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Consolidation of Organized Crime in the Orinoco Mining Arc (OMA): The Control of Illegal Mining, Human Trafficking, and Other Crimes

SARA MARIELLA LAMBERTINI 

RESEARCH



ABSTRACT

The Orinoco Mining Arc (OMA) is in the south of Venezuela, a region rich in minerals and natural resources with a particular social, economic, and security dynamic. Due to its remoteness and difficult access, different actors have found a privileged space to conduct criminal activities. Venezuela has ratified the international conventions against transnational organized crime, trafficking in persons, and illicit drug trafficking. It also has national legislation criminalizing all these illicit activities. However, factors such as corruption and government inefficiency have led to impunity and a lack of implementation of legislation. Moreover, the complex social and economic situation in the country has forced part of the population to yield to the pressure of criminal groups operating in the mining sector. The research exposes the consolidation of organized crime groups in the OMA and their control of illicit activities in the area, such as illegal mining, human trafficking, and drug trafficking, among others. A documentary investigation is conducted to review the reports prepared by international organizations, academic institutions, and non-governmental organizations on Venezuela, as well as the Venezuelan legal framework and the official information issued by national authorities. The results indicate that organized crime has taken root in the OMA, generating an overlap between national and foreign actors. These actors lead the perpetration of a variety of illegal activities thanks to a criminal network, state corruption, and the vulnerability of the region's inhabitants.

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In 2011, President Hugo Chavez announced the possibility of opening a large swath of Venezuela's southern territory to mining activities and established military zones in a bid to cut down on illegal mining operations. In 2016, the National Executive created the National Strategic Development Zone Orinoco Mining Arc, sectioned off 12 percent of the country's territory, and labeled it the "Arco Minero del Orinoco" (Orinoco Mining Arc-OMA). Decree N° 2.248, published in Official Gazette N° 40.855, aimed to establish an institutional framework to regulate the exploitation of a variety of minerals such as gold, diamonds, coltan, iron, and bauxite. The exploitation should be through the participation of miners, small mining companies, and larger public, private, and mixed companies, under the principles of national sovereignty, respect for indigenous peoples, transparency, and sustainability. The Mining Sectoral Plan 2019–2025 includes similar objectives, as does Venezuela's social and economic development plan known as "Plan de la Patria 2019–2025."

The OMA spans across the Amazonas, Bolívar, and Delta Amacuro states, with an extension of almost 112,000 square kilometres. It is estimated that there are 48 types of minerals in the OMA,¹ as well as one of the world's largest gold reserves (Telesur 2018). Artisanal and small-scale mining have been part of the household livelihood strategy for decades, while large-scale industrial mining started operating in the 20th century.

After the creation of the OMA, thousands of people began to arrive in the area to work at the mines (SOS Orinoco 2020a). Approximately 500,000 workers are involved in illegal mining operations in Venezuela, many of them from local indigenous communities who have been coerced into working through threats of violence or due to economic necessity (Rendon, Sandin & Fernandez 2020). This situation, coupled with a lack of authority, has favoured the perpetration of tax evasion, mineral, food, and supply smuggling, and speculation strengthening, usury, and the illegal commercialization of fuels and chemicals (Ministry of People's Power for Ecologic Mining Development 2019). Unfortunately, the extraction of natural resources and the commercialisation on the global market have become sophisticated and lucrative businesses for various criminal actors (Zabyelina & van Uhm 2020). Nowadays, illegal mining is part of the communities' livelihood and is a perfect storm of criminality and corruption (Filipetti 2019).

It should be noted that organized crime does not operate within a social vacuum; it interacts with the social environment (Kleemans & van de Bunt 1999) and is linked to and embedded in society. Social embeddedness is commonly discussed with respect to the provision of illegal goods and services to a demanding public and the rooting of organized criminals and criminal groups in marginalized segments of society (von Lampe 2016). In the OMA, national and foreign groups have been attracted by the profits generated by the exploitation of natural resources and the access to multiple kinds of illegal activities. These groups have opened up new, more lucrative, and less risky markets. Armed non-state actors and local gangs have been taking advantage of weak state authority and competing for control of key mining operations (SOS Orinoco 2020b). Furthermore, some allegations describe high levels of labour exploitation, trafficking, and violence due to the existence of a system of corruption and bribery imposed by the groups that control the mines, through which those groups pay some military commanders to maintain their presence and illegal activities (OHCHR 2020).

