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## **CENTERING LABOUR REGIME ANALYSIS**

The case of a small-scale gold mine as the stage of the competition between the state and illegal armed groups over Colombia's mining resources

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*Siempre tienen una amiga en Holanda.*



## **ABSTRACT**

This thesis combines labour regime analysis with Marx's distinctive class of modern landed property in a case-study situated at the small-scale gold mine La Mina Vincente. It examines how the Colombian state's efforts to formalize artisanal and small-scale mining (ASM) intersect with the presence of illegal armed groups, shaping the labour regime of La Mina Vincente. The study makes use of qualitative data gathered through observations and semi-structured interviews to examine articulations of labour, capital and state relations at the mining site. By conceptualizing the role of the state and illegal armed groups as modern landed property, the study brings forward the struggle over rent-extraction as the primary shaping factor of La Mina Vincente's labour regime. Formalisation through this lens becomes an aspect of the struggle of the state with armed groups over rent-extraction. This new way of deploying labour regime analysis aims to 1. contribute to the labour regime research agenda for ASM; 2. gain a more thorough understanding of how labour exploitation is shaped at different moments and scales around the labour process; and 3. expand on the explanations of why formalisation in itself cannot address the complicated challenges the ASM-labour force faces.

**Keywords:** artisanal and small-scale mining (ASM), Colombia, formalisation, labour regimes, modern landed property, illegal armed groups

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## **ABBREVIATIONS (TRANSLATED FROM SPANISH)**

ANM	National Agency of Mines
ARM	The Alliance for Responsible Mining
ASM	Artisanal and Small-scale Mining
ARL	Administration of Labour Risks
EPS	Health Promotion Entity
LSM	Large-Scale Mining
LRA	Labour Regime Analysis
MME	Ministry of Mining and Energy
NDP	National Development Plan
PTO	Working and Construction Plan
PMA	Environmental Management Plan
RUCOM	Single Register for the Commercialization of Minerals
UPM	Productive Mining Entity

## 1. INTRODUCTION

Driving down the mountains of the occidental mountain range from Medellín to the most northern region of Antioquia, Bajo Cauca, one passes countless different viewpoints over the river Cauca. The pastoral lands are a stunning display of vibrant green colours that are illustrative of the richness of these lands. A humid, subtropical climate and the nutrient-rich sediments from the river make this region perfect for growing crops. However, the principal economic activities of Bajo Cauca are informal gold mining, cattle farming and coca production (Comisión de la Verdad Colombia *et al.*, 2021). Almost 50% of people in this region are considered to be with unmet basic needs, unemployment is high, especially among women, the workforce is primarily informal and the region is considered a hotspot for illegal armed groups to recruit youth (Gobernación de Antioquia, UNIDOS and Universidad de Antioquia, 2020; Charles, 2021). The wealth in the ground both attracts people looking for a means of subsistence who form part of a globally expanding informal workforce that pans the river banks in the search of gold, as well as organized criminal groups interested in the high profits gold generates on the international market (Lahiri-Dutt, 2018; Gobernación de Antioquia, 2020, 2023; Valencia, 2023).

Globally, the energy transition has brought about a surge in the demand for minerals, resulting in an expansion of extractivist political economies. Responding to the diminishing returns from agriculture and the increasing demand and price for minerals, artisanal and small-scale mining (ASM) - a labour-intensive and low-tech mode of minerals extraction and processing – has been taken on by millions of people inhabiting the world's rural communities (Fritz *et al.*, 2018). For the Colombian government the informal gold economy is a thorn in the flesh. Informality deprives the state of valuable financial resources, while the sector's current poor conditions (in terms of environment, health and safety, labour and technical conditions) prevent it from meeting important social goals such as creating formal employment and improving the quality of life in mining communities (Echavarria, 2014). Furthermore, the ASM-sector is closely linked with criminal economies (Comisión de la Verdad Colombia *et al.*, 2021; Valencia, 2023). Efforts to regulate ASM come down to formalisation, a policy and development strategy for the extractives sector witnessed in almost all countries with a large ASM-sector (Siegel and Veiga, 2009). In short, this process means bringing informal ASM-miners into the mainstream legal and economic framework of the national state (*ibid.*).

However, over the last ten years the government has made little progress in the numbers of miners brought into the formal economy (Ospina-Correa *et al.*, 2021). A large amount of academic studies have aimed to analyse and explain this limited success (Echavarria, 2014; Rochlin, 2018, 2021; Veiga and Marshall, 2019; Delgado Jiménez, Smith and Holley, 2022). Their critique focuses on inadequate governance, and

recommendations seek to enhance formalisation policies and governing institutions. Yet, the very nature of ASM, as a highly diverse sector with numerous different labour practices complicates governance and requires a new approach to address the challenges encountered by those engaging in these activities.

Côte and Rushemuka (2024) recently presented a research agenda for ASM-studies that moves away from ‘the paper-realities of formalisation’ and focuses on the analysis of labour exploitation and labour relations by deploying labour regime analysis (LRA). The scholarly focus on labour dynamics in ASM has steadily increased in response to empirical studies on gold rushes in Latin-America, Australia, Africa and Asia, which shed light on a mobile rural workforce driving the expansion of mining frontiers (Bryceson, 2018). LRA can advance insights from these studies as it breaks down how capital and labour are brought together in a relatively stable set of relationships to make commodity production happen. It offers the opportunity to unite a wide range of social and political processes and institutions that determine the lived realities of ASM-labourers (Taylor and Rioux, 2018b; Rushemuka and Côte, 2024). Stepping in a relatively new direction of studies in ASM, this thesis aims to advance and expand the conceptual applicability of LRA through the case study of one small-scale formalised mine in Colombia.

## **1.1 Research aim and questions**

The current discussion on the Colombian ASM-sector focuses on formalisation and the control of illegal armed groups. Through a case-study of the small-scale gold mine La Mina Vincente<sup>1</sup>, situated in Bajo Cauca (see Map 1), I examine how these two dynamics play out in the day-to-day functioning of this mine. I deploy labour regime analysis both as a theoretical framework and a method to tease out how labour, capital and state relations at this mining sight are affected by formalisation. This step serves to understand how formalisation has different impacts for employer and employee. For the second step I combine labour regime analysis with Marx’s concept of modern landed property. By doing this I tease out how formalisation must be understood in the context of the struggle over rent-extraction from mining resources between the Colombian state and illegal armed groups. Overall, this thesis aims to 1. contribute to the labour regime research agenda for ASM; 2. gain a more thorough understanding of how labour exploitation is shaped at different moments and scales around the labour process; and 3. expand on the explanations of why formalisation in itself cannot address the complicated challenges the ASM-labour force faces.

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<sup>1</sup> All names used in this thesis including the name of the mine are pseudonyms to ensure anonymity



## LOCALIZACIÓN



Map 1: Location La Mina Vincente

The leading research question is:

*How is the labour regime of La Mina Vincente shaped by formalisation and rent-extraction by illegal armed groups?*

The following sub-questions help guide the structure of the thesis:

- How is the relation between employer and employees affected by formalisation?
- How does the class relation between capital and labour articulate at La Mina Vincente?
- How do the Colombian government and illegal armed groups extract rent from the production of La Mina Vincente?

## 1.2 Outline of the thesis

The following chapter presents a review of existing literature on formalisation critiques and the development in literature on ASM towards the study of labour regimes. In the third chapter I present the theoretical framework of labour regime analysis followed by the research design and methodological considerations in chapter four. The fifth chapter of this thesis sets out the regulatory context in which La Mina Vincente operates. First, the national policy-framework for the extractives sector is discussed, followed by the formalisation process and the attached rules and definitions. The second part of this chapter examines the role of illegal armed groups and how they are involved in the gold economy. For both parts,

I describe how these directly translate into the characteristics of this case study. Chapter six presents a detailed analysis of collected data. This last chapter mirrors the structure of the context analysis starting with a discussion on how the labour regime is shaped by state actors followed by the influence of illegal armed groups. In the conclusion I summarize the main findings and discuss the implications for further research on ASM.

## **2. STATE OF THE ART**

### **2.1 Critique on formalisation policies**

As stated in the introduction, a large body of literature has informed policy-makers about tools, strategies and challenges to transform the ASM-sector into a responsible and productive source of development with formalisation being the driver of change (Echavarría, 2014; Vélez-Torres *et al.*, 2018; Veiga and Marshall, 2019; Delgado Jiménez, Smith and Holley, 2022). For governments seeking an extractivist strategy for development, by which I mean development driven by the extraction and commercialization of natural resources, environmental and health risks that are related to the expansion of mining - and mercury use in particular – are some of the most important concerns to tackle (Betancur-Corredor *et al.*, 2018; Fritz *et al.*, 2018; Ospina-Correa *et al.*, 2021). Even though formalisation is promoted as the solution since it increases monitorability and accountability of mining endeavours, a number of scholars shine light on how the focus on health and environment creates a frame that marginalizes and excludes ASM, and prioritizes large-scale mining (LSM). These scholars tease out how ASM is consistently stigmatized as environmentally damaging and even criminal (Kaufmann and Côte, 2021; Perdomo and Furlong, 2022; Zárate Rueda, Beltrán Villamizar and Becerra Ardila, 2023).

The power relation between ASM and LSM is discussed in various papers analysing their simultaneous expansion and the question whether management schemes that promote collaboration between the two in the form of sub-contracting can be a solution to better regulate the ASM sector (Veiga and Marshall, 2019; Perdomo and Furlong, 2022; Sauerwein, 2023). Veiga and Marshall (2019) suggest that as mining titles are scarce and difficult to acquire, a viable path to bring more ASM-miners under state control is to promote sub-contracting to groups of artisanal miners organised in mining associations. Mining title holders are then made co-responsible for training, capital, and law enforcement that are deemed crucial to change ASM-miners' polluting techniques. Yet, Sauerwein (2023) critically reflects on this solution by underlining that the conflicting interests, inequality, and ambiguity that are characteristic for the territories in which ASM-communities and LSM-management compete for access to land, 'provide an extremely fragile and unsustainable foundation for cohabitation.'

Le Billon and Spiegel's (2022) work on the political economy of hidden costs and exploitation in global schemes that aim to 'clean up' mineral supply chains, breaks down the technical narrative with which governments, International Organizations, NGO's and market actors speak about 'transforming' the extractives sector. Through the analysis of three 'technical fixes' that are the conflict minerals certification schemes (CMCS), the Extractive Industries Transparency Initiative (EITI) and the Minamata Convention on Mercury (MCM) they conclude that these efforts are premised upon racialized social hierarchies that intrinsically consider ASM work as counter- or unproductive. These global initiatives consistently play down the costs of 'clean' mineral supply to already marginalised ASM workers. Overall, 'responsible growth strategies' for the gold sector, according to Fisher et al. (2021), prioritize the promotion of LSM over supporting ASM-miners as the former is better suited to comply with market-based responsible supply chain management that requires large sums of capital investment.

