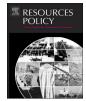
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Statization and denationalization dynamics in Venezuela's artisanal and small scale-large-scale mining interface



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<i>Keywords:</i> Artisanal small-scale mining Large-scale mining Gold mining Orinoco mining arc Venezuela Bolivarian revolution	Existing literature analyzing the spread of artisanal and small-scale mining highlights precarization and rising poverty in developing countries, generally as a consequence of neoliberal reforms, as the main drivers. Building on the case of Venezuela, this article draws upon this literature and traces a distinctive trajectory in mining evolution and policy-making from a liberal context to an increasingly statist one. The crumbling of a rentier state model, with increasing poverty and lack of social protection networks, represents a structural incentive for the expansion of artisanal and small-scale mining (ASM) and the state promotion of large-scale mining. Furthermore, the intersections of irregular and illegal mining with armed groups are central to the mining sector in Venezuela. The article argues that the intersections of ASM and large-scale mining in Venezuela demonstrate a paradoxical process of statization and denationalization. The existence of increased statist economic policies such as expropriation of extractive industries did not necessarily translate to an increased state presence in mining communities in Venezuela during the Bolivarian Revolution. Rather, the overlapping of public, non-official and criminal groups' exercise of authority and control have proliferated in the face of a deep economic crisis of Venezuela's rentier state. The spread of criminal and irregular authorities complicates attempts to formalize ASM and incorporate large-scale investment.

1. Introduction

The interface of large-scale mining (LSM) and artisanal and small scale mining (ASM) remains a blind spot in the academic discussions around the politics of mining and development. With the rise of commodity prices in the mid to late 2000s and the advancement of different policy reforms that strengthened extractive industries as central to the development models of the Global South, the procurement of primary commodities has occupied the attention of political economists, political ecologists and development scholars (Bebbington and Bury, 2013; Hausermann and Ferring, 2018; Hilson and McQuilken, 2014).

Recent literature on ASM has questioned the assumption that artisanal and small-scale miners are motivated by a desire for quick wealth (Hilson and McQuilken, 2014; Hilson and Potter, 2005). Rather, poverty is the main driver for ASM. With a predominant focus on Sub-Saharan African countries, existing works have recognized the connections between liberalization in general and Structural Adjustment Programs (SAPs) in particular with the rise and transformation in the dynamics of ASM (Hilson and McQuilken, 2014). The effects of SAPs in widening inequality and poverty as well as the processes of economic deregulation and labour flexibilization contributed to an increase in informal labour, including ASM (Hilson and Potter, 2005). Moreover, the emphasis of government and development agencies on the pursuit of beneficial investment conditions for LSM has provoked the displacement of small and artisanal miners, at times retrenching them into illegality and further precarization (Yankson and Gough, 2018). Emerging scholarship has made calls to place more attention on the formalization and incorporation of ASM into market rule and practices (Siegel and Veiga, 2009).

Different features have marked the academic debates occurring simultaneously in Latin America. Recent research has explored the tensions between the rights of local communities, including collective rights for ethnic minorities and nature, and those of private land and mining titleholders (Kröger and Lalander, 2016). Similar to other cases in the developing world, in countries such as Peru and Colombia, a trend of liberalization and economic opening has promoted conditions for LSM while displacing communities and affecting artisanal miners (Damonte, 2018; Massé and Le Billon, 2018; Vélez-Torres, 2014). Other countries such as Bolivia, Ecuador and Venezuela have witnessed an increased state presence in the management of the economy and especially natural resources extraction (Burchardt and Dietz, 2014; Rosales, 2013). They all share, however, an increased tendency towards primarization and mining activities, concomitant with the price increase of gold and other commodities (Bebbington and Bury, 2013;

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Bebbington and Humphreys Bebbington, 2011).

This increased reliance on primary commodity extraction has been dubbed in the regional literature as a model of "neo-extractivism," where the state grants incentives and forges alliances with foreign capital and uses the revenues of extractive industries to pacify societal conflict (Arsel et al., 2016; Gudynas, 2016; Veltmeyer, 2013). Moreover, the state used increased mineral rents for wealth redistribution, in order to alleviate poverty and close social and economic gaps. LSM became an important driver in the development policies of different South American countries, especially at the turn of the twenty-first century.

Several scholars have used the neo-extractivism label to argue that the state distribution of rents and use of violence is part of a larger process of capitalist restructuring (Burchardt and Dietz, 2014; Gudynas, 2016; Veltmeyer, 2013). For these authors, contemporary left-leaning governments have sided with global private capital in their appetite for ground rent: "post-neoliberal states formed over the past decade have turned towards and opted for a strategy of resource extraction and export primarization, and have done so by striking a deal with the agents of global extractive capital in a coincidence of economic interests: to share the spoils (windfall profits, enhanced claims on ground rent)" (Veltmeyer, 2013, p. 61). From this perspective, the result of this alliance is the emergence of a "new form of class struggle" between landless and marginalized populations and the forces of extractive capital. In this view, global capital has used peripheral states to assert their power through dispossession and violence (Dávalos, 2014).

