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Going Straight

Criminal Spoilers, Gang Truces and Negotiated Transitions to Lawful Order

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EXECUTIVE SUMMARY

Key research questions

This paper considers the role of negotiation in contexts where crime and conflict intersect. It examines negotiations between State actors and more traditional armed groups with criminal agendas as well as non-traditional negotiations involving State actors and criminal gangs (e.g. gang truces). The paper produces insights on the conditions that facilitate and spoil negotiated agreements where criminal agendas are involved and provides options for negotiators and mediators to consider when dealing with criminal agendas. It seeks to address the following set of questions:

- How do criminal agendas impact negotiations aimed at bringing an end to violence and/or conflict?
- How does the presence of criminal agendas impact the inducement strategies in these contexts? What factors and impediments do mediators need to be cognizant of when developing inducement strategies when criminal agendas are present?
- What conditions and support structures should be in place to ensure success in negotiating an end to violence and conflict when criminal agendas are present?
- What is the role (or should be the role) of international actors in fostering successful negotiations that bring about an end to violence and conflict where criminal agendas are present?

Key recommendations

The paper argues that armed groups with criminal agendas are a specific kind of “greedy spoiler” that take as much as they can from the negotiations processes, including through stealthily subverting them from the inside. While short-term inducement strategies might be successful in inducing such criminal spoilers to transition to the lawful order, the paper argues that reintegrating them will require a process of social construction and normative change (“socialization”). To do so, it puts forward four parallel programming strategies:

- **Building and keeping community support:** the controversial nature of negotiations with armed groups possessing criminal agendas highlights the need to manage the community’s understanding and expectations of the process through sequenced and inclusive trust-building and localized interventions that rely on the influence of insider mediators. Providing credible security guarantees and safe space for actors participating in negotiations and managing community perceptions through strategic messaging is also paramount.
- **Targeted socio-economic programming:** from cognitive behavioral therapy (CBT) to vocational training, mentoring school-based programmes, family-based programmes, and after-care programming, evidence points to a series of intervention packages that can prove to be a high value-for-money strategy, especially when they are combined with careful data gathering and monitoring.
- **Deterrence and truth-telling:** while coercion is not a sufficient solution, evidence shows that it is a necessary component of larger socialization efforts and most likely to succeed when combined with amnesties and negotiated settlements.
- **A coherent and capable institutional framework:** successful socialization efforts are usually characterized by coherent and capable institutional frameworks, such as multi-stakeholder steering groups, which create legitimacy and help build trust among groups with criminal agendas and communities.

INTRODUCTION

Our understanding of what works to effectively manage violence and conflict in contexts where organised crime and illicit activity is rife remains rudimentary. What we do know is that organised crime groups can be both spoilers and partners in peace (Cockayne & Lupel, 2011). We also know that deciding who to include and who to exclude in the negotiation process can have a major impact on the effectiveness of violence reduction efforts, ceasefire deals, and conflict resolution.²

One branch of conflict management research – dealing with mediation and negotiation – has in recent years focused on the challenges posed by criminal ‘spoilers’ in peacemaking efforts. The spoiler concept was elaborated to describe actors who use violence to oppose, undermine or manipulate peace negotiations (Stedman 1997; Cockayne 2013b; Cockayne 2016). There is increasing recognition that some criminal groups have done just that, in contexts as varied as Guatemala, Kosovo, Libya, Sierra Leone, Haiti, Nigeria, and even post-War Sicily (Cockayne, 2016). Yet, rather than openly attack or block peace, these criminal spoilers often adjust their strategies to achieve the best possible quid-pro-quo for giving up their criminal agendas. In many cases, this tends to to *subvert* the peace from within.

These criminal agendas represent a special kind of ‘greedy’ spoiling behaviour. Some criminal actors and rebel groups involved in illicit activity may support peace negotiations or ceasefire deals – particularly when they see an agreement delivering recurring dividends, such as formal or informal protection against prosecution, or social, economic and political reforms that increase their criminal profits. This was witnessed in Bosnia (Andreas, 2009), the ceasefire deals in Myanmar in the 1990s (Sherman, 2003), and in Colombia between 2003-2005 when the government negotiated a peace deal with the paramilitary group United Self-Defence Forces of Colombia (or the AUC) – a deal that some have regarded as flawed (Hanson, 2008). The ceasefire between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) is the most recent example of a negotiation process that has had to take into account criminal agendas.³ And criminal agendas have also been at the centre of efforts to negotiate truces between influential gangs in places such as El Salvador, Honduras and Jamaica.⁴ In each of these contexts, gangs offered to reduce violence in exchange for various social and economic benefits. Yet, none agreed to give up their criminal enterprises.

Criminal agendas are an underlying program or plan of actors that use criminal means to control licit and illicit rents. This may involve controlling vice markets, resources of the state and, sometimes, influencing political actors and processes. Criminal agendas can be adopted by a wide range of actors, from criminal groups and gang members to insurgents, businesses, public officials and political

leaders. Indeed, evidence shows that individuals and groups can take on both criminal and political roles and “strategies” depending on the context and situations at play.

This paper considers the role of negotiation (including third-party mediation) in contexts where crime and conflict intersect. The paper examines negotiations between state actors and more traditional armed groups with criminal agendas (i.e. the process between the Revolutionary Armed Forces of Colombia (FARC) and the Government of Colombia); as well as more non-traditional negotiations involving state actors and criminal gangs (i.e. between the Government of El Salvador and the *maras*). The paper produces insights on the conditions that facilitate and spoil negotiated agreements where criminal agendas are involved. Explored are options for negotiators and mediators to consider when dealing with criminal agendas. Also discussed are inducement strategies that can create effective buy-in scenarios for armed groups with criminal agendas to commit to the negotiation process and ultimately arrive at a political settlement.

CRIMINAL AGENDAS AND PEACE NEGOTIATIONS

Organized crime and violent conflict can be linked in various ways. Where groups with criminal agendas develop governmental power over local markets, populations or territories, negotiations may be necessary to find ways to alter the situation. In such situations, negotiations can either work through coercion or find ways to compensate for the political and social capital derived from criminal activity through inducements. To be sustainable, any resulting agreement may also have to set in motion social, economic, or political reforms that alter the conditions that enabled armed groups to extract political and social benefits from criminal activity in the first place.

From Afghanistan to Colombia and Myanmar, labour-intensive illicit economies (drug cultivation, illicit mining or logging) have sustained the livelihoods of many impoverished communities. By regulating these markets, groups such as the Taliban, the FARC and the Shan State National Army help poor and marginalized communities to secure a livelihood. In the process, they not only accrue political and social capital, but also develop the power to set and enforce market and community norms, and to resolve disputes. Likewise, in urban contexts, gangs and organized crime frequently emerge from the informal economy where many people are employed. In countries such as El Salvador and Honduras, entering the “criminal economy” can be the only means of survival (Immigration and Refugee Board of Canada, 2016).

In some cases, this rudimentary ‘governmental’ power can become the basis for criminal groups to develop influence within formal political systems. This seems particularly to be the case in conflict-affected settings, where armed

groups with criminal agendas control the street muscle, ready cash, and group solidarity that can pave the path to electoral success. Criminal and political actors may not only compete but also collaborate to achieve shared political objectives. From Colombia to Afghanistan to Mali, evidence abounds that some organized crime groups in conflict-affected settings use their governmental power to develop hidden power over political processes (Cockayne, 2016; Dziedic, 2016; Hughes & Miklaucic, 2016).

To effectively deal with such groups, modern day negotiators and mediators need to understand the political power derived from these criminal agendas and devise strategies that are capable of convincing such groups and affected communities to transition away from criminal governance, to state-backed, lawful order, reducing criminal violence or otherwise mitigating the harmful impacts of criminal activity (Wennmann, 2014; Bakrania, 2013; Cockayne, 2013b; Kemp et al., 2013; Nyheim & Ivanov, 2014). The question considered in this section is: can negotiation overcome resistance to that transition? When, and how?

