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The politics of artisanal fisherfolk of anchoveta: Challenging the success of sustainable fishing

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List of Acronyms

ANEPAP	Asociación Nacional de Empresas Pesqueras Artesanales del Perú (National Association of Artisanal Fishing Companies of Peru)
D.L.	Legislative Decree
D.S.	Supreme Decree
DHC	Direct Human Consumption
DICAPI	Dirección General de Capitanías y Guardacostas (Directorate-General for Captaincy and Coastguards)
DIREPRO	Dirección Regional de Producción (Directorate-Regional for Production)
DPA	Desembarcadero Pesquero Artesanal (Artisanal Dock)
FIUPAP	Federación de Integración y Unificación de los Pescadores Artesanales del Perú (National Federation of Artisanal Fisherfolk of Peru)
GLF	General Law of Fisheries
HCLME	Humboldt Current Large Marine Ecosystem
IHC	Indirect Human Consumption
IMARPE	Instituto del Mar del Perú (Peru's institute of the Sea)
IVQ	Individual Vessel Quota
NGO	Non-Governmental Organization
PRODUCE	Ministry of Production of Peru (Ministry of Production of Peru)
ROP	Reglamento de Ordenamiento Pesquero (Regulation for fisheries management)
TAC	Total Available Catch

Abstract

This paper identifies how the artisanal fisherfolk of anchoveta (or Peruvian anchovy) are challenging the State in Peru, and why this is happening. The discussion focuses on the fact that political actions may come in many shades, depending on which are the triggers, and that subtle, indirect, and unconscious protests can also have policy implications. Despite the historical and cultural legacy that fishing communities have in the region, each actor of the artisanal value chain has particular interests and claims. Similarly, when unpacking the State, it has structural gaps within their multiple components, from norms and regulations, to local officers. Operating in the boundaries of legal and illegal is one of the ways to challenge the State. By belonging to an informal fleet, taking the State at its word to produce fishmeal, landing at the docks in the middle of the night, and fishing juveniles but choosing the less damaging sanction, fisherfolk exploit, at their own benefit, the gaps between the rights the State promised them and those that were delivered. In some ways, they comply with the State's rules, although grudgingly. Yet, if they feel that their subsistence is being violated, then a revolt is expected. The results of this analysis are not only applicable to the livelihoods of Peruvian artisanal fisherfolk of anchoveta. By doing everyday politics, resisting daily, or protesting in the streets, extractive communities around the world continue to reshape States and to make the most of opportunities as they come.

Relevance to Development Studies

This research contributes to the limited academic literature on the politics of fisheries. It attempts to make visible the struggles of extractive communities that want to keep subsisting in middle of the development of capitalism. It also shows how these types of communities are embedded in a contention within capitalism. Although it seems that they are being directly neglected by the State, they are in an endless search for participating in capitalist industries. At the end of the day, this search, would affect directly to the natural resources they depend upon. Furthermore, this research aims to contribute to evidence that policy making is a process that directly or indirectly, consciously or unconsciously, all of us are doing.

Keywords

Resistance, rightful resistance, everyday politics, fisheries, artisanal fisheries, Peru, anchoveta

Chapter 1

Introduction

On September 19th, 2018, artisanal fisherfolk¹ from the district of San Andrés in Peru, blocked the Pisco-Paracas road and caused a traffic jam for over an hour. By chanting phrases such as “it is because of the government that we are in the streets”, the fisherfolk expressed rejection to the Legislative Decree (D.L) N° 1392 and D.L. N° 1393. These decrees, published by the Ministry of Production (PRODUCE), promote the formalization of the artisanal fishing activity and regulates the interdiction of illegal activities in fishery (Camacho 2018).

Although it seems contradictory that fisherfolk protest against a decree that should benefit them, the dynamics between fisherfolk and the State's institutions is highly complex. The narrative described above is only one example of the contention of fisherfolk with the Peruvian fishing State, and how fisherfolk do not always present their claims in a direct manner. Instead, they engage in political ways on an everyday basis without, being conscious that they are challenging the rules.

In this paper the anchoveta fishery is analyzed, as it is the largest single stock fishery in the world (*Engraulis ringens*)² and it represented 77% of the landings in Peru, in the period of 2012-2016 (FAO 2018). Anchoveta is processed for the production of fishmeal, a kind of flour based on fish, used as an ingredient for aquaculture feeds and terrestrial livestock feeds (PRODUCE 2017a). Anchoveta is also processed for the production of fish oil, a liquid obtained while producing fishmeal, used for aquaculture feeds and for direct human consumption (DHC)³ (Shepherd and Jackson 2013:1047).