Drawing on these discussions, this article addresses the following questions: how do structural economic factors shape the Venezuelan interface between ASM and LSM? And what role do irregular actors play in asserting authority and promoting irregular mining? The article engages with the existing literature on the intersections between ASM and LSM, offering new analytical insights on several fronts. Building on the case of Venezuela. I trace a rather distinctive trajectory in mining evolution and policy-making from a liberal context to an increasingly statist one. While ASM began spreading in Venezuela during neo-liberal reforms of the 1990s, ASM took hold in new forms amidst the economic crisis of rentier socialism in the past few years. The crumbling of a rentier state model represents an incentive for the expansion of ASM and the state promotion of LSM. In this context, much like other cases in Sub-Saharan Africa, the expansion of ASM has been a consequence of increased poverty and precarization. Furthermore, the intersections of irregular and illegal mining with armed groups become paramount.

I argue that the intersections of ASM and LSM in Venezuela demonstrate a paradoxical process of statization and denationalization. Statist economic policies such as nationalization and expropriation became increasingly dominant in the early 2000s and the failures of such policies contributed to increasing poverty and the fracture of social protection policies. Consequently, irregular mining spiked. In this context, criminal organizations exercise new forms of authority and control over artisanal and small-scale miners. In Venezuela, the spread of irregular mining and illegal armed groups occurs with the acquiescence of state institutions who lack capacity to exercise authority despite increasing attempts of the government to control the economy. The state rather negotiates its own authority with para-legal entities that control mining territories. During the Bolivarian Revolution of Hugo Chávez and Nicolás Maduro, statist economic policies have been accompanied by processes of denationalization of mining territories and the overlap of different forms of authority.

This research is based on an exhaustive analysis of official documents, including all laws in the mining sector but also company agreements and court cases. It relies on 12 in-depth interviews held with journalists on the ground, top officials in the Venezuelan government, and activists concerned with environmental degradation and Indigenous rights. Five of these interviews were held via telephone in 2017 and 2018. The other seven interviews were held during fieldwork conducted in Venezuela in February 2019. During this fieldwork, additional informal conversations with scholars and practitioners in the field of environmental policy and social movements were carried out. The interviews were recorded and transcribed, and all quotes were translated from Spanish by the author.

This article also builds upon literature on other developing countries and regions, with a focus on the intersection of ASM and LSM. First, the article situates the recent Venezuelan experience within the broader context and literature on ASM-LSM. Secondly, it digs deeper into the historical experience of ASM and the experiments of cooperation with LSM in Venezuela, zooming in on the case of Las Cristinas. Lastly, it explores some of the complexities of the current government's attempts to re-regulate mining in Venezuela and regain its authority over mining territories.

2. Venezuela's recent mining experience in context

As mentioned, rising poverty and exclusion from stable employment has been a key driver in the spread in irregular ASM throughout much of the developing world. Hilson and Quilken explain that with the application of SAPs, while "African governments have created an 'enabling policy environment' for large-scale gold mining, they have, at the same time created the ideal policy conditions for the growth of illegal ASM activity" (Hilson and McQuilken, 2014, p. 111). In addition, the lack of institutional capacity for and long-term bias towards ASM activities contribute to the precarization of work as well as unsafe and potentially exploitative conditions of irregular miners.

Formalization has been defended as a necessary step to provide land rights, capital lending, and training to artisanal and small-scale miners (Siegel and Veiga, 2009, p. 52). Formalization in this context refers to creating provisions in state legislation that can incorporate ASM, allowing for proper regulation. Regulation of ASM can allow for mitigation of environmental and health impacts of the activity (Siegel and Veiga, 2009, p. 52). Nevertheless, formalization encounters difficulties rooted in institutional weakness and structural inequalities. Smith et al. (2017) argue that government officials and institutions in rural areas "are increasingly invested in ASM, making formalization even more complex and problematic" (Smith et al., 2017, p. 50). Limited state capacity and control has been understood as endemic in mining areas in the developing world, where informal institutions exercise authority.

Peluso refers to informal institutions in frontier territories of gold mining as a "shadow state." As she explains, this term has been used to illustrate "a regularized involvement of high-level state actors in illicit commercial activities for personal benefit." Furthermore, the definition has been expanded to include "the systematic integration of gangsters and other illegal actors, payments and practices into the everyday workings of state governance," especially in resource management (Peluso, 2018, p. 401). The spatial and political nature of frontier spaces complicate attempts at formalization. Frontier spaces are host to diverse forms of authority and mechanisms of governance, allowing for violence and rupture to spread and normalize (Rasmussen and Lund, 2018). In the context of the decaying rentier state, the interplay of legal and illegal forms of authority arises as a crucial point of departure to reap opportunities of new rents. Tsing elaborates on these territories as "the interstitial spaces" where alliances between legal and illegal, legitimate and illegitimate actors abound (Tsing, 2011, p. 27). The notion of the "shadow state" can be understood in terms of Lund's (2006, p. 694) "twilight institutions" where public authority is conceived as coconstitutive between state and society, public and private spheres. In this case, state and non-state officials exert alternative forms of authority for extracting resources.

Past research on both Sub-Saharan Africa and South America has included important debates about the connections of illegal actors, irregular miners and armed groups or different para-state forms of authority (Hausermann and Ferring, 2018; Lund, 2006; Massé and Le Billon, 2018; Vélez-Torres, 2014). As Massé and Le Billon (2018) demonstrate in the case of Colombia, an array of armed groups, criminal organizations and small-scale miners account for the vast majority of the gold mining that occurs in the country. The increased participation of criminal organizations in mining responds to changes in the international price of gold and to changes in the illegal drug trade as well as the demobilization of armed groups in different peace processes.

