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Franchises for Crime: "Maras" and
North American Security

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Resumen

Desde inicios de esta década, se ha registrado en Centroamérica un crecimiento importante de la presencia de pandillas conocidas como "maras". Estas pandillas surgieron en Estados Unidos en los años ochenta y luego se desarrollan en Centroamérica como consecuencia de la deportación de varios de sus miembros y representan hoy una seria amenaza a la seguridad pública de la región. Incluso las maras tienen desde hace algunos años presencia en México, aunque en este país se ha registrado también un fenómeno de imitación que se refleja en la existencia de maras mexicanas, que copian la forma de organización de las pandillas centroamericanas, principalmente la MS-13 y la Barrio 18. La existencia de versiones locales de las maras en México plantea un reto particularmente complicado para el Estado mexicano, pues los métodos tradicionales de control para evitar la presencia de grupos criminales en un territorio no funcionan. En este sentido, el documento argumenta que las maras no son sólo pandillas centroamericanas sino una franquicia, una forma de organización criminal que puede ser reproducida localmente. Ello sugiere que las respuestas del estado deban enfocarse más en medidas de prevención y en políticas de desarrollo social que impidan que los grupos susceptibles de convertirse en maras lo hagan, más que en controlar la entrada de pandilleros de otros países. El documento analiza en una primera parte el concepto de franquicia en el crimen organizado y la transmisión del conocimiento criminal. Posteriormente describe la evolución del fenómeno en Centroamérica y en México. En una tercera parte examina las respuestas gubernamentales a la amenaza de las maras en México y Centroamérica así como las alternativas posibles. Finalmente, se plantean algunas conclusiones.

Abstract

Since the beginning of this decade there has been an important growth in the presence of gangs known as "maras". These gangs started in the US in the 1980s and develop themselves in Central America as a result of the deportation of its members, and represent today a serious public security threat in the region. Moreover, the maras have had some presence in Mexico during the recent years, but there is also a phenomenon of imitation that can be seen in the existence of Mexican maras, that copy the organization of the Central American gangs, particularly the MS-13 and the "Barrio 18". The existence of local versions of the maras in Mexico poses a complicated challenge for the Mexican State, since the traditional control methods over criminal groups don't work. In this sense, this paper argues

that maras are not only Central American gangs but a franchise, a criminal way of organization that can be reproduced locally. This suggests that State's responses should be focused more in prevention measures and social development policies that prevent susceptible groups from becoming maras, more than in controlling the entrance of gang member coming from other countries. In the first part, the paper analyzes the concept of franchise in organized crime and the transmission of criminal knowledge. Then it describes the evolution of the phenomenon in Central America and Mexico. In the third part it examines the governmental responses to the threat of maras in Mexico and Central America as well as the possible alternatives. Finally, it outlines some conclusions.

Introduction

Organized crime has been a concern for the Nation-State for many years. The power to corrupt and the high degree of violence used by this kind of crime have represented a challenge for many governments during the last century. The most popular image of organized crime is that of the Italian mafia, that cornered the U.S. authorities in the 1920s and 1930s but the forms of organized crime are various and complex. Nowadays all the countries in the world suffer the consequences of organized crime in some degree and most of the criminal organizations are able to provoke serious problems of governance. From this perspective, the combat of organized crime has become a national security problem for most of the nations. However, even when organized crime has been a problem for many countries since the beginning of the XX century, it has acquired an international dimension during the last two decades, due in part to the process of globalization that is experiencing the world. The United Nations Economic and Social Council pointed it out in 1992: "international experience shows that organized crime has long ago crossed national borders and is today transnational".¹ The international community has tried to respond to the challenge of the transnational organized crime (TOC) basically through international agreements that coordinate the efforts of every state, like the United Nations Convention Against Transnational Organized Crime,² the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials or the Group of Eight Senior Experts Group on Transnational Organized Crime (the so-called Lyon Group). However, these instruments have not been very successful because of the nature of the threat. TOC flourish with globalization and technology, while Nation-States still have some reluctance to act beyond borders. As one Istanbul police official observed: "Our petty thieves have broadened their trade and increased their intensity. We can neither keep up with who is involved nor adequately investigate their activities. International borders are water for criminals and stone for the police".³ The challenge is quite complex for governments: they try to enforce and coordinate laws to combat these transnational actors whose performance is based in the absence of a national authority. Additionally, the ability of TOC to corrupt and generate violence challenges the assumptions under which the modern Nation-State has been functioning during the last three and a half centuries.