The elaborate feminist body of literature on ASM and gender brings forward a critique that formalisation policies risk further institutionalizing the oppression of women as gender roles in mining that devalue and limit women's work, voices and interest intersect with official policy reforms (Buss *et al.*, 2019, 2021; Rutherford and Buss, 2019; Byemba, 2020; Rutherford and Chemane-Chilemba, 2020). An example of this are the findings from research in Eastern-African ASM-communities revealing that women are discriminated against when applying for official mining licenses or becoming active members of mining cooperatives or organizations (*ibid.*). Buss and Rutherford (2020) therefore stress that development programmes and policies for the ASM-sector need to be situated in fields of power by including discussions on power relations within mining zones, households, and larger communities.

## **2.2 Recentring the ASM-labourer**

The section above presents a body of critical literature on the technification of formalisation that tends to favour capital-intensive mining (LSM) over labour-intensive mining (ASM). The short venture into feminist literature serves to emphasize the importance of unequal power relations at all scales in the mining sector. In what follows, I focus primarily on the capital-labour relation, to explain the surge of labour and labour regime studies on ASM.

### **2.2.1. A very brief overview of ASM-research: livelihoods and mining-frontiers**

Analysing the mechanisms that underly the huge diversity in ASM-livelihoods and labour arrangements has been at the centre of ASM-scholarship, ultimately aimed to explain the causes and consequences of ASM-expansion. Livelihoods approaches 'sought to understand logics underlying rural livelihood choices and dynamics' (Rushemuka and Côte, 2024, p. 3) by integrating a 'holistic, bottom-up perspective centred

on the understanding of what people do to make a living in diverse social contexts'' (Scoones, 2015, p. 1). From this perspective arose a large amount of studies drawing attention to the diversification of farming livelihoods by entering ASM (Byceson, 2002; Okoh and Hilson, 2011; Pijpers, 2014; Hilson, 2016). Furthermore, these scholars brought forward important insights into the complexity and diversity of motivations to work in ASM. This insight is rooted in the notion that individuals working in informal economies construct their livelihoods through a variety of economic endeavours (Fisher *et al.*, 2021). Another stream of approaches links ASM-expansion to frontier dynamics of global production networks (Rushemuka and Côte, 2024, pp. 4–6). This work analyses informal ASM-production in connection with the wider global production chains, demonstrating that ASM-labour is a crucial factor in mining boom and bust cycles (Byceson, 2018; Zhu and Peluso, 2021).

### **2.2.2. From studying labour arrangements to labour regimes**

Recently, case studies on labour arrangements in ASM have drawn attention to the unequal opportunities for accumulation and social mobility that are found in ASM-communities. Libassi's (2020, 2023) ethnographic research in the Pongkor gold mining district in Indonesia demonstrates how the materialities of gold generate a wide range of livelihood outcomes with some people struggling to get by, while others manage to 'get rich'. He concludes that when these materialities combine with broader political-economic dynamics, fragmented classes of small-scale mining labour are created. On a similar note, Verbrugge's (2015) research on the Philippines seeks to understand prevailing informality looking at exploitation and accumulation. He teases out a process in which ASM starts as a small-scale, self-financed affair, with miners and landowners earning an equal share of the gold ores to a more capitalized and professionalized endeavour with the increased involvement of outside financiers and skilled experts, ultimately leading to growing inequalities (*ibid.*). Goetz (2022) challenges the prevailing characterization of informal ASM-activities as predominantly self-employed and shows a significant prevalence of waged labour in ASM in Northwest Tanzania, with mine-owners hiring workers from a large labour-reservoir. Kassa (2020) analyses how non-market oriented activities like household work and other forms of unpaid labour in ASM-communities in Ghana and South-Africa are subjected to the logic of the market and integrated in production relations thereby reproducing gender inequality. Within these case studies inequalities between classes and gender were seen to grow deeper as ASM-miners integrated further in market-based relationships.

Labour regime studies are explicitly concerned with social justice and offer a line of inquiry into value capture and labour exploitation. Lerche (2022) provides an overview of labour regime analysis' roots in agrarian political economy and its long history in development studies and related disciplines. The bulk of

early labour regime studies, which were not yet specifically defined as such, focused on peasant producers and how the infiltration of capitalism changed their modes of production (ibid.). The books by Taylor and Rioux (2018a) and Baglioni et al. (2022) offer a thorough overview of recent key research in the field of labour regimes. In the last few years, researchers have deployed labour regime analysis in a wide range of areas, for example the apparel industry where the influential ‘sweatshop regime’ analysis by Mezzadri (2017) is situated, the working of capitalism and the maritime labour regime by Campling and Colas (2021) and the work by Alimohad-Wilson (2022) on the racialized labour regime of Amazon’s ‘logistics empire’. Labour regime or workplace regime analyses are also myriad in research related to the mining sector. Phakati (2012) has placed the understanding of workplace regimes of South-African gold mines in the context of the racialisation and deracialisation of the economic and labour market strategies of the colonial, apartheid and post-apartheid mining regimes. Through an in-depth case study in Peru, Manky (2017) investigates how the change in mining accommodation regimes has limited worker’s agency, as the ability to organize in labour unions became more difficult when workers were forced to commute long distances to mining sites. Kabunga and Geenen (2022) show in their qualitative study in the DRC how work regimes in the artisanal and small-scale gold mining sector transformed due to mechanization and technological innovations leading among others to transformations in workers’ tasks, skills and specializations; a reorganization of working time and space; an evolution in the payment system towards wage labour; and a concentration of financial capital. Çelik (2023) analyses labour processes and local labour control strategies in the extractive industries and regions as the reflections of state-capital-labour-nature relations for Turkey’s coal mining sector.

Even though different terminologies are used – workplace regime, mining regime, work regime, dormitory regime – the efforts of researchers come down to understanding the complicated and constantly changing relationship between capital and labour articulated in workplace conditions. What some of these studies further bring forward is the central role of the state, next to the market, in shaping the labour regime. So far, the state in labour regimes has not been further conceptualized in a class relation with capital and labour. By applying the notion of modern landed property to the role of the Colombian state and illegal armed groups, I create an analytical space from which to understand the role of illegal armed groups in relation to the state and secondly give more analytical precision to the various ways in which capital and labour are influenced by these two actors.

### **3. THEORETICAL FRAMEWORK**

This research builds on the insights from labour regime studies gathered in the book *Labour Regimes and Global Production* by Baglioni et al. (2022). I follow the conceptual and methodological framework for

conducting labour regime analysis as set out by Elena Baglioni, Liam Campling, Alessandra Mezzadri, Satoshi Miyamura, Jonathan Pattenden and Benjamin Selwyn (2022). For the conceptualization of ‘modern landed property’ I mainly draw on the work by Gavin Caps (2016). I start this section with a short move into the principles of the Marxist method that underpin this research. Next, I set out the key definitions and concepts of labour regime analysis and explain how I place modern landed property in this framework. I end with a section that moves between theory and method, as I set out how I will apply the labour regime framework.

### **3.1 Positioning labour regimes in the Marxist method**

The Marxist method understands ‘reality’ as the combination of the ‘invisible’ and the ‘visible’. The invisible entails the ‘essential relations’ like value, surplus value and exploitation. These determine the ‘conditions of existence’ of the ‘visible’, also known as the ‘phenomenal forms’ that entail for example the racial, gendered and social division of labour or social classes (Mezzadri, 2021, p. 19). Marxist researchers are particularly driven to explain the relations that constitute exploitation of labour by capitalists. Exploitation here is an analytical category in itself that refers to the difference in value between what workers produce and what workers are paid. This surplus value is derived from the part of labour time when workers are no longer working for their own reproduction but for that of the capitalist (Baglioni, Mezzadri, *et al.*, 2022, p. 81).

Bernstein (2021) explains that the essential and the phenomenal are not related in the sense that the latter is the mere expression of the former. What follows from this is that even though only the ‘visible’ can be empirically investigated, the way theories of the ‘invisible’ or ‘essential’ are understood has important implications for studying the empirically unknown. To comprehend this abstract formulation, consider the empirical investigation of the labour regime at an automobile factory, for instance, to analyse the ways in which capital subsumes labour, producing absolute and relative surplus value. In order to identify patterns from the collected data that underpin the thesis of subsumption of labour, one must have some prior knowledge of what subsumption and relative and absolute surplus value theoretically entail before beginning such an analysis.

This short move into the philosophy of ‘what can be known’ for Marxist researchers introduces the labour regime as an intermediate category to move between abstract concepts like subsumption of labour, or surplus value to more concrete ones e.g. the strategies for labour control in a particular workplace. As Taylor and Rioux (2018b, p. 38) put it; ‘it is a useful tool for breaking down the production of workers into

more easily identifiable processes and is therefore a helpful way to organize empirical case studies of work, labour and livelihoods and how they fit into the global economy.’

### 3.2 Defining labour regimes

Labour regime researchers advocate for recentring the analysis of global capitalism within the labour regime. The labour regime scrutinizes how work is executed and commodities produced as consequences of the prevailing norms about the nature and conduct of work and the power relations between employers and employees (Taylor and Rioux, 2018b, p. 29). Just like Baglioni and Mezzadri et al. (2022), I make use of the definition of labour regimes by Taylor and Rioux:

*‘...a set of social relations and institutions that make workers and shape and construct exploitation at multiple scales and through different spheres across the global economy’ (Taylor and Rioux, 2018a, p. 82).*

Baglioni and Mezzadri et al. understand the relationship between exploitation and labour regimes as follows:

*‘Exploitation is central to both value creation and its distribution between and among the classes of capital and labour: it is the epicentre of labour regimes, the very reason labour regimes emerge, evolve and are contested’ (Baglioni, Mezzadri, et al., 2022, pp. 82–83).*

From this relationship follows that the key logic of all labour regimes is bringing capital and labour together in a relatively stable set of relationships that maintains the underlying relationship of exploitation (ibid.)

**The regime concept** is taken here to describe the articulation of state, capital and labour relations that determine how labour is managed and surplus distributed (Werner, 2021, p. 183; Baglioni, Campling, et al., 2022, p. 63).

Furthermore, Baglioni, Campling, Mezzadri, Miyamura, Pattenden and Selwyn argue for a ‘non-productivist theorization’ of labour regimes. To this end, they expand the ontology of labour regimes ‘by articulating the materiality of exploitation and value extraction in the production process with the forms and dynamics of circulation, reproduction and the transformation of nature’ (Baglioni, Campling, et al., 2022, p. 17). Or in other words, exploitation does not only take place in the sphere of production, but expands and connects to the spheres of circulation, reproduction and ecology. I will now briefly introduce the four spheres theoretically and then in section 4.4 set out how I will apply them to this case study.

In the **sphere of production**, value is produced through the labour process. Exploitation defines the relationship in this sphere as surplus value derived from the labourer's work is extracted to reproduce capital rather than labour (Baglioni, Mezzadri, *et al.*, 2022, p. 83). **Circulation** is understood as the process in which the means of production, commodities and later surplus value are distributed, also known as the sphere of capitals-in-competition over surplus value. Exploitation is the very reason there exists surplus value to compete over. The intensity of exploitation is in turn shaped by the relations between capitals (*ibid.*). The widening of exploitation to **the sphere of social reproduction** is the contribution of feminist political economy that critiqued early labour regime work for excluding 'non-value producing' reproductive activities by 'confining the analysis of value generation to commodity production'. Put shortly, exploitation takes place in this sphere as unpaid reproductive work is basically a subsidy to capital, lowering the wage costs for the capitalist (*idem.*, pp. 84-85). I will elaborate on this in section 4.4. Lastly, **the sphere of ecology** represents the relation between humans and non-humans under capitalism. Exploitation produces a specific relationship with nature in which natural resources are no longer meant for the reproduction of humans and non-humans, but rather for the valorisation of both. Or as Baglioni and Mezzadri, *et al.* phrase it: 'matter found in nature is transformed through the exploitation of labour into commodities'(pp. 84–85).