In 2019, the UN High Commissioner for Human Rights (OHCHR 2019a; OHCHR 2019b) expressed her concern about the impact mining in the OMA is having on the way of life of indigenous people and the surrounding environment. The OHCHR has acknowledged the presence of organized criminal gangs and armed groups in the OMA region, as well as the increased risk of human trafficking that indigenous women and girls are exposed to (OHCHR 2019a). In 2020, the OHCHR stated that people who work in the OMA region are facing the risk of labour exploitation (OHCHR 2020) and high levels of violence by criminal groups that control the mines in the area. It must be noted that from 2018 to 2021, Bolívar State remains the third most violent territorial entity in Venezuela, with a violence rate of 56.8 deaths per 100,000 habitants (OVV 2022), and media reports indicate that more than 16 violent incidents occurred between 2016 and 2020 in the mining area, despite the significant presence of the military in the OMA and surrounding municipalities (International Crisis Group 2019; OHCHR 2020).

1 These minerals are white clay, red clay, clays, sands, sulfur, barium, barium, barite, bauxite, bentonite, limestone, kaolin, kaolinite, coal, cassiterite, cobalt, copper, coltan (columbite-tantalite), chrome, quartz, diamond, diatomite, dolomite, tin, feldspar, phosphate, granite, iron, ilmenite, lignite, magnesite, marble, mica, nickel, gold, silver, lead, potassium, salt, silica, silicon, talc, tantalum, thorium, peat, uranium, gypsum, and zinc.

The social, economic, and political environment has provided fertile ground for criminal groups in the OMA, transforming this place into a sort of “black spot” (Brown & Herman 2020). Taking into consideration these elements, the research exposes the consolidation of organized criminal groups in the OMA and their control of illicit activities in the area, such as human trafficking, drug trafficking, and illegal mining, among others. This desk research reviews the reports prepared by international organizations, academic institutions, and non-governmental organizations on Venezuela, organized crime, and trafficking in persons, as well as the Venezuelan legal framework and the official information issued by national authorities.

II. ORGANIZED CRIME DYNAMICS, CRIMINAL ACTORS, AND ILLICIT ACTIVITIES IN THE OMA

Organized crime is a relative social construct since its consideration as such varies significantly depending on the time and space in which it is framed (Jimenez & Castro 2010). This type of organization exists for economic gain and to make a profit through any means deemed necessary (Finckenaue 2005), making use of the criminal sophistication, structure, self-identification, and authority of reputation, as well as their size and continuity (*Ibidem*). A multitude of different factors will influence whether or not certain areas become magnets for criminality (Keefe 2013). But it is noted that organized crime is more prevalent in countries where the rule of law is less well assured and vice versa (Van Dijk 2007). Criminal organizations seem to have developed in countries where state authority is weak, corruption levels are high, and law enforcement is lax (van Dijk & Spapens 2014). Moreover, economic conditions, government regulation, enforcement effectiveness, and demand for a product or service (Albanese 2000), as well as proximity to trafficking routes and destination markets, and high levels of inequality and social atomization, are considered key factors that underlie the expansion of these sorts of illegal organizations (Briscoe 2011). In this case, Venezuela seems to meet all these conditions and factors.