¹ Quoted in David L. Carter, "International Organized Crime. Emerging Trends in Entrepreneurial Crime", in Patrick J. Ryan and George E. Rush, *Understanding Organized Crime in Global Perspective*, Thousand Oaks: Sage Publications, 1997, p. 132.

² United Nations Convention Against Transnational Organized Crime, <http://www.unodc.org/palermo/convmain.html>

³ David L. Carter, *Op. Cit.*, p. 135.

In the Western Hemisphere, TOC has been present in many ways but certainly drug trafficking has been the main challenge during the last decades. Notwithstanding, there are threats developed in the recent years that are redefining the ways in which the countries of the region react. One of these threats is the spreading of youth gangs called "maras", which are an example of a circular transnationalization: they started in the United States in the 1980s with Salvadoran refugees going away from the war in El Salvador, then they came back to Central America, and they are now returning to the United States in an "improved" version. Even when the threat posed by the "maras" is not equivalent to that of other forms of TOC, like drug trafficking or terrorism, it is a growing problem because, contrary to what happens to other forms of transnational organized crime, the proliferation of these gangs is based more in the dissemination of a way of organization than in the movement of big groups of persons. That makes this threat much more difficult to combat and poses one of the biggest challenges the American States have faced in the last century.

In this paper I am going to review the development of the maras in Central America, Mexico and the United States during the last decade, putting the accent in the spreading of the organizational "know-how", what makes them a very unique threat. The main hypothesis sustained in the paper is that given the characteristics of the maras, which are more a form of organization or a franchise, than a group of persons that move from one place to another, their combat requires a redefinition of the instruments used to combat the TOC by the countries of Central and North America. In the first part I am going to expose the characteristics of organized crime as a franchise. In the second part, I will review the development of the maras in the region during the recent years. In the third part I will analyze the responses given by the North American countries. Finally, I will outline some conclusions.

Organized crime as a franchise

Even when there is not an accepted consensus about what organized crime is, there are some definitions with similar characteristics. According to the Van Tra Commission of the Justice Ministry of Denmark, we talk about organized crime "when groups of persons who focus primarily on illegal profits in a systematic way commit crimes that have serious consequences for society and are able to protect successfully their interests, particularly being prepared for using violence or corruption to control or eliminate persons."⁴ According to Peter Lupsha, the conceptual attributes of organized crime are:

⁴ Janet L. Jackson, Janet C.M. Herbrink y Robert W. J. Jansen, "Examining Criminal Organizations; Possible Methodologies", *Transnational Organized Crime*, Vol. 2, No. 4, Winter 1996, p. 83.

- constant interaction of a group of individuals across time
- patterns in that interaction: role played, status and specialization
- patterns of corruption of public officers, its agents and individuals in high levels
- use of violence or threat of violence
- orientation toward the development of a permanent career
- a perception of criminal activity as instrumental, more than an end in itself
- a long-term goal of capital accumulation, influence, power and wealth without tax charge
- patterns of complex criminal activity that involves long-term planning and multiple levels of organization and execution
- inter jurisdiction patterns of operation, frequently at an international level
- use of "fronts", "screens" and "legitimate" associates
- active attempts of isolation of its key members from the risks of identification, involvement, arrests and prosecution
- profit maximization through attempts of cartelization or monopolization of markets, enterprises and criminal matrixes⁵

According to Abadinsky, organized crime has the following characteristics:

- is nonideological
- is hierarchical
- has a limited or exclusive membership
- perpetuates itself
- exhibits a willingness to use illegal violence and bribery
- demonstrates specialization/division of labor
- is monopolistic
- is governed by explicit rules and regulations⁶

For Roy Godson, the characteristics of the criminal organizations are the following:

- they possess identified structure and leadership
- they operate along time and not only for ephemeral purposes
- they operate to make money from illegal activities
- they use violence and corruption to undermine law enforcement efforts

⁵ Peter A. Lupsha, "Organized Crime in the United States", in Robert Kelly (ed.), *Organized Crime: A Global Perspective*, Totawa, NJ: Rowman & Littlefield Publishers 1986.

⁶ Howard Abadinsky, *Organized Crime*, Belmont, California: Wadsworth/Thomson Learning, 2003, p. 2.

- they have a communitarian, family or ethnic basis in the majority of the cases⁷

These are general definitions for organized crime, but there are important differences among the criminal organizations. The degree of organization varies depending on the criminal activity and the relationship with the State. Some criminal activities are bigger and richer than others. At the same time, their characteristics depend on the degree of penetration of the State structure. According to Lupsha there are three stages in the relationship between organized crime and the State: predatory, parasitic and symbiotic. During the predatory stage, the criminal organizations do not have enough power to buy the State and do not represent a challenge to governance. In the second stage, the parasitic, there is a limited interaction between the criminals and the political system. In that stage organized crime has been able to buy a part of the State and obtains protection and information in exchange. In the third stage, the symbiotic, State and organized crime are the same and State structures work for the criminals.⁸ The more organized the criminal gangs are, the higher possibility that they control the State.