In Peru, artisanal fisheries have always been vital for providing employment and food. The debates revolving the fisherfolk should aim to understand the artisanal fisherfolk and their livelihoods, in order to debate what is considered legal or not; instead, discussions revolve around how artisanal fisherfolk have incentives to illegally fish and how the State should increase the supervision along the coast of the country. The State has shown little interest in understanding artisanal fisherfolk's livelihoods, despite 95% of the employment of the fishing sector being generated by artisanal fisherfolk who support their families from this activity, with the total employment in this sector being estimated at 230,000 jobs (Christensen et al. 2014). The role of the Peruvian State in fisheries, particularly in the anchoveta fishery, has been orientated to get the most benefits for fisherfolk, with the main aim being economic efficiency, and creating institutions only when there were 'market failures' to be corrected. This has been presented and promoted as sustainable fishing.

Drawing on the work of Scott (1986), Kerkvliet (2009; 2005), O'Brien (1996; 2013), and O'Brien and Li (2006) on peasant communities; in this research paper, an analysis is made on how and why the artisanal fisherfolk of anchoveta are challenging the State. In order to do so, the reader is invited to think critically about what constitutes a political action, following Scott's (1986:24) statement that considering only revolutionary resistance as a

¹ 'Artisanal fisherfolk' refers to those actors involved the extraction of the fish, such as boat owner, Capitan, motorist, and crew.

² Also known as Peruvian Anchovy. In this essay, this fish will be referred to as anchoveta.

³ E.g. nutritional supplement capsules, and additives to food products.

political action essentially misconstrues the “very basis of the economic and political struggle conducted daily by subordinate classes”.

1.1. Background

In this subchapter the scene is set for the analysis of the next chapters by presenting definitions. These include the types of fleets, the normative and regulatory framework of fishing (particularly about anchoveta), and the overall structure behind the right-based management of this fishery.

1.1.1. Types of fleet

As presented in Table 1.2, anchoveta is fished by three different fleets: artisanal, small-scale industrial and large-scale industrial. The differences between these three types of boats are defined by PRODUCE and it has been variating throughout the last decade. Currently, artisanal vessels are defined as boats, with haul capacities not greater than 32.6 m³, that use primarily manual fishing methods (PRODUCE 2017c). Small-scale vessels are boats with haul capacities not greater than 32.6 m³, that use mechanized fishing methods (PRODUCE 2017c). Industrial vessels are purse seine vessels with haul capacities larger than 32.6 m³, that use only mechanic fishing methods. In this research, when artisanal fishing refers to the type of fleet that comply with the definitions of PRODUCE of artisanal, and not only if the subjects involved are officially registered as such.

Table 1.1
Types of fleet and characteristics

Type of fleet	Dimension	Fishing method
Artisanal	Haul capacity: less than 32.6 m ³	Manual
Small-scale	Haul capacity: less than 32.6 m ³	Mechanic
Industrial	Haul capacity: larger than 32.6 m ³	Mechanic

Source: PRODUCE (2017c)

1.1.2. Regulatory framework

In Peru, the anchoveta fishery is regulated differently for the PRODUCE, according to its destination⁴. This fish can have two different uses: Indirect Human Consumption (IHC) and Direct Human Consumption (DHC). IHC denotes the consumption of fishmeal and fish oil, because it means that people are *indirectly* consuming fish when they eat animals fed by these products or when they consume products based on these. DHC refers to consuming the fish directly, either in its fresh form, frozen, canned or dried. There are various debates regarding these classifications, as some consider that IHC should be called “animal consumption”, because the policies that prioritize this industry are alienated from people –this is particularly discussed in the artisanal fishing sector. Others consider that IHC is a misleading term, because it doesn’t involve the indirect consumption of Peruvian consumers, but of consumers in others part of the world, since 90% of fishmeal and fish oil is exported

⁴ It is also regulated in two different regions, northern-centre and south.

(PRODUCE 2018a). These debates highlight tensions between the dichotomy of IHC-DHC that has been led by the anchoveta formal fishing institutions.

In Table 1.2, the principal characteristics of the regulation of anchoveta fishery can be seen. The General Law of Fisheries (GLF) set rules applicable for all types of fleets, despite the anchoveta's destiny. Yet, the rest of the regulations are in function of the destiny of the resource. While industrial fleets are managed under the norms for IHC; small-scale and artisanal fleet are managed under the norms of DHC.

