation standpoint, a close look at the issue of accommodation uncovers the tension between pragmatic choices and those based primarily on principle:

You may feel that choosing to negotiate would violate a moral principle you hold dear, or be inconsistent with your sense of self. (. . .) In your eyes the enemy has committed an act for which they should be punished, not rewarded. Your honor and integrity demand that you resist. (. . .) When we are caught between the demands of principle and pragmatism, what we really need to ask ourselves is, to what extent should we look backward and to what extent should we focus on the future? (. . .) If you want to resolve conflict and move forward, you may have to give the devil something you feel *he does not deserve*. That is a bitter pill to swallow. (Mnookin 2010: 261–262, emphasis in the original)

In the context of peacebuilding, accommodation requires giving up something to get something (Meerts 2006), which can mean giving up a principled stance in order to achieve a better future, and thereby strengthening the likelihood of forward-looking outcomes resulting from negotiation (Zartman 2005). Making such a bargain entails risk for all parties involved. Negotiators and mediators who consider making such bargains must navigate between pragmatic and principled choices and consider the nature of governance in these contexts.

According to the Organization for Economic Cooperation and Development (OECD), “the majority of states in the global South can (. . .) be described as hybrid political orders” (OECD 2011: 25). These orders are characterized by the coexistence and overlap of competing forms of order, conflicting claims to legitimacy and economic resources, and a weak social base (Boege et al. 2009). In these cases, interactions between power brokers involve accommodation within a so-called “mediated state” in which “the government relies on partnership (or at least coexistence) with a diverse range of local intermediaries and rival sources of authority to

provide core functions of public security, justice, and conflict management. . . . Mediated states are intrinsically messy, contradictory, illiberal, and [are characterized by] constantly renegotiated deals — not ideal choices for governments but often the best of bad options for weak states” (Menkhaus 2007: 78).

In hybrid political orders, many activities that could qualify as “organized crime” can be fully integrated into the local political and social fabric. Many militias or gangs involved in criminal or illicit economic activities, for example, also provide sometimes substantial public services to many members of the community. In places with weak or dysfunctional governments, such groups can perform important political and social functions, which arguably offer a sense of protection as much as threats to peace. For instance, in Rio de Janeiro, Brazil, drug trafficking groups and para-state militias have become dominant actors in some of the city’s informal settlements, also known as *favelas*. Militias provide apparently contradictory functions: they protect communities from violent state intrusion into the *favelas* through predatory and corrupt police, but they also dominate communities politically and socially through the use of violence and other forms of coercion (Wheeler 2014). As this example demonstrates, local governance is not always a panacea for conflict resolution. Nevertheless, in Afghanistan, Somalia, and Syria, for instance, subnational governance arrangements emerged in the most lawless and violent environments to provide basic protection and order, structured dispute resolution, and mediation with powerful armed actors (Menkhaus 2014).

For many outsider negotiators or mediators, the workings of hybrid political orders remain shrouded in mystery. They do not know the people and the conflict well enough to understand the local politics and how things get done. They typically do not have the correct “tools in the tool box” to drive accommodation strategies in hybrid political orders. Hence, the mediator may not have a real choice whether to engage or not in dialogue with actors labeled as “criminals,” but rather he or she must determine who will be best placed to drive accommodation strategies in a specific context. So, the fact that most actors formally representing governments or international organizations are usually ill equipped to conduct dialogue and negotiation in hybrid political orders does not mean the approach itself is weak.

Local mediators may be better placed to drive accommodation strategies. They are deeply rooted in specific contexts and may in some instances have driven accommodation strategies for many years — sometimes with discrete support from outside. Such local mediators have been called “interrupters” or “insider mediators.” In contexts of urban violence reduction, interrupters are typically trusted members of a community with first-hand experience of street violence. They are trained to intervene in crises and mediate disputes between both individuals and groups (e.g., gangs) to

prevent violent events. Interrupters often follow public health models that treat violence as a disease, working in conjunction with clergy, community organizers, educators, and the police to change behavior and norms (Cure Violence 2013). In the context of peace negotiations of civil wars, insider mediators have helped international actors to facilitate dialogue between the conflict parties, especially in Africa. Insider mediators come from civil society, churches, trade unions, and business councils and can draw on the trust and respect of a specific conflict party or its constituency, as well as on their own deep knowledge of the dynamics and context of the conflict (Mason 2009).