Venezuela's trajectory regarding economic liberalization and the spread of ASM has differed from those of other developing countries. For example, in the past two decades, Venezuela has pursued policies of economic centralization rather than liberalization. Venezuela was the first South American country to counter the liberal projects of market governance and representative democracy, occurring from the end of the 1990s to the early 2000s. During the so-called "Bolivarian Revolution" led first by Hugo Chávez (1999–2013) and later by Nicolás Maduro (2013 to today), a radical project of state reassurance occurred, beginning with the redressing of neoliberal policies. Later, this process involved increasing state takeover of companies and state regulation of different sectors, especially in the extractive industries (Urbaneja, 2013; Grugel and Riggirozzi, 2012; Purcell, 2017; Rosales, 2013).

Statization of companies included heavy metal complexes associated with minerals in the south-east of the country, providers of utilities such as telecommunications, electricity and water, national television stations as well as fertilizers and agricultural equipment providers (Brewer-Carías, 2010; Corrales & Penfold, 2011; Stalling and Peres, 2011). While processes of statization were taking place in different sectors of the economy, the state also lost monopoly over the exercise of legitimate violence and territorial control of places such as gold mines, prisons and certain urban areas (Terán Mantovani, 2018, p. 66). This does not mean that the state has been absent in the spread of irregular and illegal mining. The Venezuelan military and local authorities have been complicit in the spread of different unregulated small-scale mining activities and armed groups' territorial control of mines (Antillano et al., 2018; Ebus, 2018a; López, 2017a; Romero and Ruiz, 2018; Rosales, 2017).

During the Bolivarian revolution, Venezuela's long-lasting rentier political economy was reinforced and new features were incorporated in a radicalized form of socialist rentierism (Urbaneja, 2013; Rosales, 2018a). In the past two decades, different mechanisms of rent appropriation were established, primarily through the dramatic overvaluation of the currency (Dachevsky and Kornblihtt, 2017; Purcell, 2017). Exchange and price controls were introduced on a range of commodities, from capital goods to retail. During periods of high oil prices, the state used growing rents from foreign currency windfalls to import goods, allowing the management of social contentions and disputes in a generally conflictive political environment (López-Maya, 2016; Urbaneja, 2013). From 2013 onward, this model began to show signs of failure as the distortions provoked by price and exchange controls triggered inflation, scarcity and large differentials between the legal exchange and market rates (Pons, 2017a; Rosales, 2016; Saboin García, 2017).

At this time, foreign banks and governments became wary of Venezuela's ability to pay its debt obligations. In this context of closing avenues for debt acquisition, the Venezuelan government increasingly monetized its fiscal deficit. Monetization occurred while maintaining price and profit controls in the most productive sectors. The result has been the simultaneous rise in inflation and persistent scarcity. The collapse in oil prices beginning in 2014 dramatically reduced government revenue. In consequence, there has been a dramatic contraction of the economy, including a 53% contraction in Gross Domestic Product (GDP) in five years, with deteriorating social indicators (BCV, 2019). Poverty rates have risen to close to 90 percent and over 3 million Venezuelans have fled in recent years as social safety nets and social protection policies have been deeply devalued or effectively dismantled (España et al., 2016; Rodriguez, 2018; UCAB, 2018).

In addition to this collapse, largely induced by domestic factors, sanctions imposed by the United States and other western powers from 2017 onward complicated the prospects for recovery. In August 2017,

the US imposed financial sanctions that impeded the renegotiation of the foreign debt, including both Treasury-acquired and Petróleos de Venezuela (PDVSA) bonds (Talley et al., 2019; Worstall, 2017). These sanctions intensified gold extraction as a means to acquire fresh cash. Later, the US imposed sanctions on gold exports from Venezuela and finally, in January 2019, it imposed an oil trade embargo on Venezuelan oil to the US.

The collapse of the traditional rentier state gradually pushed thousands of Venezuelans to different irregular markets and activities, often taking advantage of arbitrage mechanisms via currency and price controls. Irregular gold mining was one of the activities of increasing importance to Venezuelans. Through various structural processes, the recent Venezuelan trajectory also implies increased poverty and general precarization as central incentives for a rapid increase in irregular mining. Nevertheless, the triggers of these social processes have little to do with economic liberalization. Rather, they represent a prolonged process of statization policies mixed with a crumbling oil economy. The apparent solution to the crisis assumed first by the population and then by the central government was to double down on rentier and extractive practices.

3. Orinoco Mining Arc (OMA)

Immersed in this deep social and economic crisis, the Venezuelan government created the Orinoco Mining Arc (OMA) in 2016. As a special development zone, the OMA has different regulations that govern investment, allowing for a more flexible framework that promotes LSM in search of gold, diamonds, coltan and other minerals (Lander, 2016). The OMA is a territory that covers about 12 percent of the country, an area of 111,843 square kilometers, and is subdivided into smaller units according to the strategic minerals located in their subsoil (López, 2017a; MINCI, 2017; República Bolivariana de Venezuela, 2016). Gold, coltan, iron ore and diamonds are the most valuable of those minerals. The Arc, however, is also home to sensitive ecosystems, including freshwater deposits, protected forest areas, and the communities of over a dozen Indigenous nations. Executive Decree Nº 2.248, which delineates the creation of the special development zone, stipulates in Article 25 that the interests of unions, Indigenous communities, and other groups shall not prevail over the advancement of mining activities defined as being in the "general interest" of the nation (República Bolivariana de Venezuela, 2016).