Table 1.2
Principal characteristics of the regulation to the industrial, small-scale and artisanal fishing fleet of anchoveta

	Industrial fleet	Small-scale and artisanal fleet
General Law of Fisheries (GLF)		
Regulated by	Law about the maximum limits of capture by vessel (D.L. N° 1084)	<i>Reglamento de Ordenamiento Pesquero</i> (ROP) (D.S. N° 005-2017-PRODUCE)
Fishing zones^{1/}	From mile 5 onward	From mile 3 onward
Produces	IHC (fishmeal and fish oil)	DHC (fresh, canned, frozen and dried products)
Use of residues of production	No. 100% of the fresh resource is used to produce fishmeal and fish oil	Yes. Residues and discards of production can be used for the production of residual fishmeal (D.S. N° 005-2011-PRODUCE)
Access through	Individual quotas by vessel and season (D.L. N° 1084)	Total Available Catch (TAC) for DHC established annually (D.S. N° 005-2017-PRODUCE)

1/ In Tumbes region, all the fleet can fish from mile 5 onward, because the location of the shore is in the most northerly point.

Adapted from Grillo et al. (2018) and PRODUCE (2017c)

1.1.3. Right-based management: TAC and IVQ⁵

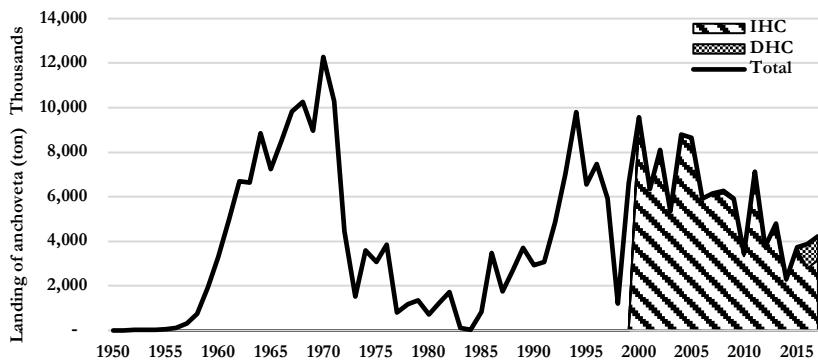
As seen in Figure 1.1, by 1970, Peru was the 'leading' fishing nation globally, because of the anchoveta industry (Castillo and Mendo 1987:109). This 'boom' encouraged vessels to overfish. At the end of 1970s, in the middle of the emergence of the phenomenon El Niño, the anchoveta stock collapsed (OCEANA 2017). Thus, the Peruvian State started protecting the sustainability of anchoveta, and intervened by setting diverse rules, including a Total Available Catch (TAC) for IHC in 1992⁶. This is a tool that sets a measure of how many tonnes, or number of a given species of fish can be caught in a certain area over a discrete period of time (Caillaux et al. 2013). Despite these efforts, after a severe episode of the phenomenon El Niño in 1997, the biomass of anchoveta dropped from 9 million tonnes in 1996 to 3.7 million in 1998; consequently, the landings decreased from 7.4 to 1.2 million tonnes (Paredes and Gutierrez 2008). In a context of a financial crisis due to overinvestment and indebtedness, companies were motivated to fish as much as possible in a shorter period,

⁵ This section draws on an essay presented for the course Political Ecology/Economy of Agriculture and Environment (4150) at ISS.

⁶ Established by the General Fishing Law.

what has been called ‘Olympic race’, that endangers the sustainability of the fish. In 2008 (D.L. N° 1084), PRODUCE introduced an Individual Vessel Quota (IVQ) system for IHC, which assigned a share of the TAC for per vessel that fish for this destination.

Figure 1.1
Landings of anchoveta according to its destination 1950-2017



Source: PRODUCE (2018a)

The access to the resource is regulated differently for artisanal, small-scale and industrial fleets. The industrial fleet have a TAC for IHC since 1992 and an IVQ system was introduced in 2008. Yet, only since May 2017, the artisanal and small-scale fleet have access to a TAC of anchoveta for DHC (D.S. N° 005-2017-PRODUCE). Before, these fleets had open access to fish; that is to say, they could fish an unlimited amount of anchoveta in a given period. Despite the regulation (D.S. N° 005-2017) giving a quota of anchoveta for DHC, the artisanal fisherfolk are limited by the demand; whilst they do not have the right to fish for IHC, any quota beyond 200,000 tonnes is non-binding (C. Paredes, personal communication, 13 January 2018). Furthermore, previous to this change, the Peruvian sea institute (IMARPE) stated that they included how much anchoveta the artisanal fleets were fishing (based on assumption), hence, the only actual change with this decree is to have expressed how much the artisanal fleet’s quota was.