In sum, exploitation processes in the sphere of circulation, social reproduction and ecology enable, intensify and mitigate exploitation in the sphere of production. Baglioni and Mezzadri *et al.* emphasize that the four spheres must be understood *in relation* to one another, and are also shaped by other relations and circumstances such as time, place, and institutions like the state. Throughout the spheres the state is articulated in different moments and relations to capital and labour determining **the two main functions of the regime concept: 1. labour management and 2. surplus distribution**. However, illegal armed groups determine these functions as well in the labour regime of La Mina Vincente. The analysis of the role of the Colombian state and illegal armed groups therefore necessitates a more precise concept that can capture the essential relation between labour, capital, the state and illegal armed groups in the labour regime of La Mina Vincente.

### **3.3 Surplus distribution and Modern Landed Property**

Marx identified the class of modern landed property as a third distinctive class next to capital and labour. This third class has the control over land (and water) resources and profits from the payment of ground rent from whoever wants to make use of these assets (Andreucci *et al.*, 2017). Capps (2016) and Barbesgaard (2019) explain that modern landed property under capitalism is separated from production and thus exclusively takes on the role of the landowner. Ground rent is therefore that share of the surplus value derived from the wage-worker in the immediate process of production and taken from the capitalist by the



contemporary landowner in the process of distribution. The class relationship between modern landed property and capital is thus fundamentally antagonistic (ibid.).

The role of the state in shaping surplus distribution is what requires more conceptual precision. I recognize this role as most clearly articulated in the sphere of circulation where the means of production and surplus value are distributed between capitals-in-competition. The notion of ‘capitals’, however, misses the central defining feature of the state; namely as landowner that stands in an essentially antagonistic relation to capital. At the same time the notion of a competition between actors over surplus value distribution also applies to the class position of modern landed property. Capps signals that:

“..the essential yet contradictory social relation in the capitalist mode of production of modern landed property is struggled over and can be performed by a whole host of different actors from individual land owners, to chieftaincies to the state” (Capps, 2016).

Adhering to this definition, the role of the state in determining surplus distribution can be performed by other actors, as is the case with illegal armed groups. Replacing ‘the role of the state’ with ‘the role of modern landed property’ in determining surplus distribution 1. creates the conceptual space to include illegal armed groups and 2. captures the essential relationship that shapes surplus distribution, namely rent-extraction by modern landed property from capital. Barbesgaard (2019) notes for the case of Ethnic Armed Organizations in Myanmar, ‘the appropriation of rent requires *de facto* control over territories, and not just *de jure*’. As such, the struggle over territorial control is directly linked to the competition between actors over the position of modern landed property.

### **3.4 Applying labour regime analysis**

An important feature of the labour regime framework by Baglioni and Mezzadri et al. (2020) is that it is both ‘a category of theory and a tool of method to advance the analysis’. Below I present the visible conditions or phenomenal forms that constitute the spheres of the labour regime. The core of my framework is the relation between the sphere of production and social reproduction and modern landed property articulated in the state and illegal armed groups. It is important to remember that the concept of modern landed property applies to the second function of the **regime concept**, surplus distribution. When I speak of ‘the state’ I refer to the articulation of the state in the first function of the **regime concept**, labour management.

### 3.4.1 Production

The sphere of production entails the labour process, the form of employment and the social division of labour that come together to make production happen. The way the workplace is organized and what strategies of labour control are implemented enable the employer to turn the potential to work of the employee in the largest quantity of work possible. This transformation of the capacity to work into realized work is what is meant by the ‘labour process’ (Taylor and Rioux, 2018b, p. 35). The form of employment can take many different forms like informal, formal, contractual or seasonal, which shape for a great part the relation between employer and employee. In the production sphere, the state sets the requirements for formal labour contracts, like the minimum wage and vacation days. Modern landed property determines the height of taxes and royalties paid over the value produced (Taylor and Rioux, 2018b; Baglioni, Mezzadri, *et al.*, 2022, pp. 88–91).

### 3.4.2 Social reproduction

The relationship between the sphere of production and social reproduction at the smallest scale is articulated in the human body. For the human body to keep providing capital with labour power it needs rest, food and free time, thus reproduction (Baglioni, Mezzadri, *et al.*, 2022, p. 94). The externalisation of the cost for the daily regeneration of workers from the production process to the household or community is the key characteristic of the relation between production and social reproduction under capitalism. The value of labour is conflated with its cost - the wage – even though the value of labour is all productive and reproductive activities that constitute the worker and its labour power. From this line of thinking comes the term ‘wageless’ work to refer to all reproductive activities that are not reflected in the wage (Mezzadri, 2019). Wageless work lowers the labour cost for the capitalist, defined by feminist scholars as a *subsidy to capital*. Critiques on the separation of waged productive work and non-waged reproductive work by early feminists expanded and deepened when the reality of informal labourers in the global south gained more attention. In informal labour arrangements the costs for healthcare and retirement, but also parts of the production process itself - e.g. Indian garment workers that execute part of the production from home as independent workers - are assumed by households, communities or villages. Informalisation intensifies exploitation in the sphere of social reproduction as a larger share of the value of labour is not remunerated (*idem.*, pp. 37-38). Similarly to the production sphere, the state mediates this sphere through norms about rest time and working hours. Furthermore, the state determines the health, risk and unemployment insurances formal workers are deemed to have.

### 3.4.3 Ecology

The sphere of ecology is used to understand how the physical properties of the commodity produced relate to the production sphere. The heavy machinery needed for rock mining affects the capital investments needed and the level of technical skill of the workers required. The high and stable exchange value of gold is the main driver for the strong competition between capital and modern landed property. The state is explicitly articulated in this sphere through environmental regulations and modern landed property in the controlling of access to natural resources (Baglioni, Mezzadri, *et al.*, 2022, p. 94).

## 4. METHODOLOGY

### 4.1 Research design

The design for this qualitative case-study came about through a process of conversations with colleagues at the Alliance for Responsible Mining (ARM), reviewing literature on formalisation efforts and their limitations, and an informal, exploratory visit to La Mina Vincente. During the three days I stayed with the mine owner Sebastian, his wife Maria and their daughter Elisa, I was introduced to the gold mining process and the agricultural products that the *finca*<sup>2</sup> cultivates. The last day I sat down with Sebastian and Elisa and asked if they would be open to the possibility of hosting fieldwork on labour conditions at the mining site. They agreed to this and with this consent I started planning my fieldwork.

Mezzadri (2021, p. 21) notes that fieldwork inspired by Marxist concepts analytically and concrete/historically investigates a specific part of ‘a larger whole’. To be able to say anything about the invisible mechanisms that characterize the capitalist mode of production, empirical case studies are necessary. Since all human activities and relations develop in a specific historical context, empirical case-study research examines the extent to which chosen concepts hold true in reality and to which extent they fail to explain, thereby extending our understanding of the real (Flyvbjerg, 2006).

Following these methodological implications, I chose observations and in-depth semi-structured individual interviews. These methods are combined with written sources on the historical, geographical and institutional context in which the mine is situated and administrative documents of La Mina Vincente documenting working hours, wages and social benefits. The everyday workplace activities and interactions are linked to elaborate accounts of how these are perceived by the participants and their life stories. This dataset reflects a snapshot of the visible and worker’s interpretations of the invisible - their relations to the

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<sup>2</sup> *Finca* is the Spanish word for a rural house with a piece of land

others- at the workplace. Furthermore, the interviews provide accounts of decisions and events in the past that can be linked to the observations made in the present (Bryman, 2016, p. 265). My approach is informed by the epistemological position that social reality is made up of both concrete phenomena and the way people interpret and reflect upon these phenomena (Hammett, Twyman and Graham, 2015).

## **4.2 Research methods & data**

### **4.2.1. Case selection and sample**

The case of La Mina Vincente was chosen first and foremost because it reflects the process, as well as the costs and benefits of formalisation. Even though these play out differently for each specific mining enterprise in Colombia, the dynamics witnessed at La Mina Vincente resemble investigations and reports on formalisation in other mines. It is an exceptional case due to its location and the participation in the Fairmined certification scheme, requiring the mine to comply with even stricter environmental and labour regulations than other formalized mines. In this case a complicated interplay of labour and environmental requirements levied by the state, domination and extortion of illegal armed groups, and the prevalence of informal labour around the mine come together. This makes it a compelling case to explore how labour regime analysis can structure and identify processes that produce and reproduce labour exploitation.

Secondly, practical factors of accessibility and safety influenced the case selection. La Mina Vincente was relatively easy for me to access because of a previous connection and the mine owner's willingness to participate in research and host guests. Elisa and Sebastian facilitated my fieldwork and are thus the gatekeepers who determined my research sample. The sample exists of all the people present at the *finca* at the time of my visit and one family member that could be reached through the help of her spouse - who works at the mine – and Sebastian who arranged transport to Tarazá<sup>3</sup>. The limited possibility to move around freely in the area to visit workers or family members not present at the *finca* forms an important limiting factor to the sample selection process.

### **4.2.2. Semi-structured interviews and ethnography**

In total I stayed eight days at the mine. In the first three days I conducted semi-structured interviews<sup>4</sup> with the five male employees and the female cook. Just before my arrival two workers had quit to go work at an informal mine, reducing the team to six and Sebastian, Maria and Elisa Gomez. I started with the three broad themes: personal history, employment conditions and family life informed by what I had observed during my first visit and literature on labour regimes. After the first six interviews I put together the

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<sup>3</sup> The full list of interviewees is found under Appendix I

<sup>4</sup> The interview guides can be found under Appendix II & III

interview guide for the members of the Gomez family inspired by some first trends I recognized in the workers' interviews. These three interviews were more focused on the costs of formalisation, the distribution of tasks between the family members and the different decisions and challenges they faced developing the mine (Bryman, 2016, pp. 241–245). On the last day, I interviewed the wife of one of the workers in a café in Tarazá. In total 10 people participated in the research whose interviews were recorded using an offline voice recorder<sup>5</sup>.

During my stay at the *finca* I went from solely observing to participant, which helped to gather a rich set of ethnographic data (Bryman, 2016, pp. 218–227). The first day I did not interact a lot with the workers apart from the moments in which we had scheduled the interviews. In the days that followed, I started to immerse myself in daily life and participated in cacao harvesting and general maintenance around the house and the fish ponds. I hung around in the kitchen where the TV provides the main entertainment after work. I also shared meals three times a day with the family and all the workers. Through these activities I had many casual conversations with both the workers and the Gomez family that provided crucial insights in the relations and work dynamics. Whereas in the first days of my stay the presence of armed groups was never mentioned, slowly more comments were made on these dynamics, demonstrating a relationship of mutual trust emerged. Every night I made notes on the activities of that day complemented with photos. Unrecorded conversations at the dinner table or during work were summarized as soon as possible afterwards in written notes or short voice recordings of my own reflections on the specific conversation (ibid.). The empirical data referred to in this study exists out of 10 interviews and fieldnotes covering the events and conversations observed between the 11th and 18th of February 2024.

