

12-14-2012

Corporate-friendly fisheries bill sparks protests in Chile, divides opposition

Benjamin Witte-Lebhar

Follow this and additional works at: https://digitalrepository.unm.edu/la_energy_notien

Recommended Citation

Witte-Lebhar, Benjamin. "Corporate-friendly fisheries bill sparks protests in Chile, divides opposition." (2012).
https://digitalrepository.unm.edu/la_energy_notien/73

This Article is brought to you for free and open access by the Latin American Energy Policy, Regulation and Dialogue at UNM Digital Repository. It has been accepted for inclusion in NotiEn: An Analytical Digest About Energy Issues in Latin America by an authorized administrator of UNM Digital Repository. For more information, please contact disc@unm.edu.

Corporate-Friendly Fisheries Bill Sparks Protests in Chile, Divides Opposition

By Benjamin Witte-Lebhar

Against the objections of artisan fishers, environmental groups, and some opposition lawmakers, Chile's Congress is inching closer toward approving a controversial government-backed overhaul of the country's fisheries regulations.

Following its approval late last month in the Senate, the new Ley de Pesca now heads back to the Camara de Diputados, which approved an earlier version of the bill in July. President Sebastián Piñera is hoping the lower house will complete the parliamentary Ping-Pong process by the end of the year, when Chile's current fisheries law—in place since 2001—is set to expire.

Piñera's front man for the new regulations, Economy Minister Pablo Longueira, says new regulations are long overdue and will go a long way toward making the country's multibillion-dollar fishing industry more environmentally sustainable.

"Despite the actions and expensive [opposition] campaigns we've had to face...I firmly believe that the truth will prevail and that Chile will be able, in the coming weeks, to finally have what it needs, a fisheries law whose primary objective is the sustainability of the resources," Longueira, a veteran of the far-right Unión Demócrata Independiente (UDI), said during the Nov. 17 inauguration of a new Corpesca fisheries plant in the northern city of Arica. Corpesca, Chile's largest producer of fishmeal and fish oil, is one of just a handful of companies that together dominate the fishing industry.

"It's easy to listen to populist and demagogic speeches that discredit the business world, but, if there's one thing that's fundamental, it's that we need stability to work and keep developing this sector," the economy minister added. "We're confident that this bill will allow us to continue inaugurating companies like the one we're opening today."

Backed by the DC

Backers of the Ley de Pesca say it will stabilize the industry in two ways: first, by ensuring that fishing companies like Corpesca keep their operating licenses and relative share of the available catch quotas—for easily renewable, 20-year periods; and second, by using environmental criteria to better regulate those catch quotas. The new quotas will be based on periodic

assessments of what researchers call the maximum sustainable yield, or MSY, of particular fish stocks. MSY refers to the greatest theoretical number of losses a species can regularly endure before its stocks collapse.

The bill cleared the Senate in late November thanks to support not only from Piñera's allies in the UDI and center-right Renovación Nacional (RN) but also from several Demócrata Cristiano (DC) lawmakers. The centrist DC is one of four member parties in the opposition Concertación coalition, which governed Chile for two decades prior to Piñera's victory in the 2010 election. Sen. Fluvio Rossi of the Partido Socialista (PS), another Concertación member party, also voted in favor of the Ley de Pesca.

Others in the Concertación, however, not only opposed the divisive bill but railed vehemently against it, blasting the "Ley de Longueira" as a corporate giveaway of historic proportions. Senators from the Partido por la Democracia (PPD) and Partido Radical Social Demócrata (PRSD), the Concertación's two other member parties, unanimously opposed the bill. Sen. Alejandro Navarro of the far-left Movimiento Amplio Social (MAS) and Sen. Carlos Bianchi, an independent representing the far-southern Magallanes Region, voted against the Ley de Pesca as well.

"Just as Presidents [Eduardo] Frei [Montalva, 1964-1970] and [Salvador] Allende [1970-1973] went down in history for their Chilenization and nationalization of copper, all indications are that President Piñera will be remembered for privatizing the sea," said Navarro.