Groups and communities may resist such transitions for a variety of reasons: because they consider they will derive more wealth, prestige or power from pursuit of a criminal agenda; because they consider the criminal agenda a better alternative than participation in the state-backed 'lawful order', especially when the state is violent or predatory towards the group or community; because they view the agenda (or the underlying trade) not as criminal, but as a valid path to development; or because they simply consider they have no real alternative.

How and when this resistance may be overcome is a crucial question for many conflict and violence affected contexts, because limited governmental capacity together with associated social, economic, political and environmental stresses, mean that government is not simply delivered by the state, but negotiated with and mediated through armed and criminal groups. These groups, often sustained by criminal rents drawn from local protection economies and transnational illicit flows, compete and collaborate with the state as providers in a single market for government (Cockayne, 2016). They not only provide services and order, but also create normative structures and offer people meaning, narrative and identity. In different contexts, urban and rural, they take different forms, ranging from urban gangs to more traditional rural warlords and rebel groups (Rodgers & Muggah, 2009). But in all cases, armed groups mediate between the state (and other institutions) and the individual in the delivery of government, and in so doing generate their own cultures, norms and extra-state orders by which individuals govern their own conduct (which Foucault calls "governmentality", 1993, p.646).

These "mediated states" are "intrinsically messy, contradictory, illiberal, and [characterized by] constantly renegotiated deals — not ideal choices for governments but often the

best of bad options for weak" and highly divided states (Menkhaus, 2007, p.78). Mediation and negotiation are thus not just specialized technical practices, but increasingly a central "mode of statecraft" (Cockayne, 2013b, p.21).

Development and multilateral actors therefore need a clear and evidence-based understanding of how negotiations between states (or other third parties) and armed groups with criminal agendas are similar to, and different from, traditional negotiations, and a theoretical and practical framework for navigating those settings. To develop such a framework, this section draws on spoiler theory (Stedman, 1997), and the emerging literature and practice on gang truces, gang desistance (exit), violence reduction and criminal group transformation, to develop a framework for understanding the strategies needed to address criminal agendas. The section also draws on literature examining relevant processes in Afghanistan, Belize, Bosnia, Colombia, Ecuador, El Salvador, Guatemala, Iraq, Myanmar, Nigeria, Scotland, Sierra Leone, Sicily and the US (Stedman, 1997).

We argue that armed groups with criminal agendas are a specialized form of what Stephen Stedman, in his classic articulation of 'Spoiler Problems in Peace Processes' (Stedman, 1997), describes as *greedy* spoilers: groups that hold "goals that expand or contract based on calculations of costs and risks" (Stedman, 1997, p.11). Greedy spoilers take as much as they can from negotiation processes, including through stealthily subverting them from the inside. Armed groups with criminal agendas operate through just such business-like calculations, expanding their power and influence within political processes and political systems without seeking formal political responsibility, depending on their perception of costs and risks (Cockayne, 2013b).

Evidence suggests that *inducement* strategies may work, but only in quite particular circumstances. Creating and maintaining those circumstances, and exploiting them, will require particular forms of support from the international community, including bolstered political will, negotiation expertise – and specific coercion capabilities. In other cases, criminal agendas are more likely to be overcome through longer-term *socialization* strategies that transform the material incentives and normative order within the group with the criminal agenda. This may require quite distinct forms of support.

One point that becomes clear, through the course of this inquiry, is that the interaction between negotiation and peace processes, on the one hand, and criminal incentives and agendas, on the other, is a two-way interaction. Criminal agendas may influence peace processes and truce negotiation. But peace and negotiation processes may also influence criminal agendas. Successful negotiation therefore requires planning not just for criminal agendas that can be identified today, but for those that can be expected tomorrow.

WHAT IS THERE TO NEGOTIATE WITH CRIMINALS?

Armed groups with criminal agendas⁵ – those who seek to maximize criminal rents, whether or not they also wield formal political authority – impact negotiations with states in two ways.

Some parties to formal peace processes turn out to have hidden criminal agendas. These are what Stedman calls ‘insider’ groups using ‘strategies of stealth’ to undermine or subvert the process. In extreme cases, these actors ensure “the new rules of the game are enforced in ways that maximize criminal actors’ control of criminal markets and criminal rents”(Cockayne, 2013a, p.11). Mike Dziedzic and others describe the results as ‘criminalized power structures’, and argue they are a major source of post-conflict transition failure (Dziedzic, 2016).

Indeed, in some cases, these insider groups with criminal agendas may return to overt violence, if they think it will lead to increased criminal gains. This is arguably the pattern that led the RUF to return to war after the Lomé Peace Accord for Sierra Leone in the early 2000s (Cockayne, 2013b). And in Sicily, in the post-WWII transition, the mafia tried both strategies, collaborating with political parties and covertly supporting a secessionist insurgency, to maximize their leverage (Cockayne, 2016). And today, there are questions about how such dynamics may play out in the Colombia-FARC peace deal: fractures have appeared in the FARC’s unity of command with some Fronts defecting from the peace process and returning to a ‘life of crime’. Indeed, criminal groups such as the Urabeños have been actively recruiting FARC members. With rebel groups such as the ELN becoming increasingly involved in the drug business, it is likely that they will also target FARC members as recruits.⁶

A similar pattern can arise when a group with an overtly criminal agenda enters a negotiation with the state over its continued participation in crime or criminal violence. Such negotiations are increasingly common in Latin America, having occurred recently in Belize, El Salvador, Guatemala, Honduras and Mexico.⁷ In El Salvador, for example, the *maras* reduced violence in return for concessions from the government around conditions of detention; but returned to violence when the government rejected demands for increased economic pay-offs and political voice (see Box on El Salvador on page 6).

Historically, such negotiated accommodations between states and armed groups with criminal agendas have involved “efforts to manage organized crime by reaching agreements to establish certain rules for criminal markets... [F]or example, the state allows the criminal enterprise to continue as long as certain limits are honored” (Wennmann, 2014, p. 261). These accommodations may manifest as:

1. effective withdrawal of the state from an urban or rural territory – for example the state’s territorial accommodation of posses running urban garrisons in Jamaica, warlords in parts of Afghanistan or paramilitary groups in Medellín;
2. jurisdictional sharing across a territory, with the state governing the upperworld and leaving mafias to govern the underworld – as has in the past happened in New York, Sicily, Japan and may now be happening in periurban spaces in the developing world; and
3. mergers between state structures and criminal organizations, with state assets used to generate and govern criminal rents, and criminal organizations used to help govern (Cockayne, 2016).

Peace/truce negotiations that break down due to criminal agendas appear to involve actors that fall into the category that Stedman describes as *greedy* spoilers. These are not spoilers that reject peace or going straight outright (*total* spoilers), nor those that have a limited, negotiable set of demands (*limited* spoilers), but rather those who continually, greedily recalibrate their demands until the process is exhausted or undermined.

Stedman argues that coercion may be a crucial element in international efforts to tackle total and greedy spoilers, because it helps limit an actor’s demands and thus makes a successful negotiation feasible: “Greedy spoilers can be accommodated in peace processes if their limited goals are met and high costs constrain them from making added demands.” (Stedman, 1997, p.11) Similarly, Dubinsky, reviewing cases of voluntary criminal transformation, argues that “[i]ncreasing the costs of the criminal enterprise is the first step in facilitating the transformation.”(Dubinsky, 2007, p. 416)

But this is a story of deterrence and negotiation being strategically aligned. In many contexts today, coercion and law enforcement is the dominant response to the emergence of groups with criminal agendas; negotiation, by contrast, is seen as suspect, because it risks creating moral hazard – encouraging further crime, perhaps even by the group in question. Negotiation is seen as a potential betrayal of the interests of victims of past criminal activity and as empowering those with continuing criminal agendas (Cockayne, 2013a, pp. 4-5).

In El Salvador for example, some commentators argue that the truce brokered by the government between the two main gangs (the Mara Salvatrucha and the Barrio 18) in March 2012, has had the unintended consequence of politically empowering the gangs (Farah, 2012), with the promise of homicide reduction becoming a bargaining chip between political actors and criminal groups (Duran-Martinez & Cruz, 2016). Since then, there have been reports

of political parties negotiating directly with the gangs to secure votes in gang-controlled territories in exchange for laxer law enforcement and economic pay-offs.⁸ While this argument is only partially accurate, considering that similar bargaining processes had taken place prior to the truce (van den Eertwegh, 2016, p.4), it has significantly resonated with the population, which very strongly rejected a continuation of the negotiations.