Also, the origins of the organization are a very important feature that determines the way it works. Even when trust is invaluable merchandise in the world of crime, it can come from different sources. Certainly communitarian, ethnic or family ties represent a strong bond that provides trust and makes the organization impenetrable to outsiders. However, that is not enough, and many organizations develop alternative ways of identifying their members. That is the case of the Italian mafia. The rituals and oaths established provide the organization additional protection which is a fundamental element for their survival. But rituals play also another role: they act as a trademark. They give the member a "commercial identity as suppliers of genuine protection. The mafia can be defined as a particular *trademark* of the protection industry".⁹ This identity has three purposes: "to keep the reputation good, to regulate entry, to discourage impostors who might want to make unlicensed use of the trademark".¹⁰ In this sense, belonging to the mafia plays the role of a franchise: it provides a name that generates fear, but it provides also a way of organizing the group in an efficient way. It does not exclude impostors¹¹ who try to benefit from the prestige of the trademark, but who get in reality a profit by organizing themselves as a mafia-type group. That is, the trademark gives the group a

⁷ Roy Godson, et al., *International Organized Crime: Emerging Threat to U.S. Security*, National Strategy Information Center, 1993, p. 5.

⁸ Peter A. Lupsha, "Transnational Organized Crime versus the Nation-State", *Transnational Organized Crime*, Vol. 2, No. 1, Spring, 1996, pp. 21-48.

⁹ Diego Gambetta, *The Sicilian Mafia*, Cambridge, Massachusetts: Harvard University Press, 1993, p. 153.

¹⁰ *Ibid.*, p. 154.

¹¹ *Ibid.*

quality certificate but it provides, at the same time, a "know-how" that is fundamental for the survival of the group.

This discussion moves us to a very important issue in analyzing organized crime: how closed is the access to a criminal organization and how easy is to create a group that will survive in the world of organized crime. Historically, the mafia model has been a closed one. In the beginning it was limited only to Sicilians. However, it was very difficult to stop the entrance of members of other nationalities. That is how gangster from Jewish or German origin came into the mafia groups in the United States in the 1930s and 1940s. In those cases the bond of trust was provided by some communitarian origin (members of the gang have grown up in the same neighborhood), and not by ethnic or family ties. The communitarian bond was reinforced by some rituals and ruthless controls over the affiliates. Consequently, the key ingredient for the survival of the group was not the origin of their associates, but the process of admission, the identification marks and the surveillance and punishment mechanisms inside the group. In that sense, the "know-how" about the organization of the criminal group is fundamental and it can be easily transferred from one group to another or even from one individual to other individual: it is knowledge, and knowledge has proved historically to be very difficult to intercept by the nation-State. In other words, even when some groups or organized crime move across borders and consequently they can be intercepted at some point; some other groups are formed locally by importing the "know-how" to constitute themselves as a criminal organization.

The transmission of criminal knowledge is present also in other groups like terrorists or guerrillas. There are versions that Al Qaeda has distributed a handbook for kidnappings and an intelligence manual.¹² There is also an Urban Guerrilla Handbook, written in 1969 by Carlos Marighela of the Brazilian Communist Party, that gives advice about how to organize a guerrilla group. There are also rumors that the Revolutionary Armed Forces of Colombia (FARC) spread out procedures for kidnappings among leftist organizations.¹³ It is needless to say that governments face a very complex challenge from this situation.

The maras: a growing problem

The youth gangs called "maras" appeared in the United States, particularly in Los Angeles at the beginning of the 1980s and they were composed by

¹² "New Al Qaeda Kidnap Guide to Force Release of Detainees in US, Saudi, Yemeni Hands" *Debka file*, November 25, 2003, <http://www.debka.com/article.php?aid=704>, "Al Qaeda Produces... Terrorist Encyclopedias", *Debka file*, October 27, 2004, <http://www.debka.com/article.php?aid=925>

¹³ "FARC imparten conocimiento de secuestro a organizaciones de izquierda del continente", Colombia, Programa Presidencial Contra la Extorsión y el Secuestro, March 9, 2006, http://www.extorsion-secuestro.gov.co/noticias/2006/marzo_10_06a.htm