"Bad news" all around

Navarro and other critics of the Ley de Pesca say it institutionalizes what had already been a de facto takeover of the country's fishing industry by just four companies, which together control more than 90% of the market. Under the new law, only 15% of the available-catch quotas would be available on the open market. The rest would stay with the few companies that already control them—basically in perpetuity, since the concessions are valid for two-decade intervals and can be easily renewed. Therefore, Corpesca and its fellow fishing giants will be able to enjoy their joint monopoly as long as they want, the bill's many opponents warn.

"This is bad news for Chile," PPD party head Sen. Jaime Quintana told reporters on Nov. 29, the day of the Senate vote. "What this bill does is protect the rights of one particular productive sector, a privilege no other productive sector in our country enjoys." Under current legislation, fishing concessions are valid for 10-year periods.

Quintana insists the bill's recent Senate success is also bad news for the Concertación. Piñera's conservative Alianza coalition, made up of the RN and UDI, stumbled in recent municipal elections, giving the Concertación—at least on paper—a chance to build some momentum heading into next year's presidential contest. To capitalize, however, the Concertación must first find a way to draw its drifting factions—represented by the PS and DC on one side and the PPD and PRSD on the other—back onto the same page. As the Senate vote demonstrated, the once powerful center-left coalition has yet to solve the cohesion conundrum.

"The approval of this bill complicates things for us," Quintana told the online news site El Mostrador. "It'll be very difficult for us to rebuild trust and get back to thinking it's possible to construct a common vision."

Taking it to the Streets

Opposition lawmakers are by no means alone in assailing the Ley de Pesca. Small-scale fishers have rallied against the bill as well, staging demonstrations throughout the country. In mid-November a group of several hundred pescadores artesanales marched from the Biobío Region in south-central Chile to Santiago, the capital, to voice their concerns about the proposed legislation. Another demonstration took place in Santiago on the eve of the Senate vote. Police used water cannons to disperse the crowd, which also included student activists. A homemade video of the event recorded how one female student was struck from behind by a police motorcycle.

Artisan fishers, who insist they have been largely squeezed out of the industry already, say the new regulations will make things even worse by not only maintaining the status quo but by locking it into place. They also object to a provision in the bill requiring all fishing operators to outfit their boats with GPS devices. Small-scale fishers say the requirement is discriminatory since many cannot afford the expensive units. Coastal indigenous residents are making similar complaints, warning in some cases that they will simply refuse to heed the new rules—that they'll fish with or without permission from the state.

"It's really sad, because this law is going to generate a lot of tension, social conflicts, and political problems," Juan Carlos Cárdenas, the director of the Santiago-based environmental organization Ecoceanos, told the international news service Epoch Times. "Indigenous groups, some artisan fishers, and some small and medium-sized companies are going to openly disobey the law."

Already overfished

Cárdenas worries as well about the future of the resource itself, about what—if anything—the new regulations can do to protect Chile's dwindling fish stocks. While some environmental groups are applauding the "Ley Longueira" for its inclusion of sustainability mechanisms, saying its emphasis on MSY assessments, for example, is a step in the right direction, others, including Ecoceanos, are more skeptical. The conservation efforts being proposed, they warn, come nowhere close to matching the scale of the problem.

"Chile's fisheries are in a crisis right now because of overexploitation," Cárdenas told La Tercera. "Roughly 70% of the country's principal fish resources are being overexploited or are already collapsing. The Ministerio de Economía itself pointed this out in a 2010 report....Take the case of horse mackerel. Catches have gone from 4.5 million tons per year to less than 300,000 tons."

Even if Chilean authorities have the will to implement stricter catch quotas, they do not necessarily have the means to do so, say some observers. The Servicio Nacional de Pesca

(Sernapesca), the country's main fisheries agency, is notoriously short-handed when it comes to both funds and staff. Ultimately, that leaves the large fishing companies—the same ones that have overfished Chile's waters in the past—to police themselves.

The only way to save "what's left of the fish" is to make sure that quota decisions are bound by scientific assessments and are enforced, Eduardo Tarifeño, a marine biologist from the Universidad de Concepcion, explained in an interview with El Mostrador. "Everyone's worried how the cake will be divided up when we still can't say for sure if that cake will even last."