Critics argue that gang truces and state acquiescence in a *pax mafioso* serves to legitimize violent criminal leaders, increase gang prestige, recruitment and cohesion, and risk resulting in “boomerang” effects. Nor are such concerns without precedent: in a pattern eerily similar

to that in today’s El Salvador, for example, a mediated gang truce in Los Angeles in 1992 between the Crips and Bloods resulted in temporary reductions in gang-related shootings, only for violence to reach twice pre-truce rates three months later (Ordog et al., 1993; 1995). In El Salvador, while the short-lived truce contributed to a significant (40%) drop in the levels of homicidal violence in the country for about a year, homicide levels reached pre-truce levels shortly afterwards (Katz et al., 2016) and spiked since then, as a result of the return of very heavy handed law enforcement policies.⁹ In addition, the impact of the truce on other pervasive and systematic forms of crime, such as extortion, has been very limited (Cruz, 2012).

NEGOTIATING WITH GANGS IN EL SALVADOR

The case of El Salvador illustrates the difficulties of negotiating with criminal groups in contexts where state institutions are fragile and vulnerable to criminal agendas.

Since the signature of the peace accords in 1992 between the military government and the *Faranbundo Martí National Liberation Front* (FMLN), the country experienced a steep increase in criminal violence, mostly associated with street gangs (*maras*), to which successive governments have consistently responded with heavy-handed *mano dura* policies.¹⁰ In an unexpected turn of events, just three years after the former guerrillas (the FMLN) came into power, reports of a truce negotiated between the two main gangs – the *Mara Salvatrucha* and the *Barrio 18* – to end the violence emerged in March 2012.¹¹ While the government initially dissociated itself from the negotiations, it soon became apparent that they had played a key role in facilitating and supporting the process.¹²

The truce, negotiated within the maximum security prison of Zacatecoluca, offered the gangs better prison conditions (including the transfer of about 30 gang leaders from high to lower security security jails) in exchange for reduced levels of violence, with an emphasis on bringing down homicides. After the truce was agreed to, homicide levels indeed dropped significantly between 2012 and 2014 (Katz et al., 2016), attesting both to the level of command and control of the gang’s leadership and, in retrospect, the gangs’ responsibility for the epidemic levels of violence in the country.

Despite this reduction in homicide rates directly attributable to the truce, the gangs made no commitment to stop other forms of pervasive criminal activities such as extortion which continued to affect populations living in gang-controlled areas. The idea of negotiating with convicted felons also made the agreement politically toxic. The timing of the negotiations (two years before the presidential elections of 2014), quickly transformed the process into an object of highly controversial and politicized debate and soon became a source of bargaining between political and criminal actors, with reports of political parties negotiating directly with the gangs to secure votes in exchange for large economic dividends and amnesties.¹³ The result was a quick distancing of the government from the negotiations themselves, ultimately short-circuiting the initiative (van der Bough, Savenije, 2015). Complicating the situation further were the mixed messages sent by international actors. Some, such as the Organization of American States, were supportive while the United Nations carefully kept its distance and the United States openly opposed the truce.

Since the change of administration in 2014, the prospects of a negotiated solution to gang violence in El Salvador have withered, with the return of heavy-handed military approaches. In January 2017, however, the *Mara Salvatrucha* called for a new round of negotiations with the government,¹⁴ this time offering to disband the organization and fully abandon criminal activities in exchange for reinsertion programs. So far, and while the country commemorates 25 years of peace and embarks in a new generation of peace accords, the government has categorically rejected their proposition.

A related critique suggests that attempts to negotiate with those with criminal agendas, however well-meaning, are doomed to fail – because even if these groups have limited demands, those demands are usually things that states cannot safely or legitimately agree to – such as permission to continue criminal activity, in return for reduced violence.¹⁵ This is why, these critics argue, such deals are usually kept secret. Organized criminal strategy is by definition one that rests upon subversion and corruption of formal institutions, political processes and the law; so any state negotiation with criminals is an acquiescence in the undermining of the authority of the state and the lawful order (Cockayne, 2016; van den Eertwegh, 2016, p.3). How can there be a good-faith negotiation on this point?

Two answers to this question emerge from existing literature and practice. The first is empirical, the second normative.

First: even in ‘classical’ peace negotiations, the “legitimacy dividend” accruing to non-state parties is probably smaller than appreciated – and seems to last only so long as those parties do not spoil the peace process (van den Eertwegh, 2016, p.3; Petrusek, 2004, pp.8-9). This argument suggests that while entering negotiations with actors with criminal agendas may be a risk, the risk may be small compared to the possible dividend from peace.

The second argument is a pragmatic one. Increasingly, as Achim Wennmann points out, states and international actors’ best choice is to negotiate with actors with criminal agendas (Wennmann, 2014, p. 265). In Colombia, where the conflict with the FARC had endured for over 50 years with tens of billions of dollars spent on harmful counter-narcotics measures, leaders on both sides realized that there would be no military victory possible. But such negotiation may force a society to ask itself hard questions about what norms should be negotiable. It may require a society asking itself, as Colombia is currently: “Are we prepared to offer drug traffickers amnesty in return for them abandoning the trade?” (Cockayne, 2013a, p.19) And perhaps more fundamentally, “what do we do with FARC members who refuse to abandon the drug trade? Should we tolerate them if they engage in non-violent criminal business?” The question of what inducements to offer in return for a transition back to justice and the lawful order is, of course, the central question of the field of transitional justice that has emerged over the last 30 years to deal with political violence. Perhaps the lessons of transitional justice could also help guide efforts to manage the exit of perpetrators of large-scale *criminal* violence from that life and back into the legal order (van den Eertwegh, 2016, p.6; Whitfield, 2013, p.17).

We should also approach such questions with a sense of realism about how the legal order works in practice – and how frequently negotiation is central to its operation. Over 90% of all convictions in the US federal criminal justice system are secured by negotiated deals with

criminals – plea bargains (Fisher, 2003; US Department of Justice, 2003). Negotiation is not *alien* to the rule of law and the incorporation of rule-violators back into the legal order: it is often at its heart (van den Eertwegh, 2016, p.7; Cockayne, 2013b, p.17). And negotiation is not only a question of carrots – it may also require sticks. In the next section, we consider this and related questions.

WHEN IS NEGOTIATION FEASIBLE?

Existing evidence and practice point to certain threshold conditions that may be required before negotiation with armed groups with criminal agendas is even realistically *feasible* – let alone likely to succeed.

Reliable and legitimate interlocutors

First, there must be someone to talk to with legitimate authority over the rank-and-file of the armed group (Whitfield, 2013, p.16). Without an identifiable group leadership that indicates a willingness to negotiate a transition to lawfulness, and that appears to have the ability to control and discipline other group members, group-level negotiation is impossible (Felbab-Brown, 2013, p. 9; de Boer et al., 2017). In that case, interveners will have to consider moving to a different track to negotiate transitions to lawfulness, working not with the group as such, but instead with individual defectors.¹⁶ The danger here, however, is of group fragmentation, which can lead to a proliferation of spoilers (Stedman, 1997). Conversely, negotiators should be cautious about strengthening fragmented or ill-organized groups simply in order to have a coherent interlocutor. The danger in this case, as has been seen in some recent gang truce efforts, is that negotiators unwittingly strengthen criminal agendas and encourage greedy spoilers (Gagne, 2016).

