

Criminal Governance in Latin America: Emerging Agendas

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While Latin America's astronomical rates of violence have actually gone down in most countries in the last couple of years, it is still the most violent region of the globe. What is more, in many cases these declines are not the intended consequences of government policies but result from a process whereby competing criminal networks consolidate into regimes of criminal governance. Often enough, it is criminal groups rather than the state that provide day-to-day security.

As Benjamin Lessing argues in his introductory essay, criminal governance is not the same as corruption or penetration of the state by organized crime. Rather it involves criminal groups imposing basic order directly on nonmembers, such as residents of peripheral neighborhoods. Criminal groups often wield a degree of territorial control in these spaces, but state security forces can usually enter when they want. For residents, both the state and the local criminal group are relevant armed authorities.

In many cases criminal governance regimes not only keep the peace but impart justice and provide other services, often more effectively than official governments. For example, in her case study of criminal governance in Caracas, Verónica Zubillaga shows that in some of these spaces criminal leaders erect tribunals and, incredibly, are even referred to as “ministers” by residents. However, criminal groups are not necessarily the antithesis of state authority. While states may, at times, confront criminal organizations and implement iron-fist policies against crime, they can also benefit from the order that criminal groups provide, sustaining

sympiotic relationships with them that are not well understood using standard conceptions of corruption.

The order created by criminal governance is not confined to urban peripheries or rural areas. Rather, as Marcelo Bergman describes, prisons have been a hotbed of criminal organizations in Latin America. Mass imprisonment coupled with opportunities for illicit rent-seeking have facilitated the emergence of criminal bands within prisons. More importantly, prison-based organizations, in many cases, spread their tentacles beyond the jailhouse walls—competing or even colluding with state authority—and exercise criminal rule on the outside.

Criminal governance presents enormous challenges for governments throughout the region. In many cases they have provided the security and even justice that abusive, corrupt states have not, and in the process they implicitly (or explicitly) challenge the state's legitimacy. The state's most usual response is to combat any threats to its monopoly sovereignty. This, however, often leads to dramatic upswings in violence, as Angélica Durán-Martínez discusses in her essay. Alternatively, states can negotiate with criminal networks, taking advantage of their ability to provide security and avoiding violent conflicts. However, these agreements can be quite unstable and produce dramatic outbreaks of violence or significant worsening of crime and strengthening of criminal networks. Worse yet, it seems that what works in one context does not necessarily work in another.

Citizen groups themselves can develop ways to address state neglect or inefficacy. In their essay based on research in the state of Guerrero, Mexico, Guillermo Trejo and Shannan Mattiace show how Indigenous security initiatives have been able to provide security and prevent the entrance of the criminal groups that would aspire to govern. Their history over the past four decades show how recognition or intervention can facilitate or erode their success.

This is an issue that, on the one hand, pushes us to look with an open mind at basic issues of governance and rights beyond the effective reach of current institutions. On the other hand, it does not fit into breezy assumptions of the natural virtue of grassroots initiatives or the need to automatically recognize popular justice. This type of security comes with strings attached and often ends up facilitating more durable, more powerful, and more sophisticated networks of crime and violence.

Governance by extralegal nonstate actors raises important questions about the nature of sovereignty, security, and legitimacy in Latin America. In Charles Tilly's classic formulation, states began as protection rackets. Is there any potential for aspects of these criminal networks to turn into legitimate local organizations? The history of organized crime in many parts of the world shows paths from illicit to licit business that slowly become functioning parts of legal society. But it is not at all clear that such a teleology is inevitable. We need to understand varying trajectories.

In his article, Eduardo Moncada studies how neighborhoods with similar levels of crime and violence experience different trajectories of citizen mobilization in addressing water scarcity. Drawing on fieldwork conducted in Mexico, Moncada shows how the nature of criminal governance—relations among criminal organizations and between them and the state—shapes communities' ability to deepen democracy from below. If criminal governance has serious consequences for democracy and public security, then it is crucial to ask about the dilemmas and benefits of negotiation. Ideally,

a negotiation process with any criminal group would reduce violence while weakening the group's territorial influence and collusion with political power.

But as Durán-Martínez suggests in her article, this is a rather challenging task, for criminal groups' capacity to reduce violence depends on their level of cohesion and effective capacity to rule. If interested in building a durable peace, policy-makers and leaders should aim for negotiations that not only produce concrete benefits beyond homicide reduction, but also empower civilian actors and victims in the process.

The theme of LASA 2023 is “Pensar, representar y luchar por los derechos” (Thinking, Representing, and Fighting for Rights). Among the most important of these is the right to security. Yet this right is one of the most challenging to guarantee because of its inherent complexity and its nonlinear relationship to the fulfillment of other rights. This dossier brings together statements from leading scholars dedicated to understanding one emerging direction that research on these issues is taking. //