Transformation

Transformation typically involves efforts to transform criminal entities into groups that can function in formally recognized legitimate roles. Transformation is often state-led because the state is perceived to be sovereign, legitimate, and powerful. It can also occur when the organized crime group internally recognizes that its activities may no longer be viable or desirable. The bargaining involved can often be one-sided: the state gives criminal actors the option to leave their criminal business behind in exchange for perfect assimilation into the existing political order. The bargaining can also be one-sided because offers remain unreciprocated: the organized crime group that wants to change may find a nonpermissive environment to initiate a transformation process.

One risk of transformation is that representatives of states or international organizations often underestimate the power of criminal markets, and overestimate the power of states. In fact, the power in transformation processes involving organized crime may shift more often in the other direction — organized crime may transform the state and society rather than vice versa. For example, Guinea-Bissau has been described as Africa's first "narco-state." After more than a decade of recurring cycles of violence, political instability, and poor governance — all accelerated by a military coup in 2012 — "trafficking networks have co-opted key political and military leaders and transformed Guinea-Bissau into a hub for illicit commerce, particularly the multibillion dollar international trade in cocaine" (O'Regan and Thompson 2013: 1).

Such crime-led transformations put the legal system at risk, laws go unenforced, and, in newly established regimes, legal institutions fail to take hold. Endemic corruption erodes the social fabric, diminishing the chances that more legitimate and capable state institutions will develop. Crime-led transformations exemplify the sometimes symbiotic and parasitic relationships between the state and organized crime: they may be mutually dependent symbiotic entities who help each other stay in power, or one side, typically the criminals, may gradually and parasitically suck the other dry (Inkster and Comolli 2012).

To better understand how organized crime transforms states, we should consider organized crime groups as political actors and not merely as profit maximizers (Cockayne 2013b). Political negotiations between states and crime groups have been insufficiently researched, especially in terms of which concessions are being made and by whom. In many conflict and crime-affected contexts, the relative power between organized crime groups and the political institutions of fragile states will determine the bargaining outcome. In most such contexts, organized crime groups are more powerful in terms of financial resources and coercive capability.

From a state's perspective, a positive symbiotic outcome of such negotiations may be a trade-off in which crime groups agree to "play by the rules" and states tolerate a limited amount of crime and violence in exchange for access to information that can support efforts to reduce more significant violence and prosecute major cases. The symbiotic outcome may then resemble a state-controlled criminal market, as discussed above, and can be especially relevant in contexts in which state authorities negotiate with one or several larger crime cartels.

In the contexts of crime-related urban violence, some municipal authorities and community organizations are able to negotiate violence-free or crime-free zones in which residents are left in relative peace. While such an outcome may be seen as an accommodation strategy, it can represent an early stage of a transformative process to facilitate a more complete negotiated exit from organized crime. In Ecuador, for instance, *Barrio de Paz* projects worked at the community level to facilitate truces among youth gangs and to provide job training to gang members. These projects have worked on the assumption that criminal violence can be reduced if gang members receive the tools to earn an alternative living and experience a more positive form of social recognition. The projects were credited with having contributed to a reduction in violence in Ecuador between 2006 and 2008 and to the peace between its two largest gangs, the Latin Kings and *Los Ñetas* (Hazen 2010).

Another case of transformation occurred in El Salvador and involved a gang truce and the establishment of peace zones that started a peace process between the gangs and Salvadoran society (Táger and Aguilar Umaña 2013). In April 2012, the *Salvatrucha* gang and the Eighteenth Street gang agreed to a truce ending years of gang violence that made El Salvador one of the most violent countries in the world. These were two major and well-armed gangs that together accounted for approximately seventy thousand members — of which ten thousand were in prison — and, with their family members and friends, represented about 8 percent of Salvadoran society (Aguilar Umaña, Arévalo de León, and Táger 2014: 95).

According to one of the facilitators, the decision to negotiate came after an older generation of gang leaders recognized the damage they had

done to society. They also believed that they had lost control of some factions of their respective gangs and saw the truce negotiations not just as a means to reduce the violence, but also as a means to reassert control over the younger gang membership (CSPES 2012). In the beginning, the government publicly remained ambivalent about the truce. But after the truce led to a 60 percent drop in the homicide rate sustained over one year, President Mauricio Funes “acknowledged that he had personally supported the initiative from the beginning, alongside new policy measures designed to sustain its impact” (Aguilar Umaña, Arévalo de León, and Táger 2014).

