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Security Challenges in Guatemala and El Salvador

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This week's first-round presidential election in Guatemala, and preparations for the January elections in El Salvador, highlight the remarkable political and electoral transformations that have accompanied the end of civil wars in both countries. Equally important are the less internationally visible changes in the permanent apparatus of the state, particularly shifts in the role of the armed forces, justice systems, and police. Police institutions in particular affect the daily lives of citizens.

As criminologist David Bayley puts it, "The police are to government as the edge is to the knife." (1) Until the negotiated civil-war settlements, militaries in both countries controlled domestic police forces, using them as tools of political repression as well as platforms for organized criminal activity. The militarized police institutions were brutal, corrupt, and ineffective in fighting crime.

The National Police in El Salvador ran the largest death squad in the nation in the early 1980s, while the Treasury Police and National Guard also carried out thousands of disappearances and overt acts of repression. The Guatemalan police and Treasury Guard were not as central to the repressive apparatus, but played a significant role nonetheless and were institutionally weakened by their subordination to the military.

As part of their peace processes, both El Salvador and Guatemala replaced these military-controlled security forces with new National Civilian Police (Policia Nacional Civil, PNC) forces. In this context of demilitarization, political opening, and state reform, individual citizens have sometimes faced greater insecurity than during the wars.

In El Salvador, the annual rate of violent death for civilians in the first few years of peace was higher than it had been during the war (2). Guatemala, too, faced postwar increases in some kinds of crime, most notably armed robbery, kidnapping, rape, and property crimes. Opinion surveys in both countries reflect public alarm about violent crime and considerable support for iron-fisted responses by the state. These contradictory trends political liberalization accompanied by increased individual insecurity raise a significant question for Central Americans as well as for international agencies that hope to promote democracy in the region: Can effective public security be provided by public institutions that respect human rights, or is some more authoritarian solution required?

As Brown University political scientist Charles Call has pointed out, "International analysts generally regard the country's police reforms as the most successful postconflict internal-security reform of the decade....Yet polls and conversations with everyday citizens show that Salvadorans have mixed feelings about the police and view justice reforms as a failure." (4) El Salvador In El Salvador, the new civilian police force was a key element of the peace accords, and an important guarantee of the future safety of the former rebels of the Farabundo Marti para la Liberacion Nacional (FMLN). Constitutional reforms stipulated in the accords limited the military's role to defense against international enemies.

A new police force was created that included only around 1,000 former National Police and several hundred former FMLN rebels. The balance of the force, which now numbers in excess of 20,000, was drawn from the civilian population, excluding former military personnel. Civilians, former National Police, and former rebels work side by side in the PNC up through the highest command ranks. PNC agents now outnumber soldiers, and the PNC has far more impact on the daily lives of Salvadorans than does the military. The PNC's members draw higher pay, are required to have at least a 12th grade education, and have better equipment and training than was ever the case for the pre-1993 security forces. This was an unusually profound police reform, involving a nearly clean slate of personnel, extensive retraining for those few members of former police and rebel forces incorporated into the police, and, perhaps most importantly, a mostly new officer corps up through the top command levels.

A mixture of international agencies provided training, institutional development assistance, and technical advice during the design and rollout of the PNC. Key actors included the UN observer missions in El Salvador (ONUSAL and MINUSAL), the UN Development Program (UNDP), and the US Justice Department's International Criminal Investigations Training and Assistance Program (ICITAP). International donors used their leverage effectively on a number of occasions to ensure that the PNC project followed the detailed guidelines provided in the peace accords. The Salvadoran PNC has largely succeeded in its role as guarantor of political space.

There have been no systematic violent attacks against FMLN members or other political groups since 1993. The political diversity at all ranks helps to ensure some measure of police transparency. The PNC's enabling legislation and doctrine call for it to use minimal force and to uphold individual liberties. Although there have been cases of excessive use of force, the PNC's human rights record overall is far better than that of predecessor organizations.

Observers note serious flaws in the PNC's internal disciplinary mechanisms, but some high-profile cases of police abuses or criminality have resulted in arrests, prosecutions, and convictions of police, including high-ranking officers. While it is not satisfactory that the internal disciplinary system seems to work mainly when the press gets involved, the existence of any accountability represents significant progress compared with the almost complete impunity of the previous military-controlled public-security system. The new PNC has been less successful in making Salvadorans feel safe.