Salvadoran refugees, most of them former guerrillas with military training. The first “mara salvatrucha” was the “Wonder 13”. After that, there were other gangs, like the “Halwood” and “la Liga”. Nowadays there are two main maras: the MS-13 and the Barrio 18, which constituted itself on the basis of a previous gang called 18th Street Gang.¹⁴

In the 1990s, after the peace agreements in Central America, some “maras” came back to their countries of origin. The United States government deported thousands of them. By the mid-1990s “some 40,000 criminal illegal aliens were sent back each year”.¹⁵ Massive deportations generated a serious problem in Central America, where violence increased in a significant way. As a response to the growing presence of “maras” in the region, many governments enacted draconian laws against “maras”. In July 2003, President Flores in El Salvador signed the so-called “Mano dura” law. One year after, the newly elected Salvadoran President, Tony Saca, signed the “Super Mano Dura” law. Both laws increased the penalties for members of the “maras” and made easier to arrest them, through the identification of the tattoos they had in their body.¹⁶ In September 2003, Honduras approved a similar law to the Salvadoran “Mano Dura” law and in February 2005, Guatemala enacted a strict anti-mara law.¹⁷ These laws pushed the “maras” back North into Mexico and the United States.¹⁸ Also, there has been some movement of these gangs to the South, into Costa Rica and Panama. The authorities of the region estimated in 2004 that there were 70,000 to 100,000 mara members across Central America and Mexico.¹⁹ Even when the figures about its impact on crime rates are not accurate, in some countries, like El Salvador, authorities make them responsible for 60% of the homicides.²⁰ However we have to be very careful about these figures. The activities of these gangs include “kidnapping, robbery, extortion, assassinations and the trafficking of people and contraband across borders”.²¹ They have been entering illegally into Mexico during recent years and by 2005 had a presence in 21 states of Mexico, although 85% are concentrated in the Southern states of Chiapas, Veracruz and Oaxaca.²² These gangs have spread out quickly in Mexico and they are

¹⁴ Thomas S. Davidson II, “Transnational Gangs in Central America and Mexico and the Threat to U.S. Security” (mimeo), 2005, p. 1.

¹⁵ Ginger Thompson, “Shuttling Between Nations, Latino Gangs Confound the Law”, *The New York Times*, September 26, 2004, p. 1.

¹⁶ Thomas S. Davidson II, *Op. Cit.*, p. 5.

¹⁷ *Ibid*

¹⁸ “Huyen ‘maras’ a México, EU, Guatemala y El Salvador” *Infosel News*, July 5, 2005.

¹⁹ Ginger Thompson, *Op. Cit.*

²⁰ Clare Ribando “Gangs in Central America”, CRS Report for Congress, May 10, 2005. Code RS22141.

²¹ United States Agency for International Development, “Central America and Mexico Gang Assessment”, April 2006, p. 6.

²² “Han sido detenidos más de mil ‘maras’ en México de 2003 a la fecha”, *La Crónica de Hoy*, December 2, 2004. <http://www.cronica.com.mx/nota.php?idc=156099>, See also “Versión estenográfica de la conferencia de prensa del Secretario de Gobernación, Santiago Creel Miranda, al término de la presentación de los resultados del operativo Frontera Sur-Costa, realizada en el Salón Juárez de esta dependencia. 02 de diciembre de 2004” (mimeo). The

operating in Mexico City.²³ From January 2003 to April 2005, the Mexican government has arrested 1,193 "maras", giving an idea of the seriousness of the problem.²⁴ In the United States the problem is also very serious. The "maras" are not only in Los Angeles: they have presence in Chicago, the suburbs around Washington, D.C. and they had made their debut in places like Durham, N.C., Omaha, Neb., And Nassau County, N.Y.,²⁵ and according to immigration officials they have been smuggling hundreds of Central and South Americans into the United States, most of them gang members.²⁶ Even when it is difficult to say that "maras" pose a threat to U.S. national security, they are becoming a serious public security problem in some parts of the American territory. Paul J. McNulty, United States Attorney for the Eastern District of Virginia, described the Mara Salvatrucha as the "gang of greatest interest to law enforcement authorities".²⁷