### **4.2.3 Data analysis**

Following Cope's strategy for the first round of exploratory coding of field observations (Cope, 2009), I went through the transcriptions of the interviews and fieldnotes marking pieces of text with the four broad categorizations 1. Directly observable conditions 2. The consequences of these conditions 3. Strategies and tactics and 4. Interactions. I found that these categories helped to connect thinking about how things are done and why things are done like that. To remain open to other categories and themes I intended for this first data-processing phase to be more data-driven than theory-driven. From this first coding strategy emerged strategies and interactions that related to the state and armed groups. I steer clear of calling this strategy grounded theory, for in the next step I put on my Marxist glasses and advance the coding with the operationalizing categories for labour regime analysis (Bryman, 2016, pp. 306–309).

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<sup>5</sup> Full transcriptions are available in Spanish upon request

The coding strategy for the production sphere is based on the operationalizing questions 1. how are workers employed, 2. who is employed where and for what task and 3. how are workers managed and controlled. I organized data in these categories, while at the same time marking instances where the role of national rules and laws or the covert control mechanisms of armed groups come in. For the social reproduction sphere I organized data along the operationalizing questions 1. who reproduces the worker, where and how and 2. what reproductive costs are assumed by workers, or the state or capital? I identified points where production and social reproduction are difficult to code separately and repeated the marking of articulations of state regulation and/or armed groups (Baglioni, Mezzadri, *et al.*, 2022, pp. 88–90 & 92). The categories of labour regime analysis enable the systematic identification of expressions of labour relations in the sphere of production and reproduction. By linking these to articulations of the state and armed groups I could start tease out how the labour regime understood as the combination of relations between capital and labour across different spheres, relates to and is changed by formalisation and the control of illegal armed groups.

### **4.3 Limitations**

When reading the results and analysis of this research there are a few limitations that should be kept in mind. First of all, this research relies heavily on gatekeepers Sebastian and Elisa. Since all my access to the field is mediated through them it is very likely that the interviews I had with the workers do not fully reflect their realities and thoughts of the work at the mine. They are situated in a power relation between employer and employee and will most likely speak favourably of their employer. Nevertheless, as my fieldwork advanced and more trust was gained, interviewees did express criticisms to me. The extent to which criticism is suppressed is however impossible to tell and should be considered a main limitation of this empirical work. A second limitation is the fact that the fieldwork was limited to the *finca* due to safety reasons. Critiques on labour regime studies have been that ‘non-productive’ spaces like the household are neglected or only play a secondary role in the background (Baglioni, Campling, *et al.*, 2022, p. 68). Even though the *finca* represents both productive and reproductive spaces, the perspective from family members who play an important factor in the reproduction of workers could only be acquired through secondary accounts of the workers themselves. Linked to this, a third limitation is the fact that no mine-owners nor workers at surrounding informal mines were reached. Views on the pros and cons of working informally and the motivations why workers have left are all obtained through the current workers and employees who likely have different opinions on this matter than the ones that have left.

### **4.4 Positionality**

When conducting fieldwork it is crucial to reflect on one’s own positionality and power relations in the field (England, 1994). I noticed that my Europeanness spurred a lot of curiosity and at instances I felt looked

up to by the workers. My introduction as a guest of the Gomez family may have added to this position as there is a clear hierarchy at the workplace between workers and ‘the bosses’ Sebastian, Elisa and Maria. I tried to actively address my position by engaging in small-talk, showing interest in the lives of workers and sharing stories about myself that were relatable. As time proceeded, the relationship I built with the team enabled me to acquire more intimate information. Funder (2015) calls this a strategy of ‘intimacy’ within ethnography. Even though my interest and interactions with the workers may have been genuine, they took place in a relationship where I ultimately decide over how their personal details are used and interpreted. Moreover, the fact that I could pursue a strategy of intimacy signifies the power I hold in the research process. The fact that I am a Western student, educated in a critical master’s programme, helped me to access data as I had the resources and connections to enter the field.

#### **4.5 Ethical considerations & Reciprocity**

The power relation between me and the workers requires ethical considerations. The consent of the employees was crucial to ensure, as I had gained access through their employer. This dynamic made me concerned about an imposed consent on the workers. Before each interview I made clear that they were not obliged to talk to me and could opt out at any moment during the interview. I emphasized that no personal information about them or any person mentioned by them would be shared outside the interview and put special emphasis on not sharing any information with the Gomez family. I have tried to leave out information on workers that can be linked to their identity, but as the team is very small this was not always possible. The summary of this thesis in Spanish shared with the Gomez family will therefore be adapted to guarantee anonymity. The last day of my stay I sat down one more time individually with everyone to read through the consent form and asked again if they agreed on the use of their stories, both recorded and unrecorded, for my thesis. From all 10 participants in this research I received written consent<sup>6</sup>.

The time and energy of the Gomez family to host me for a total of 11 days in their home is invaluable to the realization of this study. To express my gratitude I brought small gifts for the family, the cook and the workers. I also offered to do something for the whole team with the research grant I had received. The first idea was a barbecue, but later we agreed that Elisa and Maria would use the money to buy new overalls for the whole team. During my stay, it became clear that the cultural exchange and sharing of life stories is an important and appreciated aspect of hosting visitors. My participation in the activities at the finca resulted in many lively conversations about the differences between home and Colombia. I consider these exchanges a vital part of giving meaning to reciprocity in research (England, 1994; Alvesson and Sköldberg, 2000).

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<sup>6</sup> The consent form in Spanish used for the data collection can be found under Appendix IV

## **5. CONTEXTUALIZING LA MINA VINCENTE**

The next section reflects my research of written sources consisting of government documents, policy briefs and evaluations, some newspaper articles and investigative journalism into the developments of armed groups in Bajo Cauca. I start with a broad discussion on the national policy-framework for the extractives sector and ASM, followed by the formalisation process and the attached rules and definitions. The second part of this chapter examines the role of illegal armed groups and how they are involved in the gold economy. For both parts, I describe how these directly translate into the characteristics of this case study.

### **5.1 The mining sector as a motor for development**

Since 2014, spanning three different administrations with opposing political affiliations, the mining-energy sector has been described in Colombia's National Development Plans (NDP) as a motor for economic growth that attracts investment and generates royalties and taxes needed for poverty reduction and rural development (Gobierno de Colombia, 2015, 2018, 2023). The current administration launched the vision 'Mining for Life' that aims to 'transition Colombia's economy from a mineral dependent country to an industrialized, sustainable and productive economy' (Agencia Nacional de Minería, 2024). In line with this vision I identify a range of policies and decisions that can be understood as promoting centralization and formalisation.

Gold and other precious metals were denominated 'strategic' as they promote 'associative schemes' of small and medium-sized miners and the collective formalisation of informal miners (Agencia Nacional de Minería, 2023a). In December 2023, the state-owned company Ecominerales was founded with the objective to explore, extract and commercialize strategic minerals both inside and outside of Colombia (Ministerio de Minas y Energía, 2023b, 2023a). The delegated functions to the Secretary of Mines in Medellín – the only city with its own mining governing entity – were reassumed by the authorities in Bogotá (Tiempo, 2022; Espectador, 2023). In 2014, Colombia joined the privately founded Extractives Industry Transparency Initiative (EITI). In the 2018-2022 NDP it is written that 'by implementing the transparency guidelines in government entities and big extractive projects, the monitoring of the distribution of royalties is strengthened'. Hereafter follows the comment that 'efforts will be made to involve the medium and small-scale miners in the implementation of good transparency practice' (Gobierno de Colombia, 2018).

### **5.2 Distinguishing different types of mining entities**

The government further emphasizes in its official narrative 'to pay special attention to the comprehensive protection of ancestral, artisanal, traditional and small-scale mining; respecting social dialogue and the



rights of ethnic subjects, promoting mining for life’ (Agencia Nacional de Minería, 2023b). Here, it is important to understand that at the legal level mining activities need to be classified in terms of subsistence, small, medium and large (Ministerio de Minas y Energía, 2016). The distinction between the latter three is based on the hectares of ground granted by the mining title for exploration and the volume of material (Ministerio de Minas y Energía, 2016; Unidad de Planeación Minero Energética, 2023). Subsistence mining covers ‘all mining activities carried out by natural individuals or groups engaged in the extraction and collection in the open air of industrial material, clay, precious metals and precious and semi-precious gemstones using manual tools and without the use of any type of mechanised machinery’ (Ministerio de Minas y Energía, 2016, p. 2). *Barequear*, or gold panning, performed by *barequeros* in the alluvial deposits of river banks, is explicitly mentioned as part of this category. Any type of subterranean mining is explicitly mentioned as not being subsistence as it always requires mechanised machinery. Subsistence miners do not need a mining title, but are required to be registered in the Single Register for the Commercialization of Minerals (RUCOM) (Veiga and Marshall, 2019, p. 224). For this reason, all subsistence mining is considered informal (ibid.).

Table 1 sorts the formally and registered extracted gold volume over 2022 per type of Productive Mining Entity (UPM) showing that half of this volume is extracted and commercialized by *barequeros*. UPM’s with an official mining title - 65,2 percent small-scale, 35,7 percent medium-scale and 1,8 percent large-scale – produced almost half of the gold extracted in 2022 (Agencia Nacional de Minería, 2023b, 2024). From these numbers the conclusion is easily drawn that gold mining is predominantly a subsistence and small-scale endeavour. It is furthermore telling that in this official table from the Ministry for Mining and Energy (MME) and the National Mining Agency (ANM) all scales of mining title holders are merged. Where in some narratives small-scale mining is conflated with subsistence mining as for example in the government statement above, in terms of legal requirements small-scale miners are measured with the same standards as medium and large-scale UPMs.

Type of UPM	Volume in tons	Volume as percentage of total
Gold panners ( <i>barequeros</i> )	20,74 t	49,20%
Mining title holders	19,39 t	46,02%
Subcontracts of formalisation	1,00 t	2,37%
Areas of special reserves	0,50 t	1,18%

Requested legalization	0,49 t	1,16%
Material selectors ( <i>chatarreros</i> )	0,03 t	0,07%

Table 1: Volume of gold extracted per type of UPM in 2022 (Agencia Nacional de Minería, 2023b)

### 5.3 The formalisation process

Formal mining activities in Colombia are carried out by legally constituted companies that have mining titles (administrative act granting the right to explore and exploit the soil and subsoil of national property), are registered in the National Mining Registry, and comply with technical, environmental, economic, labour and social parameters of the industry, based on current legislation (Ministerio de Minas y Energía, 2014; Muñoz-Duque, Arango-Tobón and Bedoya-Hernández, 2023). The Colombian government defines formalisation as an institutional response to advance the governance of a sector and consolidate a more competitive and productive activity (Ministerio de Minas y Energía, 2014; Gobernación de Antioquia, 2020, 2023).

