

# Chile's fisheries fragmentation law: "It's not changing fundamental aspects to ensure we have healthy and sustainable fisheries over time" | INTERVIEW



Michelle Carrere  
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- In an interview with Mongabay Latam, marine biologist Elizabeth Soto, an expert on ocean issues at Fundación Terram, analyzes the shortcomings of the fishing quota law, recently approved in Congress.
- The regulation has been celebrated as a milestone that vindicates artisanal fishing, granting it larger fishing quotas.
- However, Soto argues that the law only modifies "how the pie is being divided."

Five key facts ▼

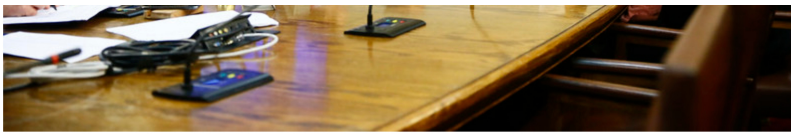
The law on the allocation of fishing quotas in Chile was approved by Congress. It **redistributes 489,000 tons of fish** from the industrial to the artisanal sector, representing approximately 160 billion pesos (around US\$171 million). According to the government, this will revitalize fishing communities and local coastal economies.

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This regulation began to be discussed in 2024, when the draft for a **new Fisheries Law** was stalled in Congress. The objective was to modify the current legislation, linked to corruption cases that benefited the industrial sector with larger fishing quotas, as a result of which members of parliament were prosecuted and convicted.

However, during the discussion in the Chamber of Deputies, the opposition parliamentarians decided to discuss each of the 370 articles of the law one by one, which was considered by the government as an excessive and obstructionist delay.





Fisheries Committee of the Chamber of Deputies. Photo: Chamber of Deputies

Faced with this situation, the Executive Branch opted to simultaneously present [the Fractionation Bill](#) to **redistribute quotas between industrial and artisanal producers more equitably**. According to the Government, this bill addressed the “heart of the Law” that it sought to reform.

The recent approval of this law, which benefits the artisanal sector with larger quotas, has been **celebrated by pro-government politicians**, while the industrial fishing sector has stated that it will sue the State.

“It is unacceptable to change what the law established more than 12 years ago, causing severe harm and without any fair compensation. This generates serious financial damage, and demanding compensation is only right,” said Ricardo García, general manager of the Camanchaca company.

Beyond simply redistributing available resources between industrial and artisanal fishing, experts in fisheries and environmental issues assert that **the Fractionation Law actually changes very little**. They maintain that the law [perpetuates the status quo](#), as it does not challenge the current fishing permit system, allowing a small group of companies to maintain control over fisheries and their markets.

What is more serious, they indicate, is that **the law does not change the current trend of overexploitation** of fisheries in Chile, which, in the long run, will end up harming everyone equally.

“What this fractionation law does is modify how the pie is being divided, but **it is not modifying fundamental aspects so that we have healthy and sustainable fisheries over time**,” says marine biologist Elizabeth Soto Muñoz in this interview with **Mongabay Latam**.

According to the researcher, an expert on ocean issues at the Terram Foundation, this new regulation seems to be more “a political discourse to **finally 'clean up' the law [classified as corrupt]**”, rather than a real action to modify the things that need to be modified.”



Pelagic fishing in the Biobío region, Chile. Photo: César Joquera

— **President Gabriel Boric said that the quota allocation law changes the essence of the current fisheries law, allowing for a more equitable distribution of quotas between artisanal and industrial fishing. Do you agree with that?**

— It really catches my attention when the President says that and when the Undersecretary of Fisheries or the Minister of Economy say in their speeches that this issue of fractionation is the heart of the fisheries law.

What this fractionation law does is modify how the pie is being divided, but it is not modifying fundamental aspects of the fishing law **so that we have healthy and sustainable fisheries over time**, something that we do not have at the moment.

The subdivision is not guaranteeing anything at all.

— **What is the current situation of the fisheries?**

— The most up-to-date data from the Undersecretariat of Fisheries indicates that **54% of fisheries in Chile are overexploited or depleted**.



— ¿Cuáles son los aspectos de fondo que habría que modificar en la ley?

— Uno de ellos es el tema de que no se abrió la licitación para que entraran nuevos actores en la pesca.



Reference image. Industrial anchovy fishing. Photo: Andina News Agency

—What is it about?

— In 1991, the General Law of Fisheries and Aquaculture was enacted, defining two fleet units: artisanal and industrial, and establishing overall fishing quotas for each fleet. The industrial portion of the quota was depleted as it was fished by all authorized fishing vessels. This **created a perverse incentive for the development of large fishing fleets** because, naturally, everyone involved wanted to catch as much as possible before the annual quota ran out, leading to what became known as the "Olympic race."

