

REPORT

Humanitarian Negotiation Processes with Gangs

México, Guatemala, El Salvador, Honduras y Colombia

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Gangs represent the spontaneous effort of children, adolescents, and young people to create, where there is none, a space in society (mainly urban) that is adequate to their needs and in which they can exercise the rights that the family, the state and the community have violated. Emerging as groups from extreme poverty, exclusion and lack of opportunities, gangs seek to satisfy their rights to survival, protection and participation, organising themselves without supervision and developing their own rules and membership criteria, entrenching a territoriality and a symbology that gives meaning to group membership. Paradoxically, this quest to exercise citizenship is, in many cases, a violation of their own and others' rights, generating violence and crime in a circle that feeds back on and perpetuates the exclusion from which they originate. For this reason, gangs cannot reverse the situation that gave rise to them. Being a predominantly male phenomenon, women who join gangs suffer more intensely from the gender gaps and inequalities of the dominant culture.

Department of Public Security, Organization of American States. Washington DC, June 2007.

This document is a summary of the final report of the listening tour conducted by Jorge Javier Fernández between July and December 2022. Everything mentioned is the responsibility of the author.

Introduction

The report is based on 42 semi-structured interviews involving 31 humanitarian workers, 3 specialised international researchers, 5 community-based organisation representatives and 3 government officials. The conclusions drawn are directed at humanitarian negotiations with gangs in general and not at specific groups or country situations.

NB: Nothing here is exhaustive, nor is it intended to be. The aim is to collect the experience of some of the humanitarian practitioners interviewed. Furthermore, in order to simplify the message, some formulations are stated as generalities, when in reality each band is unique and there are very few universal truths about them.

Context

Challenges and dilemmas are the main themes of this report, that is, challenges and dilemmas humanitarian practitioners face when managing humanitarian activities in "barrios" or neighbourhoods living under the influence of Maras and gangs.

The gang situation in Central America, specifically in El Salvador and Honduras, began in the 1980s in the United States of America¹. However, gangs are not the only armed groups present in communities. The context is complicated by the presence of drug cartels and smaller gangs. As demonstrated in El Salvador and Honduras, the combination of gangs, drug trafficking, corruption and lack of justice is a recipe for extreme internal violence.

The high rates of killings and disappearances are the result of the actions of these groups to establish control over territories, resources and communities, doing so by means of armed threats and by instilling fear in the population.

However, it is important to note that these situations are not considered armed conflicts². Therefore, they are usually defined as "other situations of violence (OSV)"³ or as "situations of chronic violence". Nevertheless, induced urban violence and drug-related violence⁴ have made Haiti and the Central American region one of the most violent areas in the world.

¹ Garcia, Carlos. "The Birth of the MS13 in New York". Investigation and Analysis of Organized Crime. <https://www.insightcrime.org/news/analysis/birth-ms13-new-york/>

² Cue, Wendy. Raimundo, Vicente. "According to need? Humanitarian responses to violence in Central America". Humanitarian Exchange. No. 69, June 2017.

³ "In its mission statement, the ICRC refers to 'other situations of violence', which is sometimes abbreviated as OSV. While the ICRC operates mainly in situations of armed conflict, it also responds to this growing phenomenon: violence that does not reach the threshold of armed conflict, but whose consequences for humanitarian action can be as serious as those stemming from armed conflict. Working closely with National Societies, the ICRC steps in when its expertise, neutrality, independence and international profile represent an advantage in protecting vulnerable people affected by other situations of violence. The term OSV covers in particular civil unrest, State repression, communal violence and organised violence in urban settings. "Children affected by armed conflict and other situations of violence". Workshop report, Geneva, 14 - 16 March

⁴ Acaps. "Other situations of violence in the Northern Triangle of Central America, humanitarian impact. May 2014. https://iecah.org/images/stories/Otras_situaciones_de_violencia_ACAPS_Mayo_2014.pdf. 2014.

In an area where major humanitarian consequences occur on a daily basis, the civilian population is directly affected, and the work of humanitarians hampered. Over the past decades, humanitarian and development agencies have tried to implement different programmes and projects in the region in response to, in particular, forced displacement, sexual violence, widespread child recruitment, lack of access to vital health care, basic education and attacks on the medical mission⁵.

Currently, the main challenges and dilemmas faced by humanitarian organisations are related to the limitations of access to areas where the situation is most complex. These contexts are characterised by invisible borders between communities and a high concentration of different gangs in small territories.

Seeking the acceptance of all actors present in these areas, without knowing them or how to reach them⁶ is a constant challenge for most humanitarian agencies active in these contexts. To open doors in an attempt to reach the most affected communities, humanitarian teams have to develop different negotiation strategies and approaches, without putting their staff on the ground at risk.