Closely related: the group with the criminal agenda must be able to operate as a distinct group. In many conflict contexts and mediated states today, criminal agendas are not confined to non-state armed groups or state actors, but generate hidden collusion across the notional boundaries between state and non-state actors. This is one reason why criminal agendas represent such a dangerous threat to peace processes – because they can pervert incentives and block apparent pathways to a negotiated outcome, or deliver an outcome with a hidden criminal agenda at its heart. Colombia’s para-politics scandal in the wake of the peace agreement with United Self-Defence Forces of Colombia (AUC), revealed that at least one-third of the Colombian Congress was in one-way or the other connected to and benefited from paramilitary groups.¹⁷

Feasible demands and a viable end-state

Second, there must be a clear sense of whether the group’s demands could ever be acceptable to the parties – and the broader public. As Teresa Whitfield has noted, “[a] realistic consideration of what an end state, or the

lack of it, might look like should be a necessary element of any strategy for engagement” with groups with criminal agendas, from the outset (Whitfield, 2013, p.17).

Just as in classical negotiations, end-states can take partial or more complete forms. Partial outcomes often involve – as in civil war negotiations – a reduction in violence, without a complete resolution of underlying differences. And as in classical peace processes, these partial solutions are often described through terms such as ‘truces’ (Los Angeles, El Salvador) or ‘ceasefires’ (Boston and elsewhere in the US (Kennedy, 2011)). In the US, much of the ‘focused deterrence’ movement has chosen programming and law enforcement targets based precisely on such a desire to reduce violence (Braga et al., 2008). This approach – which involves using detailed data to identify the people and places that drive the lion’s share of violence, and focusing deterrent efforts there – has now spread throughout the United States,¹⁸ to Glasgow (Williams et al., 2014) and Central America (Locke, 2016), and has informed programming in Rio de Janeiro (Huguet & Szabo de Carvalho, 2008; Gomes Alves, 2011).¹⁹

The more elusive goal, with criminal spoilers, is a full settlement: both an end to violence and the exiting of an armed group from the ‘life of crime’. This may require difficult social and political dialogue on what price a society is prepared to pay to achieve an end to violence, reduction of crime, and extension of the lawful order. That price may, under some limited circumstances (described further below), be a financial or economic one, involving access to employment and livelihoods, land and capital, or tax and money-laundering amnesties. In other cases, however, where the profit motive is not the sole or primary strategic driver of the armed group’s resistance to the lawful order, it may require social, legal or political compromises: security guarantees, legal protections such as amnesty, an end to marginalization and discrimination, social programming, and political participation. These compromises and guarantees, for instance, were some of the essential concessions that made the Colombian peace deal with the FARC possible.

But if none of these ‘limited’ demands will satisfy the criminal group’s leadership or its rank-and-file, and it seems intent one way or another in continuing in a life of crime or violence that is unacceptable to the state or society, then it may not be possible to ‘get to yes.’ There may be no point starting a negotiation at all (Whitfield, 2013, pp. 4-6). In such cases, the actor with a criminal agenda is, in effect, a *total spoiler*. In these cases, as Stedman pointed out 20 years ago, a dose of coercion or deterrence might be required to create the ‘ripeness’ for a negotiated outcome. Indeed, this is exactly the logic that underpins the ‘focused deterrence’ model of gang interventions in the US: the realization that coherent, integrated deterrent messaging from a variety of state agencies, backed up by community support, could create the conditions of ripeness to lure gang members

away from a life of crime, if, at the same time, a more palatable positive alternative was placed in front of them. Deterrence serves to test just how ‘total’ the spoiler’s commitment to their criminal agenda truly is, and effectively focused deterrence can peel away those elements more amenable to negotiation, slowly transforming the group and wooing it back into the lawful order.

A hurting stalemate

Classical negotiation theory also suggests that this ‘ripeness’ arises where the parties have reached a “hurting stalemate” (Zartman, 2001). What does that stalemate look like, when one party is the state, and the other is a group resisting integration into the lawful order or, worse, looking to subvert it?

On the state side, it is evidenced by a willingness of state actors – or social actors – to consider compromises, to achieve peace and the extension of the lawful order. Raising this notion can, of course, be socially painful and politically risky. It requires political leadership – and may require international support. But it may also require innovation: the use of focus groups or surveys to identify public willingness to consider negotiation; the introduction of external actors into the negotiations to stimulate alternative ideas, or piloting arrangements. And there may be scope for such compromises to be made within the framework of rule of law, for example in the ways that police and prosecutors (routinely) exercise discretion. Again, this strategic use of police discretion is central to the ‘focused deterrence’ model in the US. But it is also a key element in peace deals in Colombia, where suspended sentences have been used to signal the willingness of the state to forego valid punishment in the interest of societal reintegration.

On the other side, the presence of a hurting stalemate is evidenced by the willingness of the group with the criminal agenda to make its own compromises in pursuit of strategic objectives. These may include the abandonment of criminal activity in order to achieve organizational or personal goals – including profit or legitimate power or influence. In Myanmar, for example, some criminal actors have demonstrated themselves willing to give up the life of crime in order to ‘go straight’ and become ‘legitimate’ business tycoons with close ties to ruling elites.²⁰

WHEN WILL INDUCEMENT WORK?

Since criminal agendas in conflict add “greed” to “grievance” agendas,²¹ it seems natural to think about what pay-off price may be needed to induce a group with a criminal agenda to transition to lawful order.

In some cases, something like a state-led inducement strategy – “taking positive measures to address the grievances of factions that obstruct peace” (Stedman, 1997, p.12)– has arguably generated choices by criminal groups

to 'go straight.' This has usually required: a) changing market dynamics that point to rapidly diminishing returns from a specific criminal activity; b) viable pathways into new, more lucrative and licit markets; or c) new policy or regulatory developments vis-à-vis a particular criminal activity, such as drug reform, that address social, political or economic grievances or offer newly legitimate or lucrative 'exit' ramps.

In the case of Colombia, for instance, the shift away from the decades-long "war on drugs" approach that penalized communities and affected their health through aerial spraying to one that adopted a public health- and human rights-based approach to the issue was an essential political component of the ultimate peace agreement (Herbolzheimer, 2016). Negotiators can help create these conditions, through negotiated policy choices that, on an exceptional basis, allow illicit profits to be used to capitalize new, lawful enterprises (Cockayne, 2013b, p.18; Dubinsky, 2007, pp. 421-422).

Similarly, international guarantors to the negotiations can also play an important role by pledging to support national development projects that support this transformation. Sustaining support for these policy shifts is extremely important as there will likely be unanticipated effects of new policy approaches that might challenge the viability of the negotiations. In Colombia for example, coca production rose dramatically during the negotiation phase. Many attributed this to the halting of aerial spraying and perverse incentives created by coca substitution programs targeting coca farmers. Although a lasting source of anxiety, continued support from some key international players (including the US) for the paradigm shift away from a "war on drugs" was critical for the government of Colombia to reach a peace deal with the FARC.

In the 1930s, at the end of the Prohibition on the alcohol market, the New York Mob made a positive decision to move out of increasingly competitive liquor sales and into gambling, enticed by the prospect of lax enforcement (Cockayne, 2016; Skolnick, 1978). Several decades later, the Mob was driven out of the sanitation market (and in many cases into going straight) through state policy measures designed to remove barriers to entry for legitimate firms and penalize illegitimate firms (Jacobs & Gouldin, 1999). In Russia, in the late 1990s, a similar mixture of safe harbour arrangements and improved state protection of private property induced a cohort of criminal leaders to move into legitimate business, creating pathways for violent and criminal entrepreneurs to transform into legitimate entrepreneurs (Dubinski, 2007). Protection racketeers, for example, quickly moved into formal private security and other businesses. As Dubinsky notes, "The formula became: 'we respect the law and invest money in the legal economy; you [the state] let us be'" (Dubinski, 2007, pp. 412-413).

Such solutions can also be witnessed at the local level. In Haiti in the mid-2000s, a community violence reduction initiative combined direct gang mediation with rain

harvesting, water collection and distribution, sanitation and hygiene activities, solid waste and sewer management, education for at-risk youth, women's health promotion, and recreation activities – all delivered through the organizations that had previously operated as local gangs. This helped transform them into legitimate local community groups (Muggah, 2011, p. 337). Similarly, in New York, in the mid-1990s the Almighty Latin Kings & Queens Nation responded to their exclusion from criminal markets and pressure from the state by choosing, unilaterally but with the help of key spiritual and social advisors, to transform itself into a community empowerment movement (Brotherton & Barrios, 2004). Instead of marginalizing gangs, this approach harnessed their social capital, through negotiation and dialogue.