In the OMA, criminal groups and society are connected through a variety of transactions between suppliers and customers. The illegal groups fulfill a function in society by addressing needs that are not met otherwise as primary goods and services. Additionally, these groups are in a fragile state with domestic facilitators; the OMA is close to the trafficking routes and destination markets (Caribe, Central or North America), and there is extreme institutional fragmentation in Venezuela, with high levels of inequality and social atomization (levels of poverty, lack of opportunities, social exclusion, and deprivation). The OMA region provides an interesting mixture of criminal organizations engaging in different forms of extortion. It is regulated by rules and norms that are either imposed or embedded. In other words, there is a governance framework in place to guide behaviour (Brown & Herman 2020), where informal power structures wield substantial political influence or control (Sullivan 2019).

A) ACTORS AND GOVERNANCE IN THE OMA

Although illegal mining has existed for decades in the OMA, the presence of irregular actors in mining activities has become more visible since 2011, when concessions for foreign companies were terminated. There are three main actors that control the activities in OMA: Venezuelan criminal groups (“*pranatos*” and “*sindicatos*”), Colombian armed groups, and Venezuelan armed forces.

All these actors can use and have a reputation for using violence or the threat of violence to facilitate their criminal activities, or in some cases, to gain or maintain monopoly control of criminal markets. The national and foreign armed groups, who are effectively in charge of the mines and the settlements that have grown up around them, brutally enforce their rule (Human Rights Watch 2020). On the other hand, it is important to understand that these actors could “work together” (SOS Orinico 2020a; HRW 2020) to maximize their profits. A strength of organized crime is the ability to obtain the cooperation of other actors outside its organizational nucleus (Sciarrone 2000), in a sort of partnership (Becucci & Carchedi 2016), increasing its social capital (Sciarrone 2002), thanks to criminal networks. In this sense, there is a social microcosm of the criminal enterprise (von Lampe 2016) in the OMA that favours the perpetration of illicit activities and not only concerns the main members and peripheral actors but also other individuals who, in various ways, can contribute to the commission of illegal activities.

a.1) Venezuelan “*pranatos*” and “*sindicatos*”

The *pranatos*² and *sindicatos*³ have in effect merged into one single criminal phenomenon, although violent clashes between competing groups still flare up (International Crisis Group 2019). These armed gangs have taken advantage of the chaos and the absence of state authority to control the criminal activities in the area (Lopez 2017). These groups exercise control over many mining operations in the OMA through a system of corruption and bribery (SOS Orinoco 2021a). As a form of extortion, miners are forced to give up to 80 percent of the gold they obtain to the *sindicatos*, while residents working in shops or restaurants in mining towns must pay a set amount of gold per week to operate (Human Rights Watch 2020; SOS Orinoco 2020a).

The military has allegedly sometimes armed the *sindicatos*, who operate in alliance with state security forces that, in return, receive payments in gold, but at the same time, these criminal gangs have become more independent and harder to control (SOS Orinoco 2021a). Between 2016 and 2018, much of the region’s extreme violence was attributed to these gangs. Despite their rapid expansion, the *sindicatos* are under threat from competitors coming from Colombia (International Crisis Group 2019). When Colombian armed groups began to penetrate deeper into Venezuelan mining areas, miners found the new overseers preferable, as their violence was consistent, and they maintained a kind of civil order, whereas the gangs had not. The Venezuelan campaign to quell the gangs has reportedly, for the most part, succeeded. As of March 2021, there is reported to be only one remaining *sindicato* of any relevance remaining, based on the locality called El Callao (OEDC 2021).

The increased presence of numerous armed groups in the OMA, acting and operating freely with the aim of exercising political and spatial control, has resulted in several clashes with indigenous communities. Sometimes these tensions resulted in a temporary evacuation of the area, albeit with strong pressure to continue their illegal activities, which include mining, fuel and food smuggling, drug trafficking, and related activities, together with the forced recruitment of young people for illegal activities (Bello 2021; FundaRedes 2021).

a.2) Colombian armed groups

After the Colombian peace agreement was signed in November 2016, Venezuela became a refuge for dissidents of the National Liberation Army (*Ejército de Liberación Nacional* – ELN) and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* – FARC)⁴ (Rendon, Sandin & Fernandez 2020). The Venezuelan context factors and the agency factors have contributed to the presence of these groups in the OMA region and have expanded their activities to include illegal mining.