1 Challenges and common features

Gangs in Latin America are numerous and often powerful. Although each is a distinct entity, they share many common characteristics that must be understood by anyone wishing to provide sustainable solutions to the different contexts of humanitarian crises affecting the Latin American region. According to those interviewed, these characteristics include the notion of territory, the identity component, the values and beliefs, the cross-border nature, the relationship with the law, the number of related circumstances and causes:

1.1 Territory

- A space of reference, identity, relationships and history.
- A gang's "territory" can be a colony, a neighbourhood, a corner, a transit space, a caravan, a camp, homes, a prison and/or extraterritorial spaces.
- Territory represents an ongoing access challenge. Even when a humanitarian space is opened, humanitarians must follow a very specific set of guidelines in order not to close that space or undermine the agreements reached.
- Territory is invisible. The borders are not clearly demarcated for anyone approaching from the outside. However, it is essential to know them.

E.g., Graffiti can demarcate a gang's territory.

- Because of the links certain gangs have with the drug trade, they are often located close to the relevant drug trafficking routes (e.g., in Honduras and Guatemala) and often close to the capital of the country concerned.

⇒ **Other spaces: Given the concentration of power of gang leaders present in prisons, how can humanitarian organisations gain access to detainees?**

⁵ Idem.

⁶ Idem, p.1

1.2 Identity Component

- Elements to build a sense of belonging are constantly reinforced in opposition to other groups or entities (e.g., through clothing, language, religious symbols, etc.).

E.g., Tattoos have always been popular among gangs, but some groups tend to hide them to remain unnoticed by the authorities.

- Recognition codes can be communicated by using certain clothing or symbols such as numbers or colours. Sometimes, if used by outsiders, it can be perceived as an affront.

E.g., A humanitarian organisation had to change their van's number plate because it had numbers 13 and 18, which are identity values for certain gangs in Central America.

- Identity can also be communicated through various rituals and symbols.

E.g., Rites of incorporation, funerals, religious symbols.

1.3 Common values, beliefs and other characteristics

Operational structures are essentially similar among gangs, although they sometimes differ (El Salvador, Honduras, Guatemala). In Mexico and Colombia, the way gangs operate is less apparent given the link with criminal groups.

- Importance of family and religion.
- Mutual protection: being part of a gang brings security.
- Intolerance towards sexual diversity in the gang.
- Obedience to the gang hierarchy.
- Discipline in terms of the functioning of the gang.
- Gang loyalty.
- Rituals and symbols are respected.
- Distrust of all.
- They are honest in their approach, they are frank.
- They are chauvinists.
- They are considered part of a family.
- Women fulfil administrative roles, collecting rent, for example.
- Power dynamics and verticality.
- Indirect, hidden negotiations.
- High rates of homicides and violence.
- Revenge.



"It is better to die young and rich than to live a life of having nothing and being poor."

Comment from a gang member to an aid worker in Mexico

⇒ **Four main exit doors from a gang are recognised: death, imprisonment, religious conversion, or inactivity for a prolonged period.**

1.4 Cross-border phenomenon

- Gangs are present from the United States to Argentina.

- The person in charge of the negotiation is often not present in the field; sometimes the leaders are in prison or outside the country, which is why, among other elements, gangs are considered a cross-border phenomenon .
 - Gangs are linked with migration flows:
 - Migratory movements favour the expansion of gangs on the continent.
 - The causes of migration flows and gang development in a given context are closely linked.
 - Gang members move for similar reasons to the rest of the population.

E.g., The heavy-handed policies of certain Central American governments added many gang members to the northbound migrant caravans.
 - On a continental scale, gang movements are intertwined with northward population movements. In certain countries on the Latin American continent, gang presence and control trigger displacement of people.
- ⇒ **In Honduras and El Salvador there are many internally displaced people and few asylum seekers⁷. The opposite is true in Belize, Costa Rica and Panama. In Guatemala and Mexico, there are more asylum seekers, but the numbers of internally displaced people are substantial; they account for about a third of the total number of displaced persons.**

1.5 The law and gangs

Few gangs reach the organisational level of an armed group. However, considering the importance of the humanitarian consequences and the strong presence of gangs in Latin America, the International Committee of the Red Cross justifies its presence in countries affected by gangs as support to victims of "other types of violence"⁸, but not in the framework of a conflict.

Humanitarian organisations are often prohibited from negotiating with gangs, which are mostly considered terrorist groups by States. Sometimes gangs are associated with drug cartels and other crimes; however, negotiating with organised crime is not a mandate for humanitarian organisations.

