

Labor Trafficking of Men in the Artisanal and Small-Scale Gold Mining Camps of Madre de Dios, a Reflection from the “Diaspora Networks” Perspective

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Abstract

Defined as “labor intensive, low tech mineral exploration processing,” the artisanal and small-scale gold mining is expanding worldwide due to the increase in the prize of gold and the demand for the mineral. The industry creates jobs for the poor contributing to the alleviation of poverty in some developing countries, but the lack or regularization of the sector has occasioned environmental and social problems, human trafficking among them. In this industry trafficking situations have traditionally been perceived as exploitation or as violations of worker’s rights, while policies have targeted sexual trafficking of women, leaving vulnerable miners unprotected. That is the case of Madre de Dios, a gold enclave in the Peruvian Amazon that has become an emblematic case study of a modern gold rush. Peru has an extensive legal framework to fight human trafficking; however, this country follows a state-centric, security-based approach, focused on sexual exploitation of women trafficked by criminal networks. This article compiles fieldwork research to conclude that the trafficking dynamics in Peru can be described as a domestic phenomenon, part of an affective economy of local diasporas. Thus, it is argued, the focus of state’s human trafficking strategy needs to adjust to this reality and move beyond the security approach.

Keywords

Labor trafficking Men ASGM Amazon

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Introduction

The cover of the emblematic book on modern slavery, Kevin Bales' (2000) *Disposable people*, depicts an image of the Serra Pelada's gold mine in Brazil, one of the largest and most violent open pits in history. The picture, taken by the Brazilian photographer Sebastiao Salgado in 1986, captures a confrontation between a *garimpeiro* (digger) in rags and a policeman in a muddy hill. Surrounded by many other miners that stare at the scene with awe, a policeman aims his rifle at one of the *garimpeiros* who grabs it by the barrel in a defiant gesture. The scene is explicit in its portrayal of the working conditions of these men. While explaining what he saw in the Serra Pelada's mine, the photographer describes a form of human trafficking.

Swept along by the winds that carry the hint of fortune, men come to the gold mine of Serra Pelada. No one is taken there by force, yet once they arrive, all become slaves of the dream of gold and the need to stay alive. Once inside, it becomes impossible to leave.... Every time a section finds gold, the men who carry up the loads of mud and earth have, by law, the right to pick one of the sacks they brought out. And inside they may find fortune and freedom. So their lives are a delirious sequence of climbs down into the vast hold and climbs out to the edge of the mine, bearing a sack of earth and the hope of gold. (Salgado 1992)

Bales devotes a chapter to the slavery-like conditions of men in the Brazilian gold mine in his book. The publication is quoted by most scholars within the human trafficking literature to this day, yet the subject of male trafficking for labor exploitation in the extractive industries remains underdeveloped by the academia. If during the last decade, human trafficking has triggered an extensive body work within scholarly circles, the overwhelming focus has been placed on international trafficking of women for sexual exploitation at the expense of other types of trafficking (Andrees and Linden 2005; Cockbain et al. 2018; Laczko and Gozdziaik 2005), a trend that might start to change to adjust to the changes in the phenomenon. According to the latest report of the United Nations Office on Drugs and Crime (UNODC), during the last decade, almost half of the human trafficking cases identified were cases of forced labor (four out of ten), in 63% of those, the

victim was a man. The crime is also increasingly perceived as a domestic problem instead of an international one, 42% of victims were trafficked inside their own countries (UNODC [2017](#)).

Many scholars had already reflected on this trend. Steele ([2013](#)) approaches the subject of labor trafficking of men in South African gold mines to highlight the fine line that separates poor working conditions from trafficking. To her, most trafficking situations are seen as exploitation. That is, it is assumed that the acceptance of abusive and hazardous work conditions due to the lack of viable alternative options, including long working hours without adequate pay and safety equipment, might amount to a violation of worker's rights but not necessarily to trafficking in persons, a perception that has shaded many trafficking situations. As she notes, "if an employer exploits the worker's lack of alternatives, this could constitute abuse of power or a position of vulnerability, thereby fulfilling all three conditions (activity/means/exploitation) of the crime. The line between poor working conditions and trafficking is therefore far from clear and, thus, remains open to further inquiry" (Steele [2013](#)).