In an effort to make the truce sustainable, a second phase began in late January 2013 with the establishment of the first of eighteen “peace zones” (Wells 2013). The peace zones were based on Covenants for Peace signed by municipalities, national authorities, and the gangs. Their objective was to link violence reduction with development promotion to create a “truce dividend.” It was during the establishment of the peace zones that the truce became a peace process between Salvadoran society and the gangs. “The truce by itself was insufficient to address the gang problem. Stopping the killing would not transform the social and economic conditions that sustained the cycle of violence, but it created the political space in which alternatives to the failed securitized approach could be explored” (Aguilar Umaña, Arévalo de León, and Táger 2014: 98). As the case of El Salvador illustrates, unless some of the underlying drivers of violence are addressed, there is little hope for sustained crime and violence reduction. In other words, the El Salvador case illustrates that the outcomes from accommodation (the reduction of violence) may be unsustainable in the long run unless followed by a transformation process that targets the actors and conditions responsible for driving violence.

In relation to major organized crime groups, examples of transformative approaches can be characterized as “making bad boys turn good.” Such strategies have also been used to target organized criminal syndicates during the 1930s prohibition era in the United States, mafia-controlled construction firms in Sicily, and organized crime groups in Russia after the dissolution of the Soviet Union (Dubinsky 2007).

Key lessons of such transformation efforts include:

- Amnesties must be temporary and present a one-and-only opportunity for crime groups to end their activities and commit to their transformation. In exchange for the amnesty, crime groups must provide information about the criminal market.
- Amnesty provisions must be accompanied by credible threats that criminal activities undertaken after the agreement is made will face a higher risk of detection and punishment.

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- Authorities can make secrecy less viable by providing incentives to banks, police forces, government officials, and insiders to turn in criminals, and by strengthening multilateral efforts against money laundering and bribery.
 - The state must invest in strengthening property rights so that legitimate profits enjoy a higher degree of protection than profits made in the criminal economy. Property rights make participation in the legitimate economy more attractive.
 - The government must make credible commitments to those coming out from the shadows within the amnesty's ultimatum that they will not be subject to prosecution or targets of confiscation in the future. (Dubinsky 2007)

These lessons emphasize the importance of a functional institutional environment that can ensure credible threats for detection and punishments and credible guarantees for property rights protection. Successful transformation strategies require the presence of long-term investments in state capacity and human resources and of infrastructures for social and economic development.

Clearly, a strategy to "make bad boys turn good" must be part of a broader societal pact to provide better opportunities throughout the society in place of rewards for criminal behavior. Such a strategy should have long-term benefits for society, foster stability, mobility, and investment, and reduce crime and violence. Transformation strategies involve a mixture of incentives and threats that both encourage criminals to abandon the criminal enterprise and diminish their prospects for future criminal profit.

Conclusion

Two years after the gang truce in El Salvador, at least 5,539 Salvadorans are alive today who would have died had the gang violence not been curtailed through dialogue and negotiation (VNP 2014).³ This result is a testament to the positive achievements of dialogue and negotiation in one of the most crime- and violence-affected regions of the world. El Salvador's gang truce also highlights that, for such processes to be sustainable, they must be embedded in broader social and political transformation processes.

The El Salvador example suggests that the prospects for addressing violence and instability caused by organized crime in fragile settings through dialogue and negotiations are strong. A report on organized crime and peacebuilding concurred that "It is possible to strengthen human security and build peace in contexts marked by organized crime," but that there is also "a clear need for discreet and long term approaches . . . [given] the

inherently delicate and sensitive nature of assisting exits from conflict, violence, and organized crime” (FDFA 2013: 11).

Given the dominance of criminal justice perspectives in shaping responses to organized crime, alternative approaches using dialogue and negotiation remain little understood. In this article, I have sought to help close this gap by examining a range of practice from confrontation to accommodation and transformation. I argue that engaging in dialogue and negotiations with organized crime groups is not unusual and that such strategies have been used for decades in crime and violence reduction efforts in both urban and civil war settings.

How should practitioners begin to assist negotiated exits from organized crime? In the search for additional tools, I suggest that mediators and negotiators should turn to existing peacebuilding practices that can be adapted for use in structured dialogue processes with organized crime groups. These include, for example, amnesty programs, transitional justice initiatives, humanitarian dialogue, disarmament, demobilization, and reintegration (DDR) programs, and security sector reform. In the area of transitional justice, for instance, peace builders obviously have much experience to draw on. But so far, such practices have not yet been used to address organized crime. Taking such approaches would require first answering some important questions, including “Are we prepared to offer drug traffickers amnesty in return for them abandoning the trade?” (Cockayne 2013b: 19). This question is not abstract, but is being asked by those working to resolve conflict in many conflict and crime-affected contexts.

