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# CRIMINAL GOVERNANCE DURING THE PANDEMIC

A comparative study of five cities

Antônio Sampaio

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Cover: Street art in Nairobi raising awareness of the pandemic, July 2020.

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## CRIMINAL GOVERNANCE IN CITIES DURING COVID-19

This report concludes a research project conducted by the Global Initiative Against Transnational Organized Crime (GI-TOC), with support of Germany's GIZ, that examines the impact of the COVID-19 pandemic and the economic challenges accompanying it on criminal governance in cities. The project aims to study how gangs and other non-state armed groups operating in illicit economies have altered their activities in light of the new circumstances in areas of criminal governance, and how governments and civil society have responded.

We define criminal governance as instances in which armed criminal groups set and enforce rules, provide security and other basic services – such as water, electricity or internet access – in an urban area, which may be a part or the whole of an informal settlement or a neighbourhood.

The project uses a comparative methodology, drawing from semi-structured interviews feeding into five separate case studies. The data is then synthesized in a final report that analyzes and summarizes the main trends. A fuller description of the methodology can be found in the final report.

The case studies in this project are Tumaco (Colombia), Rio de Janeiro (Brazil), San Salvador (El Salvador), Nairobi (Kenya) and Cape Town (South Africa). You can access the five case studies at [criminalgovernance.globalinitiative.net](https://criminalgovernance.globalinitiative.net).





# INTRODUCTION



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**T**here are many ways of measuring the impact of the COVID-19 pandemic on security and violence around the world. For instance, the Armed Conflict Location & Event Data Project detected that armed conflict events decreased in 2020 but ‘political violence increased in more countries than it decreased’.<sup>1</sup> The Global Peace Index, which tracks 23 indicators of violence or fear of violence, registered surprisingly little change during a year of movement restrictions all over the world, with a 0.07% increase in ‘peacefulness’ in 2020.<sup>2</sup> Where most of these metrics capture trends at the global and national levels, this report shifts the focus to the local level by examining the impact of the pandemic on criminal governance in urban areas of the developing world where armed criminal groups set rules, provide security and deliver some basic services.

The report uses a comparative case study methodology to analyze the roles of criminal groups in establishing criminal governance during the pandemic in five cities in the developing world: Rio de Janeiro (Brazil), Tumaco (Colombia), San Salvador (El Salvador), Nairobi (Kenya) and Cape Town (South Africa). Specifically, the case studies examine how criminal groups – gangs, militias and dissident insurgent factions – went about aiding or harming pandemic relief efforts, facilitating or hampering civil society responders, demanding or waving extortion taxes, and providing vital services such as water and internet. A total of 167 interviews were conducted utilizing a semi-structured interview format. Combined with extensive research of local media reports, the interviews have allowed us to systematically track the pattern of criminal governance in these cities between the start of the global pandemic in March 2020 to mid-2021. We define criminal governance as instances in which armed criminal groups set and enforce rules, and provide security or other basic services – such as water, electricity or internet access – in an urban area, which may be





Marginalized communities in San Salvador are subjected to forms of social control and governance by the city's gangs.

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a part or the whole of an informal settlement or a neighbourhood.

The findings of this study illustrate the level of authority that criminal organizations have achieved over vast urban areas around cities that are crucial hubs for economic and political activities in their respective countries. The study also offers a sobering lesson about how unequally states provide rules, modern institutions and services even within their main cities. Although the pandemic seemed like an ideal opportunity for states to exert their control over governance through public mandates and service provision, the case studies show that this was largely a missed opportunity. Not even

the increase in social support from governments changed this reality of marginalization.

This report offers a significant contribution to expert and policy discussions on non-state armed groups and criminal governance, given that much of the reporting from journalists and academics during the pandemic was focused on specific events, was conducted over relatively short timeframes or was not drawn from primary sources. Another key difference of this study is its comparative approach, with five cases followed over approximately a year, which allows a more nuanced analysis of the reach, character and social impact of criminal governance during the pandemic.

## The limits of criminal governance

Much of the media attention around gang responses to the pandemic has focused on some high-visibility events like gang truces and the provision of humanitarian assistance. This has led to some eye-catching headlines such as 'the pandemic is

putting gangsters in power'<sup>3</sup> or 'the pandemic's big winner? Transnational crime'.<sup>4</sup> It has also prompted an important discussion about the potential for criminal groups to provide 'utilitarian social goods' during a crisis to 'be used by the imposing [criminal armed

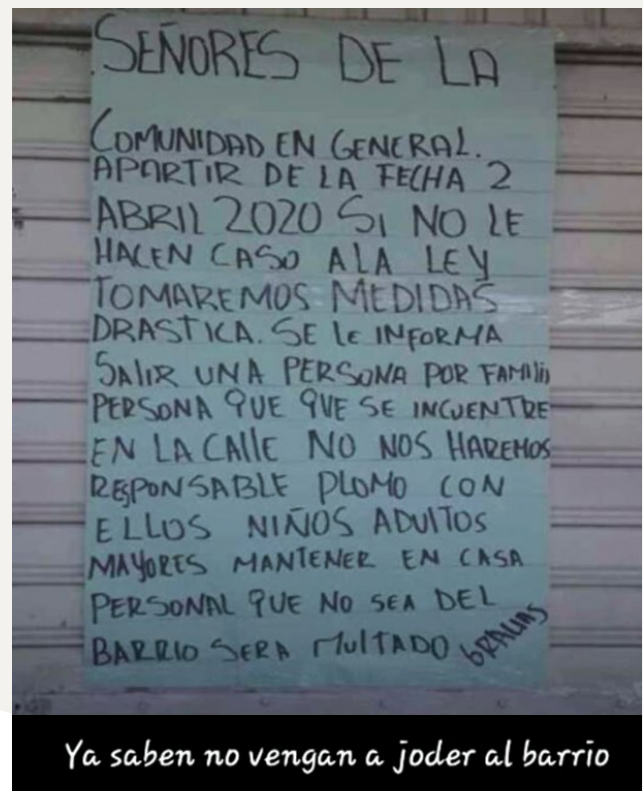
groups] to alter the allocation of power among the state and criminal rivals to their advantage'.<sup>5</sup> This level of 'criminal charity' could be part of a 'governance competition' in the Americas with decades-long consequences.<sup>6</sup> Another important question among experts has been the extent to which curfews or food distribution, as in the case of the Cape Town gangs, was a successful PR strategy or an attempt to avoid a potential PR disaster if the virus spread uncontrollably in their territories.<sup>7</sup> The distribution of food by Cape Town gangs prompted reports in international media about how gangs decided to 'stop their endless turf wars and instead bring food to struggling households'.<sup>8</sup>

This study has found that although the protective measures taken by criminal groups to fight the COVID-19 pandemic garnered significant media attention, these incidents took place in very few communities and primarily in the initial months of the pandemic. Criminal groups also imposed these protective measures alongside their predatory practices affecting low-income communities, such as armed clashes between rival groups affecting local dwellers, extortion and intimidation. For instance, the food distribution 'charity' from gangs in Cape Town included pressuring the recipients of food parcels to help gangs by hiding weapons and drugs. In the cases of Rio de Janeiro, Tumaco and San Salvador, gangs issued veiled or explicit threats via posters or social media for those who would disobey curfew orders. In San Salvador, the Mara Salvatrucha street gang administered severe physical punishment for curfew violations, in the form of beatings with a baseball bat, but also filmed and circulated the beatings via social media.<sup>9</sup>

Another important finding that helps to elucidate some of the questions in the media and expert

## Criminal governance in crisis

Criminal governance adapted to the global pandemic through a hybrid process of negotiating with and imposing on local communities. Whereas curfews were indeed imposed in some low-income areas of Rio, Tumaco and San Salvador, even these rules were gradually lifted and, in some cases, completely



A poster put up by a gang in Tumaco, Colombia, warns residents of drastic measures if they do not follow the gang's 'law'.

discourse is that gangs had different motives for imposing anti-COVID measures – even including predatory practices – often mixing self-interest and awareness of their social responsibility as community members. For instance, the patterns of El Salvador's gangs illustrate how criminal groups' food distribution initiatives were not purely about 'criminal charity' or PR. Gangs supported communities with occasional food distribution and temporary halts to extortion (one of their vital income sources), at the same time that they issued threats to obey pandemic restrictions and backed them up with physical punishment. Notably, this was the only case of a gang administering physical punishment for curfew violation registered in this research.

abandoned as local communities became less worried about the virus. Civil society organizations and community relief efforts generally had unhindered access to gang-held territories, sometimes because local organizations were already well known as community benefactors and often because aid delivery was done

by local community members (as opposed to outsider actors, considered less trustworthy) in a time of widespread food shortages.