Labor trafficking has also been interpreted as part of global production networks (GPN). Using the case of the sugarcane in Brazil, McGrath ([2013](#)) refers to the GPN framework to argue that the "dynamics of production networks" reproduce unfree and degrading labor. The global value chain theoretical framework analyzes the impact of economic globalization on labor standards and the role that consumers play in the process (Crane, LeBaron, Allain, & Behbahani [2017](#)). To them, the fact that labor may be "voluntary" at the point of entry does not mean that the labor relation is free. This framework questions the notion of consent and "voluntariness" to understand the processes by which workers enter into severely exploitative arrangements (Barrientos et al. [2013](#); LeBaron and Howard [2015](#); Phillips [2016](#)). In this line, Arhin ([2016](#)) argues that many workers enter trafficking situations following family and friends, imbedded in cultural and socioeconomic dynamics that she calls ethno-diaspora networks of "shared ethnicities of groups that have in common ethnic and national traits, identities, and affinities" (Sheffer [2003](#); Arhin [2016](#)). Traffickers rely on diasporas for the recruitment, transportation, and exploitation of the victims whose interactions are often based on an "affective economy of co-ethnic identification" and relations of trust (Arhin [2016](#)).

Within the artisanal and small-scale mining (ASM) literature and for the case of India, Samaddar ([2018](#)) explains the presence of informal labor in the mining sector as part of the capitalist system and the vulnerability of what he calls "transit labor" or mobile migrant workforce. That noted, the literature on ASM, mostly focused on African and Asian countries, has been concerned about the use of child labor, what has been interpreted as part of the logic of subsistence livelihoods of families whose members, including children, resort to the activity due to poverty (Hilson [2008](#); Maconachie and Hilson [2016](#)). Considered a hazardous work, mining implies extreme health risks to children who "are torn from their habitual living environment and forced to live under extreme conditions in mining camps" (ILO

2015), unable to integrate in society and follow an education (Hilson 2008). The International Labor Organization (ILO) estimates that 168 million children are victims of child labor, 85 million of which are performing hazardous tasks (ILO 2017). A concern that Brysk (2012, p. 80) echoes in her work on contemporary slavery noting that it deserves closer attention.

The purpose of this chapter is to contribute to this literature by further exploring the link between irregular artisanal and small-scale gold mining (ASGM) and labor trafficking. In particular it focuses on some of the reasons that explain the exposure of the ASGM workforce to slavery-like conditions in mining camps. Fifteen years after the birth of the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Trafficking Protocol), ratified by 171 states, exploitation of men in mining camps is rampant due to the expansion of ASGM worldwide. To analyze this phenomenon, the research takes the case of the gold enclave of Madre de Dios in the Peruvian Amazon where between 30,000 and 50,000 people have migrated to participate in a modern gold fever. For years, different institutions have reported on the pervasiveness of sexual trafficking of girls and women in mining camps and on the existence of child labor and forced labor of men in the mining operations (Barrantes 2014; CHS 2012; El Comercio 2017; Mujica 2014; Novak and Namias 2009; Peru Support Group 2012; Salazar and Castro n.d.; Sanz 2015; Shahinian 2011; Verité 2013).

As many other countries, Peru signed and ratified the Trafficking Protocol, to introduce this crime in its penal code in 2007, with sanctions up to 25 years of jail. It also has a comprehensive National Plan of Action in place. Despite that, by 2018 there were just two sentences related to labor trafficking in the country, none of those in Madre de Dios. In a similar fashion to the Brazilian workers of Serra Pelada two decades before, Peruvian miners are not recruited by force in Madre de Dios, yet, once in the mine, leaving becomes impossible for many. As in the Brazilian case, human trafficking dynamics are not part to transnational criminal networks but a domestic phenomenon, part of a lucrative industry where the formal, informal, and illegal intertwine (Durand 2013) and where the domestic economy interacts with the global one. The increasing demand of gold worldwide and the easiness to launder this mineral into the international supply chain make the resolution of this problem all more difficult. Security-based policies, such as the one established by the Peruvian government to fight human trafficking, tackle just part of a complex problem. In this context, it is suggested here that, in many situations, trafficking relates to domestic economic practices (Mujica and Cavagnoud 2011) in which workers are not recruited by criminal bands but enrolled by friends and family members in what is perceived to be seasonal work. As Arhin puts it, it follows a pattern of diaspora's networks (Arhin 2016) that initially see the activity (mining) as seasonal, complementary source of income and are willing to take the risk that the job might imply.

This chapter uses the definition of human trafficking as set forth in the Article 3 of the Trafficking Protocol. This definition includes forced labor as part of human trafficking, and in this chapter, these two concepts are often used interchangeably.