Reports have documented the presence of six dissident movements comprising ex-FARC combatants in at least seven of the 24 Venezuelan states, including Amazonas, Apure, and Bolívar (Department of State 2021b). Ex-FARC groups are not a united structure; each group has its own structure and responds to its leader, having certain autonomy (InSight Crime 2019). The Colombian armed groups enforce arbitrary “laws” to instill fear and keep order among the mining communities in the OMA. At the same time, they maintain alliances with members of the Bolivarian National Guard (*Guardia Nacional Bolivariana*-GNB) through the payment of “taxes” that enable these armed groups to establish their camps and carry out mining activities, sharing the economic benefits from the trafficking of illicit substances (SOS Orinoco 2021a).

There are confrontations between the ex-FARC and local criminal actors, as well as alliances established between the ex-FARC and Brazilian criminal groups, for drug and gold trafficking along roads leading to Brazil (SOS Orinoco 2021a). The ELN also subcontracts other armed actors for its operations, making it difficult to know exactly how extensive the guerrillas’ activities are

² “*Pranatos*” are prison gangs with operational reach beyond prison walls. The *pran*, from which the term *pranato* is derived, is the maximum and indisputable head of the gang that operates in Venezuelan prisons. He runs all illegal businesses and has an entourage of criminals at his service. It arbitrarily disposes of the property and lives of all the inmates it holds subjugated.

³ “*Sindicatos*” originally emerged from labor unions that formerly operated in the basic industries of Ciudad Guayana. When the crisis hit basic industries, members of those unions transferred their operations to mining activities and later evolved into violent mafia groups that were practicing extortion.

⁴ More information about the ELN and FARC in Venezuela could be found in InSight Crime: Venezuela Criminal actors (Armed Groups). Available at <https://insightcrime.org/venezuela-organized-crime-news/elc-in-venezuela/> and <https://insightcrime.org/venezuela-organized-crime-news/farc-in-venezuela/>.

(International Crisis Group 2019). Local miners must pay the ELN and ex-FARC a “fee” or “taxes” for the illegal mining operations and related activities, such as the transportation of supplies to the mines. On the other hand, the ELN has deployed aggressive actions with the mobilization of troops and occupation of territories that have forced the displacement of communities and added to its group members of indigenous ethnic communities in the municipalities of Cedeño, Sucre and Sifontes in Bolívar state (International Crisis Group 2019; FundaRedes 2021).

The ELN controls the major transportation corridors in the area and frequently manages equipment supply chains in the region. Both the ELN and the ex-FARC charge the local criminal groups for using transportation corridors and mining equipment (Rendon, Sandin & Fernandez 2020). The ELN and ex-FARC dissidents have approached communities facing problems with the *sindicatos* to offer “protection” against violent criminal gangs in exchange for gold or money. The ELN also offers weapons, along with military and political training, food packages, and school supplies (International Crisis Group 2019). This strategy is an attempt to safeguard their trafficking routes and operating areas, through the provision of critical social and community services and employment opportunities to the population in the absence of the State (Brown & Herman 2020).

a.3) Venezuelan armed forces

Even though the Venezuelan armed forces are part of the State, they are involved in the illegal extraction, processing, and commercialization of gold and other minerals. With the creation of the OMA, special powers were granted to this sector to ensure the full development of all mining and commercial activities carried out in the area, establishing security zones directly administered by the Ministry of Defence. The militarization of the territory of the OMA has not reduced the levels of violence and crime in the states it encompasses. Rather, it is the State that acts through a series of overlaps between the local criminal groups and the security forces, constituting what some researchers have insisted on calling the “mining pranato” (criminal mining syndicate) (Amnistia Internacional 2019). There are allegations of the involvement of state agents operating illegal mining activities with *sindicatos* (OHCHR 2021).