In the process of making the OMA an open space for investment, the government of Nicolas Maduro signed a Memorandum of Understanding (MoU) with the Washington state-based mining company Gold Reserve for the development of the Las Cristinas and Las Brisas mines (Ulmer and Gupta, 2016). Las Cristinas and Las Brisas, located within the OMA, represent some of the most promising gold mines in Venezuela and in the whole of South America. In the past, various foreign companies based in Canada, the US and China have pursued legal battles over the concessions to operate these mines (Pineda, 2016b). After the state revoked concessions of the mines in 2008. Gold Reserve and Crystallex launched arbitration cases for their expropriation before the International Centre for Settlement of Investment Disputes (ICSID) of the World Bank. In 2015, ICSID ordered the Venezuelan government to pay back 740.3 million USD to Gold Reserve (Lozada, 2018; Ulmer and Gupta, 2016). The Venezuelan government agreed to return the concession to operate both Las Cristinas and Las Brisas to Gold Reserve. A year later, however, ICSID awarded 1.386 million USD to Crystallex for the 2008 expropriation of Las Cristinas (Crystallex, 2016).

In the 1990s, Las Cristinas was a place of LSM and ASM experimentation. An area of historical relevance for traditional miners, Las Cristinas was also an early entry point of large-scale investors in the country (Lacabana, 2012; Rodríguez A, 2003b). In the 1990s, after years of tension with local communities and small-scale miners, Canadian company Placer Dome developed a joint-venture that allowed small-scale miners to operate in the concession together with the local organization Los Rojas (Davidson, 1998; Hilson and Murck, 2000). Following the government's decision to revoke the concession to Placer Dome, criminal gangs locally known as sindicatos took control of Las Cristinas. This kind of gang control currently prevails in much of the OMA and beyond, and prevents any considerable investment in these territories due to high levels of violence, unsafe conditions for miners and general lawlessness of social life. Deputy minister of ecological mining and development stated in an interview that the government is working hard to regain full territorial control that would give "guarantees to investors," signalling the desire of local communities to welcome their investments (interview with Franklin Ramirez, 2019). While the government's decision to revoke the concessions were made on grounds of national sovereignty and environmental concerns, institutional weakness to assert control over the territory allowed illegal groups to take control of these mines. In two years since the creation of the OMA, no large-scale investor has committed to invest in the project. Senior officials stress that despite the interest shown by companies, the government has signed agreements with local mining organizations (interviews with Victor Cano, 2018; and Franklin Ramirez, 2019).

The remainder of this article will explore in more detail the history of ASM in Venezuela prior to and during the Bolivarian Revolution, zooming in on the case of Las Cristinas. The goal is to explain the different legal and economic processes that have affected ASM and largescale investments in the area. Most importantly, the article will emphasize the importance of different illegal actors that exercise authority in the territory, provoking the disorganized, overlapping and unregulated spread of different forms of mining in Venezuela.

4. ASM in Venezuela: interactions between the legal and illegal spaces

The region of Guiana in Venezuela has been a rich mining territory for over a century. Guiana is composed of the Bolívar, Amazonas and Delta Amacuro states at the south and southeastern banks of the Orinoco River. This vast territory composes about 44 per cent of the Venezuelan land mass (Lozada, 2017; Romero and Ruiz, 2018). In Bolívar state, the area of El Callao-Tumeremo has been under exploitation since the 1850s and Las Claritas has been exploited since 1930 (Rodríguez A, 2003b). ASM has dominated as the main form of extraction in both areas. However, some large-scale concessions have been granted to foreign companies since the 1980s, including Las Cristinas mine in Las Claritas. In these territories, ASM and attempts at large-scale operations have overlapped and coexisted for at least three decades.

Intersecting entities and spaces determine the governance of mining in the territories of the Venezuelan region of Guiana. There is a legal space, usually controlled by officials in Caracas, that determines who is entitled to mine and where and how this mining is permitted. In this space, the state grants concessions to mining companies and delineates areas where ASM can take place. This decision-making process is especially contentious since a number of national parks and protected areas are located near mining territories. The 1999 mining law was the first to recognize ASM. According to this law, ASM was to be exercised by no more than 30 workers of Venezuelan citizenship in an area no greater than 10 ha. Mining cooperatives are included in this law but no land rights are granted to ASM. Artisanal mining was defined in this law as mining exercised only with rudimentary and portable tools (Lozada, 2017; Romero and Ruiz, 2018). ASM is only permitted among Venezuelan citizens. ASM ought to be regulated under environmental laws and taxed by the appropriate authorities. For example, the use of mercury has been banned since the 1990s, even though it remains common (International Crisis Group, 2019, p. 16).

In 2015, the government of Nicolás Maduro reformed the mining law to provide a legal space that promoted alliances between the state, small- and large-scale mining companies (República Bolivariana de Venezuela, 2015). It increased area plots for ASM to 25 ha. In 2016, the government created the OMA with fiscal and regulatory incentives for private investors (MINCI, 2017; República Bolivariana de Venezuela, 2016). These legal mechanisms potentially clash with the 1999 constitution, which grants Indigenous nations collective rights to their ancestral lands. Since the beginning of the century onward, Indigenous populations have demanded the demarcation and recognition of their land plots. Progress on this front has been negligible. Moreover, Indigenous leaders and populations demanding land demarcations have suffered from repression by state and para-military forces, especially private security from landowners in areas where Indigenous lands overlap with the interests of mining and landowning groups (Lander, 2016, p. 16; Terán Mantovani, 2016, p. 277).