The document uses primary and secondary data, including field work interviews in Lima and Madre de Dios carried out between 2013 and 2018. The chapter is also enriched through the participation of the author in processes leading to policy development from 2003 and 2012 as a regional focal point in the Andes of the UN Migration Agency, formerly known as the International Organization for Migration (IOM). The document is structured as follows. The above presentation will be complemented with a description of ASGM dynamics in Madre de Dios, to present evidence of trafficking for labor exploitation of men in this gold economic enclave. This section will also expose the steps given by the Peruvian government to fight this crime. A brief account of the theoretical debate around the concept of human trafficking and specifically, to the idea of labor exploitation and forced labor, will frame the document's academic standpoint, setting the conceptual stage for the empirical part that will be developed in the fourth part of the paper.

The Dynamics of the Irregular Gold Economy and Labor Trafficking in the MDD Gold Mining Camps: An Overview

The global production of gold doubled during the last 50 years to fulfill the demand for jewelry, electronics, and financial instruments. The price of this mineral increased 417% between 2003 and 2011, prompting the expansion of artisanal and small-scale gold mining (ASGM), an industry that sources 20% of the mineral global output, an estimate of 400 tons (Seccatore et al. [2014](#)). Defined as "labor intensive, low tech mineral exploration processing" (Hilson [2011](#)), the ASM employs an estimated 14–30 million people contributing to the alleviation of poverty in some developing countries (Buxton [2013](#); Hilson and McQuilken [2014](#); Labonne [2014](#)). However, the lack of regularization of the sector has occasioned the unruly expansion of mining camps.

Peru is the largest producer of gold in Latin America and fifth (just after China, Australia, Russia, and the United States) in the world (World Gold Council [2016](#)) with a registered volume of 166 tons in 2016. It became a middle-income country as a result of a macroeconomic model that successfully focused on the export of its natural resources reducing poverty from 54,3% to 25,8% (INEI [2015](#)). In parallel to the growth of large-scale mining (LSM), an informal economy flourished associated with the ASGM, an industry that produced 28% of the gold output in Peru in 2011 (Torres Cuzcano [2015](#)). ASGM employs 150,000 miners and provides work for 500,000, but the lack of regulation of this sector has created serious environmental and social problems. In 20 years, 3000 tons of mercury were poured into the Amazon (Defensoría del Pueblo [2014](#)), and 15 natural protected areas were compromised. River courses were reversed, impacting 25% of the wetlands (WWF

2013), and 62,500 hectares were deforested by 2016 (MAAP 2016). This sector has also been associated with transnational crime and drug trafficking networks, among other illegal economies (Ambrus 2016; GIATOC 2016; Verité 2016).

Irregular gold mining takes place in the 25 regions of Peru, but Madre de Dios has concentrated 80% of this production, an estimated 20 tons per year (Pachas 2012). In the year 2010, an Executive Order (No 012-2010) was enacted to regularize gold mining in Madre de Dios; 2 years later, a nationwide *extraordinary regulatory process* was put in place. Although this strategy was designed as a comprehensive policy to tackle all stages of the supply chain, most efforts were placed on formalizing miners and on eradicating illegal sites located in protected areas and water courses. As of early 2019, just two miners had been able to formalize themselves in Madre de Dios. Meanwhile, military interventions to destroy machinery had not been able to prevent the expansion of illegal operations. Peruvian authorities referred to human trafficking as a fundamental reason for the regularization of ASM, in line with the Special Rapporteur on Contemporary Forms of Slavery (Shahinian 2011) who visited the area in 2011 to recommend formalization as a means to counteract labor exploitation and human trafficking. Unfortunately, and with the exception of the clause 4.3 of the 029 Executive Act of 2014, the extensive legal framework to regulate the industry does not include any specific measure to fight human trafficking. The clause 4.3. is a general statement aiming at improved coordination between the Police and the Judiciary when intervening nightclubs, progressive eradication of child labor, and the need for rescue centers for victims.

Scoping Labor Trafficking

According to an investigation of the International Labor Organization (ILO) and the Walk Free Foundation, there are 40 million people victims of modern slavery today, 25 of them in forced labor situations (ILO and Walk Free Foundation 2017), whereas ILO's latest statistics estimate that 168 million children are exploited in different industries, 85 of them performing hazardous tasks (ILO 2017). In its 2018 report, the US Department of Labor included Peru as one of the three (The other two countries were Burkina Faso and the Democratic Republic of the Congo) countries where gold was produced using child and forced labor (U. S. Department of Labor 2018), and the NGO Verité (2016) found evidence of widespread vulnerability of miners and indicators of forced labor within the Peruvian ASGM workforce. In the year 2011, the United Nations Special Rapporteur on Contemporary Forms of Slavery visited Peru and MDD to warn on the need to protect the safety of ASGM workers, many of them in slavery-like situations (Shahinian 2011). For years, international humanitarian organizations and NGOs have documented on human trafficking cases associated with the Madre de Dios' gold rush (Barrantes 2014; CHS 2012; El Comercio 2017; Mujica 2014; Novak and Namias 2009; Peru Support Group 2012; Salazar and Castro, n.d.; Sanz 2015; Shahinian 2011; Verité 2013).

