



SECURITY AND TRANSNATIONAL ORGANIZED CRIME

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A proposal
for Action in
Central America

EXECUTIVE
SUMMARY

laRED



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Central American Network of Think Tanks and Advocacy

A group of research institutions dedicated to analysis, prospective and advocacy, have agreed to form a Central American Network of joint efforts in order to favor the well-being of the populations of the Isthmus, by strengthening the regional integration and development processes, from the specialties and agendas of each of them, on the basis of their pluralism and with respect to their diversity.

The inter-generational human development of the Central American peoples is increasingly demanding a joint and concerted effort among the governments of the Isthmus, calling for a regional strategy vision, therefore we deem it necessary to act in coordination to yield analyses and proposals that, from the regional standpoint, may contribute to the integral and equitable development, in order to achieve an effective impact in the long term.

The contributions of laRED may be useful and timely for public policy makers and governmental decision makers, and for various organizations of the civil society.

laRED puts at your disposal the results and the political proposal of its second study, this time on security and transnational organized crime.



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**The Central American Network of
Think Tanks and Advocacy**

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Central America, March 2011

Executive Summary

Citizen insecurity is identified by the population in most countries of the Central American Isthmus as the major national problem, next to economic problems. Together with the serious threat of organized crime, it has also become one of the main and more complicated challenges for the stability of the Central American societies and their governments, and in some cases, it is a threat to democratic governance.

In spite of the various efforts made by each government in each one of the countries, the modalities in which transnational organized criminal networks operate (with their enormous economic and technological resources, and taking advantage of all the possibilities of globalization, but operating regionally outside the law), it requires typically regional efforts for which the region is neither prepared in its legislation, nor in resources and operative capacity, and in its institutions. The Governments of the countries in the region are trying to overcome such deficits and fight back regionally, with the coordination of their national efforts.

This paper intends to be a contribution of the Central American Network of Think Tanks and Advocacy (IaRED), in the form of a "Policy Paper",

- It contributes some inputs for an analysis of the transnational Organized Crime, yielding some guidelines that can contribute to the regional policy on Central American democratic security, covering areas of prevention, prosecution of crimes, rehabilitation and social reinsertion.
- It follows in concept, the United Nations definition of Organized Crime and gathers the Status of the problems in Central America, not only at the level of a diagnosis, but also from what has been achieved in the process of Regional Integration.
- On the basis of more recent studies, in global terms, Central America *is no longer just the corridor or tem-*

*porary warehouse of drugs, to become a huge **service station** for unlawful deeds beyond drug traffic.*

- The organized crime entities have a need for the population and count on them for their corridors of illegality, and with the economic and financial structures for laundering their profits.
- For the USA and Europe, Organized Crime is a **security** problem. For us it is in addition, a problem of **governance**. In particular, drug trafficking has created some structures that are parallel to the State, substituting for what the State, the Economy and the traditional markets cannot give. Thus they penetrate public and private institutions with different degrees of depth, depending on each country, as well as electoral systems in order to secure the control of territories and processes.

It is departing from the above, that fundamental approaches are summarized *from Central America*, with successful references, both from the Isthmus and from other countries. The paper poses some guidelines or public policies and makes proposals for some regional courses of action that must necessarily be mingled with national and local efforts in each country, both on the part of governments and the powers of the State, together with the organized civil society.

From the course of the paper some elements come out for the governments and for the Central American societies, which become starting points to lay the foundations for the promotion of policies and regional accords, in order to be able to face with some degree of success these colossal challenges that are putting at risk the democratic health of our societies and of our government systems. Although they may be too obvious, it is worth to summarize them again.

- a. No country can *confront singlehandedly* this serious and complex agenda planned by typically trans-border and transnational networks. Regional policies are necessary together with firm, operational, concrete, practical and sustainable regional agreements.

- b. No government can undertake these challenges without the intervention of the *organized civil society*, the media and the international community, all of them committed to coordinate their efforts as best they can.
- c. The efficient approach to such complex problem cannot be circumscribed to the specialized issues of public security (and the actions of the Police and the Army). It is necessary to *fully incorporate a strengthening of the justice systems in their broadest spectrum, so that it departs among others, from the legislation, from the various institutions involved, fully trained human resource and with the necessary financial resources.*
- d. In addition, wider institutional and programmatic efforts are needed on basic issues of *integral development* to improve the quality of life of the population, their access to services and decent employment
- e. Central America, despite some ongoing initiatives, still lacks the necessary legislation in the national levels and its *ratification in the regional level* in order to successfully fight back.
- f. It also lacks *adequate regional institutions* both on specific security issues and on other subject issues related to the regional integration that are indispensable.

¿What does all of it imply?

Looking to the immediate future and beyond, to the integral development of its societies in the medium and long term, the Central American region needs to have a SYSTEMIC AND INTEGRAL APPROACH on this issue, which implies:

- Its ***own understanding of how*** serious are the challenges it is facing **as a region**, on the issue of organized crime and thus be able to better coordinate the local and national efforts promoted by each country (up to now we have always depended upon what comes from abroad regarding the definition and nomenclature of our

problems, the analyses, emphasis in the agendas and the ingredients of the courses of action.