In official communications the Colombian government emphasizes their effort to support informal miners in the formalisation process (Gobernación de Antioquia, 2020, 2023, 2024). Yet, the complexity of the process, a high tax burden, and high costs to comply with all parameters weigh unevenly on small-scale mining enterprises whose capital reserves are considerably smaller than those of medium and large-scale companies. For many scholars this dynamic forms a core reason why the formalisation strategy is making little progress (Veiga and Marshall, 2019; Alonso Cárdenas, 2021; Muñoz-Duque, Arango-Tobón and Bedoya-Hernández, 2023; Zárate Rueda, Beltrán Villamizar and Becerra Ardila, 2023).

#### 5.3.1 Zooming in to La Mina Vincente

The small-scale subterranean mine La Mina Vincente, owned by the Gomez family, applied for a mining title in 2000. Only in 2011, due to a range of delaying circumstances, it received the title that allows the exploration and exploitation of precious metals up to 15.000 tons of useful and waste material extracted (Fieldnotes, 12/02/2024; Ministerio de Minas y Energía, 2016). The list of requirements included a Working and Construction Plan (PTO), Environmental Management Plan (PMA), Environmental Mining Policy, a concession contract, bank account, and registration in the Chamber of Commerce, the mining register, the RUCOM and the Single Tax Register (RUT). The PTO<sup>7</sup> and PMA need annual updating. The cost of the

<sup>7</sup> The full list of requirements to apply for a PTO can be found under Appendix V

actualization of the PTO last year was almost 22.000 USD (Fieldnotes, 12/02/2024). In 2017 the mine received the certification Fairmined, which is a private certification scheme developed by the Alliance for Responsible Mining (ARM). Their proposal entails the creation of a responsible gold supply chain, in which certified miners receive a premium of 4.000 USD per kilo of certified gold produced (Alliance for Responsible Mining, 2024). For 2023, the certification generated an extra income on top of the gold sale of almost 24.000 USD. The idea of the premium is to enable miners to invest in social projects and innovation of the production process to adopt clean and responsible practices. The mine owners showed that last year's premium was used for updating the PTO and the remaining 2.000 USD was invested in a training day for the whole team (Fieldnotes, 12/02/2024).

### **5.3.2 Conflating informal and illegal mining**

As mentioned before, the ASM-part of the mining sector is highly diverse which makes a strict binary between formal and informal hard to maintain (Lahiri-Dutt, 2018). In Colombia specifically, part of the informal mining activities are managed by organized criminal groups. Such mining endeavours are not 'just informal' but illegal or criminal. The combination of the messy reality of ASM-practices that does not readily fit legal definitions and the interconnectedness of criminal economies with the legal economy provoke a public narrative that results in the conflation of ASM-mining with illegal mining (Echavarría, 2014, p. 42). This dynamic is denominated as the 'criminalization of informal miners'. Kaufman and Côte (2021) analyse how simplifying narratives in Colombian politics deepen this process. ASM is increasingly redefined in policies as illegal and linked to criminal economies, which justifies state violence and interventions against ASM-miners. These narratives reduce government intervention to either formalisation or violent repression of all informal mining activities (OECD, 2016; Álvarez, 2016; Kaufmann and Côte, 2021; Muñoz-Duque, Arango-Tobón and Bedoya-Hernández, 2023).

## **5.4 The presence of illegal armed groups in Bajo Cauca**

### **5.4.1 Illegal coca and gold production**

The UNODC (2022) reports that the total area used for informal – both legal and illegal - mining in 2022 increased by 5.000 hectares compared to 2021 and is principally located in the departments of El Chocó, Antioquia and Bolívar. 87 percent of the informal alluvial mining area is classified as illegal. Zooming in to the municipality level, of the 10 municipalities with the largest areas of alluvial mining, four are found in Bajo Cauca. These are Nechí, Zaragoza, Cáceres and El Bagre. These four municipalities are also reported among the eight municipalities with the largest areas of illegal coca leaf production (ibid.). Bajo Cauca's geographic position connects the centre of the country, the Caribbean coast and the ports in Turbo

- the Antioquian part of Urabá - making it an important corridor for drug-traffickers (Fundación Ideas para la Paz and Comisión de la Verdad Colombia, 2024). The violent conflict between guerillas, paramilitaries and the state that has afflicted Colombia for decades has held back economic and social development, especially in the rural areas (Centro Nacional de Memoria Histórica, 2022). A result of the violence in Bajo Cauca is the lack of formal job opportunities. Illegal coca production and illegal gold extraction offer livelihood possibilities for the majority of people in Bajo Cauca (Gobernación de Antioquia, UNIDOS and Universidad de Antioquia, 2020; Fundación Ideas para la Paz and Comisión de la Verdad Colombia, 2024).

#### **5.4.2 The making of a shadow economy**

Since the 1970s, the guerilla groups the Popular Liberation Army (EPL), the National Liberation Army (ELN), and the Revolutionary Armed Forces of Colombia (FARC) and paramilitary organizations, have been present in Bajo Cauca (González Posso, Cortés Espitia and Cabezas Palacios, 2023, pp. 14–17). They have been fighting mainly for the control over the coca economy and the extraction of gold. The conflict was most intense in Bajo Cauca during the 1990s, when the domination of the guerrillas passed to paramilitary groups. Despite the different peace and demobilization processes agreed with the FARC and paramilitaries, violence in Bajo Cauca persists to this day. Armed groups have reconfigured into other illegal organizations that continue to dominate the territory through the imposition of illegal rents, referred to as *vacuna*, which directly translates as “vaccination”. Currently, Los Caparros, the Gaitanist Self-Defence Forces, also known as the Gulf Clan -both of paramilitary origin-, as well as the ELN and dissidents of the FARC are involved in the production and rent extraction of coca and gold (Comisión de la Verdad Colombia *et al.*, 2021; Centro Nacional de Memoria Histórica, 2022; InSightCrime, 2023; Fundación Ideas para la Paz and Comisión de la Verdad Colombia, 2024).

The dispute over control of territories rich in energy and mining resources has been an intrinsic element in the Colombian conflict with the International Observatory DDR-Justice and Peace Law stating that illegal mining and hydrocarbon exploitation are now the main sources of financing for illegal armed groups (Rama Judicial and Universidad del Rosario, 2022; UNODC, 2022). In the last decade the economic models of these groups have moved from ‘war economies to criminal economies’, existing next to and often as part of the legal economy (Defensoría del Pueblo, 2018, p. 128; Ballvé, 2019). In his work on narco-frontiers’ geo-political dynamics, Ballvé (2019) recognizes that drug traffickers’ primary territorial imperative is rooted in the illegality of their activities, which implies that profitability depends on their capacity to maintain strict control over the areas and communities in which they operate. Bonilla Calle’s (2022) qualitative investigation into the criminal governance of gold mining in Bajo Cauca and the neighbouring municipality Buriticá iterates this logic. He states that violence serves the goal of enforcing relative societal

stability, which translates into increased revenues for the criminal economy. The idea behind this is that when businesses can operate normally, more rent can be extorted. Violent repression and punishment for noncompliance with illegally imposed norms in Bajo Cauca creates a relative calm fuelled by fear.

Formalisation of the mining sector might actually contribute to this logic, argues Bonilla Calle, as it reduces the attention from state authorities and leaves more space for extortion and control by non-state actors (ibid.). As effective drug trafficking necessitates strong territorial control, alternative political power structures are quickly established, which undermine the primacy of state sovereignty (Ballvé, 2019, p. 216). Where paramilitary groups and guerillas used to aim for the monopoly of violence and state functions in their territories, nowadays the territory of Bajo Cauca can be considered an oligarchy where the authority is shared by state and non-state regulatory actors (Bonilla Calle, 2022). Criminal structures are made up of all kinds of actors and collude with state agents. It is from this observation that Bonilla Calle suggests that formalisation could mean a win-win situation for both state actors and illegal armed groups in the competition for control over mining resources.

### **5.4.3 Zooming in to La Mina Vincente**

The beginning of La Mina Vincente in 1994 takes place amidst the violent conflict described above. The gold trading business of Sebastian declined due to the coca boom in the 90's when people shifted from gold mining to coca cultivation. Together with two partners, Sebastian therefore decided to buy the *finca* - a rural house with a piece of land - where the mine is located (Interviews 7-9). During heavy battles Tarazá became paramilitary territory, whereas surrounding towns remained under control of guerilla militias (Centro Nacional de Memoria Histórica, 2022). In 1999, Sebastian was kidnapped by guerilla groups when he crossed the so-called invisible border from paramilitary to guerilla territory. In his words, his reputation as a wealthy man because of his involvement in the gold business made him a target. In conversations the kidnapping is referred to as a motivation for the initiation of the formalisation process in 2000. That year the mine needed dynamite and the only option for miners without a mining license to acquire this is from illegal armed groups. Sebastian states he had become more careful and nervous after his kidnapping, resulting in a strong incentive to formalize his business (Fieldnotes, 15/02/2024; Interview 7). The formal status gives tranquillity and a sense of security, according to the family, but does not exempt the business from the extortion of armed groups (Field notes, 15/02/2024; Interviews 7-9).

## **6. RESULTS AND DISCUSSION**

Above, I looked at the political and legal context of Colombia's ASM-sector in relation to the policy efforts of formalisation that flow from this context. Hereafter, I set the stage of Bajo Cauca introducing the complicated public order that is defined by criminal groups that fight and collude with the state over territorial control. I will now move to the analysis of how formalisation and illegal armed groups shape La Mina Vincente's labour regime. The analysis follows the order of the sub-questions: 1. How is the relation between employer and employees affected by formalisation? 2. How does the class relation between capital and labour articulate at La Mina Vincente? 3. How do the Colombian government and illegal armed groups extract rent from the production of La Mina Vincente?

### **6.1 Weighing the pros and cons of formality**

In this first section I set out what obstacles Sebastian encounters in labour recruitment and retainment due to formalisation. I examine what considerations workers make in deciding whether formal or informal employment would benefit them more. I denote this as the formality-informality trade-off. This trade-off links the production and social reproduction sphere, demonstrating that the relationship between employer and worker in the context of formalisation is actually shaped by the struggle over the distribution of the costs of social reproduction.

#### **6.1.1 The cost of reproduction and the wage**

In terms of labour recruitment and the cost of labour for an employer, formalisation in the social context of Tarazá is not an attractive path to take for business owners. Sebastian formulates it as an 'unfair competition' between informal and formal mines. Surrounding informal mines have the advantage that they do not pay taxes nor premiums for social benefits for their employees. They can offer higher wages, or at least the full minimum wage without deducting premiums. At La Mina Vincente, all workers are affiliated as wage-workers and receive a pension, health insurance and unemployment insurance covered by the employer. The monthly 'cost' of labour for the Gomez family is now approximately 720 USD per worker per month including all premiums for the aforementioned social benefits, personal safety equipment and food and sheets. The workers are paid the minimum wage as set by the national government at a gross monthly salary of 335 USD minus 8% of insurance and pension premiums (Fieldnotes, 12-02-2024; Interviews 7-9).

