

Artisanal fisheries

More than just quotas

Zoning and modernization in the fisheries sector have not solved the problems of Chile's artisanal fishermen

For some years now, Chile has been following a path of modernization and opening up of its economy. Basic principles of free trade, privatization and the spirit of enterprise have been widely adopted and are now the common practice in all economic spheres. In the fisheries sector, each enterprise decides the kind of activity it engages in, according to profitability and the means available to it. This applies as much to industrial fishing fleets as to artisanal workers on their small fishing boats,

In this context, the conflict that erupted at the end of 1995 between hake (*Merluccius gayi*) fishermen in Region V, using different gears, came as no surprise. Artisanal fishermen, who, perhaps, for family reasons, inherit their boats, catch fish for the market. It is usual for a fisherman to operate the boat himself, and sometimes with the help of his relations. Perhaps after a good season, and with the help of their savings, artisanal fishermen are able to purchase larger boats for mid-water fishing.

If they want to continue as artisanal fishermen, according to the Fishery Law, their boats must be less than 18 m in length and no more than 50 gross registered tonnes (GRT). Such a boat can no longer be managed with only the help of relatives. The fishermen thus have to contract a crew. They also have to abandon their hooks-and-tine and take up trawling instead. However, those other artisanal fishermen who continue to use longlines see these trawler-men as competitors.

There exists a conflict between artisanal fishermen over hake. It is a species which is fully exploited, and is regulated by an annual quota divided between the

industrial and artisanal sectors. In 1995, the former was allocated a quota of 64,000 tonnes, and the latter, 16,000 tonnes. According to statistics from the Fisheries Sub-secretariat, there are around 2,300 artisanal craft and about 20 trawlers. There are also an estimated 40 to 50 mid-water fishing boats.

Various aspects of the problem are leading to widespread violence. On 1 November 1995, the Fisheries Sub-secretariat issued Resolution No. 1557, prohibiting the use of trawls in the artisanal hake fishery, so as to control fishing effort. It provoked an immediate and violent response from the trawler fishermen. This prompted the Sub-secretariat to delay the introduction of the decree by 45 days, so as to allow time for these boats to change their target fisheries to, for example, *blanquillo*, *congro* or marlin.

In turn, the delay provoked a reaction from the Fishermen's Federation which protested against the period of grace granted to the trawlers. In the first few days of 1996, over 2,000 fishermen from Regions IV and V undertook violent protests in front of the parliament in Valparaiso.

They were led by Humberto Chamorro, president of the Artisanal Fishermen's Federation in Region V, and also treasurer of CONAPACH, an organization with members on both sides of the dispute. The artisanal fishermen demanded an immediate withdrawal of the extension. They argued that fishing with trawls caught 20 times more fish than longlines or nets, and would lead to unemployment, falling prices and resource depletion.

Intervention

Faced with such violent protests, the Finance Ministry intervened and called

for changes in the Fisheries Law, which would recognize the existence of an artisanal sub-sector that used industrial techniques such as trawling.

The Finance Minister, Alvaro Garcia, proposed that the law only needed to distinguish between industrial and artisanal fishing sectors, and that the only way to discriminate between trawling, net fishing, and longlining would be for fishermen to come to an agreement amongst themselves. They gave the members of CONAPACH a 10-day period to come up with a proposal on how the fishing quota for 1996 (16,000 tonnes) would be divided between trawlers and other artisanal craft.

However, CONAPACH was not able to come to a consensus. Chamorro described as unacceptable Minister Garcia's proposal to modify the Fisheries Law to create an 'intermediate' fishery sub-sector, comprising both trawlers and artisanal fishing boats. Chamorro argued that including trawlers in the artisanal sector "would be tantamount to legalizing overfishing and killing off the artisanal sector throughout the entire country."

For his part, the president of CONAPACH, Hugo Arancibia, argued that "the 200 trawler fishermen could fish outside the five-mile zone, but should be prohibited from fishing within it. Those trawlers over 50 tonnes, which were fishing with the consent of the authorities within the zone reserved for artisanal fishing, were having a much greater impact than all the small-scale fishermen put together, with only 21 boats."

As CONAPACH was not able to reach an agreement internally, the Ministry of Finance decided to put into force Resolution 1557, which completely banned the use of trawls in the artisanal hake fishery, both within and outside the five-mile limit.