- It also needs a ***shared vision*** of what it **can accomplish** as a region in the effort to guarantee the security of its societies in confronting organized crime. And be able to better negotiate and coordinate ***from its own needs***, with third countries and regions, the policies, plans, programs and actions that need to be accorded among the Central American governments and societies, and between Central America and its neighbors. The Alliance for Sustainable Development, with its lights and shadows, is an experience to be taken into account.
- It also implies the establishment of ***regional public policies***, which at the same time means to negotiate and accomplish **NATIONAL AND REGIONAL accords that cannot be taken back with each change of government**, regardless of who wins the elections. That is, **State Policies**, with *an accumulated construction* between presidential periods, with institutions that are present, with a will, technical capacity and resources (very few countries have long term security policies that do not end with a presidential mandate and that are not dismantled by the following ruler, but rather that continue and are improved by successive administrations).
- It also implies solving the apparent contradiction (and accomplishing a *complex balance*) between **short term measures** to face the *urgent and immediate needs* for which the population **demand results** in containing crime and violence against citizens, on one hand, and **medium and long term measures** necessary for strengthening and for the legal and institutional modernization required.
- It all demands a *concerted effort among all the State powers*, and between political *forces*, beyond their particular interests. It also demands to increase the levels

of inter-institutional coordination within each country, and in the regional level.

- It also demands to take care of FISCAL MONITORING and PUBLIC INVESTMENT on issues of **development** and on issues of **security and justice**.

Therefore, it implies

- **Having institutions** with the capacity, dexterity, financing, efficiency, supervision and transparency, **in accordance with the challenges we are confronting**.
- It implies recovering the role of the STATE not only in directing and coordinating these efforts, but also in other areas of authority, promotion and arbitration. A State that is capable of *identifying and dismantling the **parallel structures** that have been created by the drug traffickers, and*
- The involvement of the whole society. A society that from the local environment up to the regional sphere can inform, watch, denounce, propose, contribute and become involved, give and audit.

Concrete proposals

The member Institutions of LaRed respectfully suggest to identify **a few concrete REGIONAL working areas**, where the Central American Governments can test their decision, their political will and their technical and institutional capacity to advance specifically in their attention to this difficult agenda. Areas which at the same time make it possible to achieve concrete and immediate results and lay down the foundations of new capacities for the future. Areas in which successful results have already been accomplished, and which can be multiplied and increased with a greater focus and strength. Identify areas where the local and national efforts can be intertwined with the **regional dimension**.

1. TRANSPARENCY

- A) Strengthen the Policies and Programs against Money Laundering (follow the route of the resources), for instance in the effective coordination of the Bank Superintendence.
- B) Rethink the scope and operation of the comptroller entities (those who make ex-post audits) to strengthen transparency processes in the systems of public acquisitions.

2. FIGHT AGAINST CORRUPTION AND IMPUNITY. STRENGTHENING THE JUSTICE SYSTEMS [IMPUNITY is not the exclusive responsibility of the police, but rather of the JUSTICE system].

- A) Develop a regional system of preventive criminal information for the region.
- B) Strengthen the capacity for CRIMINAL INVESTIGATION. It is important to develop an International Support Program such as that of CICIG in Guatemala, for the three countries of the Northern Triangle that will strengthen the capacity of the Attorneys General. These three instances in the fight against impunity should be coordinated in the regional level in order to confront the regional dimension of Organized Crime. The control of these instances must be defined and executed by uninterested parties.

3. EFFECTIVENESS OF REGIONAL SECURITY INSTITUTIONS

- A) According to the challenges herein raised, it is absolutely necessary to have a regional specialized entity for regional security in the frame of SICA that may effectively coordinate national efforts in Central America. One coordinating office for technical information in the Secretariat General is not enough. It is necessary to have a regional specialized entity to act as a liaison and provide services for the concerned national authorities.

B) It is also indispensable to have **an early warning mechanism** so that it may timely act in the national and regional levels in the fight against Organized Crime.

4. PREVENTION POLICY

Historically this has been the most neglected policy. Juvenile violence and the gangs (maras) were preventable with a medium and long term vision. We did not prepare to receive them, take them in and integrate them. What prevention requires the most is COORDINATION among state institutions: Governance, health education, culture and the Municipalities. It doesn't need as much resources as criminal prosecution. [It should be considered that in C.A., the Governance/Interior Ministries ALL had a Vice-Ministry of PREVENTION].

5. EFFECTIVE WEAPONS CONTROL

In modern legislations, those that are concrete, articulate in the regional level should be supplemented with their effective application, including regulations and sanctions. Also, a special priority should be placed on the issue of traffic of arms and the necessary arrangements ought to be made with the countries of origin, which to a large extent, are responsible for making arms control a reality.

So, added to the national actions that are necessary for arms control, and the execution of the agreements by the Central American governments, launched by the Central American Program for Control of Small and Light Arms (CASAC), in the frame of the Secretariat General for Integration (SICA), it is indispensable to promote debates and agreement points with the manufacturing and selling countries in order to limit the illegal traffic of weapons to the region.