There is no solid data to measure the extent of trafficking in Peru, but statistics of the Peruvian law enforcement agencies can give a picture of the problem. By the year 2016, 40 cases were convicted out of the 259 revised by the Attorney General's Office. The Police made 764 interventions, and the Public Ministry received 1,144 trafficking-related complaints the same year. Between 2009 and 2014, the National Observatory of Crime registered 3,911 cases, 14% out of which were labor trafficking related, leading to just two sentences. Madre de Dios, with a population of 120,000 inhabitants, ranks third in the number of human trafficking complaints in Peru, just after Lima and Loreto. The Peruvian authorities are aware of the violence and human rights violations taking place in the Madre de Dios mining camps. During the military intervention to eradicate illegal in 2016 and 2017, law enforcement officials rescued 481 women victims of sex trafficking. No intervention associated with men's exploitation in mining sites was ever made (Salazar and Castro [2018](#)). For years, the US Department of State warned on the existence of labor trafficking in the Peruvian ASGM in its Trafficking in Persons Report (U.S. Department of State [2018](#)). In February 2017, the Peruvian government signed a memorandum of understanding (MOU) with the US Embassy to reduce illegal gold mining and associated crimes, including human trafficking. The same year, the United States committed US\$ 5 million to fight child trafficking in Peru (U. S. Embassy in Peru [2017](#)).

Some Indicators

In addition to law enforcement statistics, during the last decade, there has been a surge of investigations that have provided fieldwork-based evidence on forced labor of male in the ASGM of MDD. In 2009, IOM published the first research on the subject. IOM commissioned this work to Novak and Namias ([2009](#)) who infiltrated local researchers in the mining camps. If in 2009 entering mining sites had to be conducted with caution, today, research is extremely dangerous in sites such as La Pampa, a buffering zone of 20 km to protect the delicate ecosystem of the natural reserve of Tambopata. IOM's document provided testimonies illustrating some of the trafficking dynamics, for example, how miners were deceived and threatened if they complained. Workers were recruited under the promise to get paid after 3 months of work. Here is what actually happened to some workers:

We arrived, the patron Don Quispe (boss) told us that they will pay us after every 90 days of work, and that for each 30 days, they will pay S/500 (US\$ 148) so, after 90 days, we would have received S/1,500 (US\$ 444). We were excited. We had never thought of earning so much money and for that reason we were very happy. We started working. After the 90 days, when we asked for our payment, the *chacal* (The term *chacal*, translated as a jackal or wolf, is used to refer to middlemen in charge of operations that are known for their aggressive behavior.) told us that the patron was coming over during the weekend. With that hope, we continued working. When the patron came we asked him to pay us, he said that he was going to pay the following week. Two weeks after the agreed 90 days had passed, we started to complain and demand our payment. Every time that we went to ask for our money, the *chacal* threw us away, and if we insisted, he threatened with beating us up. (Novak and Namias 2009)

This investigation was followed by others contributing to shed light on the dynamics and scope of the problem (Barrantes 2014; CHS 2012; El Comercio 2017; Mujica 2014; Peru Support Group 2012; Salazar and Castro n.d.; Sanz; Shahinian 2011; Verité 2013). In 2014, the ILO in Peru commissioned an investigation to detect situations of forced labor in the ASGM of MDD to (Sanz 2015). This researcher applied a survey in 17 localities in the neighboring region of Cusco, where most of the workforce is recruited. The trafficking process is divided into three elements: the activity (recruitment, transportation, harboring, or receiving), the means (threats, coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or giving or receiving payments or benefits to achieve the consent of a person having control over another person), and the purpose (exploitation). It starts the moment the victim is recruited and finishes with its exploitation for somebody's profit. For the case study, exploitation takes place while performing tasks such as logging, hauling, mercury's amalgamation, digging in sand and silt, and recovering and processing ore from waste rock, to mention some.

As for the means, the ILO has created indicators to measure how workers are forced and kept into exploitation. They have been categorized in the following groups: (1) deception about the nature and condition of the work, (2) confiscation of identity papers or travel documents, (3) physical violence, (4) forced overtime, (5) limited freedom of movement or communication, and (6) withholding or delay of wages or no freedom to resign in accordance with legal requirements. (Sanz 2015) found evidence of most of ILO's forced labor indicators in MDD as shown in the chart below.