The next step would be to change the Fisheries Law, in consultation with the National Fisheries Council, so that the fisheries authorities could allocate fishing quotas by fishing technique. Through this proposal of the Fisheries Sub-secretariat, the modification of the current law could take account of, and balance out, the

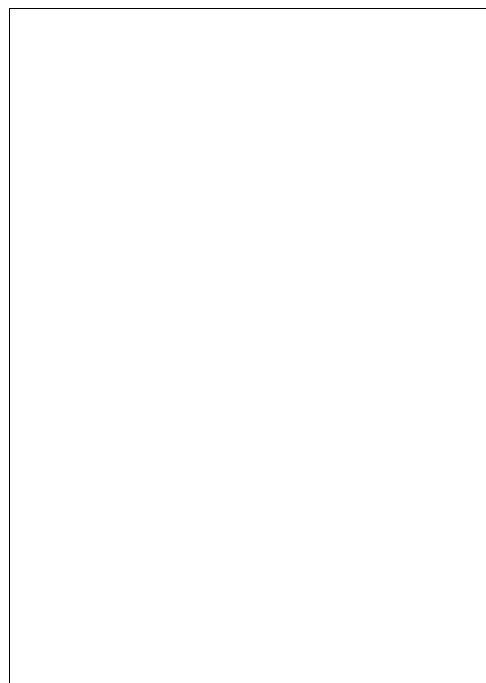
various impacts of the different fishing techniques on the fishery resource.

Thus, for example, it would be possible to impose greater restrictions on fishing gears and techniques being used on particular stocks that required greater protection. Furthermore, there were indications that, from a socioeconomic perspective, the new powers granted though this initiative could reduce the competition in certain fisheries where different kinds of gears were used and where each gear tried to catch the quota allotted as soon as possible.

It was not long before various sectors within the fishery began to oppose the proposed changes in the fisheries law. The National Fishing Society (SOAPESCA) expressed concern over the way that social pressures could bring about changes in the Fisheries Law. The Society argued that, as it is, the law provides a just legal framework, which could be wrecked by these changes. The law could easily be changed through different kinds of pressures, such as hunger strikes, street violence or protests, which, once made, would only encourage further pressure, eventually causing the downfall of the fisheries administration in Chile.

Change in law

In another statement, the Society argued that the law would not only have to be changed for the illegal boats to operate,



but, at the same time, other changes would be needed for a formal authorization. For instance, trawlers would have to be listed on the artisanal registry.

This would then lead to a condition of overfishing, according to the criteria defined by the Fisheries Sub-secretariat. These and other actions would undermine the key principle of restricted access, one of the pillars of the Fisheries Law.

Jan Stengel, the chairman of the Society, also said that the crisis in the hake fishery could provide an opportunity to the government to devise a policy to promote resource recovery. "To change the existing laws is a mistake, and sends out the wrong message", says Stengel.

According to him, the problem was confined to a small group of fishermen who "were hardly artisanal fishermen, as some owned investments worth more than a million dollars." Cristian Jara, the general manager of the Society, had more to add. He said that "the technical debate had been sidetracked, without considering the consequences for the 70,000 workers who depend on resources to which, until now, the industrial sector did not have access to".

As was expected, at the end of January 1996, the Independent Union of Artisanal

Fishermen (comprising mid-water fishermen from San Antonio), led by Cosine Caracciolo, contested the trawl ban. They organized protests in Santiago and, mainly in Valparaiso, violent street demonstrations, civil disturbances and hunger strikes. Caracciolo maintained that the trawlers wanted to be allocated a fishing quota outside the five-mile limit, because this belonged to artisanal hook-and-line fishermen, but wanted the larger boats to be allocated some of the hake quota.

The Fisheries Sub-secretariat then proposed some alternative ways of solving the trawl problem. First, they announced that they would analyze the possibilities for the trawlers to catch alternative resources. Next, they would re-establish the exclusive five-mile artisanal fishing zone, where industrial fishermen could operate only until 6 March 1996. The proposal implied that once the new law had been passed, the trawlers would have no rights to fish, would not be allocated quotas, and thus they would have to go back to using longlines.