Large-scale investors add another layer of complexity to the governing spaces of mining. Concessions granted to LSM companies—primarily international investors—have not always translated into the exploitation of minerals. At times, concessions have been granted in the same area of a mining territory sparking legal disputes within Venezuelan tribunals and abroad. Moreover, foreign investors, smallscale miners and the Venezuelan state have faced tensions and conflicts but also moments of alliance and cooperation. In the region of Guiana, artisanal mining is linked to the Indigenous peoples and *mestizos* who have mined for generations and continue to do so in a rudimentary manner. In the past decade, however, non-Indigenous and migrant miners from across Venezuela and neighbouring countries have joined in as irregular small-scale miners.

4.1. Las Cristinas: an experiment in cooperation between ASM and LSM

In the 1990s, the government initiated a process of opening to LSM, through a legal framework that welcomed investors and coincided with a broader liberalization process of other economic sectors, including oil (Giusti, 1999; Lacabana, 2012; Manzano and Monaldi, 2010; Rosales, 2018b). This opening was controversial among environmental groups, as it allowed large-scale open pit mining in the Forest Imataca reserve (Lacabana, 2012; Lozada, 2017; Rodríguez A, 2003a). The Venezuelan government sought to introduce new, efficient mining techniques in the areas south of the Bolívar state (where Las Cristinas is located) with the help of foreign capital. At the same time, the government maintained a monopoly over the northernmost areas of Bolívar state's mining territories (Wotruba and Davidson, 2005).

In 1991, the Venezuelan government granted a concession for the exploration and exploitation of Las Cristinas to the Canadian mining company Placer Dome. It is estimated that Las Cristinas contains over 320 tonnes of copper and gold (Brooks and Waymer, 2009; Rodríguez A, 2003). The concession was operated as a joint venture with the state-owned Corporación Venezolana de Guayana (CVG). This concession was granted after decades of small-scale mining operations in the area, largely controlled by individual landowners (Rodríguez A, 2003, p. 48). Tensions with small-scale and artisanal miners arose as the state sought to push them out of concessions granted to foreign investors. The government carried out the relocation of small-scale mining towns around the area of Las Cristinas, although it was unsuccessful at eliminating ASM activities in the area, and groups of small-scale miners would routinely penetrate the confines of the concession (Wotruba and Davidson, 2005, p. 200–201).

As the government attracted foreign investors to the area, periodic confrontations between local mining communities and companies occurred. From 1994 onward, Placer Dome started to tolerate the presence of small-scale miners within its concession, but under the condition that they only used portable tools and did not interfere with the work of Placer Dome and its infrastructures. The company eventually arrived at a compromise of "co-habitation" with organized ASM in the area, with support from the CVG. Miners, in agreement with Placer Dome and the government, delineated an area of intensive use for ASM (Wotruba and Davidson, 2005, p. 201). These miners were organized in

the collective known as Los Rojas. In 1996, the company and Los Rojas entered into a formal agreement that included technical cooperation, safety rules and training (Davidson, 1998). Since then, the project of co-habitation and support between the company and ASM has been promoted as an example of cooperation and social responsibility (Hilson and Murck, 2000, p. 237).

The Placer Dome-Los Rojas agreement became more dynamic in 1997–1998 as the large-scale interests of the company waned down due to lower gold prices. In this context, the company increased its support for small-scale mining operations performed by the collective, and built a modern processing plant. Training and capacity building led to the sharing of experiences internationally and eventually to the expansion of the program to other associations and miners (Davidson, 1998; Wotruba and Davidson, 2005). During the 1990s, the region of Las Claritas, where Las Cristinas is located, produced between 5 and 6 metric tonnes of gold, second to El Callao, in northern Bolívar, which produced 7 metric tonnes (Rodríguez A, 2003, p. 49).

However, the arrangement was short-lived. With a decline in gold prices, Placer Dome lost interest in the concession, and after attempting to sell its portion of the joint venture to the CVG, it transferred its portion to another Canadian company, Vanessa Ventures, for the symbolic price of 50 USD (Brooks and Waymer, 2009, p. 33). Upon Hugo Chávez's arrival to presidency, the government ceased the joint venture with Placer Dome and Vanessa Ventures, alleging violation of the contract. In 2002, it opened a new bid for the concession of the mine, awarding it this time to Crystallex International Corp. Vanessa Ventures, meanwhile, activated a series of legal actions against the Venezuelan Government in domestic and international tribunals for the unilateral revocation of the contract (Brooks and Waymer, 2009). The agreement between Placer Dome, the CVG and Los Rojas revealed a remarkable fragility within the legal sphere of mining concessions, as the government was unable to secure a long-term arrangement between the stakeholders. The disconnect of this legal space from on-the-ground development contributed to the spread of illegal actors due to institutional weakness in asserting control over the territory.

