

Criminal governance under Covid-19: an appealing yet flawed alternative to state failure

Saloua Moutaoufik

Latin American citizens' trust in public institutions reached historical low levels in the past decade, with an average of 33.9% in 2018.¹ The belief that representatives do not work for the interest of their constituents can be especially harmful in times of crisis when legitimacy and leadership are required. Under the Covid-19 pandemic, which has hit all countries regardless of geographical position or economic growth level, governments are expected to act accordingly by enforcing sanitary measures to protect and preserve human life. But what happens when states are lacking authority to enforce such measures? As of September, Latin America has barely flattened its curve which is a direct reflection of located institutional failure.² A partial explanation to citizens low confidence level is constant sensation of fear and insecurity under the presence of gang-related violence.³ But, in face of growing inequalities citizens are also more prone to engage in these so-called criminal activities.⁴ As such, an endless spiral that links up gangs, lack of trust in politics and political failure is launched. Covid-19 constituted almost an opportunity for respective governments to build-up legitimacy, however it was simultaneously beneficial for gangs to shift citizens trust from governments to themselves.

Governmental decisions to implement curfew and mandatory quarantines strongly affected gangs activity by reducing capacity to traffic and network. Obviously, governments were at the forefront of enacting laws to establish such sanitary measures, but as the pandemic progressed, institutions were facing increasing difficulties to provide assistance in remote areas. Latin American criminal

¹ OECD. *Government at a Glance: Latin American and the Caribbean*, 2020

<https://www.oecd-ilibrary.org/sites/50c07fc2-en/index.html?itemId=/content/component/50c07fc2-en>

² Lacunza, Sebastien, Anthony Faiola & McCoy Terrence. "Latin America, unable to flatten its curve, struggles to cope with pandemic", *The New York Times*, September 12, 2020.

https://www.washingtonpost.com/world/the_americas/coronavirus-latin-america/2020/09/11/6a2ecd82-f20b-11ea-999c-67ff7bf6a9d2_story.html

³ Muggah, Robert & Katherine Tobón, "Citizen security in Latin America: Facts and Figures". Igarapé Institute, 2018
<https://igarape.org.br/en/citizen-security-in-latin-america-facts-and-figures/>

⁴ Justino, Patricia, Julie Litchfield & Laurence Whitehead, "The Impact of Inequality in Latin America", *EconPapers* 2003

organizations decided to take advantage of these challenging times to harden and expand their control over given territories.⁵ Targeting isolated areas is not random, to the contrary it is part of a broader strategy to gain power. In addition to being geographically isolated, these constituents also feel excluded from political institutions. Latin America highly fragmented society around race and economic class has led to difficulties in state-building and creation of a collective identity.⁶ Absence of collective identity can be directly exploited by gangs to foster hatred toward the state and the elite while simultaneously empowering themselves. Remotes areas or simply poor ones, like city slums, constitute a perfect sector to assert their authority. This assertion mainly took the form of replacing the government by directly enforcing curfews and providing welfare and food supplies.⁷ In Mexico, supply boxes labeled “Narco-despensas” were delivered to citizens in Victoria. Deliveries were part of a publicity stunt, as several photos and videos were taken with the aim of sharing them on social media.⁸ Through a Robin Hood impersonation, cartels have attempted to improve their image by helping the needy.⁹ In a way, this strategy speaks to Pablo Escobar’s “*plato o plomo*” saying; wining the heart of constituents by appealing first to their feelings before engaging in violence. For Vanda Felbab-Brown: “*Many criminal groups seek to rule not only through brutality, but also by having political capital and legitimacy with local populations – in Latin America and around the world this has been the case for decades.*”¹⁰

Hence, coercion and violence did not evaporate, far from that. In Colombia, The Ejército de Liberación Nacional (ELN) published a Covid-19 pamphlet which claimed that they killed citizens who did not respect the sanitary rules and endangered the lives of others.¹¹ With the aim of gradually taking the role of the Leviathan, cartels and gangs have to increase their lethal grip to achieve total

⁵ United Nations Policy Brief, “The Impact of COVID-19 on Latin America and the Caribbean”, 2020 https://www.un.org/sites/un2.un.org/files/sg_policy_brief_covid_lac.pdf

⁶ Centeno, Miguel, *Blood and Debt: War and the Nation-State in Latin America*. The Pennsylvania State University Press, 2002

⁷ Nugent, Niara. “Why Armed Groups in Latin America Are Enforcing COVID-19 Lockdowns”, *Time Magazine*. July 22, 2020

<https://time.com/5870054/coronavirus-latin-america-armed-groups/>

⁸ “Entrega narco despensas en Tamaulipa”. Grupo Reforma. April 6, 2020 <https://www.youtube.com/watch?v=PNzebC6sx5k> (0:22- 1:00)

⁹ Gomez, T. Camilo. “Coronavirus: narco gangs could see big popularity boost from helping residents in Latin America”. *The Conversation*. June 22, 2020

<https://theconversation.com/coronavirus-narco-gangs-could-see-big-popularity-boost-from-helping-residents-in-latin-america-139613>

¹⁰ Felbab-Brown, Vanda & Ariel Martínez. “COVID-19 and organized crime: Latin American governments are in a state-making competition with crime”. Brookings. May 12, 2020

<https://www.brookings.edu/on-the-record/covid-19-and-organized-crime-latin-american-governments-are-in-a-state-making-competition-with-crime/>

¹¹ Human Rights Watch. “Colombia: Armed Groups ’Brutal Covid-19 Measures”. July 15, 2020. <https://www.hrw.org/news/2020/07/15/colombia-armed-groups-brutal-covid-19-measures>

monopoly on violence. While the beginning of the pandemic saw a hope in violence decrease with two days without homicides reports in El Salvador or massive drops in Guatemalan and Honduran rates, this hope did not last.¹² Some regions saw homicide rates surpass Covid related deaths.¹³ The pandemic has fostered a competitive environment between cartels by severely affecting the supply and demand drug market. In addition, to the growing competition, police efforts have also been redirected toward enforcement of sanitary measures which leaves more place for cartels.¹⁴ In the state of Ceará, in Brazil, violent crimes rates rose by 98 percent between the 19 and 29 of March which coincides with the beginning of lockdown initiatives.¹⁵ Gangs by gradually embodying the state through adoption of regal authority have managed to use both soft and hard powers. As such, the question is now to determine how much can cartels be empowered by the pandemic, especially considering growing unemployment and how it might push citizens to join these criminal groups.

¹² Linthicum, Kate, Molly O'Toole & Alexander Renderos. "In El Salvador, gangs are enforcing the coronavirus lockdown with baseball bats", *Los Angeles Times*, April 7, 2020.

https://www.latimes.com/world-nation/story/2020-04-07/el-salvador-coronavirus-homicides-bukele?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosworld&stream=world

¹³ Aguilier, Rubén. « La guerra de los cárteles en la pandemia ». *El Economista*. May 10, 2020

<https://www.eleconomista.com.mx/opinion/La-guerra-de-los-carteles-en-la-pandemia-20200510-0101.html>

¹⁴ Muggah, Robert. "The Pandemic Has Triggered Dramatic Shifts in the Global Criminal Underworld", *Foreign Policy Magazine*. May 8, 2020

<https://foreignpolicy.com/2020/05/08/coronavirus-drug-cartels-violence-smuggling/>

¹⁵ « Mortes violentas crescem 98% durante período de quarentena no Ceará », *Globo*, April 3, 2020.

<https://g1.globo.com/ce/ceara/noticia/2020/04/03/mortes-violentas-crescem-98percent-durante-periodo-de-quarentena-no-ceara.ghtml>