The perception of "maras" as a threat to the United States and other countries has been reinforced by reports about possible links between these gangs and Al Qaeda. In August, 2004 there was a journalistic version about an alliance between Al Qaeda and the maras. According to this information, Adnan Guisahir Al Shukri Jumah, a key cell leader of Al Qaeda, had a meeting with the leaders of MS 13 and M 18. Some days later, this story was confirmed by an investigation of the security forces of Honduras.²⁸ The information was also confirmed by *The Washington Times*, which said that Al Shukri Jumah had a meeting in July of that year with some leaders of the Mara Salvatrucha in Honduras.²⁹ Notwithstanding, the link maras-Al Qaeda has been denied by the President of Guatemala, Oscar Berger³⁰ and the FBI.³¹ In any case, the possibility of such an alliance is very high, since maras have shown their disposition to participate in many criminal activities, like drug trafficking.³² Even when there is no evidence that the "maras" have other role than being

National Human Rights Commission Report says, based on official figures, that maras has presence in 23 states. México, Comisión Nacional de los Derechos Humanos, "Informe Especial de la Comisión Nacional de los Derechos Humanos sobre las pandillas delictivas transnacionales conocidas como 'maras'.", 2008. 61 pp. <http://www.cndh.org.mx/lacndh/informes/espec/maras/Maras31mar08.pdf>

<http://www.curp.gob.mx/templetas/fotografico.php?idBDEC=3483&idFoto=1026&counter=5>

²³ "Admite Encinas la presencia de 'Maras' en 3 delegaciones", *Diario de México*, December 4, 2004.

²⁴ Cecilia Téllez, "Los Maras, problema de seguridad nacional", *Excélsior*, April 21, 2005, p. 4-A.

²⁵ Ginger Thompson, *Op. Cit.*

²⁶ Jerry Seper, "Al Qaeda seeks tie to local gangs", *The Washington Times*, September 28, 2004, p. 1.

²⁷ *Ibid.*

²⁸ Francisco Cuevas, "Confirman que Al Qaeda se reunió con Maras", *Noticieros Televisa*, August 30, 2004, <http://www.esmas.com/noticierostelevisa/internacionales/388395.html>

²⁹ *Ibid.*

³⁰ The Associated Press, "Berger negó nexos entre maras y Al Qaeda", October 3, 2004,

<http://www.univision.com/content/content.jhtml?cid=468411>

³¹ Danna Harman, "FBI confronts new gang threat", *The Christian Science Monitor*, February 24, 2005.

<http://www.csmonitor.com/2005/0224/p01s02-woam.html>

³² Horacio Nájera, "Detecta Texas pacto de maras y narcos", *Reforma*, October 15, 2005. "Narco recluta 'maras' aquí", *Cuarto poder*, June 9, 2005.

the armed arm of drug trafficking,³³ their involvement can be bigger in the future.

The governments of the countries affected by this phenomenon have signed bilateral and multilateral agreements to deal with the problem. In 2002 it was created the High Level Group of Border Security Mexico-Guatemala which has sustained regular meetings since then. In 2005 the governments of Mexico, Honduras and El Salvador signed an agreement to fight 'maras' and devoted 100 million dollars for the period 2005-2010 for that purpose.³⁴ In May 2005, United States Secretary of Defense, Donald Rumsfeld hosted six Presidents of the region (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras and Nicaragua) to discuss security matters, specially the role of the "maras"³⁵ and in April 2005, the Central American Presidents had a meeting in order to get international financial aid to fight the maras".³⁶ In September 2005 a police operation called "Communitarian Shield" was implemented by the governments of the United States, El Salvador, Guatemala, Honduras and Mexico.³⁷ Also, there have been bilateral statements between Mexico and Panama and Mexico and El Salvador regarding this issue.³⁸ At the same time, cooperation in the existing international organizations, like Interpol and the Organization of American States has increased during the recent years in order to face this threat.³⁹

Despite all the international and national efforts, the problem has not decreased and these gangs represent a serious transnational threat for the countries of Central and North America. During the recent years, the "maras" are growing geometrically through the creation of local gangs. Even when for some authorities this does not represent a serious complication, since most of the so-called "maras" are qualified as "imitators", it is probably the most concerning characteristic of the problem: the local reproduction of this form of criminal organization. This feature suggests that the "maras" represent a franchise and because of that reason, their combat becomes extremely complicated.

³³ That warning was made by the Defense Ministers of Colombia and Guatemala. See Octavio pineda, "Alertan por nexos mareros-narco", *Reforma*, December 7, 2005. See also "Diario:narcos en guerra reclutan rebeldes colombianos y 'maras'.", *Agencia EFE*, August 4, 2005.

³⁴ "Establecen acuerdos contra los 'maras' y el narcotráfico", *El Sol de Toluca*, June 30, 2005.

³⁵ "Central America & Caribbean Region: Debate mixes gangs, migrants and security threats", *Latin American Newletters*, May 17, 2005.