Overall, the Peruvian State has focused on installing a right-based management of fisheries, as other 336 fisheries in 40 countries have done (Laia et al. 2017). By assigning rights to a whole fleet (TAC) or an individual vessel (IVQ), the aim is to protect the sustainability of the resource. At first sight, it would seem that these policies ensure sustainability, yet its target has been mainly to promote economic efficiency. Furthermore, since the establishment of the IVQs, bigger companies have been buying vessels or small enterprises to add more quota to their own (Luna 2017). As a consequence, four companies own 70% of the share of the fishmeal exports (Luna 2017).

This right-based management of fisheries in Peru has been recognised as successful for many experts in the field, and usually pointed out as a case of success. Yet, it looks like these evaluations lied on two facts: (i) anchoveta is not being overfished and (ii) fishing is more efficient for the industry. Such evaluations lack a critical analysis of the social impact of the inclusion of private rights to manage fisheries, as they disregard that in order to belong to this new paradigm, artisanal fisherfolk have to comply with keeping a low profile which does not disturb the benefits of the industrial fleet.

Usually, it has been simpler to introduce such systems only for industrial fisherfolk, disregarding the complexities of artisanal fishing. It might be that is the reason why artisanal fisherfolk were not included in these policies since the beginning, and currently are somehow

trying to be included, with no success. The complex web of unknown actors and power relations within artisanal fishing overcomes the simplicity and rationality of quotas. For that, in many other countries, the State has had to adapt the economic theories to the demands of their fishing communities (e.g. Maori's in New Zealand).

1.2. Research questions

In order to analyse the how and why of the interactions between artisanal fisherfolk, including boat owners, fishers of anchoveta⁷, and the different institutions of the State, the following research questions were developed. It is important to note that these questions have been kept quite general, due to the lack of clarity about the ways and motives regarding such interactions.

List of questions

- a. How are the actors within artisanal fishing of anchoveta engaging with the different components of the State?
- b. How has the contention between artisanal fisherfolk of anchoveta and the State helped to redefine the latter?
- c. Which are the triggers that caused such particular form of engagement, of the actors within artisanal fishing of anchoveta, with the different components of the State?

Upon review of the research questions, the following sub-questions arose.

List of sub-questions

- a. Through which channels do artisanal fisherfolk of anchoveta they circumvent the State's rules?
- b. Through which channels do artisanal fisherfolk of anchoveta communicate their claims to the State?
- c. How conscious or pragmatic is the decision of resistance by artisanal fisherfolk of anchoveta?

1.3. Analytical framework

This research uses the master framework of moral economics applied to the politics of fisherfolk. Since there is limited literature that studies the politics of fisheries from the perspective of interaction between fisherfolk and the legal framework, and the components of the State⁸, the work of Scott (1986), Kerkvliet (2009; 2005); O'Brien (1996; 2013), and O'Brien and Li (2006) on peasant communities is used for analysis instead. Certainly, it is clear that there are structural differences between peasant and fishing communities that are not captured by the theories of politics of peasants. The main relevant difference addressed in this research is the dynamic nature (high mobility) of the resource, that is, fish and marine ecosystems.

⁷ Capitan, motorist and crew.

⁸ Campling et al. (2012) analyzed the political economy of fisheries.

To understand ‘how’ the fisherfolk themselves are challenging the State (Research Question a.), one of the frames drawn on is O’Brien and Li’s (2006) ‘rightful resistance’. According to these authors, it is a contention between quiescence and rebellion: rightful resistance is noisy, public and open. There are four main attributes that shape the analysis of the cases of rightful resistance. Firstly, it operates near the boundaries of authorized channels; secondly, it employs the rhetoric and commitments of the powerful to curb the exercise of power; thirdly, it hinges on locating and exploiting divisions within the State; and fourthly, it relies on mobilizing support from the community (O’Brien and Li 2006:2).