Forced labor indicators in the ASGM in Madre de Dios

25% felt deceived about the job and the working conditions. In the case of children, relatives took them to work in exchange for money

31% worked every day/12% 24 hours per day/8% over 84 hours per week

Deception about the nature and condition of the work

83% was exposed to hazards such as: cuts, explosions, landslides, sunburns, animals' bites, exposition to mercury, and other toxics

62% did not get safety equipment (boots, helmets, gloves, or masks)

57% did not get any medical attention in accidents or illnesses

All drank water from the river (no potable)

Confiscation of ID/travel doc.

13% were threatened with confiscating payment

13% had their ID retained at some point

5% were monitored not to leave their jobs

2% were locked

Physical violence,

3% threatened

Forced overtime

7% got indebted to buy medicines or to access healthcare

20% said they had been mistreated, yell at (16%), called names (11%)

3% they were threatened if leaving the site

For 33% it was too far, too expensive (18%) or there was no transportation to leave the site

Limited freedom of movement or communication

43% said that they were under vigilance all the time while they worked

3% was not allowed to communicate with their families

30% did not communicate with their family because there was no phone

24% had to pay back the living expenses or damaged equipment

Withholding or delay wages

29% were paid late, and 20 said that they were never paid at some point

Many workers had their documents retained, were monitored or locked not to leave the work, threatened, and uncommunicated. Particular to the ASGM is the use of mercury, a highly toxic metal often mishandled that can lead to serious physical disorders and neurological conditions. The testimony gathered by the UN Special Rapporteur on Contemporary Forms of Slavery describes the process well.

Men and adolescents are often recruited through deception, being offered working conditions and workers' rights that are subsequently not complied with in practice. Often, the workers receive advance payments in cash or goods during their first three months of work, which are then deducted from the salary, using a mechanism of overestimating the goods provided and underestimating the quantity and quality of the gold handed over, so that the worker is indebted to his "patron", a situation similar to the enganche system seen in the logging sector. They work long hours in very dangerous conditions, are exposed to toxic substances (such as mercury) and to serious diseases (such as malaria). Workers are poorly fed and have no form of labour protection or health and social security coverage. (Shahinian 2011)

Although the presence of children has decreased, to the Special Rapporteur, around 20% of the miners in the remote area were between 11 and 18 years old in her 2011 visit to the area.

Such children are also exposed to serious injury and harm, breathe contaminated air and are exposed to soil and water that are contaminated with metals and chemical products.

What Is the Peruvian Government Doing to Fight Human Trafficking?

Peru has a well-developed legal framework to fight human trafficking; it is a member of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and has also ratified the relevant International Labor Organization (ILO) conventions. That includes the Forced Labor Convention (No.29), the Abolition of the Forced Labor Convention (No.105), and the Worst Forms of Child Labor Convention (No 182). The Article 153 of the Peruvian penal code prohibits all forms of trafficking in persons, with penalties up to 15 years imprisonment. In January 2017, the penal code was amended to introduce slavery (Art. 153-C) and forced labor (Art 168-B) as other forms of exploitation, prescribing sentences over 25 years in some aggravating circumstances, such a death of the victim. In its legislation, Peru has adhered to the definition of the Trafficking Protocol as stated in its Article 3, as:

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

This country also counts with a comprehensive National Plan to Fight Human Trafficking (2017–2021) but no budget was assigned to implement this strategy, and most efforts have been placed on law enforcement initiatives (Montoya Vivanco [2016](#); Tuesta Reátegui [2018](#)). Although the policy contemplates all forms of exploitation, there are no specific measures to protect exploited or trafficked men. As an example, at the time this chapter was written, there was no single facility in the country to accommodate adult male victims. Within the informal and illegal mining camps of the Amazon, workers are often seen as the cause of social unrest, sexual exploitation, and environmental damage.

In the year 2010, the local government of Madre de Dios developed its own strategy to fight human trafficking. Following the principles and objectives set forth in the National Plan, the Madre de Dios's Human Trafficking Plan included industry-specific elements stressing the need to coordinate with the authorities in charge of the formalization process at a local and national level. A Multi-Sector Permanent Working Group was also created to follow the objectives of this local strategy, but as it happened with the National Plan, the entity lacks funding and institutional weight. This group serves as a useful space for information sharing and allows for some degree of coordination, but, without the necessary resources, it has a limited scope for action. Consequently, the objectives established by the first local plan of action were not met. In words of the chief of the human trafficking department of the Public Ministry of MDD, "human trafficking will only be stopped if illegal mining stops" (Salazar and Castro [2018](#)).