The military controls the supply of fuel in the region; some information indicates that the military sector sells fuel to *sindicatos* and Colombian armed groups that operate in the mines. Both the army and the national guard reportedly operate numerous checkpoints along illicit transport routes, where they collect bribes in cash and gold. Finally, minerals are flown out of Venezuela with the help of the Venezuelan armed forces, which facilitate clandestine flights in exchange for bribes (Rendon, Sandin & Fernandez 2020). There are allegations about the existence of one consolidated structure that controls all the illegal activities carried out by the armed forces (Filipetti 2019). Nevertheless, it seems to be more feasible to have different groups and members that operate individually, depending on the irregular activity that is controlled.

B) NOT ONLY MINERALS: THE ILLICIT ACTIVITIES

In the OMA, there is an overlap of criminal activities. These activities are the result of motivated and capable offenders exploiting opportunities (von Lampe 2012), particularly social vulnerability, a lack of authority, and cross-border mobility. Illegal mining might fuel human trafficking for labour exploitation at the illicit mines as well as sexual exploitation in and around the mining camps, trafficking of drugs, extortion, corruption, money laundering, and other illegal activities.

b.1) Human Trafficking

In the context of mining, there are dramatic forms of violence and exploitation (Amnistia Internacional 2019). In the OMA, since 2016, the levels of labour exploitation, sexual exploitation, trafficking,⁵ and violence have sharply increased (OHCHR 2020). In 2019, it was estimated that roughly 45 percent of miners in Bolívar State were underage and extremely vulnerable to labour exploitation (Rendon, Sandin & Fernandez 2020; Department of State 2021a).

⁵ The UN Palermo Protocol defines “trafficking in persons” as the recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.

Children are especially at risk of being trafficked in the area. Kids as young as seven years old are present in mining areas, often unaccompanied, leaving them vulnerable to trafficking or exploitation (Cuevas et al. 2019). Also, there are adolescent boys and children as young as 9 or 10 years old working in the mines (OHCHR 2020). They risk their health and lives performing dangerous mining-related tasks or exposing themselves to contaminating substances (International Crisis Group 2019). They are also used by criminal groups as watchmen or informants (CODEHCU 2020; Moya, Capriles & Gonzalez 2021).

Non-state armed groups subjected people in the OMA to forced criminality and exploited them (Department of State 2021a). They usually recruit men for labour exploitation or to be part of their organization, associated with the armed control of the area, and women for domestic and/or sexual exploitation; however, no one is exempt from being a victim of one, the other, or even the concurrence of crimes (Moya 2020). On some occasions, male incorporation into these criminal groups is voluntary and attracted by the ideas of power, money, and protection; however, there are recurrent cases of forced recruitment (*Ibidem*).

Miners are forced to work in dangerous mining tunnels in a harsh working condition, including working 12-hour shifts without any protective gear, and give up a large percentage of the gold they extract to the various actors who control the mines (Human Right Watch 2020). Approximately 500,000 workers are involved in illegal mining operations, many of them from local indigenous communities who have been coerced into working through threats of violence or due to economic necessity (Rendon, Sandin & Fernandez 2020).

About three-quarters of the victims of human trafficking in the region are women, a quarter of them girls and teenagers (InSight Crime 2021), who are raped, abused, and forced to become involved in criminal activities by the military or armed groups (Kislinger 2019). There are reports that the average age of sex trafficking victims is 13–14 years old (Moya 2020).

Women engage in mining and all kinds of mining-related work, including working as vendors, laundresses, or cooks in mining camps, under the conditions imposed by the criminal group that controls the area. Sometimes, they are deceived about the nature of work and working conditions, and when they arrive at the OMA, in many cases, the ‘work’ place is linked to sexual exploitation (Moya 2020). Consensual sex work is either organized in nearby towns or in so-called *currutelas* (Pacheco 2019), which are bars made from wooden planks located within mining areas. Women who provide sexual services are often paid in gold, but most of the profits end up with the owners of the establishments or the criminal groups that exercise control over the region (InSight Crime 2021).