The system literally collapsed after record catches in the iconic jack mackerel fishery, with landings of **4,404,193 tons in 1995**. A sharp drop in resource availability occurred, caused by overexploitation coupled with an El Niño event in 1997 and 1998, resulting in an economic crisis that gave rise to the Maximum Catch Limit per Vessel Owner Law.

—What did that law consist of?

—What I did was distribute the industrial fraction of the global fishing quota through individual quotas among the shipowners [the owners of the ships], but based on a historical context, that is, among those who had participated in fishing before.

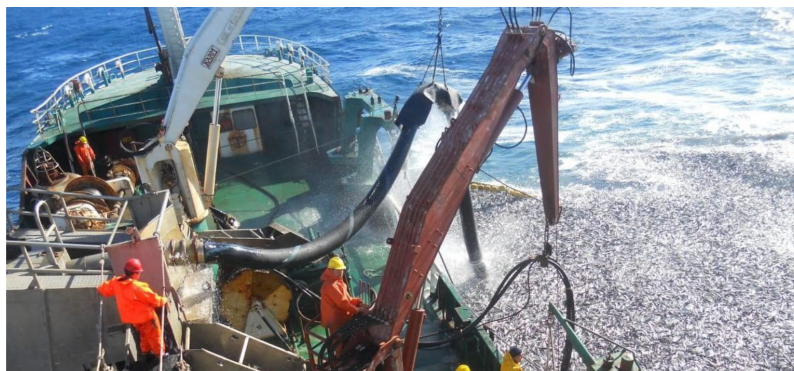
In practice, **those who had led the main resources to overexploitation**, particularly the jack mackerel, were the ones with a fishing history, so they were the ones who ended up with an individual quota per shipowner.

Originally this law lasted one year, but that term was extended for ten years, ending in December 2012.

What needed to be done in December 2012 was to have a new law that decided what would happen to these individual quotas per shipowner and how these resources would be distributed.

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The point is that there was an opportunity for other players who wanted to enter the market and who didn't have a track record to do so. But **those already involved in the fishing didn't want new players to enter**.





Industrial pelagic fishing. Photo: courtesy of Oceana

— **So the law didn't cover it?**

— Cuando se presentó la actual ley, durante el segundo gobierno de Sebastián Piñera y el ministro de Economía era Pablo Longueira, para la cuota industrial se contemplaron licencias transables de pesca clase A, y licencias transables clase B. Las últimas permitirían el ingreso de nuevos actores a un máximo de un 15 % de la cuota global industrial, pero en la práctica no ha funcionado y al poder participar los mismos que ya tienen “historia” **quedaron más o menos los mismos participantes.**

Todo esto se desarrolló en “relativa normalidad” hasta que estalló el escándalo del [Caso Corpesca](#), que daba cuenta de que hubo delitos de cohecho y fraude al fisco que involucraban a parlamentarios durante la tramitación de la ley, algo que ya fue sancionado por la Justicia. Por lo mismo, se habla de que esta ley es corrupta porque **hubo actos de corrupción envueltos en asuntos que tienen que ver con las cuotas de pesca.**

— **Entonces las cuotas de pesca industrial actualmente solo se reparten entre las empresas que tienen «historia»?**

— En general se mantienen los mismos grupos económicos que han estado siempre y que han ido haciendo distintas fusiones de empresas. No han entrado de manera importante nuevos participantes a la

— If half of the industrial quota were auctioned to new players, it would incentivize the entry of the best, with better technologies, with more sustainable practices, **with good working conditions for their workers .**

Involving other people in fishing would open up more opportunities for better quality fish, and could also create new, good quality jobs.

If things are done right, the system should allow for more participation, more competition, and that would force things to improve.



Trawling. File photo: courtesy of Oceana / Mauricio Altamirano

— **Has the plan been to tender only a percentage of the industrial quota?**

— Of course, it has always been proposed that it would be a percentage. **The most ambitious ones propose 50% of the quota share .**

It is striking that for certain economic activities competition is viewed favorably, but for others it is not.

Here, it seems, those already involved aren't interested in new players entering the market. **They're not interested in competition** , so they've waged a fierce battle about it, threatening, for example, to close down fish processing plants.

— **Tras la aprobación de la ley de fraccionamiento, la industria dijo que va a demandar al Estado. Desde la Sociedad Nacional de Pesca aseguraron que «las pesquerías se han recuperado en los últimos 10 años gracias a un esfuerzo de todos los actores, impulsados por una industria, que ha estado muy comprometida en cuidar el recurso», y que hoy “todo ese esfuerzo se castiga». ¿Es cierto que las pesquerías se han recuperado?**



recovered is the Chilean jack mackerel, and that's not due to any action by Chile. **What is being done regarding the Chilean jack mackerel is being done by the South Pacific Regional Fisheries Management Organisation (SPRFMO)**, where many other countries are also taking action, and where there's a scientific committee whose recommendations are followed.