For all the eight current workers at La Mina Vincente this is their first formal job (Interviews 1-6). The workers state that they find the wage at La Mina Vincente lower than in surrounding mines or in workplaces like garages or construction sites. This view is an obstacle in the labour recruitment and an important reason

for employees to leave. How much others make at other workplaces is a topic that comes up a lot and employees are able to name exactly how much their relatives and friends are earning. Stories about people from town that went out gold panning at the river banks and ‘turned rich overnight’ are shared lively over the dinner table. As the majority of Tarazá’s economy is informal, people are accustomed to getting their wage paid to them completely and in cash (Fieldnotes 14-02-2024). Maria and Elisa state that workers see the premiums as a part of their wage that is being kept from them. The Gomez family often receives questions about the payment structure and explains the advantages of the social benefits to their team in team meetings. They find that most workers prefer to have extra money now rather than have it saved for later, illustrated by the frequent requests that Maria receives to assist with withdrawing money from the unemployment savings that workers can access if they give a good reason (Interviews 8&9).

The topic of the wage brings up insights into what strategies and perceptions workers have on covering the costs of their own reproduction. For a single breadwinner – as all workers at La Mina Vincente are – the minimum wage is tight to cover all living expenses (Fieldnotes, 12-16-02-2024; Interview 9). According to John, an employee, ‘nobody loves working here’ because there are no *rebusques* (translated as searches for survival), which are small monetary payments given in addition to wages for extra hours worked or services rendered. He claims that although one might also earn the minimum wage working in other informal mines or construction sites, they will pay you *rebusques* ‘so you do not have to touch your salary to cover basic expenses like food’ (Interview 6). The custom of searching for *rebusques* shows that workers are used to combine a range of informal jobs in pursuit of their daily reproduction following a logic of ‘the more you work the better off you are’. Or as John states: ‘By doing nothing no one ever got better’ (Interview 6).

The Gomez family expresses that they understand why workers leave if they get better pay elsewhere. They point to the high costs of reproduction they cover for the workers as a formal company. Because of this they cannot offer a higher wage (Interviews 7-9). Who assumes which costs of reproduction is an important shaping factor in La Mina Vincente’s labour regime. The daily reproduction of workers is Daniela’s -the cook - job. Sebastian considers the kitchen to be the foundation of high production and tells that from the very beginning of the mine he covered food costs for his workers. Daniela works the longest hours and also on Sundays. She notes that her family is proud of her for earning more than the minimum wage, yet because she works nearly 14 hours a day, her hourly wage is less than the minimum. Despite the fact that Daniela’s work is greatly valued in words, her remuneration reveals that some of it remains unpaid (Fieldnotes, 14&15-02-2024; Interview 1). The value of household labour to production is very explicit at the mining site. Yet, the social reproduction sphere is mostly talked about in terms of costs for the employer that press on revenues and the net wage, thereby making reproduction an activity from which value can be derived by cutting back on costs or externalizing it.

### **6.1.2 Summarizing points**

This section aims to answer the question how the relation between employer and employee is affected by formalisation. Formalisation changes the labour-capital relation through the observable condition of the form of employment. The informality-formality trade-off is a (hypothetical) point in time where the changing relation between capital and labour is articulated in personnel leaving and workers considering other workplaces. Thinking about these dynamics as a *struggle* over the distribution of the costs of social reproduction, explains why the social reproduction sphere is inevitably connected. Struggles in labour regimes are a site where the diverse processes of exploitation come together and spheres connect. When workers hypothetically move from formal to informal work, they negotiate their living conditions in the social reproduction with actions in the production sphere.

## **6.2. The articulation of the capital-labour relation at La Mina Vincente**

In this next section I make the connection between the informality-formality trade-off as articulation of the capital-labour relationship at La Mina Vincente.

### **6.2.2 Teasing out the class position of the workers**

To formalize or not to formalize is a rather exclusive choice, reserved to people that own their own means of reproduction. For those that only have their labour power to sell for survival the considerations to work informally – if one could speak of considerations at all – are rather driven by necessity. Unemployment is still worse than informal employment. The potential for unpaid wages, having to work overtime or unusual shifts, being fired without cause or notice, having an unsafe workplace, and not having access to social benefits like health and unemployment insurance and pensions are all characteristics of informal employment that have been lived through by La Mina Vincente's employees (Loayza, 2018; Interviews 1-6). Before coming here they were either unemployed or working under extremely precarious conditions in illegal coca plantations or other seasonal agricultural jobs. Three employees share their stories about going from job to job, some weeks making a lot, other weeks making nothing. Job insecurity goes along with the dangers of illegal jobs. Two employees tell about the times they had to run from the coca plantations from the army or stay out in the forest overnight to not get arrested. Not surprisingly, all of the employees underline security, stability and having a permanent job as the most valuable aspects of their current workplace (Interviews 1-6).

For their economic welfare, workers state they might do better at an informal mine. Team members that are still in touch with workers that have left claim they are all doing better 'in terms of economy'. In terms of social welfare, working formally is considered a benefit, especially for family members. Workers note that



their families ‘eat more relaxed’ knowing they are covered by insurance and are at a workplace that complies with safety regulations (Interviews 2-6). Natalia, the wife of an employee, tells about her brother who works in an open air alluvial mine and states that even though there are days he brings home a monthly salary earned in one day, the family is worried everyday he is mining out there. She prefers for her husband to stay where he is (Interview 10).

Weighing small variations in money to secure the best possible option for reproduction characterizes the class position of the worker. The defining factor in their labour relations is whether or not the employer covers part of the cost for social reproduction, which not only illuminates the extent of commodification of the means for reproduction, but also that from the perspective of the worker, working formally or informally is not considered that big of a difference. Bernstein’s analysis on the ever more fluid boundaries between formal and informal economies in the Global South points out that the identities and social locations of classes of labour are highly heterogenous, apart from the one essential condition: the need to secure reproduction through the sale of labour power. The workers’ condition of existence is completely determined by their participation in circuits of commodity economy and divisions of labour generated by the capital/wage-labour relation, whether working formally or informally (Bernstein, 1986).

### **6.2.2 Teasing out the class position of the Gomez family**

The Gomez family’s trade-off between formality and informality is concerned with the competitiveness of the business in relation to other market actors. In the context of Tarazá, producing formally limits the employer’s ability to recruit and retain labour. The cost of labour, consisting of both the wage and reproductive costs, is an expense that determines the profitability of the mine and thereby the reproduction of capital. Producing gold legally has benefitted Sebastian’s business through technical support and a higher price for his gold, which I will elaborate on later. This trade-off is not so much driven by necessity but by choice, articulating the position of capital as Sebastian decides and controls over the means of production. However as succinctly phrased in ‘Marx in the field’ (Mezzadri, 2021, p. 27) ‘characterising class positions confronts great fluidity in the forms and combinations of social relations’. I nuance the position of ‘capitalist’ by discussing some particularities of the Gomez family’s company.

The accumulation of capital in this case occurs at a small scale and predominantly reproduces the Gomez family. The mine is the ‘mother of all activities’ as Sebastian explains. The second mill that was bought when the mine started to produce more gold is called ‘the university’ for having enabled the family to pay for tuition fees for university for Elisa and her brother. The agricultural activities that serve reforestation, diversification of income and household consumption were financed with the surplus generated through the mine (Fieldnotes 15-02-2024; Interviews 7&8). The Gomez family combines forms of wageless household

and administrative labour executed by Maria and Elisa with self-employment to sustain the reproduction of the company and themselves. The trajectory of Gomez's small-scale mining endeavour resonates with the idea of 'gold lifeways' coined by Fisher et al. (2021). The term signifies the character of gold mining as an 'occupation where people seek freedom and agency to create their own futures'. Furthermore, the idea of lifeways is that they can be both precarious and a source of (temporary) stability (ibid.). Sebastian sees the mine as his life project with which he acquired autonomy. Yet, the mine has also caused a lot of headaches and hardship. Maria supported Sebastian in the beginning with her salary, when he just started the mine. She tells about the years he lived alone in a simple encampment with some workers barely getting by. Maria and Elisa explain that when the mine is producing well it creates a lot of stability and opportunities, yet when it goes down the situation quickly gets very precarious due to the high fixed costs. The agency and freedom to work for oneself is very important for Sebastian. His ownership of the means of production and deriving value from the labour power of workers makes his position essentially capitalist, even though he also relies on his own labour power and that of his family. A more thorough discussion on the conceptualization of La Mina Vincente as petty capitalism would be fitting, but for the focus of this analysis I continue with positioning the Gomez family in the capitalist class.

### **6.2.3. Summarizing points**

In section of 6.2 I tried to make the class positions of labour and capital in this labour regime more explicit in order to answer the question: how does the class relation between capital and labour articulate at La Mina Vincente? I used the difference in what the informality-formality trade-off entails for the reproduction of labour and the reproduction of capital as primary articulation of the labour-capital relations. Analytically defining the class positions of the worker and the employer inside the labour regime enables the next section to essentialize the relation with outside actors in relation to the class position of capital.

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## **6.3 Struggles over rent-extraction**

So far, the role of the state has been in the background of the analysis articulated in the regulations that formalisation brings to the mine. I now move to the role of the state in the distribution of value and conceptualize this role as modern landed property extracting rent. The same line of reasoning follows hereafter for the role of illegal armed groups. These sections aim to answer the question: How do the Colombian government and illegal armed groups extract rent from the production of La Mina Vincente? Lastly, I present how the struggle over rent-extraction determines capital development in La Mina Vincente.

### **6.3.1. The burden of rent-extraction by the Colombian state**

In any mining endeavour the role of the state manifests in the sphere of ecology as regulator of the access to mining resources. The subsoil in Colombia belongs to the state, meaning that all resources extracted belong to the state. The mining title functions as a subcontract in itself from the state to the miner to transform natural matter into value of which the surplus needs to be distributed between landowner, capitalist and labourer. The surplus extraction of the state in the form of taxes plus the required investments to comply with environmental and social regulations determine for a great part the development of capital at La Mina Vincente. As a means of compensation for the disadvantage Sebastian experiences in comparison to informal mines, he and Elisa initiated the participation in the Fairmined certification scheme (Fieldnotes 12-02-2024). A comparative case study of ARM, the non-profit organization behind this certification, demonstrates the supposed added value of a voluntary market certification scheme in the realm of the Colombian tax system. The tax burden for a formalized, certified mine in Colombia is 50,9% against a tax burden for the formalized, non-certified mine of 87,4% as percentage of the total costs of the mining enterprise over 30 years (Alonso Cárdenas, 2021). The difference between these percentages is attributed to the higher gold price, premium and technical optimization of the production process at the certified mine.

Whether certification is a viable solution or not is a separate discussion, but the point here is that a lion share of the costs for a small-scale mine goes to the state. A significant part is concentrated at the start of a mining project (ibid.). The initiation of gold-mining is a capital-intensive process that also over the course of its development requires high capital-inputs in energy, explosives, machinery and the actualization of environmental permits. Such costs are a big risk for small-scale miners with limited capital reserves and limits the room for manoeuvre in times of adversity. Currently, the mine's production is very low, because the gold vein from which the mine has been extracting for 30 years was lost. The workers are now cleaning the mineshaft and milling the waste material, which contains significantly less gold. Meanwhile the bills for the PTO, PMA and audits for the certification keep coming in, resulting in a situation where personal funds need to be appealed upon to cover for the continuing fixed costs. Sebastian explains that this situation would have been easier to handle if the mine was still informal (Fieldnotes 12-16 – 02-2024; Interviews 7-9).