Mediators and negotiators should also develop an acute awareness of the ways in which labels are used to categorize violent actors. This is, I believe, a critical element in demystifying the process of dialogue and negotiation with actors involved in organized crime. Negotiators and mediators must acknowledge the political motivations that can underlie attaching criminal labels to such groups as the Taliban or the FARC because, as political circumstances evolve, dialogue and negotiation with such actors can become more feasible.

NOTES

1. This article draws on a desk study on “Strategies for dealing with actors involved in organized crime in peacebuilding contexts” commissioned by the Swiss Federal Department of Foreign Affairs (FDFA). All views expressed in this article are the views of the author and do not necessarily reflect the views of the Swiss FDFA.

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“Organized crime and its impact on peacebuilding endeavours” (Geneva, July 2–3, 2013), and the lunch time discussions “Youth violence in Central America: Lessons learned from the truce process between youth gangs in El Salvador” (Geneva, October 9, 2013) and “Addressing conflict mediation’s blind spot: Criminal agendas in peace processes” (Geneva, February 26, 2014).

3. This figure is based on official homicide data that compare the number of homicides in the two years before the truce with the number of homicides in the two years after the truce. El Salvador has a robust violence monitoring system that makes such comparisons possible and credible. There is widespread agreement in El Salvador that the reduction in armed violence directly relates to the truce (Aguilar Umaña et al. 2014; VNP 2014).

REFERENCES

- Aguilar Umaña, I., B. Arévalo de León, and A. G. Táger. 2014. El Salvador: Negotiating with gangs. In *Legitimacy and peace processes: From coercion to consent*, edited by A. Ramsbotham and A. Wennmann. London: Conciliation Resources.
- Albanese, J. S. 2011. *Organized crime in our times*, 6th edn. Burlington, MA: Anderson Publishing.
- Andreas, P. 2002. Transnational crime and economic globalization. In *Transnational organized crime and international security: Business as usual?*, edited by M. Berdal and M. Serrano. Boulder, CO: Lynne Rienner.
- — —. 2009. Symbiosis between peace operations and illicit business in Bosnia. *International Peacekeeping* 16(1): 33–46.
- Atran, A. 2010. *Talking to the enemy: Faith, brotherhood and the (un)making of terrorists*. New York: HarperCollins.
- Bakrania, S. 2013. *Policy responses to criminal violence in Latin America and the Caribbean. GSDRC helpdesk research report*. Birmingham, UK: University of Birmingham.
- Boege, V., A. Brown, K. Clemens, and A. Nolan. 2009. Building peace and political community in hybrid political orders. *International Peacekeeping* 16(5): 599–615.
- Byman, D. 2009. Talking with insurgents: A guide for the perplexed. *The Washington Quarterly* 32(2): 125–137.
- Cockayne, J. 2011. *State fragility, organized crime and peacebuilding: Towards a more strategic approach*. Oslo: Norwegian Peacebuilding Resource Centre.
- — —. 2013a. *Strengthening mediation to deal with criminal agendas*. Geneva: Centre for Humanitarian Dialogue.
- — —. 2013b. Chasing shadows: Strategic responses to organized crime in conflict-affected situations. *The RUSI Journal* 158(2): 10–24.
- — —, and C. Kavanagh. 2011. Flying blind? Political mission responses to transnational threats. In *Review of political mission 2011*, edited by Centre on International Cooperation (CIC). New York: CIC.
- Committee in Solidarity with the People of El Salvador (CSPES). 2012. Salvadoran government accused negotiating with gangs, after 40 percent drop in murders, 20 April. Available from <http://www.cispes.org/programs/stop-repression-and-the-ilea/salvadoran-govt-accused-of-negotiating-with-gangs-after-40-drop-in-murders>
- Corcoran, P. 2012. Mexico has 80 drug cartels: Attorney General. *Insight Crime*. December 20. Available from <http://www.insightcrime.org/news-analysis/mexico-has-80-drug-cartels-attorney-general>
- Cramer, C. 2009. Trajectories of accumulation through war and peace. In *The dilemmas of statebuilding: Confronting the contradictions of post-war peace operations*, edited by R. Paris and T. G. Sisk. London: Routledge.
- Cure Violence. 2013. The interrupter model. Available from <http://cureviolence.org/what-we-do/the-model>
- De Zeeuw, J. (ed). 2008. *From soldiers to politicians: Transforming rebel movements after civil war*. Boulder, CO: Lynne Rienner.
- Dubinsky, I. V. 2007. How bad boys turn good: The role of law in transforming criminal organizations into legitimate entities by making rehabilitation an economic necessity. *DePaul Business and Commercial Law Journal* 5(2): 379–426.
- Dudouet, V., H. J. Giessmann, and K. Planta. 2012. *From combatants to peacebuilders: A case for inclusive, participatory and holistic security transitions*. Berlin: Berghof Foundation.