The Need for New Approaches to Counteract Labor Trafficking: The Theoretical Debate

While the study of human trafficking has triggered an extensive body of work within scholarly circles during the last 15 years, the overwhelming focus has been placed on international trafficking of women for sexual exploitation at the expense of other types of trafficking (Andrees and Linden [2005](#); Cockbain et al. [2018](#); Laczko and Gozdziaik [2005](#)). During this time, new paradigms have emerged, some of them driving away from the concept of human trafficking to propose a new school of contemporary slavery studies (Brysk and Choi-Fitzpatrick [2012](#)). Disappointed with the limitations of the traditional, security-based approach (Chacón [2010](#); Gallagher [2012](#); Rizer and Glaser [2011](#)) and the policies developed under that umbrella, Brysk and Choi-Patrick believe that the problem of trafficking lies in the powerlessness of victims and advocate for their emancipation. For years, the United States has donated an average of \$80 million per year to fight human trafficking worldwide, of which \$32 million just to Peru (U.S. Embassy in Peru [2017](#)), yet the phenomenon continues to grow.

In its 2017 report, the United Nations Office on Drugs and Crime (UNODC) (2017) noted that over the last 10 years, the profile of victims has changed. The ratio of forced labor has increased (four out of every ten), so has the number of trafficked males (from 13% to 21%) who constituted 63% of the detected forced labor cases for this period. The crime is also increasingly perceived as a domestic phenomenon, and 42% of victims were trafficked inside their own countries. Human trafficking for labor exploitation is often viewed as a violation of worker’s rights, but the line between poor working conditions and trafficking is far from clear (Steele 2013). Labor trafficking has been viewed as an extension of the exploitation inherent in the nature of an industry that operates in the informality, part of the capitalist system and the vulnerability of a mobile migrant workforce (Samaddar 2018). It has also been interpreted as part of the global value chain theoretical framework which “dynamics of production networks” reproduce unfree and degrading labor bringing about processes by which workers enter into severely exploitative arrangements (Barrientos et al. 2013; LeBaron and Howard 2015; Phillips 2016).

While it is clear that there is a need of more and deeper analysis on issues related to labor trafficking, an interesting paradigm that introduces cultural and social elements into the understanding of trafficking has emerged, an approach that can very well be used to explain some of the dynamics of this crime in Peru. Antonela Arhin’s (2016) “diaspora networks” perspective argues that traffickers rely on diasporas for the recruitment, transportation, and exploitation of victims. Thus, the intersection between traffickers, victims, and diaspora communities can provide a window of insight into the socio-economy of trafficking. These economies tend to resemble the culture from which they originate and rely on trust and co-ethnic identification when cooperating with diaspora members (Arhin 2016; Shelley 2010). Ethno-national diaspora interactions are often based on an “affective economy of co-ethnic identification” that produces relations of trust (Arhin 2016) among groups that have in common ethnic and national traits, identities, and affinities (Sheffer 2003). Arhin questions the role that diasporas play in recruiting victims and the ways in which they serve as a source of help and protection. She analyzes 72 court cases of trafficking of adults and children for labor exploitation filed between 2004 and 2014. She found out that there is a strong correlation between the nationalities of traffickers and their victims, as well as between traffickers and their intermediaries and collaborators. As she notes, they prefer to recruit co-ethnics to “minimize costs and maximize profits” (Arhin 2016).

From the Security Approach to the “Diaspora Networks Approach”

In line with the above, there has been an evolution in the perception of the human trafficking dynamics in Peru since the country ratified (2004) the Trafficking Protocol. Initially, trafficking was seen as a security problem related to the domestic

and international sexual exploitation of women (Flora Tristán 2005; OIM y Movimiento El Pozo 2005). In the early 2000s, there were emblematic cases of Peruvian women trafficked to Japan, the United States, and Europe; thus, initial assessments of the phenomenon assumed that this crime was a lucrative business run by profitable transnational crime networks (CHS 2007). This early approach to the subject was filtered by a perception imbedded in a legal instrument created by the international community in reaction to the expansion of transnational criminal networks.

The Trafficking Protocol was designed in parallel to the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the UN Convention against the Transnational Crime. These treaties were managed under the umbrella of the UN Office on Drugs and Crime (UNODC) and the IOM, devoted to fight crime and to manage migration, respectively. Thus, the early steps given by the Peruvian authorities were made from a state-centric, security, and law enforcement perspective, to adjust to the requirements of both crimes: trafficking in persons and migrant smuggling. Policies and strategies developed at that time included both crimes. An example of that is that, for years, the National Task Force to Fight Human Trafficking was also in charge of counteracting migrant smuggling. Awareness raising campaigns and capacity building initiatives were also part of this twofold approach that tackled human trafficking and migrant smuggling as part of the same problem.