The most common method in the recruitment process is to make misleading job offers. Men and women move from other Venezuelan municipalities and states (in particular from Delta Amacuro, Anzoátegui, and Amazonas) under the offer to perform some work, and when they arrive at the place, the work is completely different. Secondly, by deception in the conditions of the benefit, the type of service to be provided is true, but the conditions like working hours, free time, and salary are different from the initial offer. Another repeated practice is through the supposed stories of experiences and successes of friends and acquaintances, who usually socialize in their communities or through their social networks, with which they seduce their potential victims (Moya 2020).

b.2) Smuggling of illegally mined gold and gold laundering

The most important criminal activity carried out in the OMA is illegal mining. Gold, silver, coltan, bauxite, and other minerals are extracted and contrabanded. In particular, the majority of illicitly mined gold leaves Venezuela as contraband and is smuggled into Colombia, Brazil, and Guyana, where it is fraudulently legalized and receives a certificate of origin (International Crisis Group 2019). Between 70 and 80 percent of the gold extracted in Venezuela is illegally taken out of the country by land, air, and river (Transparencia Venezuela). Non-state actors smuggle gold across the Colombian border using riverboats, private airplanes, trucks, and people as “mulas.” Once in Colombia, the gold is laundered and falsified as legal Colombian gold before entering the global market (Rendon, Sandin & Fernandez 2020). Some criminal groups use the Caribbean routes for narcotics and gold illegally mined and smuggled out of Venezuela; for example, in Curaçao, illegally mined gold arrives, and it is handled by gold smelting and trading companies using false customs papers to export it into third countries (District Court, Southern District of

Florida 2021). There are allegations about the contraband of coltan between Venezuela and Colombia committed by the ex-FARC and ELN groups. The coltan would be exploited in the OMA and smuggled to Colombia using three fluvial routes: the rivers Meta, Vichada, and Guaviare (Jaramillo 2021).

b.3) Drug trafficking

Venezuela continues to be a major drug-transit country and is one of the preferred trafficking routes in the Western Hemisphere for illegal drugs, predominately cocaine (Department of State 2021b). In southern Venezuela, along the border with Brazil, Venezuelan gangs are working with Brazilian armed groups to traffic drugs. In Bolivar and Amazonas states, Colombian groups are active in illegal mining and drug and arms trafficking, forcing the displacement of indigenous communities (*Ibidem*). Using the rivers that cross the border between Venezuela and Colombia, criminal groups move minerals, weapons, drugs, and money (International Crisis Group 2019), taking advantage of existing narcotrafficking infrastructure.

Clandestine airstrips along the border are allegedly operated by different stakeholders in this trafficking: the ELN, the ex-FARC and Mexican cartels, all reportedly in cooperation with elements in the Venezuelan armed forces. There are also, however, several airports in mining areas from which aircraft can take gold to consolidation hubs within Venezuela or directly to transit countries in the region (OECD 2021).

b.4) Extortion and corruption

Territory control through the extortion-protection mechanism is the most evident sign of criminal power (Sciarrone 2006). Extorting is the best way to ensure the domination of a territory, exercise power, and give a local practical idea of how big the group is (Di Gennaro 2016). Because criminal organizations do not have relatively homogeneous control over the OMA territory, extortion is particularly prevalent in the region (Elsenbroich et al. 2016). Miners and vendors within the area pay protection fees, or “taxes,” in gold or cash to the criminal or armed groups controlling the mines. At the same time, these groups must pay off government officials (International Crisis Group 2019). Bribery is an essential strategy for the criminal groups in the OMA to secure maximum profit and ensure minimum disruption of their illegal activities, assuring immunity and protecting its criminal enterprises from competition (Fukumi 2003; Finckenauer 2005). The high levels of corruption and impunity had facilitated the proliferation and consolidation of criminal groups in the region, creating a vicious circle.

b.5) Other crimes: Smuggling of basic goods and environmental crimes

The lack of fuel in Venezuela has greatly aggravated the harsh economic conditions in the OMA. Fuel is frequently acquired in Colombia, where it is far more expensive than in Venezuela, and transported to the mines, where its value increases significantly. Additionally, miners must pay high prices for basic goods such as food, water, and medicines (Crisis Group 2019).