Local civil society experienced criminal governance in a variety of ways, ranging from beatings and being caught in the crossfire of highly violent gun battles, to receiving food and medical aid from armed actors. In the Rio de Janeiro case study, for example, a local activist distributing food during the pandemic reported that foot soldiers belonging to the local drug trafficking group would voluntarily leave their posts when they realized food distribution was taking place.<sup>10</sup> In the Colombian port city of Tumaco, armed groups – including a FARC dissident faction that implemented a strict curfew – allowed food distribution both by the local government and civil society groups without any interference.<sup>11</sup> In fact, in one location, families of the armed group members received donations.<sup>12</sup>

Another important feature of criminal governance adaptation during the COVID-19 pandemic has been

the regional fragmentation of rules and practices. Anti-contagion rules varied greatly from neighbourhood to neighbourhood within the same city, and in some cases, separate factions within the same organized criminal group would adopt very different responses to the pandemic. In El Salvador, some local gang outlets belonging to the Revolucionarios faction of the Barrio 18 gang decided to waive extortion charges without a broader order to that effect by the central leadership. Meanwhile, a local news site reported that the Sureños faction of Barrio 18 had issued a broader order for an extortion freeze at the start of the pandemic.<sup>13</sup> Another example is the Red Command, a drug trafficking group in Rio, which imposed more curfews on local favela dwellers than other armed groups, but did not enforce it in Rocinha, one of its most important favela territories for drug trafficking.<sup>14</sup> In Tumaco, one armed group imposed a curfew whereas another did not, with some members of the latter actively discouraging social distancing.

## The unbearable weakness of the state

The pandemic did not lead to a lasting and widespread increase in governance – in terms of new impositions of rules or services provided. Instead, the pandemic has confirmed the capacity for adaptation and the profound weakness – or permissiveness – of state-provided rule of law and basic services that offer fertile ground for armed actors to assume such roles.

The most widespread impact of the pandemic in terms of criminal governance has been the deepening marginalization of low-income communities in terms of gaps in basic services and economic prosperity. Amid the lack of reliable services such as water, electricity and internet, people in these communities became even more dependent on the services controlled or regulated by criminals during the pandemic. Their dependence was reinforced by the continued exploitation by predatory armed

actors, which often involves intimidation, higher prices for goods, and poor quality of products. Policing has been, in the best cases, intermittent in areas with heavy gang presence. In some of the worst cases, especially in Rio de Janeiro, state-provided ‘security’ consisted of guns-blazing incursions into densely inhabited slums, risking lives and interrupting aid distribution. In Cape Town and Nairobi, the enforcement of curfews resulted in numerous reports of beatings, arbitrary arrests and even killings.

Such failures have increased the rift between low-income communities and the state. Whereas criminal groups did not fill this gap by being more efficient or caring than the state, as some initial analyses estimated, their role as the main authority in times of hardship has only been strengthened.

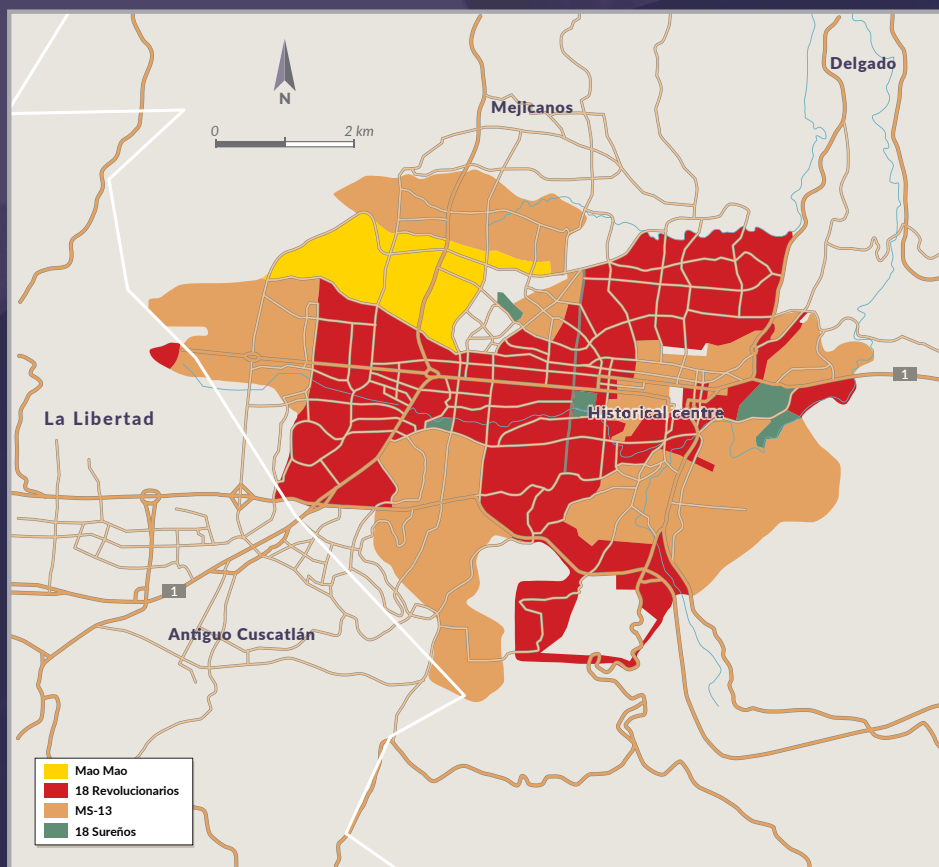


# Urban gangs: five cities at a glance

## SAN SALVADOR

Gangs in San Salvador have a history of violently controlling their territories against rival gangs and establishing their own forms of governance, including collecting extortionist 'rents' from small businesses and public services. The most prominent gangs in the city are Mara Salvatrucha (MS-13) and Barrio 18, which has split into two factions, the Sureños and Revolucionarios.

The social control each gang enforces over various aspects of community life in their respective territories had very clear and concrete implications during the COVID-19 pandemic. Gangs imposed curfews, physically punished those who broke their rules, participated in food delivery programmes, organized their own food distribution and suspended extortion charges for local businesses and public transport.



**FIGURE 1** San Salvador, showing gang territories.

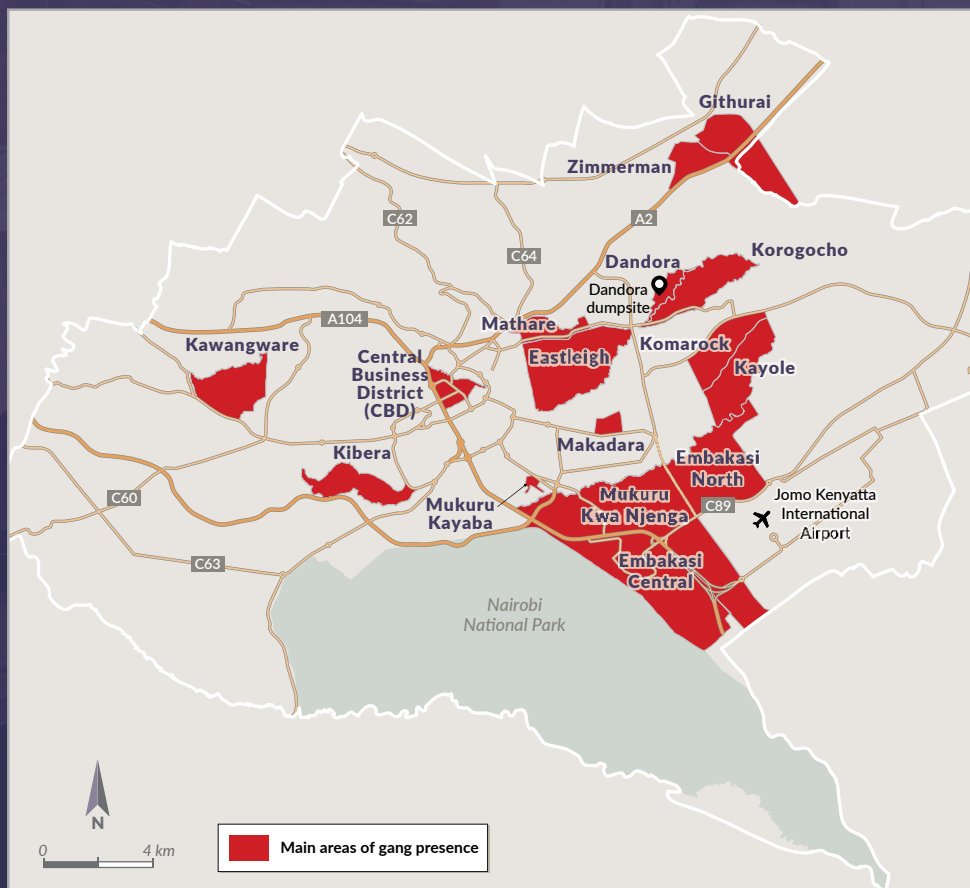
SOURCE: InsightCrime, based on information from *El Diario de Hoy* and *elsalvador.com*, 2018