A key element in the evolution in the perception of the crime relates to the fact that the definition of trafficking in persons, as set forth in the Article 3 of the Trafficking Protocol, does not include crossing borders as a requirement to constitute the crime. This left the door open to contemplate domestic situations of exploitation as trafficking.

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

Indeed, if originally designed to fight the expansion of international networks, the openness of the definition of the instrument allowed to tackle domestic situations of trafficking that, in some instances, had existed historically but that were not perceived as a crime. In Peru the first investigations on human trafficking assumed

that transnational networks had penetrated the Andean nation and early law enforcement strategies aimed at dismantling them. Progressively, it was understood that the phenomenon was, overall, a domestic problem (OIM y Movimiento El Pozo 2005). If the bulk of trafficking was not international, neither was it such a lucrative businesses per se.

Notwithstanding its complexity, a study was carried out by Mujica and Cavagnoud (2011) on sexual exploitation of children in the busy port of Pucallpa along the Amazon River, a hub to smuggle wood, species, or gold. These authors exposed that the trafficking dynamics emerge to complement local economies. In their case study, restaurant owners recruited their own siblings or acquaintances, oftentimes girls whom they encouraged to drink with customers to boast alcohol consumption. These arrangements often led to sexual abuse. Paradoxically, the trafficker in this case is a "mother-godmother-aunt" character that, in their cultural perspective, is protecting their daughter/goddaughter/niece as a member of the family but that, at the same time, sexually exploits them. Thus, the trafficker is not a professional criminal part of a transnational band but the head of a family business that includes sexual services as part of their portfolio. The exploitation is seen as part of the family custody and tutelage of the girl.

Mujica and Cavagnoud (2011) unveiled what Arhin (2016) later on will refer to as "affective economy of co-ethnic identification." Although in her analysis, this concept is not specifically mentioned either; the American anthropologist Ruth Goldstein (2014) arrives to a similar conclusion in her study on sex trafficking patterns within the Madre de Dios gold mining camps. She was surprised to find out that many of the sex workers had arrived in Madre de Dios through sisters, cousins, aunts, and friends, instead of trafficked by men or vast transnational networks. She studied the nature of the relationship between the "madams," Doña Rosa and Doña Mariela, and their 250 sex workers in the capital of Madre de Dios, Puerto Maldonado. Goldstein noticed that co-ethnic bonds brought about solidarity ties between the madams and the sex workers, that is, between traffickers and the victims. As she puts it, "for along with their network of sex workers, their work was more about solidarity with one another than about "each woman for herself". Two hundred women out of the 250 were recruited by family members, friends, or acquaintances.

The studies carried out by Mujica and Cavagnoud (2011) and Goldstein's (2014) describe the affective economy of co-ethnic identification (Arhin 2016) among groups that have in common family, ethnic and national traits, identities, and affinities (Sheffer 2003). While their conclusions come from the analysis of sex trafficking practices, a similar pattern is reproduced in the exploitation of men for labor purposes in the Madre de Dios gold enclave. The international NGO Verité (2013) has reported the Peruvian ASGM trafficking. In their research they also realized that while Peruvian media outlets, as well as the US Department of State, have reported that criminal networks traffic minors into mining camps, in fact, they

note: "recent reports, as well as interviews with experts and workers, indicate that labor and sex trafficking are more commonly carried out by informal or family networks."

This point is illustrated in the following two testimonies by two brothers that were recruited by a family member who deceived them. The testimony exposes interactions between traffickers (patron), recruiters (the uncle), intermediary (chacal, the cook), and the victims.

"My uncle (The term uncle in Peru does not always relate to a blood relationship, oftentimes it refers to some sort of tutelage form the adult) brought us in a truck to the town of Mazuko. We (me and two older brothers) were left with a woman. I was taken with him along the river, to the town of Laberinto. I was very scared of the river because I did not know how to swim. In Laberinto he left me with another man. He told him: "here he is, give me the money". He told me that I should stay with that man to work. He, "el patron" (the boss) was from the city of Cusco. The man gave my uncle the money, I don't know how much. My uncle told me that if I do not mind they would through me to the river ..." "I stayed there for five years. My uncle came from time to time, I believe every three months, to see if I was working and was given money. He came but did say nothing to me. He just looked at me from afar. Martha (the cook) told me that I had been sold to the patron. I did not understand anything".