- Eavis, P. 2011. *Working against violence: Promising practices in armed violence reduction and prevention*. Geneva: Geneva Declaration Secretariat.
- Federal Department of Foreign Affairs of Switzerland (FDFA). 2013. *Organized crime and its impacts on peacebuilding endeavours. Workshop report*. Bern: FDFA.
- Felbab-Brown, V. 2013. *Focused deterrence, selective targeting, drug trafficking and organized crime: Concepts and practicalities*. Modernising Drug Law Enforcement Report No. 2. London: International Drug Policy Consortium.
- Friman, H. R. 2009. Crime and globalization. In *Crime and the global political economy*, edited by H. R. Friman. Boulder, CO: Lynne Rienner.
- Garay Salamanca, L. J., and E. Salcedo-Albarán. 2012. *Narcotráfico, corrupción, y estados: Como las redes ilícitas han reconfigurado las instituciones en Colombia, Guatemala, y México*. Mexico: Random House Mandadori.
- Geneva Declaration Secretariat (GDS). 2011. *Global burden of armed violence: Letbal encounters*. Cambridge: Cambridge University Press.
- Giustozzi, A. 2007. War and peace economies of Afghanistan's strongmen. *International Peace-keeping* 14(1): 75-89.
- Guerrero Gutiérrez, E. 2009. Narcotráfico. S.A. Nexos, 1 January. Available from <http://www.nexos.com.mx/?P=leerarticulo&Article=54>
- Hazen, J. 2010. An Ecuadorian alternative: Gang reintegration. In *Small arms Survey 2010: Gangs, groups, and guns*, edited by Small Arms Survey. Cambridge: Cambridge University Press.
- Human Security Report Project. 2014. *Human security report 2013*. Vancouver: Human Security Research Group.
- Inkster, N., and V. Comolli. 2012. *Drugs, insecurity, and failed states: The problems of prohibition*. London: Routledge.
- Jütersonke, O., R. Muggah, and D. Rodgers. 2009. Gangs, urban violence, and security interventions in Central America. *Security Dialogue* 40(4-5): 373-397.
- Kemp, W., M. Shaw, and A. Boutellis. 2013. *The elephant in the room: How can peace operations deal with organized crime?* New York: International Peace Institute.
- Kenny, P., and M. Serrano. 2012. Introduction: Security failure versus state failure. In *Mexico's security failure: Collapse into criminal violence*, edited by P. Kenny, M. Serrano with A. Sotomayor. London: Routledge.
- Kofi Annan Foundation. 2012. *The impact of organized crime and drug trafficking on governance, development and security in West Africa*. Summary of proceeding. Expert meeting, Dakar, Senegal, 18-20 April. Geneva: Kofi Annan Foundation.
- Krause, K. 2012. Hybrid violence: Locating the use of force in postconflict settings. *Global Governance* 18(1): 39-56.
- Kühne, W. 2013. *West Africa and the Sabel in the grip of crime and international terrorism: What perspectives for Mali after the elections?* Berlin: Centre for International Peace Operations.
- Kumar, C. 2011. Building national infrastructures for peace: UN assistance for internally negotiated solutions to violent conflict. In *Peacemaking: From practice to theory*, edited by S. A. Nan, Z. Mampilly, and A. Bartoli. Santa Barbara, CA: Praeger.
- Lederach, J. P. 2012. The origins and evolution of infrastructures for peace: A personal reflection. *Journal of Peacebuilding and Development* 7(3): 8-13.
- Mason, S. 2009. *Insider mediators: Exploring their key role in informal peace processes*. Berlin: Berghof Foundation for Peace Support.
- Meerts, P. 2006. Order through negotiation. *International Negotiation* 11(2): 341-352.
- Menkhaus, K. 2007. Governance without government in Somalia: Spoilers, state building, and the politics of coping. *International Security*. 31(3): 74-106.
- — —. 2014. Local governance and peacebuilding: Challenges of legitimate representation. In *Legitimacy and peace processes: From coercion to consent*, edited by A. Ramsbotham and A. Wennmann. London: Conciliation Resources.
- Metelits, C. 2010. *Inside insurgency: Violence, civilians, and revolutionary group behaviour*. New York: New York University Press.
- Mnookin, R. 2010. *Bargaining with the devil: When to negotiate, when to fight*. New York: Simon and Schuster.
- Naím, M. 2007. *Illicit: How smugglers, traffickers and copycats are hijacking the global economy*. London: Arrow Books.