³⁶ "Buscan financiamiento para combatir a los 'maras'.", *Diario de Yucatán*, April 1st, 2005.

³⁷ "Lucha frontal antimaras" *Diario de Yucatán*, September 5, 2005.

³⁸ "Suscriben México y Panamá declaración conjunta sobre las 'maras'.", *Notimex*, October 11, 2005. "Darán México y El Salvador atención integral a problema de 'maras'.", *Notimex*, May 17, 2005.

³⁹ José Luis Castillejos, "Fortalecerá Interpol cooperación para combatir crimen organizado" *Notimex*. June 23, 2005. "Comisión OEA analiza grave problema de las pandillas o 'maras'.", *Agencia EFE*, January 11, 2006.

"Maras": a criminal franchise

If we analyze the behavior of the "maras", they possess many of the characteristics that define organized crime organizations. They fulfill at least the following requirements: they present a constant interaction across time, there are defined roles in the organization, they use violence and threat of violence, they want to accumulate money, power and influence, even when they do not have the standards of other forms of organized crime, they are transnational (they act across borders and have members of different nationalities, even when they do not have a hierarchical structure across borders), they have an exclusive membership, based in many cases on alternative bonds to the family, ethnic or community ties: the initiation rituals.

The "maras" are different from other youth gangs, since some of their members have military training and they are able to obtain high power weapons, like M-16 or AK-47 rifles. They also have a sophisticated and violent system of initiation and identification as well as rigid controls over their members in order to dissuade desertion. The recruitment process in the MS 13 have also some symbols involved: a new member has to resist the attack of 13 assailants for 13 seconds. The rituals of initiation established by these gangs are the instrument to generate an exclusive membership, which is an important requirement for the security of the organization. In this sense, the maras are very similar to the Italian mafia. The initiation ritual includes also some violent acts committed by the new members aimed to prove their ability to commit crimes, like the killing of a member of another gang. There are also some irrational rules that have the purpose of reminding constantly the associates their belonging to the "mara". MS 13 members cannot use words that end in "cho", like "ocho" (eight in Spanish), they cannot even tie their shoes forming an 8.⁴⁰ The "maras" use also tattoos in the body, what allow them to be identified as members of a particular gang. This characteristic replaces other forms of identification used in the criminal organizations, like ethnic or family features. However, tattoos make them vulnerable to authorities, since they can be easily identified as gang members and prosecuted and they become a serious obstacle for the rehabilitation of some members of the gangs.⁴¹

In terms of their organization, it seems that there is a hierarchical structure inside the gangs, but there is no evidence of the existence of a central command of the MS 13 or the M 18. It is more probable that they act as franchises with loose ties among the different gangs. That tendency seems to be accentuated by the appearance of local "maras" in Mexico. Even when

⁴⁰ Thomas S. Davidson II, *Op. Cit.* p. 2.

⁴¹ "Prevén rehabilitación social de maras con eliminación de tatuajes", *Notimex*, September 19, 2005.

most of the authorities in Mexico have denied the presence of “maras” in Mexican territory and argument that the gangs that operate in the country are not “real” maras, but imitators, the reality is that gangs that act like maras have spread out all across the country. There are also versions of presence of maras in many states in Mexico: Chiapas, Jalisco, Yucatan, Tlaxcala, Distrito Federal, Estado de Mexico, Oaxaca, Veracruz, Tamaulipas, Sonora, Guanajuato, San Luis Potosi, Chihuahua, Aguascalientes and Guerrero.⁴² Paradoxically, in most of the cases, the authorities have denied the presence of “maras” with the argument that the gangs that operate in their territory are only imitators of the real maras. The estimate is that between 60 and 70% of the gangs maras-type that exist in Mexico are composed by Mexicans who have copied the structure of the Central American maras.⁴³ In Chiapas, these Mexican maras have even their own name: “chiapatruchas”.⁴⁴ That poses a real threat to the authorities, since this phenomenon cannot be stopped at the border. Once the organizational “know-how” has been disseminated, it is irrelevant if there are more Central American maras coming into the country: these gangs can reproduce themselves ad infinitum, at least as long as poverty and inequality persist. Consequently, it is also irrelevant to discuss if the gangs that appear in one country are “real” maras or imitators. For any practical purpose it does not matter. They behave like maras, they present similar organization models, similar initiation rituals, similar controls inside the gang and similar levels of violence. In other words, the threat does not come from persons coming from Central America but from the organizational “know-how”.

