

# The Mother of All Battles

**A new fisheries law is being mooted in Chile against a backdrop of corruption, overfishing and the exclusion of artisanal fishing and indigenous communities from decision making processes**

**A** new fisheries law is being debated in Chile's Chamber of Deputies. It will replace the current Fisheries and Aquaculture Law that was enacted in 2013 amidst allegations of corruption in its conception and execution. In an unprecedented event in September 2022, the Chamber of Deputies' Maritime Interests and Aquaculture Commission declared the current law on fishing and aquaculture "indisputably null and void". This decision came in response to a decade-long struggle led by a section of artisanal fishers in alliance with coastal

national salmon farming industry, the government announced separate discussions for aquaculture regulations and an exclusive law for this export-driven sector.

During the first six months of discussion and negotiation on the new law, the industry made several attempts to influence the Congressional debate to maintain the current fishing status quo. These efforts included political lobbying and workplace pressure, such as threats of dismissal of workers in processing plants and swaying ministers of the economy and the environment to legislate outside of Congress.

Additionally, industry members attempted to add their own articles into the bill under discussion to preserve their privileges, leveraging their cross-party political and parliamentary support network—it is called the 'fishing caucus'. Faced with growing pressure from social movements and the artisanal fishing sector to amend key articles of the current neo-liberal fishing law, major industrial entrepreneurs have, in recent months, opted to delay discussions and stall negotiations, hoping for the arrival of a conservative or far right government in Chile in 2026.

In response to the inability to get approval for the new fishing law during his administration, in October 2024, President Gabriel Boric removed from parliamentary debate a key article that constitutes the core of the neo-liberal Chilean fishing law: the distribution of quotas (called 'fishing allocation') between the industrial and artisanal fishing sectors. This move aims to correct the asymmetrical and unjust distribution of fishing quotas and access to valuable fishing resources

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communities, citizens' organizations and environmental groups.

The 2013 legislation is popularly called the 'Longueira Law' after the right wing minister of economy, Pablo Longueira, who negotiated it with industrial fishing associations and representatives of two artisanal fishermen's confederations. It has been criticized as being one of the most notorious among corruption scandals in post-dictatorship Chilean history (1973–1990).

After a year of negotiations with the industry and consultations with artisanal fishing organizations—seven families control Chilean fisheries—the government of Gabriel Boric sent a draft of a new fishing law to parliament in December 2023. Succumbing to the lobbying power of the large trans-

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Fishermen getting ready to go out fishing, Chile. Currently, artisanal fishing only accounts for 10 per cent of the total jack mackerel quota

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in one of the world's top-ten fishing countries.

It is worth noting that in some of the main fishing regions in the north of the country—the world's second-largest producer of fishmeal and fish oil—the industry owns 90 per cent of the total fishing quotas. This is the case in the Coquimbo region, where the Horizon mega-company, owned by the Angelini family's Corpesca Group, is the main beneficiary. Corpesca was the primary company implicated in bribing parliamentarians and politicians during the negotiations of the controversial privatization law enacted in 2013.

The draft law proposing a new fishing quota allocation aims to restore credibility and legitimacy to the legislation process by increasing the artisanal fishing sector's participation in annual quotas for key fisheries. On October 30, 2024, this draft law achieved its initial victory, winning

the approval of a large majority in the Chamber of Deputies. The approved proposal, in its initial legislative stage, established a quota allocation for the jack mackerel (*Trachurus murphyi*) fishery between the northern Atacama region and the southern Los Rios region, with 65-75 per cent allocated to industry and 35-25 per cent to the artisanal sector. To reach a preliminary agreement, the executive branch agreed to implement a 'dynamic quota' system exclusively for jack mackerel, adjusting annually based on each sector's catches. Currently, artisanal fishing only accounts for 10 per cent of the total jack mackerel quota.

Additionally, any increase in the jack mackerel quota equal to or less than 15 per cent will be fully auctioned through transferable fishing licences for the industrial sector. This percentage still falls short of the artisanal sector's demand for 50 per cent of the catches.

According to the undersecretary of fisheries, Julio Salas, such a percentage would render the government's quota allocation project financially unviable.

The government seeks to get this 'fishing allocation' law passed before the end of 2025 for political reasons. It must now face challenging discussion in the Senate, dominated by a conservative right wing majority, after having its approval in the Chamber of Deputies. Undoubtedly, the seven business families and the trans-national companies that control Chilean fisheries will wage a fierce battle to exert political pressure while attempting to mobilize the industrial fleet and processing plant workers both on the streets and in parliament.

If artisanal fishers and their most forceful organizations fail to unite and build alliances with diverse sections of Chilean society to mobilize autonomously against successive governments and the cross-party political-business class that yearns for the privatization of the nation's fisheries, it is likely that parliament will ultimately pass a watered-down and populist version of the current fishing law. This law, over ten years, has proven to be socially exclusionary and environmentally destructive, with 53 per cent of Chilean fisheries categorized as overexploited or collapsed, alongside increasing economic concentration and vertical integration among major national and international corporations.

The new fishing law is already under discussion in parliament. Given the asymmetric negotiations between the current government and the fishing-aquaculture business community, it is anticipated that there will be no fundamental changes. Only secondary aspects would be changed, consolidating a growing integration of the small-scale fishing sector with the industrial sector and the export model, consolidating the greatest plundering of rights and public goods that has occurred since the end of the civil-military dictatorship.

In this challenging scenario, key aspects that allow changing the current

non-democratic and neo-liberal fishing model have not been touched as part of the demands of the movements of citizens and coastal communities. They are:

- a) Consider aquatic ecosystems as legal subjects of constitutional law that ensure the protection of genetic heritage, and the integrity of the structures, components and functions of ecosystems that are the basis of existing life cycles, as well as the restoration of degraded biodiversity.
- b) Restore to the State absolute and exclusive dominion over Chilean fishing patrimony, restoring its capacity to assign property rights, access and use of the country's marine resources and coastal areas.
- c) Eliminate the indefinite duration of fishing licences and ITQ systems, which are oriented towards a fishing quota market and share transactions on the stock exchange where fisheries are only perceived as negotiable goods and property for the exclusive benefit of investors and owners of licences and fishing quotas or aquaculture concessions.
- d) Recognize that fisheries and coastal territories constitute a common patrimony that cannot be handed over as private property of an indefinite nature that is legally tradeable.
- e) Re-categorization of semi-industrial boats classified as artisanal, that sell their fishing quotas or transfer their catches within the protected first fishing mile to industrial companies and their processing plants.
- f) Restore the access and use rights to fisheries and hydro-biological resources to the artisanal fishers themselves and to the indigenous communities.

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<https://www.senado.cl/comunicaciones/noticias/nulidad-ley-de-pesca-comision-de-intereses-maritimos-despacho-la-iniciativa>

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