-
- Nyheim, D., and A. Ivanov. 2014. *Stabilising areas affected by criminalised violent conflict: A guide for analysis and stabilisation strategy*. London: INCAS.
- O'Regan, D., and P. Thompson. 2013. *Advancing stability and reconciliation in Guinea-Bissau: Lessons from Africa's first narco-state*. Africa Center for Strategic Studies Special Report. Washington, DC: National Defense University.
- Organization for Economic Cooperation and Development (OECD). 2011. *Supporting statebuilding in situations of conflict and fragility: Policy guidance*. Paris: OECD.
- Ramsey, G. 2012. US is negotiating with "El Chapo": Ex-Mexican president. *Insight Crime*, 21 March. Available from <http://www.insightcrime.org/news-briefs/us-is-negotiating-with-el-chapo-ex-mexican-president>
- Serrano, M. 2002. Transnational organized crime and international security: Business as usual? In *Transnational organized crime and international security: Business as usual?*, edited by M. Berdal and M. Serrano. Boulder, CO: Lynne Rienner.
- — —. 2009. Drug trafficking and the state in Mexico. In *Crime and the global political economy*, edited by H. R. Friman. Boulder, CO: Lynne Rienner.
- Shaw, M., and W. Kemp. 2012. *Spotting the spoilers: A guide to analyzing organized crime*. New York: International Peace Institute.
- — —, and F. Mangan. 2014. *Illicit trafficking and Libya's transition: Profits and losses*. Washington, DC: United States Institute of Peace Press.
- Táger, A. G., and I. Aguilar Umaña. 2013. *La tregua entre pandillas salvadoreñas hacia un proceso de construcción de paz social*. Guatemala City: Interpeace.
- United Nations Development Programme (UNDP). 2013. *Citizen security with a human face: Evidence and proposals for Latin America*. New York: UNDP.
- United Nations Office on Drugs and Crime (UNODC). 2010. *The globalization of crime: A transnational organized crime threat assessment*. Vienna: UNODC.
- — —. 2011. *Organized crime and instability in Central Africa: A threat assessment*. Vienna: UNODC.
- — —. 2012. *Transnational organized crime in Central America and the Caribbean: A threat assessment*. Vienna: UNODC.
- Voceros Nacionales de las Pandillas (VNP). 2014. Comunicado de cabecillas de pandilla. 12 March. Available from <http://www.calameo.com/books/000730329370494b30719>
- Wells, M. 2013. El Salvador "peace zone" launched in second phase of gang truce. *Insight Crime*, 23 January. Available from <http://www.insightcrime.org/new-analysis/el-salvador-peace-zone-launched-in-second-phase-of-gang-truce>
- Wennmann, A. 2007. The political economy of conflict financing: A comprehensive approach beyond natural resources. *Global Governance* 13(3): 427-444.
- — —. 2011. *The political economy of peacemaking*. London: Routledge.
- Wheeler, J. 2014. Brazil: Citizenship, violence, power and authority in Rio's favelas. In *Legitimacy and peace processes: From coercion to consent*, edited by A. Ramsbotham and A. Wennmann. London, MD: Conciliation Resources.
- Whitfield, T. 2013. *Mediating criminal violence: Lessons from the gang truce in El Salvador*. Oslo Forum Papers No. 1. Geneva: Centre for Humanitarian Dialogue.
- Williams, P. 2009. Organized crime and corruption in Iraq. *International Peacekeeping* 16(1): 115-135.
- World Bank. 2011. *World development report 2011: Conflict security and development*. Washington, DC: World Bank.
- Zartman, I. W. 2005. Looking forward and looking backward on negotiation theory. In *Peace versus justice: Negotiating forward- and backward-looking outcomes*, edited by I. W. Zartman and V. Kremenyuk. Lanham, MD: Rowman and Littlefield.
- Zartman, W. I., and G. O. Faure. 2011. *Engaging extremists: Trade-offs, timing, and diplomacy*. Washington, DC: United States Institute of Peace Press.