## NAIROBI

Gangs in Nairobi are relatively small and localized. In 2017, the National Crime Research Centre ascertained that the number of organized criminal groups in the country had risen from 33 in 2010 to 326 in 2017. Nairobi, the capital, has the largest number (52) among all Kenya's counties.

Criminal governance is embedded in the practices of many armed groups, with security provision (often in the form of extortion or so-called 'protection fees') being common. Such practices often originated from groups acting in vigilante roles or were strongly linked to protection of ethnically homogeneous areas.

Gangs also partially control the provision and delivery of basic services – such as water, electricity and access to public toilets – in informal settlements where many dwellings lack such facilities.

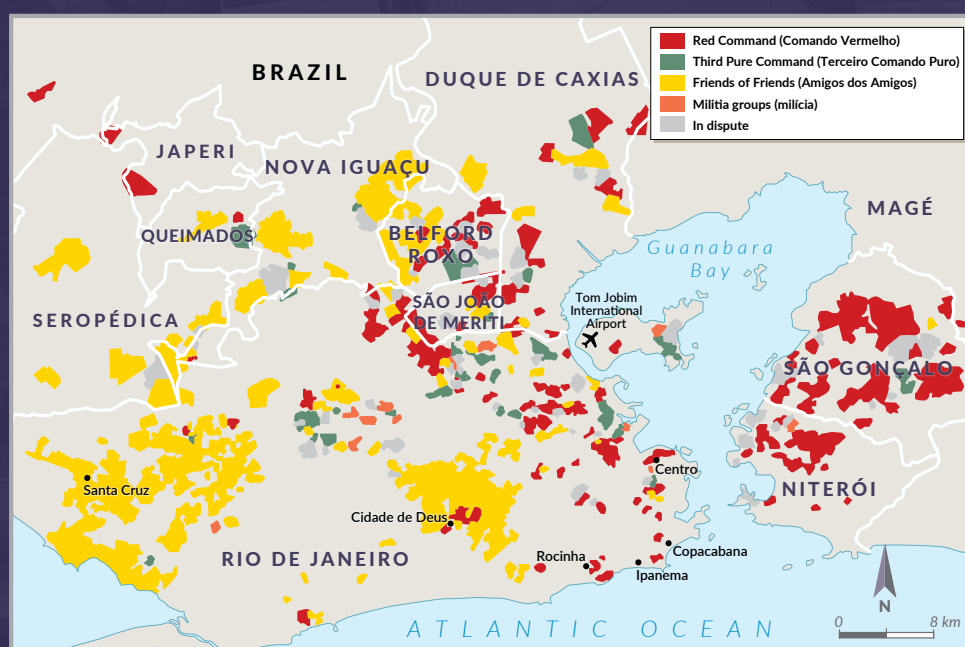


**FIGURE 2** The city of Nairobi, showing principal gang areas.

## RIO DE JANEIRO

Rio's armed groups fight for dominance over illicit economies in the favelas, while also engaging in the increasingly common practices of providing their own service provision mechanisms and taxing businesses. Both gangs and militias have ample access to rifles and frequently engage in clashes with rivals and the military police. The latter conducted raids in the gang areas of favelas, which did not lead to lasting security, but compounded the problem of armed violence affecting bystanders. The number of police raids fell during the second half of 2020 due to a Supreme Court justice decision, but gradually escalated again.

The oldest armed group is the Red Command (Comando Vermelho, CV). The CV's main rival in the drug trafficking underworld is the Third Pure Command (Terceiro Comando Puro, TCP), which is strong in the northern areas of Rio. The TCP has been strengthened by its alliance with militias, which are armed groups that engage heavily in extortion and illicit provision of services. Militias have strong links with corrupt members of the police and other state agencies.



**FIGURE 3** Territorial distribution of armed groups in Rio de Janeiro (metropolitan area), 2019.

NOTE: Even though some of the areas have experienced changes in armed groups' presence during the pandemic, the overall configuration of territorial power remains unchanged since this map was produced in 2019.

SOURCES: Adapted from Grupo de Estudos dos Novos Ilegalismos at Universidade Federal Fluminense; Fogo Cruzado; Núcleo de Estudos da Violência da Universidade de São Paulo; Disque-Denúncia; Pista News.



## CAPE TOWN

Criminal governance is most prevalent in the urban peripheries of Cape Town, especially in the large urban area known as the Cape Flats, which are low-to-middle-income suburbs, sprawling townships and informal settlements south-east of the city. Other areas are also affected, including pockets of the city's West Coast area, such as Mamre and Atlantis, and peri-urban areas adjacent to the city centre, such as Salt River and Woodstock.

The market for extortion is prolific, and was present before the pandemic, especially in the nightlife economy and occasionally the real estate sector. Violence in the urban area has been commonplace for decades, notably spiking in 2011 with an influx of firearms and heroin. The levels of violence have prompted military intervention in the past.



**FIGURE 4** Cape Town metropolitan area, showing parts of the city with a gang presence.

## TUMACO

Tumaco is a municipality in southwest Colombia, close to the border with Ecuador. As a port city located on the Pacific coast, it has become a vital hub for non-state armed groups, transnational drug trafficking networks and former guerrillas. Several armed groups, including ex-FARC dissidents, have established a permanent presence in low-income neighbourhoods with significant consequences for the inhabitants and local governance. During the pandemic, three main groups established criminal governance: the Alfonso Cano Western Bloc (BOAC), the United Guerrillas of the Pacific (GUP) and the Contadores.

The BOAC actively adopted measures to respond to the pandemic such as imposing curfews, restricting people's movements and banning outsiders from entering areas under its control. By contrast, the GUP did not impose any pandemic-related restrictions, and some members expressed views that the virus was not real, directly contradicting the Colombian government's stance. Later into the pandemic, a defection by the GUP allowed the Contadores to inherit some of their territories, a change that had little effect on locals.



**FIGURE 5** The city of Tumaco is a key hub in the regional cocaine trafficking trade.





▲  
Rocinha, Rio, one of the largest favelas in Latin America, has experienced several clashes between gangs and law enforcement.  
© Mario Tama via Getty Images

## CRIMINAL GOVERNANCE: DEFINITION AND LINKAGES TO THE STATE

In a world of sovereign states, governments are the recognized authorities for providing rules and security. Yet, in many cities across the developing world, this authority is challenged by non-state actors imposing their will over low-income neighbourhoods and informal settlements. In many cases, criminal organizations have become the predominant authority, with control over rules and basic services, affecting the lives of millions.<sup>15</sup> As such, they have taken on a local political role, exercising decision-making power and regulating public behaviour as they enforce physical security, administer punishments for infractions, and provide basic services. As understanding of the political aspects of organized crime groups has grown in recent years, the connection between their control over illicit economies and functions traditionally associated with the state has become clearer.