As legal operation rights were transferred from one concession to another, ASM continued and intensified. Crystallex pointed out that illegal miners had "invaded" the site prior to the government granting the concession (Brooks and Waymer, 2009, p. 33). The evidence suggests that small-scale mining activity was a reality throughout the period (Rodríguez A, 2003, p. 50). The influx of irregular miners increased rapidly as the international price of gold rose and the Venezuelan economy collapsed (Romero and Ruiz, 2018, p. 105-106). In 2011, the government of Hugo Chávez decreed the nationalization of the gold sector after revoking concessions to foreign companies on the grounds of administrative mishandling and environmental degradation (República Bolivariana de Venezuela, 2011). Similar to the renegotiation process of oil contracts that took place in 2007 (Rosales, 2018b), the government sought to increase its participation by securing majority assets in joint ventures and increasing royalty and tax burdens (República Bolivariana de Venezuela, 2011). Nevertheless, a process of denationalization was also underway as the legal terrain of contracts was disputed through international arbitration. The processes of denationalization refer to the intention of the central government to gain control over mining, yet its inability to follow through due to state incapacity and corruption on the ground. The rise in gold prices and increasing instability in the national economy, which had previously been incentives for irregular mining, also created an opportunity for illegal armed groups to reap new business niches. Military forces in local areas rather than exerting sovereign control over the territory allowed for the expansion of illegal armed groups in exchange for parts of the profits.

4.2. Statization and denationalization of mining territories

Illegal gold mining in Venezuela increased between 2005 and 2007;

yet, with the severe economic crisis that the country had undergone since 2012, this process spiraled out of control. Armed illegal structures spread through the territory. The *pranato minero* is a criminal network of loose nodes *(sindicatos)* that operate with the complicit complacence or direct alliance of the Venezuelan military (Ebus, 2018a; Gayarre, 2016). The so-called *sindicatos* are not labor organizations as their name suggests, but armed groups that have taken control over the mines and hired small-scale miners to extract minerals in exchange for "protection" (Romero and Ruiz, 2018; personal communication informants from Platforma para la Eliminación AMO).

These organizations originate in the basic industries of Guiana, including the iron, bauxite and aluminum firms that operated in the heavy industry sector long ago pioneered in the region. They also organize around contracts in the construction sector. The heavy industries are rooted in the industrialization efforts of the representative democratic period of 1958-1998 (Coronil, 1997). Finally, the construction sindicatos emerged in the oil boom of the 2000s, associated with large infrastructure projects such as the second bridge over the Orinoco River and the soccer stadium Cachamay, which was re-built for the 2006 Americas' Soccer Championship (Romero and Ruiz, 2018, p. 111). In the 1990s, the heavy industry companies were privatized as part of the larger process of liberalization that took place under the government of Rafael Caldera. The Chávez government nationalized these enterprises in the 2000s and sought to take control of the powerful trade unions, which resisted government control and demanded beneficial negotiations of expired collective bargaining agreements. The government established military officials as authorities in these companies and infiltrated them in collaboration with armed gangs to discipline trade unions and workers through violence (Romero and Ruiz, 2018, p. 111). Similar workers' mafias operated as gatekeepers of construction projects. As production began to collapse and government contracts for infrastructure in the area wound down, these criminal structures spread southward and mining became a major source of their profit (Ebus, 2018a; Romero and Ruiz, 2018, p. 111, 115). The sindicatos have been long associated with political power in the region and the military, especially the governorship of Bolívar state, and the National Guard regiments that control transit points and border-crossings in the state (Antillano et al., 2018; Ebus, 2018a, 2018c; López, 2017a). According to informants both at the level of elected representatives and journalists, the Bolívar state has long been militarized (interviews with José Ortiz and Bram Ebus, 2018). For this reason, the criminal activities of sindicatos have proliferated with different levels of support from military and civilian officials.

Moreover, groups of guerrilla battalions from Colombia have entered Guiana and established themselves in areas of Amazonas and Bolívar state. The Ejército de Liberación Nacional (ELN) and dissident factions of the Fuerzas Armadas Revolucionarias de Colombia Ejército del Pueblo (FARC-EP) engage in the mining business of the area with direct encouragement or negligence by Venezuelan officials (Kirby, 2018; Interview with Moncada, 2019). Alicia Moncada, researcher and activist for Indigenous rights, explains that dissident groups of the FARC-EP control mining areas of Amazonas state. These groups have subjected Indigenous communities to conditions of exploitation: "they impose the price of gold by the barrel of a gun and exploit miners under conditions of servitude" (Moncada, Interview with author, 2019). The ELN has managed to control local radio stations and subsidized food distribution networks in different towns, especially in Bolívar state (International Crisis Group, 2019, p. 7). Recently, the ELN has been accused of committing a massacre in which seven miners were killed (Ramírez and Parkin Daniels, 2018). The ELN also entered into direct military conflict with Venezuelan armed forces, killing three Venezuelan National Guard officials. Mining has become an important source of income for irregular groups that have settled in the country from Colombia. A recent report from the International Crisis Group explains that the ELN "now earns about 60 per cent of its income from mining and mining-related activities in Colombia and Venezuela, while

a dissident FARC front known as Acacio Medina derives more than half its revenues from mining operations inside Venezuela" (International Crisis Group, 2019, p. 6). The territorial disputes between the ELN, FARC and *sindicatos* have led to massacres of unarmed miners.