Regarding the environmental devastation associated with illegal mining, the main threat comes from the use of polluting substances. The use of mercury, as well as rudimentary techniques and technologies, damage watersheds and groundwater, causing serious soil contamination. This situation has expanded to such a level that today it even affects the Venezuelan national parks. River contamination by mercury affects women disproportionately, who spend much of their time in direct contact with water, particularly while doing household chores. This exposes them to increased health risks, which are of particular concern for pregnant women (OHCHR 2020).

On the other hand, from 2000 until the end of 2020, the forest area in the AMO shrank by 7.6 percent, equivalent to 520,900 ha., because of the mining activities in the area (SOS Orinoco 2021b).

III. VENEZUELAN LEGAL FRAMEWORK AND ACTIONS IN REGARD TO ORGANIZED CRIME

Venezuela ratified the UN Convention against Transnational Organized Crime (Palermo Convention) and the three additional protocols: the Protocol to Prevent, Suppress, and Punish

Trafficking in Persons, especially Women and Children; the Protocol Against the Smuggling of Migrants by Land, Sea, and Air; and the Protocol Against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components, and Ammunition. The Venezuelan legal framework punishes organized crime, illegal mining, trafficking in person, and drug trafficking, among other crimes. The Organic Law against Organized Crime and the Financing of Terrorism (*Ley Orgánica contra la Delincuencia Organizada y Financiamiento al Terrorismo-LODOFT*), the Anti-Corruption Law, the Penal Code, the Organic Code of Criminal Procedure, and other special laws serve as the normative and legal framework in the fight against organized crime. In 2012, the National Office against Organized Crime and Financing of Terrorism (ONCDOFT) was created as part of the Ministry of People's Power for Internal Relations, Justice, and Peace with the mission to prevent and control organized crime.

Mining activity in Venezuela is governed by the Bolivarian Republic of Venezuela's Constitution, which states in Article 12 that mineral and hydrocarbon reservoirs belong to the Republic and are assets of public domain and, therefore, inalienable and imprescriptible. Likewise, there is a set of legal instruments and rules that regulate the sector and its activity. The exploration and exploitation of gold and other strategic minerals (coltan, diamond, copper, silver, and carbon) is reserved to the State; therefore, private mining requires government authorization. In addition, Venezuela has a penal law to protect the environment, and the use, possession, storage, and transport of mercury (Hg) is prohibited.⁶

The Venezuelan government has recognized that illegal mining activity is growing out of control in the south of the country. In June 2018, the government launched an operation called “*Manos de Metal*” (Metal Hands) to combat the smuggling of illegally mined gold. According to the official information, 426 bank accounts were frozen, 29 properties were seized, 22 individuals were accused, and 11 were charged for gold smuggling and money laundering. Only two of those individuals were sentenced to imprisonment. The Venezuelan authorities reported on efforts to combat sexual exploitation and human trafficking in the OMA, efforts to neutralize criminal groups through the creation of a special brigade for the protection of and security in the OMA, and the adoption of a special security plan for Bolívar State (OHCHR 2020). However, illicit businesses and organized criminal groups continue to flourish in the OMA (SOS Orinoco 2022).

In November 2018, Attorney General Tarek William Saab announced the arrest of a Venezuelan citizen who allegedly financed *sindicatos* operating in Bolívar mines. At the same time, Saab requested an arrest warrant against the former head of the National Office of Mining Inspection, a branch of the Ministry of Popular Power for Ecological Mining Development, for granting irregular gold mining permits. On that occasion, it was estimated that this criminal organization smuggled 150 kilograms of gold in 2018. In August 2019, Saab also announced the arrest and an extradition order against a businessman linked to an illegal gold trafficking network from Venezuela to various countries in the Caribbean (Human Rights Watch 2020). Regarding the allegations about the presence of armed groups of foreign nationalities within Venezuela's territory, the national government affirmed that there is no presence of any armed foreign group in the country. In addition, it was stated that Venezuela has historically suffered the consequences created by the armed conflict that has existed for several decades in the Republic of Colombia (Bolivarian Republic of Venezuela 2019).