States, far from being all-encompassing governing forces across the globe, often 'negotiate' – violently or otherwise – with criminal organizations the control over basic powers such as the ability to inflict violence and make rules in low-income communities. In the process, criminal groups adopt the behaviours and characteristics of state-building actors.<sup>16</sup> In fact, gangs have been described as 'primitive states' that often feature basic state roles such as 'near monopoly of violence, long life, organization and de facto boundaries'.<sup>17</sup>

At the core of this political role lies governance. Since the 1990s, it is an expression that has been increasingly used to measure state capacity through proxies such as regulatory quality, government effectiveness and control of corruption.<sup>18</sup> But the remit of governance has expanded considerably in recent years to include the capacities of non-state actors, such as civil society organizations, private firms and



networks of engaged citizens, to 'not only monitor the behaviour of governments but also actively partner with governments to provide services'.<sup>19</sup> This trend arose, in large part, to fill the gap in traditional public services left by the liberalization of the Thatcher–Reagan years.<sup>20</sup>

Amid this non-state movement into governing functions, criminal groups displayed both willingness and capacity to 'appropriate state power and social capital that make their ongoing criminal activities possible'.<sup>21</sup> This has been particularly noticeable in Latin America, where the pursuit of neoliberal economic policies coinciding with the rise of transnational cocaine smuggling in the 1980s has, among its many by-products, 'created a parallel social order' in many low-income neighbourhoods.<sup>22</sup> The rapid pace and mismanagement of urbanization has compounded these challenges.

It is no wonder that many studies of criminal governance have focused on Latin American settings, with the visible territorial presence of heavily armed criminal groups in the favelas of Rio and the strictly-enforced 'invisible borders' in Medellín's low-income *comunas*, among other urban settings with strongly territorialized criminal presence. In Latin America, there is ample evidence of state and non-state armed actors engaging and negotiating with each other 'to advance either individual or collective economic and political projects'.<sup>23</sup> Similar dynamics are present among criminal groups in sub-Saharan Africa and South Asia, where research on the subject has been particularly active.<sup>24</sup>

But the expansion in scope of the term 'governance' has also caused some confusion. As Francis Fukuyama has put it, the word has been used 'promiscuously', leading to vagueness.<sup>25</sup> Fukuyama points to at least three main meanings of governance: the regulation of international affairs, 'good governance' by national states, and non-state governance of specific areas of social life.<sup>26</sup> Within the latter definition, criminal governance has been defined as 'the imposition of rules or restriction on behaviour by a criminal organization'.<sup>27</sup>

In addition to this broad definition, however, evidence both from the case studies in this research study and from the broader literature points to some related, but separate, activities that approach aspects of governance traditionally linked to the state. For instance, in addition to imposing rules, criminal organizations have also actively provided services considered essential for urban life and normally regulated by governments, including water, electricity, cooking gas, internet and even public transportation. Therefore, governance in such cases has assumed a combination of non-state and traditional state functions, hence the definition adopted here: instances in which armed criminal groups set and enforce rules, provide security or deliver other basic services – such as water, electricity or internet access – in an urban area.



▲ Security forces clear people from the centre of San Salvador during the coronavirus pandemic.  
© Marvin Recinos via Getty Images

## FINDINGS: CRIMINAL GOVERNANCE ADAPTS TO SHOCKS

What has not received significant attention until very recently, either from scholars or policymakers, is how criminal governance in urban areas adapts to sudden shocks or crises, such as a global pandemic, natural disasters or famines. The participation of mafias in reconstruction tenders and aid relief following earthquakes has been well documented, though more in developed countries such as Italy and Japan.<sup>28</sup> Even in the case of Japan, where the direct role of Yakuza criminal groups in relief efforts following an earthquake in 2011 was well documented, the territorial influence of these groups was very different from the criminal groups in more violent cities such as San Salvador, Cape Town and Rio, where territories are more demarcated.<sup>29</sup>

Following the devastating 2010 earthquake in Haiti, humanitarian organizations engaged with gangs in Port-au-Prince in various ways in order to provide relief and reconstruction, including by negotiating directly with gang members and leaders, sometimes paying gangs for access to 'their' turf.<sup>30</sup> Though the national and international focus on aid and rebuilding favoured the expansion of gang activity in subsequent years, the provision of rules or services by gangs has not featured significantly in accounts of Haiti's earthquake.<sup>31</sup> The findings of this study ensure that a similar gap in the analysis of the COVID-19 pandemic is avoided.

## Curfews and food distribution: more than meets the eye

During the COVID-19 pandemic, criminal groups provided occasional and very limited rules and aid delivery, but also exploited economic activities and service delivery in a moment of increased hardship for low-income communities. The measures designed by criminal groups to fight COVID-19, such as curfews or aid delivery, were motivated by a combination of self-interest to maintain their power and activities, and social responsibility as longstanding dwellers of the slums or peripheries they controlled. Indeed, in some cases like Brazil, criminal groups' strict curfew orders (especially at the start of the pandemic) contrasted noticeably with the national government's relaxed approach to anti-contagion measures.

### Curfews

A vivid illustration of the fluid role of gangs as predatory actors and occasional protectors is San Salvador, where the gangs zigzagged between a discourse of social responsibility towards their local communities and issuing threats for disobedience by actively publicizing the beatings of some 'offending' local dwellers. A national spokesman for the Mara Salvatrucha (MS-13) gang told a respected Salvadoran journalist that the gang itself uploaded the videos as 'a strategy so that [community members] see we are serious', but added that 'we are carrying out this measure because we care about the people'.<sup>32</sup> A Twitter post from an account identifying as MS-13 reiterated the curfew orders and added: 'we apologise to the Salvadoran people that still don't understand the seriousness of the situation'.<sup>33</sup>

At the initial stages of the pandemic, the local press reported that MS-13, despite being much more vocal about the necessity of curfews, maintained their extortion practices amid a time of heightened hardship for businesses in low-income urban areas. Meanwhile, their main rival, Barrio 18, reportedly agreed to temporarily halt extortion charges in their territories. Ironically, the two Barrio 18 factions, despite apparently showing more concerns for local

businesses, were more relaxed with curfews and were seen by a local journalist in San Salvador to have refrained from imposing curfews in several of their areas.<sup>34</sup>

The strict curfews established by MS-13 were also a self-interested measure to a significant degree due to fears that hospital staff were 'not going to disconnect someone with money from a ventilator to connect a *homeboy* or a relative of a *homeboy*', as one prominent MS-13 spokesperson expressed.<sup>35</sup>

Curfews were also accompanied by threats in Rio de Janeiro, though food distribution by armed groups was extremely rare. And like in San Salvador, the establishment of curfews was more common among certain groups than others, reflecting their different profiles and funding strategies. In Rio, most of the curfews were concentrated in favelas of the Red Command (Comando Vermelho, CV), the city's oldest gang, which operates heavily in drug trafficking. In contrast, militia groups engaging mainly in extortion implemented few curfews and continued to demand payments from small businesses, effectively forcing them to remain open.<sup>36</sup> One local researcher reported that in some areas with militia presence, the price of cooking gas, which tends to be controlled by the militias, increased.<sup>37</sup> In addition, prices of products such as masks and hand sanitizers were higher in some favelas with militias than in CV areas.<sup>38</sup> By contrast, in Vila Aliança, an area under control by the Third Pure Command drug trafficking group, local gang leaders issued orders for prices to be kept constant and organized small patrols to supervise traders in the area.<sup>39</sup>

The contrast between drug trafficking and militia groups is the product of both the different illicit economies exploited by each group and the relations each armed group has with communities. Drug trafficking groups have a longstanding role in favela communities as enforcers of basic security and last-resort providers of medical and financial aid, such as medicine and small loans.<sup>40</sup> Cecília Oliveira, a local journalist, says that members of drug trafficking groups such as the CV tend to be either from





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or based in the favelas where they work, whereas militia members come from outside in order to enforce their extortion.<sup>41</sup> This was reflected in the more frequent imposition of curfews in drug trafficking areas than in militia areas. However, there were exceptions to this pattern. In Rio das Pedras community, where Rio's militia movement was born, the local militia imposed a nightly curfew.<sup>42</sup>

A similar contrast in approaches to the pandemic was observed in the Colombian port city of Tumaco. Two armed groups considered dissident factions of the left-wing guerrilla Revolutionary Armed Forces of Colombia (FARC-EP) are present in the city. Whereas the Alfonso Cano Western Bloc (BOAC) imposed curfews and other movement restrictions on locals, the United Guerrillas of the Pacific (GUP) did not impose any restrictions on movement and some members questioned the pandemic's veracity. In BOAC areas, the pattern of issuing threatening language was once again observed. One poster in the BOAC neighbourhood of Humberto Manzi warned:

'People of the community in general: Starting 2 April 2020, if you do not follow the law, we will take drastic measures. We warn you: only one person per family can go out; any person out in the street, we are not responsible [for what happens to them], bullets for them'.<sup>43</sup>

The format of anti-contagion measures varied from area to area, however. In Nuevo Milenio, also

controlled by the BOAC, restrictions were more drastic with even taxis being banned because their jobs were thought to be high-risk for spreading the virus. BOAC members often patrolled the area with a thermometer, taking people's temperatures and ordering those thought to be too high to go home and quarantine with their whole families.<sup>44</sup>

The lack of curfews or movement restrictions in GUP areas does not seem to have been a top-down order, but rather the result of instability in the group's leadership structure and a reflection of the scepticism about the pandemic among local communities. For example, one of the GUP's local leaders, who later defected to a drug trafficking group called *Contadores*, was known to have loose control over his fighters and a lax discipline. This led some members to resort to theft and petty crime to make up for the economic hardship brought by the pandemic, including a reduction in drug sales.<sup>45</sup> One inhabitant of a GUP area opined that the lack of social distancing rules by the armed group was due to the fact the group was 'disorganized'.<sup>46</sup>

## Food distribution

Food distribution was less common than curfews in areas of criminal governance, and conducted with less regularity. One prominent example came from the Cape Town gangs, who apparently called a truce and distributed food in the early stages of



Reportedly, food packages were distributed by gangs to some Cape Town communities during the lockdown. © AP Photo/Nardus Engelbrecht

the pandemic. The timeline of this response demonstrates the importance of conducting a year-long analysis of criminal governance as more evidence collected over time can help to distinguish between apparent 'welfare' activities and exploitative measures from a group. The food distribution turned out to be limited to some high-visibility events with coverage in international news outlets, which gangs administered with quid-pro-quo demands.<sup>47</sup> Some community members reported that in exchange for aid packages, they were pressured to help gangs hide and transport guns and drugs. In addition, according to members of the communities most affected by gang violence, the apparent truce never took root as inter-gang violence continued.<sup>48</sup>

However, even such cynical measures had a positive impact on food security for low-income communities at a time when need grew more acute and complaints of government neglect emerged. As one resident of Cape Town's Lavender Hill said, 'I have hidden guns and drugs for the gang boss here in the area... he treats us good [...] Who else is helping me when I have no hope of getting any money?'.<sup>49</sup> At the same time, the distribution seemed to be limited in quantity and most reports about it are limited to the initial few months of the pandemic. Still, the ad-hoc nature of these efforts, combined with the demands placed on communities, demonstrate that the food distribution activities from Cape Town gangs were far from a coordinated attempt to tackle food insecurity.

In Rio de Janeiro, members of favela communities reported that both gangs and militias distributed food to those economically impacted by the pandemic. This help appears to have been very limited and groups made no attempts to publicize it through traditional or social media channels. One aid worker who distributed supplies to favela dwellers from the start of the pandemic said that dwellers in several favelas told him that 'the movement has delivered' food, where 'movement' is a well-known local reference to drug trafficking groups.<sup>50</sup> Ironically, this aid worker said that in his own community of Vigário Geral, the local drug traffickers had not imposed curfews but had delivered some food.

A very different type of food distribution process was reported in an area of Rio with militias. The militias operate in close association with state actors, including members of police forces and lawmakers in the Rio state assembly. In Duque de Caxias, a municipality in the Rio metropolitan area, an aid worker reported intimidation by the armed groups, which perceived civil society's food distribution as a threat for the November 2020 local elections. The aid worker reported receiving threats from the local militia that suspected the aid was an attempt to lure voters to a candidate not supported by the local armed group.<sup>51</sup> This activist said that militia members offered food parcels in the lead up to the November 2020 local election as a way of linking that aid to candidates they supported.

But even food distribution in a time of need came with caveat: it was the result of extortion (or security tax) from local businesses. As the local activist explained:

Here the militias demand [taxes] and store owners pay them in order to work in peace. Part of these resources came in the form of food, and with these donations food baskets were assembled. People would go there [to the distribution site], formed a queue and received the baskets.<sup>52</sup>

The food distribution, therefore, was integrated with political campaigning in a particular area of Duque de Caxias and the resources for such distribution were forcefully taken from the community itself.

A similar mix of exploitation and aid was observed in San Salvador. A detailed description of a food distribution point was published by *Factum*, a Salvadoran magazine, revealing the complex involvement of gangsters in the relief effort. The report recounts the arrival of two MS-13 members on a motorcycle at a food distribution point organized by a pastor. Alleging that the queue was causing an agglomeration of people, the gangsters immediately took over the distribution effort and shouted at people to form a socially distanced queue.<sup>53</sup> The Global Initiative researcher in San Salvador also witnessed a distribution of supplies in a neighbourhood under the hegemony of the Barrio 18 Revolucionarios, which involved the use of numbered paper slips as a way to organize the queue.

These two examples from San Salvador showcase two different approaches to aid by criminal groups. The methods for aiding the deeply disenfranchised populations of low-income areas can shift quickly from exploitation (as in the former case) to a more straightforward distribution of supplies (as in the latter case). The aforementioned audio of an MS-13 spokesperson expressing concern that gang members would not be adequately treated for COVID-19 shows that preoccupation with contagion was an important driver for some curfews. Demonstrations of power, such as the take-over of food distribution from the pastor, are part of the modus operandi of gangs involving a spectrum of behaviour that can very quickly evolve from helpful to exploitative and threatening.

This mixture of self-interest and aid is not surprising given the evidence presented in recent research on criminal governance. Benjamin Lessing makes the point that residents of areas with heavy gang presence have some 'weapons of the weak' at their disposal, such as denouncing criminals to anonymous tip lines, refusing to hide criminals during police raids and complaining about them to local religious figures.<sup>54</sup> Similar incentives were mentioned by a police officer in Guatemala, where Barrio 18 is also active, as he described their efforts to distribute thousands of masks as an attempt to gain support and 'prevent residents from denouncing them'.<sup>55</sup>

## Service provision and extortion: old problems, heightened impact

Longstanding illicit economies based on extracting rents from local communities, such as extortion and provision of basic services, showed little change from pre-pandemic patterns. The exception to this was the decision by part of the Barrio 18 gang in San Salvador to momentarily halt the demands for 'security taxes'. In the other four cities in the study, service provision remained more or less unchanged, though its impact on cash-stripped community residents was heightened during the pandemic. In some cases, criminal groups changed

their practices in order to exploit critical services, such as water provision.

### Exploitative services

The adaptation of service provision practices was particularly prominent in Nairobi, where public services in informal areas are grossly inefficient or absent. Here, gangs have a longstanding role of providing basic necessities such as water, electricity and rubbish collection, often at exploitative prices. With students and many workers at home during





the pandemic, gangs stepped up their involvement in water provision in some informal settlements, disconnecting supply networks from formal providers and cutting that provision for residents. In Kayole and neighbouring Komarock Estate, gangs used handcarts (locally known as *mikokoteni*) positioned near the official providers' water supply networks, to draw water and sell it for Ksh60 (US\$0.56) per 40 litres – whereas the same volume from the Nairobi Water and Sewerage Company (NCWSC) is Ksh1 (US\$0.0094).<sup>56</sup> An attempt by the NCWSC to disconnect illegal pipes in Mukuru Kwa Njenga slum in July 2021 was met with resistance and threats by local youth, forcing the company's personnel to 'flee to save their lives'.<sup>57</sup>

Other services and businesses were exploited during the pandemic despite the heightened economic difficulties experienced by workers involved in them. One longstanding practice of Nairobi's gangs is the extortion of the *matatu* industry – the colourfully decorated vans and minibuses used for cheap public transport. The industry, like so many others in the developing world, suffered greatly from the lockdowns and social distancing guidelines, with the Kenya Matatu Owners Association estimating that 50% of people in the industry had lost their jobs in the initial months of the pandemic.<sup>58</sup> Many gangs that rely on the normally buzzing business of *matatus* adapted to this downturn by becoming more aggressive, resulting in more gangs extorting those *matatus* that managed to remain operational. New gangs were also formed, sometimes by drivers who had lost their jobs during the pandemic, in order to seize passenger points.