1.6 Set of circumstances and causes

A gang's birth and prosperity begins with a set of harmful structural circumstances that create an environment of extreme precariousness. The role of States and governments in increasing the population's vulnerability is central. Consequently, they have a responsibility in the increase of migration flows and gangs.

"Young people are blamed for all the ills of society. We are survivors of armed violence".

Local NGO Youth in Honduras

⁷ **Source:** UNHCR. Regional Comprehensive Framework for Protection and Solutions 2021

⁸ "Analysis of gangs from the perspective of armed groups", Dr. Jennifer M. Hazen, in International Review of the Red Cross N°878, June 2010.

- Failed states that do not meet certain basic needs encourage the expansion of gangs that set themselves up as protectors to cover these failures.
- Repressive governments implement extreme security policies.
- Lack of social integration and the stigmatisation of part of society contribute to gangs' development.
- Past war conflicts that were sometimes led by the State also contribute to this phenomenon.

2 Recommendations for conducting humanitarian negotiations based on the experience of humanitarian practitioners

Several interviewees share the view that humanitarian negotiations have a relational component, focused on establishing an ongoing relationship of trust with counterparts, and a transactional component, focused on establishing and agreeing on the specific terms and logistics of humanitarian operations. Gang negotiations are no exception. As humanitarian workers, it's essential to establish a lasting relationship of trust with gangs in order to gain and maintain humanitarian access to communities with humanitarian needs.

Listed below are a number of elements that are particularly relevant for those working in a gang environment to have a guide on how to build this relationship of trust with their partners. It should always be remembered that gaining the trust of a partner is a long, daily process, with wider scale impact for your organisation and other actors operating in the same context. There is no doubt that this is a necessary competence for humanitarian organisations based in Latin America.


⇒ **One in six people in El Salvador is linked by various ties to a gang.**

2.1 Empathy

Central to the reasoning of the humanitarians interviewed is the importance of empathy. There is a need to recognise that gang members have feelings, just like anyone else. They are human beings, victims of a context, often children. Showing a modicum of empathy helps to understand their vulnerability and the fear they have regarding their own safety or that of those close to them.

2.2 Coordinated action

Reducing the impact of the humanitarian consequences generated by gangs on communities includes humanitarian aid and development programmes. Strengthening food security, health, education, protection is crucial, as well as complementing this work together with the teams in coordination with other relevant actors and sectors according to the needs that States do not meet.



"Once I had to replace a colleague on a mission. When I arrived in the field, this colleague had left me some notes and instructions, but we didn't manage to connect and make a good handover of tasks and responsibilities. If this isn't done correctly, a lot of information and acquired knowledge is lost..."

Humanitarian worker in Guatemala

2.3 Concrete action

The more concrete and tangible the humanitarian assistance is, the more it is accepted in gang-controlled territory. In this case, it can be observed that an issue such as food is always welcomed because it is seen as directly benefiting the community and its families. Educational issues tend to be well valued (there is a perception of education as a possibility for social advancement); however, health is not always welcome as they consider that if they need to attend a public hospital, they could be at risk of being reported to the authorities. It should be remembered that, in the territories in question, humanitarian operations can be developed thanks to the positive perception that gangs may have of the contributions that humanitarians make to the communities, if they are useful and necessary for their well-being.

2.4 Continuity and durability

Humanitarian workers regularly mentioned the importance of continuity and durability of interactions with gang members. Engaging with gang members requires a patient strategy of outreach and liaison with various local actors. Avoiding high turnover of international staff, providing continuity of interlocutors, communication channels and institutional presence is essential not only to gain (and maintain) trust or access, but also to understand gangs and the complex context in which they operate.

2.5 Psychological support

Considering the need for continuity of humanitarian staff, it is necessary for humanitarian organisations to support their staff who are under permanent and significant stress in these contexts. Self-care and emotional management skills need to be developed.

2.6 Predictability

Building trust and establishing the security of humanitarian teams are closely linked to the predictability of a humanitarian organisation's actions. It is therefore necessary to maintain operational routines in the field. Enter on the scheduled day and time, with the same vehicle driver, with the same humanitarian team, with vehicles with the same number plates, with windows down (not tinted), with the same identification elements for humanitarian staff, etc.

2.7 Transparency

Humanitarian actors interviewed must act with clarity and transparency so as not to break trust with their partners. Humanitarian activities and programme proposals are conducted openly, in full view of the whole community, as far as possible in the form of an assembly and without hiding anything. It is important to bear in mind that when the plan of activities is presented, someone connected to the gangs should always be present to observe and listen.

2.8 Experience

Humanitarian experience, negotiation experience and good communication skills are required given the level of observation of the groups, the risks involved and the complexities of the context. A non-expert may put the team at risk, not perform well, and close the limited access space that has been gained.