The risk, of course, is that an inducement strategy simply "whets the appetite" of the greedy (criminal) spoiler (Stedman, 1997, pp.15-16). What conditions must be present to avoid this outcome, and negotiate to a successful conclusion? Stephen Stedman points to five conditions for inducement success: limited demands; coherent strategic signals from third parties; no skewing from external actors; credible coercive threat; and supplemental socialization (Stedman, 1997, pp.47-48). Interestingly, these appear to align closely with lessons from gang interventions in North America and also seem to draw on classical studies of coercive diplomacy, and the limits thereof.²² All of these may be difficult to establish in the context of criminal agendas, especially in conflict-affected and fragile states.

Limited demands

The spoiler's demands must be 'limited', in these sense that they are not rejecting the lawful order *outright*. If a criminal agenda is negotiable – the group will reduce violence in return for reduced enforcement or marginalization, for example – this may be the case. But if the group's agenda requires being left totally unmolested by law enforcement to continue to carry out activities that subvert the lawful order, this condition may not be present.

Coherent strategic signals from third parties

Stedman argues that for inducement to work, "external actors must be unified in establishing the legitimacy and illegitimacy of spoiler demands and behavior". This may be hard to ensure in the context of criminal agendas. In Colombia, for example, the state may choose to amnesty FARC members for past crimes, or refrain from seizing assets procured through crime. But will other countries also refrain? Colombia's strategy of bringing on board international guarantors to the peace negotiations, in particular the United States, was intended in large part to help shore up confidence among FARC leadership in the legal guarantees agreed to in the accord.²³ The most important of these were assurances that the US would step back from its sixty or so outstanding extradition requests for FARC members wanted for drug-trafficking related charges.²⁴

No skewing from external factors

Stedman argues that inducement is more likely to succeed where "spoilers have no independent source of capital if they chose to return to war" (Stedman, 1997, pp.47-48), since this tends to skew incentives and encourage continued spoiling. Contemporary criminal transitions seem likely to stick on this point, precisely because armed groups can so easily tap into illicit flows and foreign illicit markets, which act as alternative sources of financial and material support, and thus of power and influence. In the case of Colombia, criminal groups reportedly actively recruited FARC soldiers offering them double what they would receive for laying down their arms.²⁵ In this instance, the criminal market itself may be serving as a factor skewing incentives, beyond the control of the third-party negotiator.

Credible coercive threat

Stedman states clearly that "[I]nducement must be accompanied... by a credible threat to establish its limits, and break any cycle of grievance, reward, new grievance, reward, new grievance" (Stedman, 1997, p.48). In many cases where states are contemplating negotiation with groups with criminal agendas, it is precisely because their own capacity to deliver such a credible threat is meagre. This points to an important role for the international community to play in providing a supplementary deterrent capability – but one that operates in close strategic coordination with any effort to negotiate a transition to lawful order. Here, lessons may be learned from Haiti, where for a period the UN peacekeeping mission (MINUSTAH) was able to provide a credible deterrent threat that obviated the need for the government to negotiate with local criminal gangs that had engaged in kidnapping and begun to threaten strategic national assets, including the international airport. Once that deterrent threat dissipated, however, criminal interests became resurgent, and political actors returned to strategies of negotiation (Cockayne, 2014).

This is where learning from classic studies on coercive diplomacy to deal with criminal agendas may be useful. In essence the task is to find a combination of a "carrot" and "stick" that will overcome the opponent's opposition to resist. To that end a combination of negative and positive inducements will have to be deployed to convince the opponent that the benefits of entering the lawful order outweigh the consequences of not doing so (George et al., 1971).

Supplemental socialization

Finally, Stedman argues that in most peace processes, "inducement is most likely best carried out in conjunction with a concerted international effort to socialize the spoiler into accepting basic rules of good governance". To date, such efforts have largely been absent from international efforts to address criminal agendas. There is, however, a significant body of criminological research upon which we can draw to identify practices that are likely to be effective.

WHEN WILL SOCIALIZATION WORK?

Stedman describes 'socialization' as a process involving the use of material and intellectual resources to "establish a set of norms for acceptable behaviour" by parties within the process – combined with coercion to constrain their exit from the process (George et al., 1971, p.13). This is similar to what Achim Wennmann describes as transformation: "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" (Wennmann, 2014, p. 261). It is a transition to lawful order. It offers the prospect not only of reduced violence and crime, but of moving the social capital within the criminal group into the economy and society of the lawful order.

Existing literature on recidivism and conflict relapse is instructive (Walter, 2010). Although most international reintegration programmes stress economic incentives as key to their success, research indicates that programs that rely on cash assistance or vocational training alone are not enough to lure ex-combatants away from selling their services to criminal groups. In fact, former combatants are more likely to be motivated to abandon a life of illegality if they are surrounded with non-violent networks. In Colombia for example, successful reintegration programs that socialized ex-combatants to develop non-violent peer networks have proven effective (Zukerman et al., 2016).²⁶ In contrast, no evidence was found to support the notion that ex-combatants in Colombia returned to crime for economic reasons. These findings have established roots in criminological studies where experts have long established a strong correlation between the collective efficacy in communities (the ability of community members to control the behavior of individuals and groups in the community) and crime reduction.

The key to understanding socialization strategies is to recognize that while inducement is essentially a process of rational choice, socialization is a process of social construction and normative change. Through this process, the interests, identity and internal governmentality of the group with the criminal agenda are changed, from the inside out. The agenda itself is changed (OAS, 2015).

We know that individual exit from gangs and crime is a gradual process of ideational, cognitive change. Socialization similarly seems likely to lead to group exit where, through key actors, the "group reaches a point of disillusionment" with its own agenda and strategy, perhaps "around the realization that it is stuck in a perpetual cycle of violence from which the only escape is jail or death" (van den Eertwegh, 2016, p.10). Socialization efforts can exploit this crisis by offering programming that changes norms, offers alternatives to violence as a way to resolve

disputes, and changes perceptions of risk and cost, both through sending coherent deterrence signals, and by tying actors into more lawful social networks (Kennedy, 1997; Skogan et al., 2009). An OAS study concluded that in such situations, “[t]he idea of alternatives offering greater life expectancy and quality of life is a great sell to many gang members” (OAS, 2015, p.14). All the existing evidence suggests this will take time, because desistance is more often than not characterized by “intermittency” – quitting and rejoining, and quitting, rejoining – rather than involving a one-off clean break.²⁷

Existing evidence also tells us a great deal about how innovative international programming could generate such criminal group socialization. That evidence suggests there is no one silver-bullet factor that will routinely generate desistance; but rather that a range of factors, cumulatively, generate desistance (Vigil, 1988). Overall, desistance appears to happen where the social bonds within the criminal group are overtaken by other (often informal) social bonds. The factors involved include:

- **Life events and ‘ageing out’.** People often simply grow out of low-level gang and criminal activity. Specific life events, such as marriage, military service, and employment,²⁸ all seem to accelerate this process, signalling the replacement of criminal ties by other social ties. This seems to hold, too, for violent extremist groups (Bjørge & Hogan, 2009; Decker & Pyrooz, 2015). Interestingly, when there is a group of actors in influential leadership roles who ‘age out’ together, they may choose to stay in and change the group from within – a factor that may have been important in driving the transformations in Haiti and New York discussed above (Brotherton & Barrios, 2004, pp. 329-330), and may be relevant to our understanding of the ‘gang truce’ process in El Salvador.²⁹ This suggests that negotiators and third-party interveners encountering groups with criminal agendas should map the ages of those involved in the group (especially in leadership positions), and if possible their social ties, in order to understand whether they are susceptible to being socialized into other, lawful social ties.
- **Hooks for cognitive change.** Evidence suggests that desistance can also be triggered by “hooks” in the environment that allow those – especially those in crisis – to find new, more lawful, life-paths, meaning and identity (Giordano et al., 2002). This seems particularly likely to work at the group level where the criminal agenda mixes not only a profit motive but also marginalization grievances. In the US, for example, several Latin and African-American gangs have transformed into law-abiding social movements after exposure to teachings about social movements, self-empowerment – and spirituality (Brotherton & Barrios, p. 119, 144-148, 172-177; Curt & Decker, 2003).