Electricity provision by gangs, also illicitly taken from the networks of formal providers, remained in place with little change. But just as in the case of water and *matatus*, the impact of gang extortion or higher charges for inferior services was more severe during the pandemic due to the increase in home demand. The fact that official electricity providers were turning a blind eye to defaulters also facilitated the smooth continuation of gang involvement in the sector in informal settlements.

**Commuters in Nairobi wait for public transport to return home before the curfew.** © Yasuyoshi Chiba via Getty Images

Rio's armed groups also continued their exploitation of services, but with the more predatory and extortion-reliant militias undertaking more aggressive measures to exploit the increased home demand. Militias doubled down on their longstanding practice of providing 'alternative' internet services by cutting the cables of formal providers.<sup>59</sup> According to one estimate, 1.5 million customers of just one formal internet provider had their connection interrupted, with the militia's lower-quality service the only alternative.<sup>60</sup> Outside of internet connection, however, service provision in Rio's favelas continued without much change, including in militia and drug trafficking areas. For example, in Rocinha (one of the city's largest favelas) a local source said CV control of distribution of cooking gas, internet and extortion taxes continued without change.

In Tumaco, the economic impact of the pandemic has contributed to a reduction in criminal governance by armed groups. Control over crime, for example, became laxer. A shift in leadership within the GUP, one of the dissident FARC factions, led to a looser control over fighters. Along with the downturn in drug sales, this led some fighters to resort to theft in areas neighbouring their group's territory without punishment. Combined with the lack of curfews in GUP areas, this resulted in much weaker criminal governance than in areas controlled by their rival, BOAC, also a FARC dissident faction. Of particular relevance in the context of this study was the decision of the GUP to charge residents for traditional community services, such as resolving disputes between residents.<sup>61</sup> Given the high unemployment rate in the city and the fact that many residents feared the behaviour of GUP soldiers, it became rare for residents to resort to the armed group's dispute resolution.

Meanwhile, the BOAC issued a new instruction for members to avoid becoming involved in local governance, encouraging local community leaders to take charge of everyday complaints.<sup>62</sup> Although dispute resolution by the armed group continued – with one instance of the group intervening in a fight between two residents days before the interview with the GI researcher – this measure shows how criminal governance is not as linked to competition with the state as some of the early pandemic analyses indicated. The BOAC imposed curfews in its territories at the same time as it was trying to withdraw from some community regulatory roles.

### **An extortion waiver in El Salvador**

The exception to the predominant trend of community predation was a momentary lull in extortion in El Salvador. In March 2020, some *clicas* – small local groups of gangsters belonging to a larger criminal group – decided to suspend the widespread practice of extortion towards shops, bus drivers and transportation companies, according to a report by the local *El Faro* news website.<sup>63</sup> According to a local trader and a leader of the Barrio 18 Revolucionarios, one such area where extortion was suspended is San Salvador's Historical Centre. However, the gang leader could only confirm the extortion waving in that particular area of the Revolucionarios territory. The Barrio 18 Sureños faction also told the news website that it was suspending extortion, though it did not specify where or until when. Over time, the numbers showed a significant reduction in extortions: the General Prosecutor's Office registered 1 263 cases of extortion between 1 January and 26 October 2020, against 2 160 cases during the same period in 2019 – a 43% decline.<sup>64</sup>





However, there were other factors that affected these numbers, the largest being the simple fact that many workers like taxi and bus drivers were not circulating in the areas where gangs were active. For instance, a report from the local *La Prensa Gráfica* newspaper from June 2020 mentions the case of a taxi driver in San Salvador who had not worked at all during the three-month lockdown ordered by the government, but minutes after parking his taxi upon his return to work was approached by a gang member saying he should pay the *renta* (rent) – only this time electronically rather than in cash.<sup>65</sup> Many other workers seem to have faced similar fates, according to the head of the Prosecutor's Office, who reported that after the lockdown period, gangs began demanding that workers pay the accumulated extortion rent from the previous months.<sup>66</sup>

Similar information was reported to the Global Initiative. An official in Honduras said, 'Gangs are telling victims they will collect extortion money retroactively after lockdown.'<sup>67</sup> The retroactive charge of extortions indicates that the 'extortion waiver' in El Salvador (and perhaps in the other Northern Triangle countries of Honduras and Guatemala) was not solely a show of charity or a demonstration of superior governance compared to the state. It was, at least partially, also an adaptation to lockdown conditions that limited the ability of gangs to access and extort businesses such as taxis and buses.

## Child recruitment

One of the many implications of the widespread control that criminal groups have over the governance of urban life is that they have significant leverage to recruit, willingly or forcefully, children and adolescents – especially boys – into their ranks. Several interlocutors in different cities analyzed in this study have reported seeing greater involvement or contact of children with criminal groups during the pandemic due to school closures and the lack of proper living conditions and equipment for home schooling.

A market in San Salvador. Many small businesses in the city are subjected to extortion by gangs.

© Camilo Freedman, SOPA Images/LightRocket via Getty Images



In Cape Town, interviewees in several low-income areas said they saw spikes in minors joining gangs since 'households in these areas are not equipped to keep children inside for extended periods'.<sup>68</sup> Sports clubs were particularly active recruitment grounds where gangsters were able to make initial contact with youth.<sup>69</sup> Residents also reported that increased poverty in some neighbourhoods made the drug trade a more appealing proposition for young people. 'The COVID-19 lockdown further impoverished our community,' one resident of Delft, a Cape Flats community, told the *Daily Maverick* website.<sup>70</sup> 'As parents, it was heart-breaking to watch and being helpless while the drug merchants took over street by street.' The higher recruitment has also led to longer-term effects on education, with an activist in the Cape Flats reporting 'a lot of drop-outs, especially among boys, since the schools reopened'.<sup>71</sup>

In Nairobi, both police and gang sources confirmed that children were being more frequently recruited into criminal organizations during the pandemic.<sup>72</sup> In Kibera, several gang members told the Global Initiative's Observatory of Illicit Economies in Eastern and Southern Africa that they were distributing food in communities and especially to children of primary- and secondary-school age due to families' difficulty in getting regular meals during the pandemic.<sup>73</sup>

In Rio, where minors' involvement with criminal organizations has been well documented for decades, the pandemic had a subtler effect on youth.<sup>74</sup> Whereas there is no data on the recruitment of minors during the pandemic, anecdotal evidence points to more regular contact between children and drug trafficking factions. As one community activist stated:

They [drug traffickers] are a reference for children, which for me is regrettable. I noticed this during the pandemic, it left me heartbroken. I frequented many communities [distributing food] and children were playing by imitating them [drug traffickers].<sup>75</sup>

On 6 May 2021, a major operation by Rio's Civil Police, resulting in the deaths of 28 people, was organized in order to counter the practice of child recruitment by the CV criminal organization.<sup>76</sup> The operation, which was heavily criticized for the use of gunfire and the number of people killed in its wake, also involved a specialized police division focused on minors, the Delegacia de Proteção à Criança e ao Adolescente.

The authority and visibility that criminal groups have in all five cities due to their criminal governance practices are important drivers for child recruitment. This is a longstanding pattern in cities affected by criminal governance. One influential study on youth participation in drug trafficking groups in Rio observed that 'increased domination of drug traffickers within the community as the holders of power and status, has further served to increase youth interest and participation in drug trafficking'.<sup>77</sup> This attraction, which also includes financial benefits, is strong enough that increasingly young children have been joining criminal groups. The percentage of children aged 10 to 12 taking part in drug trafficking in Rio increased from 6.5% of all youth traffickers in 2006 to 13% in 2018, according to the local civil society organization Favelas Observatory.<sup>78</sup>



Despite the lack of consistent data on child participation in criminal groups during the pandemic in any of the study sites, the available evidence provides plenty of reason for concern. The increased socio-economic status of criminal gangs, as organizations with far more financial resources than the average resident in their communities, tends only to reinforce the decision of minors joining such groups.