Gold mining, according to Sebastian, is a high-risk, high-reward endeavour. The risk used to be worth it as the reward was entirely for him and his family and has generated a good income and allowed for investments for the future (Interview 7). The rent-extraction of the Colombian state has a fixed component in the form of the PTO and PMA and a flexible component in the form of royalties over the gold produced. The more

the mine produces, the more the state earns. With the state taking more than half of the revenues, the reward is less when the mine produces well and the loss is higher when production is low. Through this dynamic, less money is left over for capital to invest and develop. In the context analysis I presented how 22.000 USD of the 24.000 USD earned through the Fairmined premium flowed directly to the state through the payment of the PTO, thereby not benefitting the workers nor the environment as is the objective of this premium (Interview 7&9). The state understood as modern landed capital captures the essence of the relationship described above that is antagonistic to the development of capital. The state takes a share of the surplus value produced in the sphere of production by the workers from the capitalist.

That the costs of formalisation form a big obstacle for small-scale miners is well-known and widely discussed in literature and policy evaluations and resulted in the critique by scholars that the regulatory framework of formalisation is biased towards large-scale mining (Echavarría, 2014; Fisher *et al.*, 2021; Le Billon and Spiegel, 2022; Zárate Rueda, Beltrán Villamizar and Becerra Ardila, 2023). The burden of the fixed costs of formalisation significantly decreases when the scale of production increases. Alexandra Urán concludes from different cases in Colombia where small-scale miners' applications for mineral titles were rejected for lack of financial and technical resources to perform adequate environmental management that 'the mining resources of the country have been conceptualised as commodities that need the expertise and technical capital of multinational companies to become assets to the state' (Urán, 2018, p. 283).

The link between the bias for LSM and environmental concerns surfaces in a lot of studies (Fritz *et al.*, 2018). What I want to go into is how this idea of formalisation as the process of making mining resources assets to the state is in fact a struggle over rent-extraction between illegal armed groups and the state. A bias to LSM relates to an association of ASM as a sector where mining revenues are lost to illegal actors. The ASM-sector thereby becomes a stage of this competition resulting in a policy narrative of formalisation on the one hand and criminalization and state repression on the other (Álvarez, 2016; Urán, 2018; Kaufmann and Côte, 2021; Muñoz-Duque, Arango-Tobón and Bedoya-Hernández, 2023).

### **6.3.2 Illegal rent-capture by armed groups**

Zooming back in to La Mina Vincente I first set out how the presence of illegal armed groups is articulated in labour management and surplus distribution. The operationalization of task divisions and labour control exposes that the relation between workers and employers is heavily influenced by the safety situation around Tarazá. The family attributes them 'still being here' to Sebastian's diplomatic skills to manoeuvre the complicated public order which comes down to silence and good personal connections in the community and with his employees (Interviews 8&9). Elisa details how delicate they handle the 'letting go' of an

employee as the situation can quickly become complicated if a worker leaves the company in bad spirit. ‘The next day he might join an armed group and then we really are in trouble’, she explains (Fieldnotes 17-02-2024).

As a well-respected man in the community, Sebastian can afford some negotiation with the controlling groups in the region. Maria recounts a moment when Sebastian received a second-hand mill for free from a friend that was transported over the road from Tarazá to the mine. This road stands under permanent surveillance by the so-called messenger boys of the armed groups. Quickly after, a member of an armed group visited the mine to announce that Sebastian's *vacuna* would be increased. He refused this and stressed the fact that he pays generous contributions to the school and church in Tarazá and constructed and maintains the road used by this group to move between the mountains and town. After his refusal was taking up to someone higher in the organization, the raise eventually was annulled (Interview 8).

In general the Gomez family's strategy comes down to not standing out or making any moves that might attract attention. ‘Silence is safety’, explains Sebastian. This leads him to keep information about the production process from the workers. They never see the gold extracted. The fruits of a day's labour end up in a bucket filled with sand and water at the last stage of the mills. This bucket is brought to Sebastian's office, where the mined ‘gold-sand’ is later processed into gold bars in the closed off laboratory behind the house (Fieldnotes 16-02-2024; Interview 7). Employees express that it would be motivating to receive bonuses in the form of a piece of the gold, as is customary in some other mines in the area. Sebastian explains that this method is impossible and would lead to a ‘terrible mess’ since word would soon come out in town about how much gold he exactly produces (Interviews 2-6; Interview 7).

Similarly the participation of the mine in the Fairmined certification scheme is not shared with the workers. Where in other certified mines the destination of the premium can be determined in collaboration with workers, Sebastian explains that in their situation they cannot ‘socialize’ the premium well. Again, because if word comes out about extra money being earned ‘others will want a part of that premium from us and the workers’ (Interview 7). The employees themselves note that it is better to let people think they work at a *fincas* as peasants rather than miners, as the assumption is that miners are relatively rich (Interviews 2,3 & 6). All this secrecy around income serves one purpose: preventing a raise of the *vacuna* extorted by illegal armed groups.

Just as the appropriation of rent by the state holds back the development of capital, so does the rent-extraction of the illegal armed groups. The loss of the gold vein provides again a concrete event where this dynamic is articulated. The Gomez family only recently managed to get a geological study financed and

now knows in which direction to mine further. Yet, for this new direction of the tunnel they need explosives. As the production has been low for a while, the mine is left with little capital reserves and explosives are expensive. On top of this, the type of explosives sold by the state-owned company has been changed and the team does not have the right training to work with these explosives. A solution out of this impasse is to bring in capital and expertise from outside by subcontracting a third party under Sebastian's mining title. Multiple commercial parties have shown interest to invest in the mine, but the location of the mine in a so-called 'hot zone' scared some investors off. At the same time Sebastian himself holds such an investment off as it would mean "people from outside come in over the road with new machinery telling the whole area that money flows generously here" (Fieldnotes 17-02-2024; Interview 7&9). Elisa notes that her father is the face of La Mina Vincente: "Investors can move out again, but he stays behind carrying all the risk" (Interview 9).

The adverse effect on capital development due to rent extraction denominates the position as modern landed property of illegal armed groups. The specific characteristic of the relation between capital and modern landed property in this case, is that it takes place against the background of a constant threat of violence and unknown consequences in case of non-compliance. The fact that *vacunas* can be adapted at any time according to perceptions of production and wealth is far more intrusive in the company's productivity than just the appropriation of surplus value itself. Even if there is sufficient capital accumulated after rents are paid to expand or optimize production, the opportunities are limited as any increase in production can change the fragile agreements between Sebastian and representatives of the groups.

In fact, the way armed groups shape surplus distribution in the labour regime heavily influences labour management. The control over knowledge is a specific form of labour control deployed at the mine by employer over worker as a result of the 'regulations' of armed groups. Knowledge about value produced and investments made but also knowledge about people in the form of connections define part of the capital-labour relation that is specific for La Mina Vincente. Also, the history of workers with illegal, unsafe workplaces, long-term unemployment and the lack of formal job opportunities due to violence, deepen the control from employer over employee. Where the state's regulatory role in labour management protects labour, the control of illegal armed groups makes labour even more exploitable.

### **6.3.3. The impact of the struggle over rent-extraction**

In the sections above I analysed how labour management and surplus distribution in the labour regime of La Mina Vincente are not only shaped by the state, but also by the presence of illegal armed groups that control the region. The position of the state to extract rent from mining projects is struggled over, resulting

in a particular kind of relationship between capital and the state. To examine this relationship I have defined the state and illegal armed groups as modern landed property. This concept allows for the broadening of the state-category in labour regime analysis to include other actors that perform the function of shaping surplus distribution. Formalisation through this lens becomes a tool of one actor against another in the struggle over the position of modern landed property.

Illegal and legal commodities in Colombia are deeply intertwined, as drug trade paves the way for the involvement of armed groups in all sorts of economic activities. This dynamic is further intensified when government actors cooperate with illegal armed groups by tolerating or even facilitating the extraction of rents from businesses in exchange for a share of this rent (Urán, 2018; Bonilla Calle, 2022). The formal status of La Mina Vincente does not prevent this illegal rent-extraction from happening, with the result that part of the revenues still contributes to the funding of the criminal economy. Illegal armed actors seek access to mineral-related rents through direct and indirect mechanisms. Direct methods include activities like managing mining operations directly or participating in the sales and exchange of mining materials. The fight of the state against these activities results in the (often violent) closure of mining sites and confiscation of machinery and equipment. The notion of ‘indirect mechanisms’ refers to the ways in which mining contributes to funding illicit actors, such as through the *vacunas* (Ortiz-Riomalo and Rettberg, 2018). This indirect financing complicates repression for the state, considering that La Mina Vincente is completely legal, but still funds illicit actors. The narrative of formalisation as a means to cut finance flows to armed groups is in the execution dressed down to a mechanism for the government to take part in the distribution of the surplus value from La Mina Vincente. This results for the Gomez family and their workers in the situation where rent is extracted twice. Their efforts to formalize the mine and thus comply with government regulations and taxes generate revenues for the state. Yet, because the de facto control over the territory where the mine is located is infringed by illegal armed groups, the mine has to also comply with their illegal ‘tax-system’.

The motivation to formalize for Sebastian was strongly influenced by the event of his kidnapping in the early days of the mine. Consequently, an important aspect for the Gomez family of their formal status is a perceived sense of security. As Maria notes: ‘everyone knows we are legal [...] if people [from the government] come here, we have all the papers ready.’ The family expresses to be proud that they managed to formalize in a complicated territory (Fieldnotes 17&18-02-2024; Interviews 7-9). Paradoxically, this security benefits the rent-extraction of illegal armed groups. A stable public order so that businesses can operate normally is the key logic behind the criminal economy driven by rent-extraction in Bajo Cauca (Bonilla Calle, 2022). When the public order becomes unstable due to power shifts among the armed groups workers cannot come to the finca over the road from Tarazá and the Gomez’s cannot leave to run errands

(Fieldnotes 17-02-2024; Interview 8). State repression on ASM miners also destabilizes the social order of controlling groups in the region. Due to the mine's formal status, the state will not come down on La Mina Vincente to stop mining activities as happens with neighbouring informal mines. The investment to formalize thus produces value in the form of stable production that is appropriated by modern landed property.

I understand formalisation as a tool of the state to assume the role of modern landed property in surplus distribution. Criminalization and repression are the tools that aim to hinder the participation in surplus distribution of the 'other' competing class of modern landed property. This second articulation of the struggle over rent burdens capital further. Despite the formal and certified status, one of the biggest issues for the Gomez family to this day is that they still cannot open a bank account nor get loans. Something that was actually complicated when the mining title was granted as Sebastian was officially registered as miner from this moment on, and banks do not accept miners as clients (Interviews 7&9; The Alliance for Responsible Mining, 2022). Another obstacle emerged when employees had to be formally affiliated with the risk insurance entity ARL. For the first five years, the ARL did not recognize the mine's formal status. Elisa and Sebastian blame this on the organization's reluctance to accept miners. During this period Sebastian had to affiliate employees as construction workers through a construction cooperative, assuming the risk of being fined or not getting reimbursed in case of an accident (Fieldnotes, 14/02/2024; Interview 7). These specific struggles of La Mina Vincente relate to the conflation of ASM with illegality and the consequent criminalization of miners.