- **Problem-solving skills and violence disruption.**

Particularly amongst youth gangs, programming focused on encouraging resort to non-violent problem-solving skills has had particular success. In the US, research suggests that resort to violence to resolve disputes is in effect a norm that can be transmitted through social networks – but also disrupted by actors embedded within those networks (Becker et al., 2004; Skogan, 2008; Slutkin et al., n. d.).

Ultimately, effective (re)socialization programs need to open up concrete pathways for former gang members, or even combatants, to leave a life of crime and become productive members of society. For example, the right to legitimate political participation and re-incorporation into Colombian life was a key component of the Government of Colombia’s peace deal with the FARC.³⁰ Interestingly enough, the notion that FARC combatants could re-integrate into society as regular citizens became somewhat of a reference point for some criminal gangs. In January 2017, the journal *El Faro* quoted senior MS 13 members commenting on the FARC noting that “after having killed people and engaged in terrorism, they (the FARC) can now re-insert themselves as regular citizens.”³¹ Constructing opportunities for former gang members and ex-combatants to insert themselves into public life as ordinary citizens, and even in some cases as political representatives, is key to effective re-socialization initiatives.

WHAT DO SUCCESSFUL SOCIALIZATION EFFORTS LOOK LIKE?

Evidence indicates that successful interventions to socialize groups away from criminal lifestyles tend to be complex, multi-agency data-driven initiatives tailored to fit the characteristics, operating environments and particular problems present in a given community (Howell & Griffiths, 2016; Braga & Weisburd, 2012). While this may be hard to replicate in conflict-affected environments, gradually building the state’s capacity to ensure the rule of law, provide social services and combat powerful criminal capabilities is essential (USAID, 2016, p. 21; Whitfield, 2013, p. 6; Felbab-Brown, 2013, p.1). In contexts that have been neglected by the state and where state institutions are either non-existent, weak or corrupt, building back the trust of the community is also essential.

With few exceptions, most zones where criminal activity are concentrated within conflict theatres tend to demonstrate limited state presence and/or capacity – that is, limited control by the state of governmental power. This is certainly the case in Colombia where a key factor facilitating the expansion of criminal groups had to do with the lack of state capacity to secure these zones and demonstrate an institutional presence (International Crisis Group, 2013).

Where the state is weak, criminal structures and interests, both national and transnational, often compete for control (Alvarez Vanegas & Pardo Calderon, 2017).

Yet these are also arguably the settings where innovation with such strategies is needed most, and where international actors may be able to supplement and support local initiatives. What would that look like? Typically, successful exits from gang membership have involved four parallel programming strategies, which may be instructive for programming in conflict-affected contexts where criminal agendas are present (Spiegel, 2010; Howell & Griffiths, 2016; Klein & Maxson, 2006).

Building and keeping community support

Precisely because of the controversial nature of engagement and negotiation with armed groups with criminal agendas, there is a particular need to manage the community's understanding and expectations of the process. A negotiated deal made by the state and groups with criminal agendas, but not 'ratified' by society, is not a legitimate – or arguably sustainable – deal (van den Eertwegh, p. 11; Whitfield, 2013). Conversely, sustained community engagement seems to be a key ingredient in criminal transition to the lawful order.³² In the US, success in gang interventions has been shown to be highly dependent on perceptions of the legitimacy (fairness and inclusiveness) of the engagement process (Braga & Weisburd, 2012; Papachristos & Kirk, 2015).

Experience to date suggests a number of useful techniques.

- **Sequenced trust-building.** A sequenced approach can slowly build and expand trust, through the development of increasingly broad 'inclusive enough' coalitions of stakeholders (Cockayne, 2013b). As existing UN mediation guidance notes, "[c]onsent may sometimes be given incrementally, limited at first to the discussion of specific issues before accepting a more comprehensive mediation process" (United Nations, 2012). Mediation processes dealing with criminal agendas may need to start with a focus on a truce or ceasefire – a reduction of violence – then move on later to a broader discussion of socio-economic transformation, as confidence builds between the parties. At each stage, consent may need to be secured from new groups (Cockayne, 2013b, p.16). Such sequencing may also help stretched government agencies manage under-resourcing problems (Felbab-Brown, 2013). But it may also be necessary, to maintain public confidence, and to communicate clearly to criminal groups that the process can be reversed: for example by making amnesties conditional on truth-telling, or by using conditional suspension of sentences (Cockayne, 2013b). Otherwise, there is a real risk that desistance programming can actually *strengthen* criminal organizations,³³ as may have happened in both El Salvador and Medellín (Duran-Martinez & Cruz, 2016).
- **Using 'insider' mediators and localized interventions.** Local authorities, 'former' members of the group with the criminal agenda and other 'insiders' may be uniquely positioned to speak credibly both to the group in question, and to the local community.³⁴ Even groups embedded in transnational illicit flows and markets tend, because of the illegality of their activities, to rely on local influence and power, suggesting a need for localized interventions and outreach (Milliken, 2013, pp. 2-4).
- **Provide security guarantees and safe space.** Success seems frequently to depend on negotiators creating a safe, neutral space for negotiation, and on ensuring that participation in negotiation does not otherwise jeopardize the safety of participants, or the community. In many Western Hemisphere contexts, churches have featured prominently as credible providers of safe spaces for negotiation (OAS, 2015). But states and international actors may also have a role to play in providing these spaces and, importantly, security guarantees (OAS, 2015). In the 'Ceasefire' programmes in the US, state and municipal actors serve as guarantors of gangs' unilateral 'ceasefires' by promising cooperative gangs protection from hostile, non-cooperative gangs. And safe spaces can also be provided by legal reforms (decriminalizing association or engagement with these groups) and even 'policy space' – for example signals, in Colombia, that the government may move away from a militaristic approach to the War on Drugs. The Colombian case also suggests that security guarantees to ex-combatants, their families and affected communities may be essential for ensuring this 'safe space'. The intimate knowledge that these individuals, families and communities have of trafficking routes and illicit networks make them targets for violence from criminal groups.³⁵ In the case of Colombia, threats were perceived to be particularly stark around trafficking routes, border zones and where there was a high concentration of criminal activity formerly controlled by the FARC (Álvarez Vanegas & Pardo Calderón, 2017), and effective and credible security guarantees proved important to securing and realizing the peace deal.
- **Managing messaging.** The importance of community perceptions points to a need for pro-active media management, and political leadership (Felbab-Brown, 2013, p.7). The media can demonize – or normalize – groups with criminal agendas (OAS, 2015, pp.18-19). Media criticism has played an important role in the breakdown of negotiated transitions to lawful order in venues ranging from New York (Brotherton & Barrios, 2004) to El Salvador. In the case of Colombia, the 'No' campaign led by former President Uribe successfully outmanoeuvred the Santos led 'Yes' campaign in a closely contested public relations campaign. Many analysts ascribe the failure of President Santos in winning the October 2 referendum to a failure to effectively control the message and manage the media.³⁶

- **Engage the private sector.** The absorption of groups with criminal agendas frequently requires significant economic adjustments within the lawful order. This includes accommodating newly lawful enterprises as sources of market competition, and providing access to labour markets and skills. Experience indicates that it can be difficult “to mobilize and sustain the economic transformation required to resolve criminal agendas without losing social support for the process” (Cockayne, 2013b, pp.10-11; van den Eertwegh, 2016, p.12). This points to a need to engage private sector stakeholders in the socialization process, to create win-win situations that bolster support for a negotiated outcome (OAS, 2015). While economic incentives are not a sufficient condition to induce armed groups with criminal agendas into the lawful order, the continued support of the private sector to provide credible and sustainable job opportunities to former armed groups or gang members is a necessary element of the socio-economic transformation that underpins a successful socialization processes.