While processes of statization have become common in strategic industries and in mining, forms of denationalization have also become present. Armed groups began to take control of irregular mining due to the incapacity of state actors to control the territory and exercise its authority. State actors have instead colluded with illegal groups and have taken part in forms of rent appropriation through bribery and extortion. Military officials and local authorities have colluded or turned a blind eye to criminal organizations controlling these areas but profited from the payment of vacunas. The system of pranato minero operates ultimately as a mechanism to repress worker disobedience, punishing deviance and criminality as well as providing conflict resolution venues and social safety nets. According to the work of Romero and Ruiz (2018), these goals are achieved through violent repression. Fear and intimidation are present in mining towns. The sindicatos exploit labour through the confiscation of approximately 10-30 percent of the miners' output (Antillano et al., 2018, p. 167-169). Robbery and "cheating" with the system of vacunas, which operate as irregular tax mechanisms charged by armed principals, are heavily punished (Antillano et al., 2018, p. 168).

Since 2017, Venezuela has been ravaged by hyperinflation and elevated scarcity. Unlike the rest of the country, mining areas do not face the same levels of scarcity of essential food staples; however, the price of food in these areas is much higher due to price-setting mechanisms based on the value of gold. This increases the price of living and complicates life for new miners who have fled already precarious conditions in other parts of the country (Romero and Ruiz, 2018, p. 130). High living costs and out-of-the-law fees to state and para-state authorities also make life extremely difficult for small-scale miners, and for other workers in businesses adjacent to the mines. Service workers such as cooks and sex workers-both groups composed primarily of women-carry a heavier weight due to their precarious working conditions and lower wages, and are more susceptible to conditions of exploitation and trafficking (Antillano et al., 2018; Moncada Acosta, 2017; Romero and Ruiz, 2018; interviews with informants from Platforma para la Eliminación AMO). As most basic staples in Venezuela are centrally managed or imported by the government, the acquisition of food and other basic items such as medicine at market prices occurs through internal smuggling and contraband. This is largely due to the stringent policies of price controls and food rationing. Thus, the extent of illegal activities spans most aspects of life in mining territories.

Since at least 2008, when there was a rapid increase in gold mining activity in Bolívar state, there has also been a sharp increase in violent deaths caused by firearms (Antillano et al., 2018b, p. 160-161). The mortality rate in mining municipalities is staggering. In the county of Las Claritas, where Las Cristinas mine is located, deaths by firearms reach 72.7 per 100,000 deaths, higher than the national average and near the highest in the world (Antillano et al., 2018, p. 160). Frequent massacres have taken place in past years, with unarmed miners as the principal victims of gang struggles (Antillano et al., 2018; Gayarre, 2016; Pineda, 2016a). Territorial control is among the main causes of armed struggle within bands as well as between bands and the Venezuelan military. The Venezuelan Government has opted to negotiate its own presence in the region by creating alliances rather than engaging and dismantling irregular groups (interviews with an informant from Platforma para la Eliminación AMO). In the words of senior policy makers of the Venezuelan mining sector, the government's strategy centres on developing miners' "capacity building" and strengthening their "political awareness" rather than engaging in conflict with armed principals (interview with José Ortíz, 2018). Franklin Ramírez, Deputy Minister for ecological mining development, stated in an interview that the Venezuelan Government's approach to illegal mining was subject to "human rights principles" and participatory democracy (interview with author, 2019). New checkpoints, increased training and deployment of national guards have also been reported in government briefings (República Bolivariana de Venezuela, 2018).

5. The return of the state?

According to estimates by government officials, some 30 tonnes of gold were smuggled each year until 2016 due to the spread of irregular mining (personal communication with Victor Cano and José Ortíz); however, negligible amounts were reported to the Central Bank. The creation of the OMA is the latest attempt by the Venezuelan Government to regain its authority over mining territories in order to take part of the mining business and improve the country's external position, especially considering its need to pay off foreign debt in a landscape of decreasing oil exports and oil revenues. With the OMA, the government hoped also to welcome foreign investors to increase gold output through more efficient techniques, including the establishment of gold cyanidation plants to obtain more metal and eliminate the use of mercury. Foreign investment has been rather cautious. Besides the MoU with Gold Reserve, only a few companies with little to no recognized expertise in the area have showed interest in making deals. Gold Reserve and the Venezuelan government have amended the MoU and payment schedules on several occasions, especially after the US administration imposed new financial sanctions on Venezuela in 2017.

Instead of attracting new foreign investments, the government has established so-called "strategic alliances" with small-scale miners, domestic investors and the creation of a state-owned, military-run extractive company (MINCI, 2017). The militarization of the sector and convivial approach to the existing actors in the area demonstrate the lenience of government actors with respect to illegal and armed groups. According to government estimates, 7 to 16 gold cyanidation plants to date have been built or are under construction, all of which have been established using local capital (Prensa Minera, 2018; interview with Victor Cano, 2018 and interview with Franklin Ramírez, 2019).

The OMA cannot be understood as being isolated from the recent past in Venezuela's mining history. The OMA established a new scaffolding of legal and para-state structures that govern mining. Although the OMA is now over two years old, there is still little official data regarding the number of small- or medium-scale miners operating within the OMA. However, unofficial sources estimate that there are anywhere from 70,000 to 300,000 miners in Venezuelan Guiana, within and beyond the OMA delineated area (International Crisis Group, 2019, p. 1). At the time of writing this article, the government had not released the official registry data. Among the initial results of the formalization process, the government has announced the creation of 23 areas of legal exploitation in the OMA, with approximately 15,000 artisanal and small-scale miners (República Bolivariana de Venezuela, 2018). Nevertheless, artisanal and small-scale miners that fit within the formal definition (i.e., those who use primarily portable tools and operate on small plots of land) are rather rare. With the spread of irregular operations in the area, there are thousands of medium-scale miners, controlled by sindicatos, which operate hydraulic monitors and other large machinery that require capital investment (Romero and Ruiz, 2018, p. 115). According to Central Bank reports, there has been a noticeable increase in internal gold purchasing in recent years, with about 8 tonnes reported in 2017 and another 8 tonnes as of October 2018 (Banco Central de Venezuela (BCV), 2018). Nevertheless, the portion of monetary gold in Venezuela's foreign reserves has continued to decrease (López, 2017b). Moreover, the gold reported to the Central Bank has been used as cash in transactions with foreign banks (Pons, 2017b; Romero Castillo, 2017).