In regard to trafficking in persons, Article 54 of the Venezuelan Constitution establishes that no person may be subjected to slavery or servitude. The Venezuelan Penal Code does not contain updated terminology in this matter; however, its norm in this regard should be subject to interpretation to extend its scope to trafficking that victimizes any person for the purpose of any type of exploitation. In particular, Article 173 indicates that anyone who reduces a person to slavery or subjects him to an analogous condition shall be punished (Moya, Capriles & Gonzalez 2021).

⁶ In 2013, Venezuela signed the Minamata Convention. To date, the Convention has not yet been ratified by the Venezuelan government. In 2016, the Venezuelan authorities published Decree No. 2,412, which prohibits the use, possession, storage, and transport of mercury (Hg) as a method of obtaining or treating gold and any other metallic or non-metallic mineral.

There are two specific laws in Venezuela to punish this phenomenon. The LODOFT indicated in Article 41 a variety of conducts that are considerate as trafficking in person, in particular forced labour and sexual exploitation. Unfortunately, to apply this specific norm, the action must be committed by an organized criminal group of three or more individuals. Additionally, the Organic Law on the Right of Women to a Life Free of Violence indicates the definition of trafficking in person (Article 15 number 19) and the criminalization of trafficking (Article 56). It should be noted that this second legislation is only applicable in the case of the trafficking of women, girls, and adolescents. Nevertheless, in the case of men and boys, the general legislation (LODOFT) should be applied.⁷

In 2021, the Venezuelan government launched the National Plan against Trafficking in Persons 2021–2025 with the purpose of developing a comprehensive policy that articulates actions for the purpose of preventing, attending to, suppressing, punishing, and mitigating the crime of trafficking in persons. The government took some steps to address trafficking, including training of government officials on trafficking indicators, vulnerable populations, and investigation techniques, and the arrest of at least seven individuals suspected of human trafficking. However, the government did not report prosecuting or convicting traffickers and did not report identifying or assisting any trafficking victims (Department of State 2020a).

Despite international reports warning about human trafficking in the OMA, Venezuelan authorities have not issued official figures on the number of victims or accused of this crime. At the same time, there are no official declarations about the human trafficking allegations, transforming this issue into “*tabu*.”

IV. CONCLUSIONS

For decades, artisanal mining has been part of the daily lives and livelihoods of the populations near the mining region. Unfortunately, national and foreign actors have taken advantage of the social and economic vulnerability, the corruption, and lack of authority in the OMA to develop a criminal hub. These illegal groups, with the consent and participation of the armed forces, operate in the region, creating an overlap between criminal actors and illicit activities.

Nowadays, it is possible to affirm that the OMA is controlled by actors that institute and institutionalize their own rules to govern the area; however, none of them have complete control. That is why extortion is carried out at various levels, generating a high rate of violence and clashes between groups.

Although Venezuela has ratified the Palermo Convention against organized crime and additional protocols, among other relevant conventions, the national legal framework and its application are not enough. The lack of law enforcement and high levels of impunity have left the inhabitants of the OMA region in a state of defencelessness, a situation that seems unknown to the Venezuelan national authorities, who do not refer to the statements made by international organizations or non-governmental organizations.

According to the reports cited, no one is exempt from being a victim of trafficking, since the market for legal and illegal activities linked to the mining sector is very broad. Unfortunately, women, children, and indigenous communities in southern Venezuela continue to be the groups most affected by organized crime linked to illegal mining. In this regard, it is important to draw attention to human trafficking in the AMO and the vulnerability of people who are subjected to the armed groups that control the region.

COMPETING INTERESTS

The author has no competing interests to declare.

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⁷ The Supreme Court of Justice, Penal Cassation, ratified this interpretation in sentence No. 59 on July 29th, 2020.

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