Rio residents protest against a police operation in Jacarezinho in May 2021 in which 25 were killed. © Mauro Pimentel/AFP via Getty Images

## Government policies and responses

At the same time that the COVID-19 pandemic has provided more opportunities for some forms of criminal governance, it has also strengthened the role of states around the world in imposing anti-contagion measures and coordinating mass vaccination campaigns. The pandemic has encouraged many governments to be more interventionist in their economies and to provide more social support to citizens.<sup>79</sup> In many cases, anti-pandemic measures echo similar measures taken during times of war.<sup>80</sup>

### Service provision

Nevertheless, the pandemic has been a time of deepening marginalization of people in low-income urban areas in terms of their access to basic public services, security, water, electricity and internet. In some of the study sites, governments attempted to improve the provision of services. In Nairobi, the state-funded Nairobi Metropolitan



Services put in place a project to provide affordable clean water during the pandemic, but their work was blocked by gangs in some informal settlements.<sup>81</sup> Nominally, many basic urban services are provided to slums by regulated companies and police forces often have stations located close or inside informal settlements. But during the pandemic, the syphoning or replacement of such services by criminal groups continued and, in many cases, accelerated, as with water in Nairobi and internet in Rio.

Low-income communities also expressed resentment over the insufficient assistance during a time of widespread loss of jobs, income and, above all, access to food. Food insecurity was a prominent challenge in the cities researched, reflecting a global challenge during the pandemic: over 800 million people were estimated to have gone hungry in the world in 2020, with more people sliding into chronic hunger than in the previous five years combined.<sup>82</sup>

In the overwhelming majority of cases across the five cities studied, criminal groups did not step up to provide food or other critical aid. As mentioned above, food distribution in Rio was rare and sometimes came accompanied by quid pro quo demands, such as supporting candidates linked to the militias. In San Salvador, only one case of direct food distribution (by Barrio 18) was observed directly by field research, with other reported cases involving the take-over and regulation of food distribution efforts by civil society actors. In Cape Town, food distribution came with demands for recipients to help gangs hide drugs and weapons.



Residents in Kibera, Nairobi, queue for water. Government water provision was blocked by gangs in some of the city's informal settlements. © Gordwin Odhiambo/AFP via Getty Images





In South Africa, food insecurity was a large factor underlying the widespread urban protests that left 330 people dead after a week of violent unrest in July 2021.<sup>83</sup> Much of the looting registered involved taking food from supermarkets.<sup>84</sup> Food insecurity was one of the most critical socio-economic impacts of the pandemic in the country: in a large survey conducted by a consortium of South African universities, 47% of respondents said they had run out of money for food by April 2020 and 23% said they had experienced hunger – figures that only reduced to 35% and 17%, respectively, by March 2021.<sup>85</sup>

**Widespread looting and rioting gripped parts of urban South Africa in July 2021.** © AFP via Getty Images

## Aid and support

In Rio, while interviewees reported very few cases of food distribution by gangs, complaints about the lack of direct aid by the government abounded, especially towards the local and state governments. An activist that organized a civil society network for food distribution in the Maré favela area, one of the largest in the city, said: 'We didn't have any expectations [of aid] from the government anyway ... there was some hope, but nothing arrived'.<sup>86</sup> Another activist from the Alemão favela area said her grievance was specifically directed at the local and state governments:

What bothers us even more is the lack of help from the public sector. We haven't received any donations from the local or state governments. Not long ago the state [government] purchased 15 armoured vehicles. How many food baskets could we have bought with that money? When the state arrives, it arrives with force.<sup>87</sup>

National governments in the five case studies adopted economic aid through direct cash disbursements on top of other measures such as tax deferrals and special support for small businesses. In the case of El Salvador, the government also included

the donation of 2.1 million food bags in its pandemic support plan.<sup>88</sup> Although this aid did reach areas with criminal governance, in many cases it was insufficient to make up for the substantial loss of income from the interruption or reduction of informal jobs for people lacking social security nets. A vivid illustration of the hopes and frustrations caused by cash disbursements from federal governments came from the 'Lockdown Diaries' project in Cape Town, which followed the experiences of 70 residents of low-income areas. Whereas initially there was 'near universal support' for the government aid of R350 (about 20 euros), many people's grants suffered delays and ended up being insufficient.<sup>89</sup>

Tumaco was an exception to this pattern as armed groups did not distribute food and local government was an important supplier of food parcels. A local police commander even said that there was no opposition to food distribution in areas with armed groups due to the clear benefit for the community.<sup>90</sup>

In the other cities, however, the insufficiency of the aid provided by governments did not lead criminal groups to step in. Rather, civil society was the main source of urgent emergency aid for those affected by food insecurity and hunger. As in Tumaco, this usually meant dealing with criminal groups in one way or another. In Nairobi, gangs and vigilante groups sometimes took up the role of gatekeepers by demanding money or receiving part of the donations. In Rio, the amount of freedom and security for civil society to aid communities depended on the local criminal overlords. As mentioned previously, the CV would voluntarily leave areas being prepared for food distribution without the need for verbal negotiations.<sup>91</sup> Militia areas were a different matter, with some aid workers suffering intimidation because food distribution was perceived to interfere with militias' local political interests.

## Police violence

Although food insecurity in slums was mitigated to a significant degree by civil society organizations, these groups were powerless to counter another major source of insecurity during the pandemic: police violence. Not only did states fail consistently in the provision of security in the five case studies examined, many of their police intervention policies provoked violent deaths. Resentment of violent and disruptive police raids and insufficient aid has featured in interviews conducted throughout the project.

In Cape Town, the increased presence of police and military members in low-income areas during the early stages of the pandemic helped to reduce violent clashes between gangs. However, interviewees voiced frustration with the state's failure to conduct intelligence-led operations to dismantle gangs, while instead maintaining a narrow focus on enforcing bans on liquor and cigarettes.<sup>92</sup> The Independent Police Investigative Directorate in South Africa reported the Western Cape province, where Cape Town is located, was the province with the highest number of complaints of torture and abuse by police in the financial year 2020/2021, with 1 033 complaints.<sup>93</sup> Tensions over police brutality were particularly high during the initial months of the pandemic, with a nationwide increase in police complaints of 32% during the first 41 days of lockdown in 2020 in comparison to the same period in 2019.<sup>94</sup> Of these, 45% (376) were directly linked to lockdown operations. Residents of Cape Town's low-income areas expressed anger at the perceived lack of accountability and prosecution of police officers involved





in abuses and reported deaths during the lockdown, sometimes linking the enforcement of COVID-19 rules to the country's history of racial tensions: 'I have seen brutal acts by the police to unarmed citizens, I am not happy with the way they handle our people. Yet they can be so civil with white people, it's like different lockdown rules apply to "them".'<sup>95</sup>

Lockdown enforcement also became intertwined with abusive police practices in Nairobi. By April 2021, 26 people had died due to police abuse during enforcement of pandemic rules, in addition to 49 'cases of cruel, inhumane and degrading treatment', according to one estimate.<sup>96</sup> One of the most prominent and tragic cases was that of 13-year-old Yassin Hussein Moyo, who was shot dead while watching from a balcony as the police entered the Kiamaike informal settlement during one of the first nights of curfew.<sup>97</sup> Despite widespread condemnation by internal and external civil society groups, including a report by Amnesty International denouncing excessive use of force by police,<sup>98</sup> more killings apparently by police during curfew enforcements in August 2021 led to protests.<sup>99</sup> With the national government's aid projects leaving out large sections of the country's poor, the government's approach has been criticized for being overly focused on policing strict curfews.<sup>100</sup>

**Police officers patrol in Eastleigh, Nairobi, following the government's announcement of a lockdown.** © Simon Maina/ AFP via Getty Images





© Shaun Swingler

Rio and San Salvador both oscillated between stepping up their militarized and repressive raids against criminal groups and reducing them during the pandemic. In San Salvador, the security approach focused on a reduction in direct clashes with gangs in 2020 – a continuation of a trend observed over the previous years, though its causes are still debated. Homicides also declined, but President Nayib Bukele's rhetoric escalated during the pandemic and included an instruction for police officers to use lethal force to protect the population.<sup>101</sup> In Rio, the police were even more aggressive and their continued raids into favelas sparked widespread indignation among locals.