The figures are crystal clear: the fisheries are not in better shape. **Some fisheries have been depleted for years**, and in most cases, the current law, which mandates the implementation of a recovery plan, has not been followed. There is no technical argument to support what the industry is saying.

— **What other central issue is not being considered in the amendment to the law?**

— The current law has many aspects that are very modern, that were already very modern when it was drafted, and that were moving in the right direction. For example, it incorporated the precautionary principle, **the ecosystem approach**, the conservation of resources as an objective of the law, and it incorporated scientific committees and management committees.

From there, fishing quotas in Chile are defined by scientific committees, based on technical reports that basically say: "We have this amount of fish biomass, so the recommendation is to fish this much in order to maintain the sustainability of the fishery."



Common hake. Photo: Michelle Carrere

— **And what is happening now?**

— That was working quite well, but then they found a loophole. Where there's a will, there's a way.

In addition to scientific committees, there are management committees, which are responsible for creating **fisheries management plans** [that is, they establish the rules for how fishing will be carried out]. In the case of overexploited or depleted fisheries, they are also responsible for developing recovery programs.

What happened is that the management committees discovered that by increasing something called the risk percentage, they directly influenced the increase in the fishery quota.

This is extremely irregular because, supposedly, when the risk percentage is increased, it's because you have a healthy fishery with a good number of adults, a high influx of individuals, and so on. However, there are cases in management committees where the risk percentage has been modified without any scientific basis.

— **In what cases?**

— The quota for southern hake for 2019 had been set at 14,800 tons, but the management committee increased the risk percentage and **the quota ended up being 19,000 tons**.

The management committees are interfering to modify the quota without any supporting argument, and the problem is that all of this has been endorsed by the Undersecretariat of Fisheries of the current and previous governments, because they have done nothing to stop it.

**Southern hake has always been overexploited**, and instead of implementing a recovery program, the risk level has been increased as if the fishery were healthy. In the long run, and perhaps even the not-too-long run, this will only cause the fishery to collapse, affecting, of course, everyone who depends on it.





Hake plant. Photo: courtesy of PacificBlu

We have regulations that are open to criticism for reasons we all know, but they have positive aspects, and some things were being done well, such as defining that fishing operators cannot interfere with the quota. Obviously, someone who depends economically on a quota will want to increase it because it means more money for the moment, for their family, for whatever. But **a responsible decision involves understanding that these fisheries will not be sustainable** in the long term if these bad practices continue to be condoned.

That is a problem that, at least in this government, I have not heard them even mention at any point.

— **Economist and former Undersecretary of Economy Carlos Mladinic mentioned in [a column](#) that this quota law won't actually redistribute anything at all. What he's suggesting is that the discussion is taking place between the industrial sector and a segment of the artisanal sector comprised of large vessels that qualify more as semi-industrial, so in any case, the redistribution won't impact small-scale fishermen. What's your opinion?**

— It's in line with what I mentioned before. This land division law divides the pie, but it doesn't address the fundamental issues, which are numerous.

This is a long-recognized issue within the fishing industry: there are vessels currently classified as **artisanal, but in practice, they are very large ships** with substantial hold capacity that do not qualify as artisanal. It has often been suggested that a new semi-industrial category should be created, but this law does nothing to change that. It doesn't even address the issue.

There are a lot, a whole lot of problems that are not being addressed.

This new division essentially says, "We have this overall quota, we divide it up, and that's it." That's not the essence of anything. We're not changing any fundamental issues or **addressing any of the problems**.

I feel that this is more of a political speech to somehow "clean up" the law and continue working with what is there, instead of real action to change the things that need to be changed.



Artisanal fishermen fishing for hake. Photo: Michelle Carrere

**Main image:** Pelagic fishing in the Biobío region, Chile. **Photo:** Courtesy of Mauricio Altamirano / Oceana



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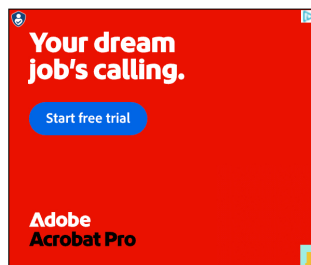


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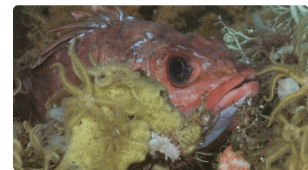
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