"When I finished helping in the kitchen, the 'chacal' sent me to filter gold in the shaft. I didn't want to go but Martha (the cook) helped me. She told the chacal that I was too young to be in the mine and that he should help. In that place they beat workers up with stickers when they do not work, they throw stones at them to make them work. They also hit the cook's son. I did not play because I was scared to be beaten up" ... "During that time, I was very scared. They hit hard those that did not want to work or did not mind. One day they almost killed a worker. Leo was his name. They said that he had stolen two grams of gold, but he said it was not true. They threw him in the well and almost drowned him. They kept beating him up with a stick, they kicked him hard. They let him badly wounded." (Novak and Namias 2009)

According to the mining census of 2014, 80% of the miners that run an operation in Madre de Dios were migrants, and 50% of those came from the neighboring region of Cusco, place of origin of the largest part of the workforce. They are Quechua-

speakers, connected through family and community ties. The first miners arrived at Madre de Dios in the 1970s and were followed by successive migration waves due to the raise in the price of gold and the construction of the Interoceanic highway. The last chain of this road that connects the Atlantic and the Pacific Oceans was built in Madre de Dios, facilitating all economic trade but also illegal activities (Goldstein 2015). Some of the miners, especially the ones to arrive to the area of Huepetue in the 1970s, managed to gather capital, buy machinery, and prosper into ASGM entrepreneurs (Cortés-McPherson 2018; Verbruge and Besmanos 2016). To meet the industry's need for labor, they recruited laborers from their places of origin in the Peruvian highlands (Mujica 2014). Having said that, the landscape of the mining camps in Madre de Dios is complex and in permanent mutation. In other areas, such as La Pampa, the operations are illegal because they are located in a protected area. The evolution of La Pampa has led to the expansion of other associated crimes.

In spite of the diversity of the mining landscape, most workers are recruited in neighboring poor areas, mostly in the Quechua-speaking province of Cusco in the Peruvian highland. In the survey realized by Sanz in Cusco, he found out that the average of family's monthly income of the trafficked male was S/.243 (UD\$ 70). During the last 5 years, 77% of those households had been affected by severe problems (drought, freeze, floods, illnesses, accidents, etc.) and were indebted with loans that were not able to pay back (31%). In his survey he also found out that just 9% of these men had Spanish as their native tongue, 2% of them did not even have an identification card. Their poverty, responsibility, and cultural isolation make them particularly vulnerable to deception, and many of them are recruited to work in the mines by family members or acquaintances following the co-ethnic identification pattern.

In his sample, Sanz confirmed that 10% of the miners were recruited by a family member and 5% were forced into going to the mining area to work. Going back to the testimonies, the victim describes how his "uncle" went periodically to see him and looked from the distance. In a similar fashion to the dynamics of affective co-ethnic identification described by Mujica and Cavagnoud (2011) and Goldstein (2014) for the cases of sex trafficking, labor exploitation seems unfolds in an affective economy as part of the interrelations between traffickers, recruiters, and victims in the gold mining camps of MDD.

Thus, there is not a central structure to recruit workers. As in the case of the girls and women trafficked, these dynamics of labor trafficking of men in the mining camps can be interpreted as a diaspora network. This idea is key for policy development. Strategies to fight human trafficking need to take into account the reality of the sociopolitical economy of this crime and insert elements to bring about a different approach to this problem.

Conclusion

A fifth of the gold produced worldwide is sourced in artisanal and small-scale unregulated pits in which workers endure extremely dangerous conditions and slavery like practices. Often malnourished and isolated in remote improvised camps, they perform highly dangerous jobs without health or safety nets. They are exposed to toxic substances, diseases, and threatened with violence. Many are recruited through deception within their own communities. This is the situation in some areas of the Peruvian mining enclave of Madre de Dios, where a contemporary gold rush has attracted thousands during the last 20 years. In this economy, workers entry the job process voluntarily, once in the mine, leaving becomes impossible for many. The slavery-like practices in Madre de Dios have been reported by international humanitarian organizations for years, yet by 2018 there were just two sentences related to labor trafficking in the country, none in Madre de Dios. As many other nations, Peru signed and ratified the Trafficking in Persons Protocol in the early 2000's to introduce human trafficking in its penal code by 2007. In doing so, this Government followed a security-based approach that implied that human trafficking was linked to transnational criminal networks and focused on sexual trafficking on women. The chapter exposes the need to adjust policies to a different reality in which human trafficking practices are, often times, part of local economies connected to the global market. That is the case of the extractive industry and the unregulated gold economy. Workers are not recruited by force or exploited by criminal bands but enrolled by friends and family members following diaspora's networks. They see the activity (mining) as seasonal, complementary source of income, but they end up exploited and unable to leave.

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