Crime rates have soared in most categories. Homicides peaked in 1996, four years after the peace accords were signed, and declined thereafter. Crime waves are common after civil wars, but El Salvador seems an extreme case. El Salvador also represents an unusually sweeping police reform, compared with the more limited reforms associated with most recent civil-war settlements. Was the crime wave an inevitable cost of a start-from-scratch police reform? Some increase was probably unavoidable.

The new force was inexperienced and faced a particularly challenging postwar environment that included criminal organizations of former combatants and death-squad operators, street gangs made up of young Salvadorans deported from Los Angeles and other large US cities, and

very pervasive military weaponry. But decisions that were not essential to the police reform also worsened the situation. For political reasons, negotiators of the peace accords and their UN mediators thought it important to quickly demobilize the old National Guard and Treasury Police forces, leaving only the National Police to provide transitional security. Moreover, the full transition to the PNC was considered complete when only around 5,000 police had been deployed nationwide. This proved to be grossly inadequate and created a public-security vacuum that was quickly exploited by organized criminals.

The international community contributed some UN Civilian Police monitors who did some de facto policing work during the initial deployment of the PNC, but there was no international transitional police force such as was used in Cambodia or the Balkans. In the first years of the PNC, the government neglected investigative units as well as internal disciplinary capacity. These oversights damaged police effectiveness and allowed criminal practices to take root in some units. Effective criminal background checks of individuals entering the police were added very late, with predictable results. Overall, poor planning and implementation of the transition were more responsible for the problems encountered than the sweeping nature of the reforms themselves.

The long-term challenge facing future administrations in El Salvador will be to institutionalize adequate investigative and internal-affairs capacity, while moving toward a more integrated approach to controlling violent crime through a mix of social programs, community participation, judicial and prosecutorial reform, and more effective policing. Current strategies such as "Plan Mano Dura" (Iron Fist Plan) sacrifice civil liberties to satisfy public demands for greater protection from gangs (see NotiCen, 2003-08-28, 2003-09-11). It remains to be seen whether hard-line strategies will be effective.

Guatemala

Guatemalan government leaders had the advantage of watching events unfold in El Salvador while they slowly negotiated their own peace accords, completed in December 1996. The government of Alvaro Arzu (1996-1999) negotiated vague accords that would give the UN little leverage to insist on implementation of difficult reforms. Once implementation began, Arzu sought to avoid a public-security vacuum comparable to that in El Salvador by very quickly recycling most of the existing police back into the "new" PNC, with minimal additional training and almost no screening.

Speed of deployment and expediency drove the entire process: recruitment of new police was done through provincial governors, rather than through mass media. Educational standards and screening were kept to a minimum to ensure adequate class sizes despite the half-hearted recruitment efforts. The government inexplicably imposed physical-stature requirements for new recruits, effectively excluding many potential applicants from the indigenous population of the country.

The government contracted with a single international donor, the Spanish Civil Guard (Guardia Civil Espanola, GCE), to provide almost all of the technical assistance to the police. The US ICITAP program and the UN peace mission (MINUGUA) retained assistance roles, but were somewhat marginalized. The GCE focused on rapid training, at the expense of quality. While international

observers have noted that the PNC performs better than the old National Police in many regards, it is nonetheless only marginally better educated and trained than its predecessor.

No mechanism was established for direct access by civilians to the senior ranks of the police. As a result, the entire senior officer corps is derived entirely from the old police, and this condition will persist for many years until new personnel drawn from civilian life can work their way up through the ranks. As in El Salvador, criminal investigations and internal affairs were severely neglected in the rush to deploy street cops. The predictable result has been extensive criminality within the PNC.

The result of this expedient path to police development has been mixed. Crime increased in Guatemala as in El Salvador, with increases in property crimes, kidnapping, and rape. The kidnapping rate immediately began to subside after a spike in 1997. However, homicides show no clear trend (in marked contrast to El Salvador). While clearly a bad situation, the postwar increases in Guatemala do not represent as abrupt or extreme a change as occurred in El Salvador.

In repeated surveys conducted by the Guatemalan Asociacion de Investigacion y Estudios Sociales (ASIES) in 1997, 1999, and 2001, victimization rates were remarkably constant, with only 1% to 2% variations over two-year periods, with no observable trend. In comparative terms, Guatemala has the highest rates of armed robbery and property theft in Latin America, with levels higher even than El Salvador. However, the homicide rate of 20 per 100,000 in 1995 was less than one-third that in El Salvador (138 per 100,000), and well below the Latin American average of 31 per 100,000. To some extent, then, it appears that the Arzu government's expedient strategy was partially successful in moderating the extent of postwar insecurity.