Simplified political narratives that frame all ASM miners as illegal, make space for increased state violence and repression of ASM miners (Kaufmann and Côte, 2021). I identify the objective of criminalization and state repression thus as hindering rent-extraction by illegal armed groups. The exclusion of miners from banks is a recognized problem and is a direct result of the association of ASM with criminal networks and money laundering, because of which banks do not want to take the risk to include miners in their clientele. The extra measures Sebastian has to take to deal with the label 'criminal' on his head slow down business development. Complicated structures around constraints require extra work, time and money. The strategy to affiliate his workers with the ARL put a great personal risk on Sebastian, but not affiliating would have also been illegal. La Mina Vincente displays how capital development is hindered in multiple ways by the competition over rent-extraction between the state and illegal armed groups. When asked what for Sebastian is satisfactory about being a miner, he answered: 'the mine educated my family, brought them further. Even if the government sometimes treats me like a criminal... I am still here'(Interview 7).

#### **6.3.4. Summarizing points**



In this last section I sought to answer how rent-extraction occurs at La Mina Vincente both by the Colombian state and illegal armed groups, and how this struggle over rent impacts capital development. The tax burden and fixed costs that come with formalization weigh heavily on the production of La Mina Vincente. Where some scholars see this as a result of a bias towards LSM, I seek to look for an explanation through defining the state in an antagonistic relationship with capital in the position of modern landed property. This conceptualization ties in the role of illegal rent-extraction by illegal armed groups. Their presence affects the mine in all aspects of production, weighing heavily on capital development as well. The struggle over rent-extraction is articulated on the one hand in formalization which serves the purpose for the state to also take a part of the surplus value. On the other hand criminalization and state repression are tools for the state to hinder rent-extraction. In this fight between the state and illegal armed groups for the position of modern landed property, capital development is heavily hindered making mining for Sebastian and his family a constant struggle.

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## **7. CONCLUSION**

For this thesis I travelled to the small-scale gold mine La Mina Vincente in Tarazá, Bajo Cauca. Here I found myself on the stage of an intricate interplay between formal and informal labour, between the Colombian state and illegal armed groups, and between the legal and illegal economy. The road to bring these big and abstract phenomena together in a comprehensible framework has recently been laid out in a body of literature on artisanal and small-scale gold mining that centres the labour regime as the focal point of analysis. For this case study, labour regime analysis served the purpose to untangle the many different articulations in which the process of formalisation and the presence of illegal armed groups shape capital-labour relations. Ultimately, the objective of analysing labour regimes is advancing the understanding of the many different overt and covert ways in which labour-exploitation takes place in the real world under capitalism, as labour regime analysis brings forward generalizing tendencies in labour control and surplus value distribution in global value chains.

In the first section of the analysis I presented the formality-informality trade-off for workers and employers as a point of struggle. This struggle takes place in the sphere of production as workers leave or feel discontent over wage. In essence, this struggle is about an aspect of the social reproduction sphere, namely the distribution of costs of social reproduction. Struggles in labour regimes are moments when the diverse forms and processes of exploitation become most visible. The moving around of social reproduction costs in this struggle makes visible the value of reproductive activities and how a larger share of this value is

extracted from families and workers in informal workplaces. In the second section I conclude that the essential difference between how labour seeks reproduction and capital seeks reproduction is articulated in the difference between the consequences and considerations of workers and employers when (hypothetically) moving between formality and informality. Overall, these two first section shine light on how formalisation impacts labour and capital in very distinct ways, creating a space for struggle over social reproduction costs. Labour regime analysis brings into light that formalisation can change the way labour is controlled and managed, which changes how and where surplus value is extracted from labour, but it does not change the essential relation of exploitation itself. Using a labour regime framework opens the possibility to compare exploitation in value chains from different sectors. Similar dynamics and struggles in the workplace occur in the garment industry or automobile industry. This creates an opportunity for solidarity in struggles against exploitation between sectors.

In my last chapter I aimed to demonstrate how rent extraction by ‘landowners’ is a crucial node in the value chain of mining resources. I conceptualize the state and illegal armed groups as modern landed property. Thinking about the different ways in which surplus value is appropriated at La Mina Vincente, applying the notion of modern landed property makes formalisation a tool of the government to claim its share of the rent from Colombia’s mining resources. This dynamic hinders capital development at the mine, yet the burden on capital exists of two more layers; 1. the fact that the state is not sovereign in Bajo Cauca, results in double rent extraction from La Mina Vincente as illegal armed groups impose vaccinations despite the mine’s formal status 2. the government’s policy of repression and criminalization serves to cut the financial flow from informal ASM to illegal armed groups, but the consequent generalization of ASM as a criminal endeavour places an even heavier burden on capital development for small-scale miners.

A conclusion that surfaces from this specific case study is that formalisation in a territory without state sovereignty does little more than add an extra layer of costs and regulations that predominantly benefits the government and illegal armed groups. This dynamic requires further comparative research with other rural settings where governments compete over natural resources with local (illegal) authorities or multinational corporations. For the study of ASM, it is helpful to understand the productive small-scale miner in an antagonistic relation with the unproductive landowner to advance insights into territorial control and conflict around formalisation and criminalization of miners. La Mina Vincente is a strong example of how formalisation renders the improvement of the ASM sector technical, whereas in the end a fair and sustainable ASM sector is a political endeavor where competing interests and power inequality meet.

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## APPENDIX

### Appendix I: Table of interviewees

Interviewee	Pseudonym	Description of interviewee	Family members that depend on income
1	Daniela	Cook	2
2	Miguel	Employee	3
3	Andres	Employee	2
4	Juan	Employee	2
5	Jairo	Employee	1
6	John	Employee	3
7	Sebastian	Employer	-
8	Maria	Employer	-
9	Elisa	Employer	-
10	Natalia	Wife of employee	-

## **Appendix II: Interview Guide Employees**

### **Introduction**

- Short introduction of myself and why I am doing this research
- Ask for verbal consent to use data and record

### **Personal Information**

- Since when do you work at La Mina Vincente?
- How did you end up working at La Mina Vincente?
- Where are you from?
- What do your parents do?
- Why do you work in mining and what does ‘being a miner’ mean to you?

### **Employment conditions**

- Could you describe me your normal work day? Working hours, breaks and tasks?
- How are the tasks divided in the team?
- How is Sebastian involved in your day to day work? And how are Elisa and Maria involved?
- Which skills and knowledge do you need for your job?
- What is the most difficult part of your job?
- How do you perceive the wage compared to your former employments? Or compared to friends and family?
- How often do you visit your family?

### **Perception of social benefits**

- What are for you the benefit of working formally?
- Why did colleagues leave La Mina Vincente to work in informal mines?
- What does your family think of your job here at La Mina Vincente?

\*These questions were a little adapted for the interview with the wife of one of the employees and centred around the questions:

- What do you think of the employment location of your partner?
- Do you have more family members that work in mining? If so, in what kind of mining?

- What is for you the most important aspect of formal work?



## **Appendix III: Interview Guide Employers**

### **Introduction**

- Short introduction of myself and why I am doing this research
- Ask for verbal consent to use data and record

### **History of the mine**

- Can you tell me about the beginning of the mine?
- Can you describe what the mine has meant for your family?

### **Formalisation**

- What did the employment of workers look like before formalisation?
- In your perception, what is the benefit of working formal for workers? And for yourself?
- What is in your perception the risk for families of workers that work in informal mining?
- What are the mechanisms that are put in to working in the case of an accident or sickness? And how was this before formalisation?
- What are the monetary cost per worker of formal employment for you?

### **Life at the *finca***

- What is most difficult about mining in this area?
- What is it like for your to live together with your employees?

## **Appendix IV: Consent form in Spanish**

### **Consentimiento para participar en una Tesis en la Facultad de Ciencias Sociales**

Acepto participar en el estudio de caso sobre ‘los costos y beneficios sociales de la formalización’.

*Se trata de un proyecto estudiantil que utilizará historias y relatos personales como principal fuente de información para analizar un proyecto minero formalizado. Por esta razón, la información personal será recogida conservando el anonimato.*

#### **Información sobre el tratamiento de datos personales**

Los siguientes datos personales serán procesados:

- *Nombre*
- *Grabaciones de voz*
- *Cuentas personales sobre el trabajo en el sector MAPE*
- *Posibles referencias a familiares*
- *Posibles referencias a la dirección del proyecto minero*

Pueden tratarse los siguientes datos personales sensibles:

- *Declaraciones sobre la salud de la persona*
- *Declaraciones sobre las preferencias políticas de la persona*
- *Declaraciones sobre el origen étnico o la religión de la persona*

Los datos personales serán tratados de las siguientes maneras:

*Las historias y declaraciones personales usadas en el escrito oficial de la tesis se harán anónimas reemplazando los nombres por 'encuestado [número]'. Las grabaciones de voz se almacenarán fuera de línea una grabadora y se eliminarán después del examen final de la tesis.*

No compartimos sus datos personales con terceros.

Lund University, Box 117, 221 00 Lund, Suecia, con el número de organización 202100-3211 es el controlador. Puede encontrar la política de privacidad de Lund University en [www.lu.se/integritet](http://www.lu.se/integritet).

Tiene derecho a recibir información sobre los datos personales que procesamos sobre usted. También tiene derecho a que se corrijan sus datos personales inexactos. Si tiene alguna queja sobre nuestro tratamiento de sus datos personales, puede ponerse en contacto con nuestro Responsable de Protección de Datos en [dataskyddsbud@lu.se](mailto:dataskyddsbud@lu.se). También tiene derecho a presentar una reclamación ante la autoridad de control (la Autoridad de Protección de Datos, IMY) si considera que estamos tratando sus datos personales de forma incorrecta.

Acepto participar en el estudio de caso sobre 'los costos y beneficios sociales de la formalización'.

Ubicación	Firma
Fecha	Nombre

## **APPENDIX V: REQUIREMENTS PTO**

### **Translated from Spanish**

1. Definitive delimitation of the exploitation area
2. Topographical map of the area.
3. Detailed cartographic information of the area and, in the case of marine mining, bathymetric specifications.
4. Location, calculation and characteristics of the reserves to be exploited in the development of the project.
5. Description and location of mining, mineral deposit, processing and transport and, where appropriate, processing facilities and works.
6. Mining Plan of Exploitation, including the indication of the technical guides to be used.
7. Geomorphological, landscape and forestry recovery works plan for the altered system.
8. Scale and duration of expected production.
9. Physical and chemical characteristics of the minerals to be exploited.
10. Description and location of the works and installations necessary for the exercise of the easements inherent in the mining operations.
11. Plan for the closure of mining operations and abandonment of installations and infrastructure.