Signs of agreement

However, just before the end of February 1996, the fisheries authorities and the conflicting factions of the artisanal fishermen began to show the first signs of coming to an agreement. The solution proposed by the Finance

Ministry—subject to the approval of the Regional and National Fisheries Councils—was to increase the artisanal hake quota from 16,000 tonnes to 20,000 tonnes, and to redistribute it. The traditional craft would be allocated 75 per cent of the quota, while the trawlers would have to fish outside the five-mile limit. There was also an additional proposal to modify the Fisheries Law to establish distinctions within the artisanal sector.

The participants at this discussion included Patricio Bernal, the Finance Minister in the Fisheries Sub-secretariat; Juan Rusque, the Director of SERNAP; Carlos Carrasco, the representative of the Independent Artisanal Fishermen's Union; and Hugo Arancibia, the Chairman of CONAPACH. The agreement has yet to be ratified by the trawler fishermen, and to be approved by the national and regional Fisheries Councils.

But not everyone was pleased with the accord. Humberto Chamorro claimed that, within three years, the hake stocks would be exhausted, due to the extra 4,000 tonnes to be fished. He added that the "solution proposed by the authorities was based on the invention of fish politics", which did not exist in reality and which ran against the Constitution, which required the conservation of marine resources. Chamorro also said that his organization would never accept industrial fishing in the coastal area.

After analyzing the impact of the increased hake quotas during the first few days of March, the Regional Fisheries Council for Regions V and IX rejected the proposals "which had no technical basis to support any such increase."

After an extensive debate, the National Fisheries Council, headed by the Fisheries Subsecretariat and including the Director of DIRECTMAR, the Directors of IFOP and SERNAP, four representatives from the industrial sector, four fishworker representatives, and six members designated by the Executive, proposed the creation of a special commission.

This comprised Patricio Bernal, Juan Rusque, Pablo Alvarez, Eduardo Vio, Juan

Claro, Jose Luis del Rio, Daniel Malfanti, Ismael Fritz, Luis Almonacid, Guillermo Risco, Manuel Largo and Humberto Chamorro. Its mandate was to analyze the increased allocation in hake quotas. The Finance Ministry stated that the only solution to the problem would be by changing the Fisheries Law to differentiate among the fishermen according to the gears used. This would mean creating a new category of fishermen. Each boatowner and anyone with the right to fish would be given their own quota of fish.

SOAPESCA, for its part, argued that the resolution of the conflict could not be achieved by weakening the industrial sector, which accounted for 96 per cent of fish exports. The Society also commented that every law could be modified—all it required was sufficient time and justification to do so.

By the beginning of March, the National Fisheries Council had decided to approve the increase in hake quotas by 4,000 tonnes. According to the Council, it concerns "a special quota, which can be considered as a future entitlement. This means that the artisanal fishers (traditional craft and trawlers) can not make a further claim in 1997 for additional quotas."

The Council also pointed to the lack of legal frameworks for dealing with situations that had arisen since the Fisheries Law had been enacted. Moreover, they recommended a total ban on trawling for hake within the five-mile zone reserved for artisanal fishing. Finally, the Council proposed a ban on the use of trawls on artisanal fishing craft from 31 December 1996.

Patricio Bernal stated that these agreements did not imply a derogation on the artisanal trawl ban for hake, which would be enforced both within and outside the five-mile limit. However, the Fisheries Sub-secretariat is now looking at the possibilities for introducing the system of Individual Transferable Quotas to this fishery.

Worry over decree

In parallel with the recommendations of the National Fisheries Council, SOAPESCA

expressed the worry that the decree extending the rights for industrial fishing for another two years within the zone reserved for artisanal fishing, between Regions V and IX, had not been published in the official gazette.

However, the authorization had been extended for all the other regions of the country. In the same way, ASIPES (the Industrial Fishermen's Association of Region VIII) demanded the fisheries authorities to let them fish within the five-mile zone (between Region V and IX) in seasons when there was little or no artisanal fishing.

In summary, the basic problem with artisanal trawling would seem to be linked to the need to establish an appropriate definition for 'artisanal fishing'. Is it sufficient to limit boats to less than 18 m in length and 50 GRT? Furthermore, how will it be possible to effectively control the quotas allocated to artisanal fishermen operating within the five-mile zone? At this stage, however, there does not seem to be any reasonable solution in sight.

This article, from the journal Chile Pesquero, has been translated by Brian O'Riordan of Intermediate Technology, UK