Guatemalan Annual Crime Incidents Reported by PN/PNC 1995 1996 1997 1998 1999 2000 2001
Homicides (violent deaths) 3260 3619 3988 3310 2655 2905 3210 Physical Assaults 4378 5280 5561
4728 4704 5401 5798 Kidnappings 5 233 148 61 37 28 32 Rapes 4 110 167 220 323 366 416 Property
Crimes 11350 11072 12030 13107 14597 18605 17553 Arrests (all categories) 19479 21679 49837 69713
67713 77679 (Source: Statistical Tables provided by Minugua) The costs of this approach were high, however. Guatemala is now saddled with a police force that, while larger and better equipped than its predecessor, is commanded by the same people, run according to effectively the same doctrine, and staffed by police agents who in many cases are only marginally literate.

Criminal investigations and internal-affairs capacity remains grossly inadequate to the challenges faced. In contrast to El Salvador, where the PNC, whatever its faults, is unlikely to be an instrument of systematic repression by government, the PNC in Guatemala could easily function in such a way in the future. The weaknesses of the new police were greatly compounded under the Alfonso Portillo government that took office in 2000. The PNC faced extreme instability of leadership, with four interior ministers and eight PNC chiefs from 2000 through 2003.

Portillo starved the police of budgetary resources. From 2001 to 2002, both the judiciary and the PNC suffered significant budget cuts, at the same time that the military enjoyed multiple, irregular supplements to its budget. International donors could do relatively little to promote a more democratic model of policing. The peace accords provided only very general guidelines, which gave

MINUGUA a much weaker role in verifying government compliance than was the case for ONUSAL in El Salvador. The government established its bilateral agreement with the GCE before the accord on police and military issues was signed, and the GCE drafted enabling legislation for the police that did not incorporate provisions of the peace accord. Subsequently, the European Union (EU) came through with a 31.7 million euro grant for the PNC.

The entire project was implemented by the GCE, again without significant conditionality. Both ICITAP and MINUGUA pushed for improved standards with respect to investigations and internal controls, but their financial leverage was limited and they failed to coordinate their positions. International leverage was further undermined by divisions among donors regarding whether the Public Ministry (MP) responsible for prosecutions or the PNC should control criminal investigations. Currently both the ministry and the PNC operate detective units and seldom coordinate their efforts.

Despite the lack of legal basis for the MP's detective corps, some donors have lost confidence in the police and have supported the MP's role. The result has been no effective international pressure on the government to implement PNC development in a way likely to produce a force that is both protective of human rights and effective in controlling crime. As a result of this legacy of expediency and neglect, future Guatemalan governments will face severe challenges in improving the effectiveness and human rights performance of the police.

Little can be done in the short run about the very serious problems with respect to quality of personnel and leadership. Nonetheless, stronger internal controls would go some way toward limiting human rights violations. Direct access by highly trained civilians to senior ranks would increase transparency and facilitate development of a new organizational culture. And careful screening and culling of current personnel could gradually eliminate individuals who are least appropriate for policing a democratic society.

The peace processes in El Salvador and Guatemala provided opportunities for dramatic public-security reforms. The changes implemented, particularly in El Salvador, address long-standing deficiencies of the previous police forces. But change has brought high costs and shaken public confidence. Better management of the transition from old to new might have reduced the postwar crime wave. In both countries the challenge now is to address institutional weaknesses that resulted from haste and excessive emphasis on deploying large numbers. This will require governments with sufficient popular credibility and legitimacy to proceed slowly to screen, select, and train the people needed to achieve effective investigative and internal-affairs units. It will also depend on the cooperation of the public in working with police to prevent crime, while resisting the temptation of simplistic "mano dura" strategies.

Citations: (1) David Bayley, *Patterns of Policing: A Comparative International Analysis*. New Brunswick, NJ: Rutgers University Press, 1985, p. 189. (2) Charles Call, "El Salvador: The Mugging of a Success Story," in *Constructing Justice and Security after War*, Charles Call, ed., Forthcoming. (3) William Stanley, "Business as Usual? Justice and Public Security Reform in Post-War Guatemala," in *Constructing Justice and Security after War*, Charles Call, ed., Forthcoming. (4) Charles Call, "Mugging of a Success Story," *op. cit.*

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