Based on the conditions of the mines and mining towns in Bolívar state, the gold officially reported by Venezuelan authorities continues to be extracted under unsafe conditions, including the use of mercury, by workers exploited by illegal armed groups and with deplorable health and working conditions (Ebus, 2018b; International Crisis Group, 2019; López, 2017a; Romero and Ruiz, 2018). While the policy of the OMA represents an important step to recognize the presence of ASM as well as the need to bring mining into the regulatory realm of the state, its conception remains outside the practice of meaningful debate and the recognition of basic collective and individual rights. Furthermore, medium-scale miners and domestic investors-who have profited the most from gold trading in the past few years-represent the most significant actors that negotiate the formalization of their activities with the government (Ministerio del Poder Popular para Desarrollo Minero Ecológico, 2017; República Bolivariana de Venezuela, 2018). At the time of writing, no free prior and informed consent has been granted by Indigenous communities affected by mining to engage in OMA alliances. In addition, no environmental impact assessment has been released regarding the extraction of gold included in official statistics. Mining continues to take place in vast territories beyond the demarcated OMA zone, including national parks, with vast environmental and social consequences (Arenas, 2015; Chang, 2015; Herrera and Rodríguez, 2015; Moncada Acosta, 2017). There is negligible accountability in the process of establishing the current 23 strategic alliances agreed upon between the government and artisanal miners' organizations, suggesting only veiled support with existing illegal groups operating in the territory.

Lastly, despite attempts to promote investments, the apparent return of the state to the regulation of mining activities and territories has not provided a legitimate space for foreign actors to commit the funding and technology required to develop large operations. Moreover, overlapping legal contentions and interests continue to exist in specific areas, such as Las Brisas-Las Cristinas, where several companies have stakes on these projects. It remains unclear how the government of Nicolás Maduro plans to fulfill its commitments and promises to foreign companies that have won arbitration cases. The legal deadlock of the Venezuelan government and the US regarding state institutions' capacity to renegotiate their debt adds additional strain. Potentially new alliances with non-Western investors may bring fresh funds to deploy in mining projects.

6. Conclusions

The extant literature on the interface of ASM and LSM has begun to shed light on the importance of structural factors promoting the expansion of ASM, despite reforms geared towards creating a framework for large-scale investments. The pursuit of economic liberalization and programs of structural adjustments created conditions for increasing precarization and inequality, especially in Sub-Saharan Africa, that brought about the increase in unregulated small-scale operations (Hilson and McQuilken, 2014; Hilson and Potter, 2005). In Latin America, an increased reliance on commodity extraction has been noted as a model of neo-extractivism where foreign capital and the state form alliances that tend to dispossess local populations, but where the state uses increasing extractive rents to legitimize extraction and suppress resistance (Gudynas, 2016; Veltmeyer, 2013). Governments of the'new left' have expanded the extractive frontiers in their countries to take advantage of new rents that allowed for reduced poverty rates and the closing of inequality gaps for at least a decade (Gudynas, 2016, p. 106).

In Venezuela, a paradoxical process of increased state presence in the economy, at times in direct conflict with foreign capital, has also provoked forms of denationalization where irregular and illegal groups have taken control over mines. In this context, labour exploitation, environmental degradation and violence have intensified. Contrary to the arguments of neo-extractivism literature that emphasize the assertion of foreign capital interests through active alliances with the state in the extractive industries, in Venezuela, foreign investors remain reticent to commit new investments. This reticence is the result of two intersecting phenomena. The first relates to the rise in armed groups and irregular mining in an uncontrolled manner. The lack of legitimate authority to exert control over territory has been replaced by merging forms of authority in the shadow of the state. The second relates to the government's contradictory handling of foreign investment and ASM. Even in the 1990s when LSM was actively pursued, tensions and contradictions remained with respect to its coexistence with other forms of mining. Later, in the 2000s, policies of resource nationalism turned relations with foreign investors antagonistic, at least in the mining sector. Different legal struggles waged at the national and international levels have contributed to further entanglements between the state and the interests of foreign capital.

Since 2016 onwards, the government of Nicolás Maduro has faced a dramatic economic crisis with a crumbling oil economy and increasing foreign animosity. In this context, Maduro has opted to integrate mining as a national development strategy geared toward increasing gold possession in the hands of the Central Bank to compensate the loss of foreign revenue from lower oil prices and a collapsing oil industry (Rosales, 2018a). The creation of the OMA is evidence of this strategy. While the government has attempted to incorporate LSM projects using foreign investments, this goal has been difficult to achieve. Instead, local alliances have formed with both miners on the ground and irregular mining groups, which operate in the territory, recognizing and expanding existing practices with increased formal state participation.

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Appendix A. Supplementary data

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