Targeted socio-economic programming

There is a substantial body of evidence about what kinds of socio-economic programming works in preventing populations exposed to crime from getting involved. Proven methods include cognitive behavioural therapy, vocational training, mentoring, school-based programmes, family-based programmes, and after-care programming (USAID, 2016).

Cognitive behavioural therapy (CBT) should be of particular interest in this context, because it has a proven track record – including in conflict-affected contexts (Blattman et al., 2015) – of encouraging the normative change that seems necessary for gang desistance and negotiated criminal transformation. CBT involves the targeted provision of a set of structured techniques including cognitive skills training, anger management, and various supplementary components related to social skills, moral development, and relapse prevention.

To succeed, however, it requires careful data gathering and monitoring, particularly to identify those actors who are driving violence and target multiple interventions at these individuals and groups (NNSC, 2016). Evidence shows that criminal violence is typically driven by a very small number of actors (Braga et al., 2015; USAID, 2016). This is true of interventions relating to policing (Braga et al., 2015), gang reduction (Gravel et al., 2012), youth firearm violence reduction (Petrosino et al., 2015), youth violence prevention (Matjasko et al., 2012), and adult and juvenile recidivism reduction (Hollin, 1999; Lipsey & Cullen, 2007). Moreover, the prospects of desistance from criminal groups seems to negatively correlate to embeddedness: the deeper someone is embedded in the organization, the harder it is to socialize that person out of the organization (Pyrooz et al., 2013).

Conversely, this means that successful negotiation of the exit of these deeply-embedded individuals is likely to make it even easier to achieve desistance by other group members.

Few international interventions are currently structured to provide the data, monitoring and multiple intervention packages required to achieve these results. Yet results at the national and municipal level suggest that targeted socio-economic programming could prove to be a high value-for-money strategy.

Deterrence and truth-telling

Successful socialization efforts are almost always backed by a credible deterrent or coercive threat (Felbab-Brown, 2013, pp.7-8; Stedman, 1997, p.48). Coercion is not a sufficient solution – in fact, over-reliance on coercion can increase gang cohesion, heighten conflict between the state and local communities, and increase violence.³⁷ But it is frequently a necessary component of a larger socialization effort. Law enforcement actors may themselves need to become key proponents of preventive policies, dialogue and negotiation (OAS, 2015, p.17).

Still, in conflict-affected and fragile contexts, that credible deterrent threat may be hard to deliver – pointing to a specific role that international actors can play. Equally, any offer of amnesty must be both credible (i.e. reliable), and credibly exceptional – i.e. not to be repeated (Dubinski, 2007, p. 422; Wennmann, 2014, p. 268).

One way to reinforce this credibility is to make amnesties or negotiated settlements conditional upon criminal truth-telling. Truth-telling has both an intrinsic value, and an instrumental one, arguably creating a one-way gateway through which individuals exit a criminal identity and enter the lawful order. In this regard, negotiators dealing with criminal agendas may stand to learn from the techniques of transitional and restorative justice. However, we are yet to see much innovation in the adaptation of truth and reconciliation commissions to deal with large-scale organized criminal violence. Here again, there may be a specific opportunity for international engagement and support.

A coherent and capable institutional framework

Finally, successful socialization efforts are characterized by coherent and capable institutional frameworks, pulling multiple ‘levers’ at once to change the incentive structures, norms and views of groups with criminal agendas. In the US, this tends to take the form of multi-stakeholder steering groups (Howell & Griffiths, 2016), which create legitimacy and buy-in, and help build trust. But this approach also means complexity – and cost (Klein & Maxson, 2006).

This suggests a need for innovative approaches by international actors, combining specific expertise in negotiated criminal transformation with local, bottom-up consultation

and decision-making. That is the tack increasingly taken not only by much gang intervention programming, but also by multilateral security sector reform programming, and by crime prevention planners (OAS, 2015).³⁸

CONCLUSION: THE NEED FOR INTERNATIONAL INNOVATION AND SUPPORT

Whitfield argues that when spoilers are around, “the role and support of international actors cannot be underestimated.” (Whitfield, 2013, p. 17) Likewise, Stedman argues that inducement and socialization go hand in hand with concerted messaging from the international community about the need to participate in the lawful order. Yet the role of international actors in encouraging transitions by criminal actors or armed groups with criminal agendas to lawful order has, to date, largely been overlooked.³⁹ Given what we have learned in the previous pages about the potential for inducement and socialization strategies to be applied to groups with criminal agendas, what role can international actors such as development donors or multilateral organizations usefully play?

The bargaining between states and groups with criminal agendas is often not a bargain conducted on a level playing-field – though it is frequently fragile state or municipal actors, some conflict-damaged, that are operating at the economic, technical and political disadvantage, rather than, as might be expected, the criminal groups (Wennmann, 2014, p. 267). The lessons above suggest a number of areas for innovative programming and intervention, such as targeted socio-economic programming, data analysis, supplementing local law enforcement and accountability mechanisms, and providing expertise on the design and implementation of negotiated transitions to lawful order.

In negotiations with conflict parties with criminal agendas, those approaches may play out in different ways – for example in efforts to ‘extend state authority’, to secure the demobilization, disarmament and reintegration of armed groups, or through transitional justice programming.

In both cases, the central role for international actors is not to substitute for the state, however, but to bolster its will and capacities – and to legitimize the process and outcome of a negotiated transition to the lawful order by formerly ‘criminal’ groups, or groups with criminal agendas (Stedman, 1997, p. 52). That in turn may require longer-term commitments than we have seen in the recent past. It will also require mitigating the negative impacts of external interventions in contexts where criminal groups or those with criminal agendas are party to peace negotiations. In such contexts, international actors should make sure that they are not unintentionally promoting opportunities for organized crime and thus adopt a “do no crime” approach (Bosetti et al., 2016). This will require clearly

identifying the conditions in which mere engagement between peacemakers and actors with criminal agendas may play to the benefit of those actors and developing additional guidance on when and how engagement with serious criminals is permissible.

As Wennmann points out, “Successful transformation strategies require the presence of long-term investments in state capacity and human resources and of infrastructures for social and economic development.” (Wennmann, 2014, p. 269) And indeed we can find examples of gang truces making considerable progress, only to collapse when donor support waned and resources ran out – as in Belize (Cockayne, 2013b).⁴⁰

This points to the final take-away from the existing literature and practice: negotiated settlements are only possible if the negotiation plans for how criminal agendas will look tomorrow, and not just today. Criminal agendas may influence negotiations and peace processes – but equally, negotiations and peace processes can radically influence criminal agendas. A negotiation strategy that fails to account for criminal market dynamics is likely doomed to failure.

Yet ultimately the message here is a positive one. Where for many years there appears to have been a belief that negotiation with armed groups with criminal agendas could only lead to the recurrence of violence and conflict, today, there are good reasons to believe that negotiation and mediation may, if carefully used, be important tools underpinning a strategy of managed exit of groups from criminal agendas.

It is important not to over-state the promise of this practice. We are just at the beginning of learning about what works in programming in this area, and there are many conceptual, institutional and political challenges to navigate in adapting the evidence gleaned from programming in urban centres in North America to, say, Afghanistan, Colombia and Mali.

What we have shown in this paper, however, is that there may be more in common between the ways that multilateral and development actors have traditionally approached the management of conflict spoilers and how criminal justice actors have dealt with criminal agendas than has met the eye. With this understanding of the analytical and practical overlaps – and differences – between these more classical processes of conflict exit and these more recent transitions from crime to lawful order comes the prospect of more effective and successful interventions in the years ahead.