2.9 Investigate the gangs' structure

Interviewees mention significant shortcomings in the research efforts undertaken to understand how gangs function and what their internal power logic is. Only on the basis of this work can a strategy be devised to find the best way to address them.

- It is essential to know the territory, the context and the actors, but it is also important to understand the community's logic, its needs, interests and how power circulates in the community. Understanding the role of each local actor, each part of the "clique"⁹, each actor in the neighbourhood, as well as the interests they respond to and how they interrelate with the rest can support a

humanitarian operation. It's indispensable finding out how the cliques interact with community leaders, religious leaders, leaders of community development associations, local committees, water boards ("Juntas de Agua"), among others. These interactions are a given since they live in the same territory as gang members, in many cases they have some kind of neighbourhood, acquaintance or family ties.

E.g., Conduct a network mapping.

"In the field it is not always well regarded to name the maras or gangs, because saying 'gang' is scary and saying 'mara' offends, so it is preferable to talk about the muchachos, which is an accepted term".

Humanitarian Worker
El Salvador

2.10 Knowing your own identity

"The most important skill a negotiator must have is being able to understand the sources of legitimacy in a particular context and to adapt his or her personal profile as far as possible to that context¹⁰."

⁹ Structural grouping of the rank and file of a gang.

¹⁰ Centre of Competence on Humanitarian Negotiation (CCHN). "Your identity is impacting the way you negotiate. Find out how experienced humanitarians cope with it". <https://frontline-negotiations.org/es/influence-your-identity-has-on-a-negotiation/> 4 November 2021.

- Knowing our own identity and how our characteristics may be perceived by our counterpart is key. Depending on the gang, our appearance, gender, age, age, language, religion, nationality, organisation and personality are various elements that can facilitate or complicate the negotiation.

E.g., The older the negotiators are, the more trust they generate among gang members.

- From the gangs' point of view, an important distinction is made between local and international personnel. Local staff are often vetted by the gangs to ensure that they are not an asset to a rival gang. Expatriate staff are respected; gang members know they are more at risk should there be an incident with foreigners.

2.11 Improve communication mechanisms between humanitarians and communities

There are many challenges regarding the image of humanitarian organisations and the misinterpretation of the work they do.

- It's essential to distinguish ourselves from other non-humanitarian actors through respect for humanitarian principles.

E.g., Interacting with the police can put a humanitarian operation and those who come into contact at risk, since the police may have links or business dealings with gangs.

- Be mindful that the empowerment of community actors is not perceived as legitimising gangs.
- Develop skills to manage rumours in the community that impact humanitarian operations.
- Handle vocabulary with care.

E.g., The term "negotiation" often refers to "negotiations" with the government", which possibly include corrupt practices; in this sense, many prefer to speak of "intermediation", "interaction", "mediation" or "dialogue". Similarly, it is not convenient to name gangs in a direct way; they are usually referred to as "los muchachos" as a way of mentioning them without naming them.

2.12 Practical advice from humanitarian negotiators

- Keep your word.
- Have patience when engaging with local stakeholders.
- Reduce the risks when conducting humanitarian activities.
- Providing "concrete things", tangible elements in the community.
- Use plain, friendly, colloquial language.

- Know the codes and particularities of each gang (music, tattoos, clothing).
- Do not take photos (sometimes requested by donors) unless it has been clearly negotiated beforehand.
- Don't mumble on the phone or speak in another language (can lead to mistrust).
- Apply the humanitarian principles.
- Clarify boundaries and red lines on a daily basis.
- Coordinating a broad vision and a strategic outlook with your team are the added value of humanitarian organisations.
- Contextualising with the use of CCHN tools (e.g., network mapping).
- Deepen and improve your understanding of non-verbal communication.
- Prioritise discussions with local employees such as motorists, drivers who have the knowledge and clarity about the terrain and context.
- Remember the vulnerability of your counterparts (youth, drug-altered state, emotional instability).
- Generate local networks and maintain them.
- Systematise practices.
- Work together (in coordination) on the perception of humanitarian action.

3 CONCLUSION

Overall, interviewees agree that a broader and more comprehensive look at the gang phenomenon, its origins, dynamics and logics of operation is needed in order to be able to think critically about its complexity, its perspectives as a phenomenon resulting from inequalities, poverty, and the structural development problems of the countries in question, beyond what the media, international organisations or local governments establish. Gang members are both perpetrators and victims, which is part of the complexity of the humanitarian, development and security situation in the different countries.

Some food for thought...

How to enlist the support of local authorities when they are sometimes suspected of collusion with gangs?

How to obtain quality information in a context of permanent uncertainty, how to know the critical maps?


How can the Humanitarian Principles be put into practice in places where violence reigns and where there are no minimum codes of respect for life?

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