As it has been mentioned above, one of the purposes of the mafia trademark was “to prevent the unauthorized use of their trademark by pirate firms”.⁴⁵ because the Mafia wanted to maintain a monopoly of the criminal activity. However, the degree of development of the gangs in Mexico does not require a monopoly. Actually, maras have been able to engage themselves in several crimes in Mexican territory⁴⁶ and there is not evidence that other

⁴² See “Las maras, en 22 entidades”, *Diario de Yucatán*, March 28, 2005; “Buscan ‘maras’ en territorio jalisciense”, *El Occidental*, July 5, 2005; Luis A. Bofia Gómez, “Surgen en Yucatán pandilleros ‘imitadores’ de los maras”, *La Jornada*, June 23, 2005; “Aplican operativo de seguridad anti ‘maras’.”, *Infosel News*, March 30, 2005; “No hay ‘maras’ en Estado”, *A.M. León*, March 18, 2005; “Detectan ‘maras’ en Pénjamo”, *A.M. La Piedad*, March 17, 2005; “Es mínima presencia de pandillas ‘maras’ en SLP: INM”, *Notimex*, February 20, 2005; “Preocupa a la policía la imitación de Maras”, *Reforma*, February 18, 2005; “Declaran alerta ante presencia de ‘maras salvatrucha’ en Chihuahua”, *Notimex*, February 15, 2005; “Descartan presencia de la ‘mara salvatrucha’ en Sonora”, *Notimex*, January 13, 2005; “Preocupa que existan en Aguascalientes 210 bandas delictivas”, *Notimex*, October 14, 2005; “Extiende la Mara redes en México”, *Reforma*, July 18, 2005.

⁴³ *Ibid.*, p. 4 See also Isabel Salmerón, “La mara salvatrucha, en una década, problema de seguridad nacional”, *Siempre!*, November 8, 2005.

⁴⁴ México, Comisión Nacional de los Derechos Humanos, *Op. Cit.* P. 20.

⁴⁵ Diego Gambetta, *Op. Cit.*, p. 155.

⁴⁶ These include violent acts related to consumption and distribution of illegal drugs, weapons trafficking, robbery, homicides, kidnappings, extortions, assaults, injuries, rapes, human trafficking and probable links to organized crime networks. See México, Comisión Nacional de los Derechos Humanos, *Op. Cit.*, p. 2.

criminal groups have claimed the exclusivity of the criminal activity. Of course, this situation can change in the future if the maras in Mexico try at some point to participate directly in drug trafficking, which is still a very oligopolistic market. Consequently, "maras" in Mexico are not concerned with the reputation of the trademark and the use of the trademark by other groups. In that sense, "maras" is a free trademark. It is like a computer program that can be downloaded free from the web. And it is a very successful program since it guarantees some degree of cohesion and security for the organization. In many ways, it is like a pandemic: once the virus has entered into the country, the efforts of the authorities have to be devoted to prevent the spread of it inside: it becomes useless to stop infected foreigners at the border.

How serious is the threat?

The violence employed by the "maras" constitutes a serious public security problem for many communities. The number of homicides has increased in a substantial way in countries like Honduras, El Salvador and Guatemala, since the appearance of these gangs in the 1990s. They have also provoked a serious crisis in the prison systems of these countries and some authorities have also committed human rights violations against members of these gangs. They also represent a serious problem in some cities of Mexico and the United States. Even when it is difficult to consider them as a national security threat since they have been managed by the regular police, that situation can change in the future. Actually, Honduran President, Ricardo Maduro called in the Army to help the national Police in fighting an estimated 30,000 "maras" in the country.⁴⁷ This measure suggests that the threat posed by the gangs is affecting governance. If we see the same kind of response in other countries in the future, it will be a sign of the gravity of the problem. One of the reasons that explain the relative benignity of the "maras" is the fact that they do not have the degree of organization of other criminal gangs, like the drug cartels and that they are in the predatory stage in their relationship with the State, what means that they are not able to control the government in a big measure. However, the de-centralized organization of the "maras" should be a source of concern for the authorities. Since they do not have a clear authority in the organization and many of the "clikas" that belong to one mara may have relative autonomy, it is very easy for some of the groups to get involved in different criminal activities. They are, in many ways, a cheap criminal labor force that can work for many purposes. In this sense, "maras" can be hired for many different tasks and can exacerbate the levels of violence in one country. In other words, since there is not a clear central

⁴⁷ Ginger Thompson, *Op. Cit.*

authority that can provide some rationality to their actions, some cells of the maras can get involved in domestic conflicts than can put at risk national security. That risk is particularly high in periods of extreme violence, generated either by a social conflict or by a war among groups of organized crime, which has been the case in Mexico since 2005. The risk of becoming a threat to national security is also high if these gangs get involved with terrorist or guerrilla groups, what is possible.