Rio's favela residents experienced arguably the most aggressive and militarized policies of the five cities in this study, even though it did not see the armed forces deployed as Cape Town did. Police raids into favelas repeatedly caused gunfights with both sides wielding long-barrelled weapons such as rifles. This is a frequent occurrence in favelas, but during the pandemic the practice caused added concern since many more people were at home. On top of that, civil society organizations that planned, organized and conducted the distribution of supplies (with donations from residents and businesses from wealthier areas) had some of their aid efforts disrupted by police operations. Gunfire during police operations interrupted food distribution efforts eight times in 2020, with five people killed and two wounded while giving out aid.<sup>102</sup>

The pattern of violence continued into 2021, with a particularly lethal operation by the Civil Police taking place on 6 May 2021 in the Jacarezinho favela – ironically located close to a complex of local police buildings – resulting in the deaths of 28 people and making it the deadliest police operation ever registered in Rio.<sup>103</sup> This was

despite an unprecedented ruling by a Supreme Court judge in June 2020 that police operations in Rio's favelas should be suspended except in 'absolutely exceptional circumstances', in which case the police should send a written justification to the local public prosecutor's office.<sup>104</sup> The number of people killed during police operations, which actually increased at the beginning of the pandemic, collapsed with the ruling – reducing from 115 in May 2020 to 18 in June 2020. But the pace of police interventions gradually increased again and by the initial months of 2021 the number of people killed in such raids was again above 100.<sup>105</sup> One Jacarezinho resident told the Global Initiative (prior to the May operation) that 'we had to alleviate the effects of COVID and at the same time [we had] to hide from the police operations ... The state did not fail to make itself present through armed force.'<sup>106</sup>

San Salvador, which had historically seen the implementation of repressive *mano dura* (iron fist) policies against the *mara* gangs, saw a very different trend in 2020. For reasons that are still the subject of much controversy among experts, journalists and the government, clashes between security forces and gangs in El Salvador plummeted in 2020 by 38% to 181.<sup>107</sup> The downward trend continued in the first quarter of 2021.<sup>108</sup> This is the continuation of a trend that started with the arrival of President Bukele, who at the start of his mandate in mid-2019 said the 'war' on gangs had ended, which was followed by significant reduction in both clashes and homicide numbers that year.<sup>109</sup> Local researchers have reported, citing anonymous sources inside government and security agencies, that there are informal instructions for police to reduce repressive operations and clashes with the *maras*.<sup>110</sup> This seems to be in line with a reduction in another important indicator: the number of police and armed forces members killed by criminal groups in 2020 fell by 60%, according to a report by the Salvadoran Foundation for Economic and Social Development.<sup>111</sup>

Bukele's rhetoric in 2020, however, has been radically different. Following a spike in homicides in April, his government not only announced the aforementioned instruction for use of lethal force but decided to change the longstanding practice of keeping inmates from different gangs in different areas as a way of preventing fights. The mixing of rival gangs was implemented in May in at least three prisons in El Salvador. Furthermore, the general director of prisons, Osiris Luna, tweeted in April that 'not a single ray of light will enter any cell'.<sup>112</sup> Fortunately, no major fights were reported, which according to Spanish newspaper *El Di rio*, was due to an agreement between the rival groups.<sup>113</sup>

Despite the reduction in clashes, locals in gang-prone areas still reported beatings and unlawful detentions of youth deemed to look like gangsters.<sup>114</sup> More broadly, anti-pandemic measures included repressive tactics for violating curfews, as in the cases of Nairobi and Cape Town. The country's security forces detained thousands of people in 'overcrowded and unsanitary' containment centres, according to a Human Rights Watch report referring to 2020.<sup>115</sup> By September 2020, the country was highlighted by Amnesty International as one of the three countries in the region (alongside Venezuela and Paraguay) where authorities had 'detained thousands of people in quarantine centres' in inadequate conditions.<sup>116</sup>





▲ Residents of Tumaco live in fear of extortion and gang-related violence. © Luis Robayo/AFP via Getty Images

## CONCLUSION

Criminal governance significantly affected anti-contagion efforts in vast urban communities, but not in the ways originally expected at the early stages of the pandemic. That is, they did not ‘compete’ with the state to provide better aid nor did they efficiently regulate social distancing. Armed criminal groups implemented curfews in some cities (Rio, Tumaco and San Salvador) only at the beginning of the pandemic and motivated by a combination of self-interest – such as not attracting state attention and fear of poor medical attention to gang members – and social responsibility to their communities. Food distribution by criminal groups was detected in Cape Town, San Salvador and Rio de Janeiro but was limited and often accompanied by quid-pro-quo demands.

The most widespread finding was that while the state sought to enforce lockdowns in many parts of the country, in some marginalized urban areas the weakness of governance and rule of law left vast urban areas under the rules of local criminal groups. Groups in such areas had significant capacity to enforce (or not enforce) curfews and lockdowns, regulate territorial access for food distribution and even decide on ‘taxes’. In other words, COVID-19 exacerbated and put into sharper focus the poor conditions for low-income urban communities that existed before the pandemic.

But criminals did not fill this vacuum in an effective way. The pandemic has shown that vulnerable communities living under criminal governance, rather than benefiting from an organized system of governance from criminal actors, were subject to the whims and rules of armed groups, which ebbed and flowed in ways that were not always guided by public health concerns. Measures such as curfew orders, punishments and, later, the abandonment of the same rules amid continued pandemic-related mortality, departed from the guidance and measures of governments and state agencies. Yet, these rules set by criminal groups had to be obeyed without recourse to debate or protest. Although at times gangs responded to the



community's general fear towards the pandemic, or lack thereof, decisions that affected the health and lives of thousands were taken in an autocratic manner by armed groups for communities located in some of the largest cities inside democratic countries.

## Policy takeaways

The findings of this study have important implications for policymaking in the areas of security and socio-economic development. First, they show that strengthening civil society organizations and leadership in areas of criminal governance can help them to steer communities and even some armed groups towards peaceful negotiation and conflict resolution. Second, they show that the state's footprint in areas of criminal governance has been predominantly repressive, creating a negative impact on the security and well-being of communities at a time of unprecedented hardship. This finding is particularly consequential considering the greater role that states have played in regulating the lives of citizens in general during the pandemic. The fact that this has not extended to areas of criminal governance shows just how marginalized low-income communities are from state institutions and the rule of law.

Finally, this study has shown that delayed or insufficient aid from governments – such as cash disbursement programmes – and continued neglect of basic services have consolidated the view of the state in these areas as an almost alien and thoroughly uninterested external authority. The pandemic could have been an opportunity for governments to start to heal the profound distrust held by marginalized communities. Whereas the state is not entirely absent in such communities, it has consistently failed to be a reliable presence regulating or offering ways out from their many collective problems. The list is long, but these failures start with the provision of security, which has often been corrupt, abusive and violent. These failures are the most deep-rooted factors leading to criminal governance. The pandemic has only strengthened them.

## Key recommendations for policymaking

- While governments in all five case studies have announced various social support measures, these have been either slow to materialize or restricted to a fraction of the urban poor. These gaps have contributed to the increased vulnerability of communities to the, often draconian, rules of gangs. The pandemic has been a missed opportunity for governments to become a more reliable presence in communities.
- Criminal governance, far from being purely the result of failures by the state, has been enabled to some extent by state actors. Continued neglect of informal settlements when it comes to public services and infrastructure has created a space for criminal actors to increase their involvement in them and exploit them during lockdowns.
- Related to that, some aspects of criminal governance are enabled by corruption and infiltration in state agencies. Some of the service exploitation mentioned in this study involved collusion with corrupt personnel in local agencies. Tackling

corruption and criminal infiltration should go deeper than national bureaucracies and involve local governments and agencies. Severing the linkages between state actors and crime is just as important as strengthening the presence and technical capacity of state institutions in low-income urban areas.

- In addition to the linkages between criminal and state actors, law enforcement during the pandemic was overwhelmingly ineffective and violent in the five cities studied. This ranged from highly violent raids costing many bystanders their lives in Rio to heavy-handed enforcement of curfews in Nairobi, which has led to the deaths of bystanders. Policing has predominantly been a tool to suppress crime, but this short-term goal has undermined trust and democratic accountability in affected communities.
- Improving police accountability and community trust in law enforcement are critical steps to countering the predatory impact of criminal groups in urban communities.
- Criminal governance takes many different forms, and is not always as efficient as some observers suggested at the beginning of the pandemic. Civil society actors, including activists and NGOs based in informal settlements, have played crucial roles in providing aid, especially food. This highlights the capacity for civil society to play an active and effective role in countering criminal governance.

# NOTES

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