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ENDNOTES

1. The authors are grateful to Jacqueline Scott for her research assistance.
2. See for instance the decision to exclude Colombia's neo-paramilitary criminal gangs (*bandas criminales emergentes* – BACRIM) from peace negotiations in Colombia <http://www.insightcrime.org/news-analysis/colombia-s-bacrim-common-criminals-or-actors-in-armed-conflict>
3. See the final agreement between the Government of Colombia and FARC available here: <https://www.mesadeconversaciones.com.co/sites/default/files/AcuerdoGeneralTerminacionConflicto.pdf> Also see the Economist's article "Peace, at last, in Colombia," June 25, 2016.
4. See James Bargent, "Jamaica Gangs in Talks to Halt West Kingston Bloodshed," *InSight Crime*, 27 February 2014.
5. These groups may be labelled in a variety of ways – as criminal, political or terrorist actors. In designing and executing interventions, it is important to look past such labels to understand the group's strategic objectives, or we risk creating path-dependent responses. See Cockayne, 2013a, p. 10.
6. InSight Crime has published numerous reports on this risk. See for instance: <http://www.insightcrime.org/news-briefs/colombia-urabenos-recruiting-dissidents-farc-peace-process>, <http://www.insightcrime.org/news-briefs/tempted-by-gold-farc-dissidents-reject-peace-process> and <http://www.insightcrime.org/news-briefs/peace-deal-signed-in-colombia-as-threat-of-farc-fragmentation-looms-large>. Also see Colombia Reports <http://colombiareports.com/dissidents-attack-colombia-farc-rebels-paramilitary-successors-eye-rebel-territory-reports/>
7. AP, 'Honduras: gangs agree to truce; members seek jobs', *New York Times*, 28 May 2013; AP, 'Mediators who helped arrange El Salvador gang truce will work on similar deal in Honduras', 17 June 2013; Marguerite Cawley, 'Mexican government announces Guadalajara gang truce', *InSight Crime*, 18 March 2013; Jeremy McDermott, 'Money runs out for Belize gang truce', *InSight Crime*, 24 December 2012; Elyssa Pachico, 'Belize on track for record murder year', *InSight Crime*, 20 November 2012; and Edward Fox, 'Is Belize's gang truce breaking down?', *InSight Crime*, 4 May 2012.
8. On this, see the reporting of the independent digital newspaper *El Faro*, especially: Juan Martínez d'Aubuisson and Carlos Martínez "FMLN ofreció a las pandillas un programa de 10 millones de dólares", 29 October 2016; Gabriel Labrador and Carla Ascencio "ARENA prometió a las pandillas una nueva tregua si ganaba la presidencia", 11 March 2016.
9. On the effects on the "war on gangs" launched in early 2015 by the new administration, see: Roberto Valencia, "Casi que Guardia Nacional Civil", *El Faro*, 3 October 2016.
10. For an overview of "mano dura" policies in El Salvador, see Wolf, 2017.
11. See Martínez, O., Martínez, C., Arauz, S. & Lemus E., "Gobierno negoció con pandillas reducción de homicidios", *El Faro*, 14 March, 2012.
12. See Martínez, C. & Sanz, J. L., "La nueva verdad sobre la Tregua entre pandillas", *El Faro*, 11 September, 2012.
13. See : d'Aubuisson J. M. & Martínez C., « FMLN ofreció a las pandillas un programa de 10 millones de dólares », *El Faro*, 29 October 2016; Labrador G. & Ascencio C., "ARENA prometió a las pandillas una nueva tregua si ganaba la presidencia", *El Faro*, 11 March 2016.
14. Martínez, C. & Valencia, R., "Lo que se le olvida al gobierno es que al matarnos están matando a la gente que los llevó al poder", *El Faro*, 11 January 2017.
15. See for instance the case of Colombia where one of the largest criminal groups, *el Clan del Golfo*, is demanding peace negotiations with the Government. Sibylla Brodzinsky, "Colombia's road to peace: new militia threatens stability with bloodshed," *The Guardian*, 7 April 2016.
16. It is important to recognize that individual desistance is relatively understudied, compared to other aspects of criminal and gang careers (onset, persistence) – and *group* desistance is even less studied than that. See: Bushway et al.; Kazemian; Sweeten, Pyrooz & Piquero, 2013; Pyrooz, Decker & Webb, 2014; Decker & Lauritsen. For an important exception on group desistance, see Bjørge, T., & Horgan, J., 2009.
17. See Simon Romero, "Colombian Government is Ensnared in a Paramilitary Scandal," *The New York Times*, January 21, 2007.
18. See e.g. Cincinatti - Engel, Tillyer & Corsaro, 2013; Chicago - Papachristos & Kirk, 2015; Papachristos, Meares & Fagan, 2007; New Orleans - Corsaro & Engel, 2015; Lowell, MA - McGarrell, Corsaro, Hipple & Bynum, 2010.
19. For an overview of the focused deterrence approach and its impacts in the US, see Braga & Weisburd, 2012.
20. For more on this, see Vanda Felbab-Brown's paper Myanmar as part of this project. See also Global Witness, 2015
21. On the relationship between political and criminal agendas see Cockayne, 2016.
22. See for instance the classic book by George et al. (1971), *The Limits of Coercive Diplomacy* where they outline how the strategy of coercive diplomacy necessitates a combination of "carrot" and "stick" to overcome the opponent's disinclination to yield.
23. Cuba and Norway reportedly also played key roles in resolving an impasse regarding transitional justice during the negotiations. See Telesur, "FARC and Government to Settle Dispute over Transitional Justice," 9 October 2015.

24. It is unclear whether the US has agreed to rescind these extradition requests, but what is clear is that it has become more tolerant of the Colombian government's refusal to extradite FARC leaders for drug related offences to the US. See for instance, Reuters "[Colombia Declines Rebel Extradition to U.S. Amid FARC Peace Talks](#)," 1 December 2015.
25. See for instance <http://www.elheraldo.co/nacional/demora-en-negociacion-con-farc-puede-crear-division-y-caos-mind-efensa-296735>; <http://www.insightcrime.org/news-briefs/farc-units-defy-leadership-orders-to-halt-extortion> and <https://www.bloomberg.com/politics/articles/2017-02-08/farc-playing-dominos-as-drug-cartels-occupy-colombian-villages>
26. For a summary of this research see: https://www.washingtonpost.com/news/monkey-cage/wp/2016/10/02/how-can-colombia-stop-former-farc-rebels-from-turning-to-crime-the-leaders-are-key/?utm_term=.0ded1739fe79
27. See Decker & Lauritsen, 2002; Decker, Pyrooz & Moule, 2014; Pyrooz, Sweeten & Piquero, 2013; Thornberry, Krohn, Lizotte, Smith & Tobin, 2003
28. See Craig, Diamond & Piquero, 2014; Sampson & Laub, 2005; Laub & Sampson, 2001; Savolainen; Farrington & West; Klein & Maxson.
29. Steven Dudley, 'Barrio 18 Leader 'Viejo Lin' on El Salvador Gang Truce', *InSightCrime*, 7 June 2013.
30. See Julia Symmes Cobb, "Colombia's FARC will fight on as political party, rebel leader says," *Reuters*, 17 September 2016.
31. See Carlos Martínez and Roberto Valencia, "MS-13 pide diálogo al gobierno y pone sobre la mesa su propia desarticulación," *El Faro*, 9 January 2017.
32. See: Engel, Tillyer & Corsaro, 2013; Petrosino, Campie, Pace, Fronius, Guckenbug, Wiatrowski & Rivera, 2015; Corsaro & Engel, 2015.
33. See: Decker, Katz & Webb, 2008; Dishion, McCord & Poulin, 1999; Thornberry et al., 2003; compare Corsaro & Engel, 2015; Wilson & Chermak, 2011
34. See: Wennmann, 2014, p. 265; Mason; Skogan 2008; Becker, Hall, Ursic, Jain & Calhoun, 2004
35. For the specifics about how the military defines these groups see Permanent Directive 15 from the Colombian Ministry of National Defence (2016) available here: <http://www.indepaz.org.co/wp-content/uploads/2016/05/Directiva-15-de-2016-rev-2.pdf>
36. See Hisham Aidi, "Why Colombian's opposed the peace deal with FARC," *Al Jazeera*, 4 October 2016.
37. See: Greene and Pranis 2007; Rodgers & Muggah 2009; Kemp & Shaw 2014.
38. See also Homel and Masson, 2016 for a discussion drawing on experience in Jenin, West Bank, Palestine.
39. Though see OAS 2015.
40. See also: Jeremy McDermott, 'Money Runs Out for Belize Gang Truce', *Insight Crime*, 24 December 2012.