It can be argued that the spreading of the "know-how" is limited to Latin American countries, since it seems that Spanish language is an important element of the maras and consequently the risks of developing local maras in the United States is lower than in other countries. However, that is not accurate. Actually, as it has been mentioned above, the "maras" appeared in the 1980s in the United States, in California, inside the Hispanic community. Of course, it can be argued that they are not "real" Americans and that the "real" United States cannot be contaminated with this kind of criminal organization. However, this argument is equivalent to say that the Italian Mafia that grew up during the 1920s and 1930s in the United States was not an American problem because their members were not born in the U.S. The truth is that it is irrelevant. For any practical purpose, the Mafia was a problem for the United States, like the "maras" are now. Even when their members were not born in the U.S. or even when they entered into American territory in an illegal way, the truth is that they constitute a problem for the United States. Also, it is very possible that the "maras" of the future will be American citizens, born in American territory if the members of these gangs have descendents or if they recruit American citizens.

As we have seen, the "maras" represent a serious problem for Central America, Mexico and the United States. However, given the facility of spreading out the organizational "know-how" of the maras, they can reproduce themselves in some other countries with geographical proximity like Canada or South America. All that maras need to flourish is a country with young population excluded from social development. From this perspective, all Latin American countries are good candidates to develop "maras". That risk is more serious in countries that have domestic conflicts, like Colombia or deep social inequalities like Brazil.

What are the options?

The combat of TOC is not an easy task for any country. The challenge posed by these groups presents many characteristics that national and disorganized crime did not have. TOC is a globalized phenomenon and takes advantage of new technologies. TOC is also able to corrupt governments, what make its combat much more difficult. Notwithstanding, the threat posed by the "maras" does not look as serious as that of drug trafficking or organizations

dedicated to the traffic of persons. That is because they are in the predatory stage and act in a very de-centralized way. From that perspective, they constitute a public security problem that should be managed by the police forces. However, the number of the members of these gangs and the violence they generate is a growing concern for many countries and it seems that governments have not been able to dissuade these organizations from committing criminal acts. The responses implemented by the Central American countries have provoked the so-called "balloon effect": they fomented the migration of some of these criminals to other countries including the country from which they were expelled in the 1990s, the United States. But it seems that the most complicated characteristic of these gangs is the ability to spread the organizational "know-how" —the franchise— what poses a very difficult challenge for the governments of Central and North America. Even when the authorities of Mexico and the United States are able to detect and deport the "mareros", they have not been effective in obstructing the diffusion of the organizational knowledge. Consequently, the threat is not only the original "mareros" but the local "copycats".

From this perspective, international collaboration can help in combating the maras, but it is not enough. It is important that the governments of Mexico and the United States identify the places more prone to the development of "maras" in order to attack the social inequalities that allow the creation of these gangs. Also, it would be very useful the exchange of information about experiences in dealing with the social causes of the "maras". Also, social programs in the regions more prone to the appearance of "maras", which include international financing, would be more effective than tougher laws. Organizations like the Inter American Development Bank or the World Bank could be the appropriate forum for getting this kind of aid and security agreements like the Security and Prosperity Partnership of North America can also devote more attention and resources to this problem.

Conclusions

“Maras” have become a serious problem for the Central and North American countries during the last decade. Even when they are a manifestation of transnational organized crime, some of their characteristics differ from those of other criminal groups. Certainly, they develop a criminal activity across time and borders, they have the goal of accumulating money and power and possess a clear hierarchical structure, but they are at the predatory stage in their relationship with the State. Consequently, they have a limited capacity to corrupt the authorities and a de-centralized organization, what make them prone to get involved in many illegal activities, particularly those that require the use of violence. Also, they are able to transmit the organizational “know-how” they possess, to local groups in other countries. That is why its combat becomes very complicated for the governments of the countries that have this kind of groups operating in their territory. Even when there has been an improvement in the international collaboration to combat this problem, the agreements signed have not been very effective to find a solution. Actually, the “firm hand” laws approved in the Central American countries have propelled gang members to migrate to Mexico and the United States and provoked some human rights abuses. Consequently, the Central and North American countries have to put more emphasis in the inequalities that foment the appearance of these gangs. The governments of the countries involved have also to exchange information about the programs implemented to fight this problem and learn from the failures and successes in other countries. In Latin America social inequalities abound and that constitutes a very fertile terrain for the appearance of maras-type gangs. Even when now the “maras” are not a national security threat for North America, it can be easily transformed into that.

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