This type of resistance is a ‘partly’ institutionalized kind of conflict, seemingly an organized structure, less risky than an entire rebellion. These practices are successful because they are open and unscrupulously engage with the “structure of domination [...] at its weakest point”, (O’Brien and Li 2006:24). Below is a description of the characteristics of this framework that are useful for this research.

List of main characteristics of rightful resistance

- a. This type of analysis of everyday politics involves three parties in conflict: the State, elites, and resistance. In relation with the interaction with the State, by observing how State power is experienced by people testing the limits of the permissible it is possible to understand how the State appears from below (O’Brien 2013:1054).
- b. Although there is a high emphasis in the individual agency of people, there is also commonalities that allow certain collective action (O’Brien 2013:1053).
- c. Rules-based, righteous and moral economy claims coexist with rightful ones, there is no need to choose between right consciousness and rule consciousness.
- d.

As described in the introduction of this research, not all the ways in which the fisherfolk challenge the State involve a direct call for attention. Thus, Scott’s ‘everyday resistance’ is used to analyse the process by which fisherfolk on a daily basis make “petty acts” to resist authority, but rarely search for attention (Scott 1986:8). In fact, according to Scott, the safety of the resisters lies in their anonymity. This is of great importance when discussing the committing of illicit activities, because it is the moment in which fisherfolk try to go unnoticed.

Rightful and everyday resistance allow to understand most of ‘how’ fisherfolk are politically engaging with the State. Yet, these only help to develop a static analysis of the actions of fisherfolk, since it is absent of a theory on how the State reacts to such challenge. Nonetheless, this research also aims to analyse what are the implications of the fisherfolk’ engagement to the regulatory framework (Research Question b.). Kerkvliet’s (2009;2005) approach of everyday politics is therefore used to address this dynamic. The logic presented by Kerkvliet helps to unravel the impact of fishing communities on policy making. According to him: “A combination of everyday modifications and evasions and everyday resistance has been known to contribute to authorities adjusting policies or even making new ones” (2009:238)⁹. There are three ways in which everyday politics could have an impact of this type:

⁹ Everyday modifications and evasions refer to “[...] modifications and evasions of what authorities expect or the political system presumes [...] usually convey indifference to the rules and processes regarding production, distribution, and use of resources. [...] trying to ‘cut corners’ [...]” (Kerkvliet 2009:237). Everyday resistance is a type of resistance that is “[...] subtle, indirect and non-confrontational behaviour [...] involves little or no organisation [...]” (Kerkvliet 2009:233”)

List of ways in which everyday politics influences regulations

- a. through interaction between citizens and local officials,
- b. local arrangements can also feed national policy changes, and
- c. affect outcomes important for authorities.

Finally, it is important to critically discuss 'why' the fisherfolk are challenging the State (Research Question c). Thus, Scott's (1986) lenses of subsistence ethics is used, which argues that when markets or the State adjusts the form of extraction in ways that undermine food security, then a community revolt is likely.

1.4. Methodology

The fieldwork lasted from August 10 to 30, 2018 and it was developed in Peru, in the cities of Lima and Pisco. In Pisco, the district of San Andrés was particularly chosen because it is there where the dock is located. San Andrés, as seen in Map 1.1, is located in an area close to the Paracas National Reserve, and Ballestas Islands National Reserve. These reserves are the some of the most visited tourist destinations in Peru. San Andrés is on the route from Pisco to Paracas. In some such way, the location of San Andrés helps to make visible the protests of the fisherfolk, because the touristic activities in the National Reserves could be affected by it.

Map 1.1
Region surrounding San Andrés



Source: Google (2018)

The fishing community in the district of San Andrés is one of the most mentioned ones when discussing illegal fishing of anchoveta. And across the years it has generated multiple headlines in national press, because of protesting and presenting claims to the State. This is why the research is focused there.

In order to address the research questions, a variety of qualitative methodology approach techniques were used. These are presented below.

List of techniques

- **Secondary data bibliographic research:** Secondary data has been used to set the initial value chain of the fishmeal and the role of artisanal fisherfolk within it, as well as to support the analysis of the interviews. Additionally, legal norms were reviewed, as well as State policies, statistics regarding the global and national State of fisheries, and desk research regarding illegal fishing of anchoveta.
- **Semi-structured interviews:** In total, 20 interviews were conducted. In San Andrés, 15 interviews were conducted with artisanal fisherfolk of anchoveta as well as with boat owners, supervisors and scientific officials, representatives of their organizations and collectives, and other actors within the value chain of artisanal fishery of anchoveta. Additionally, the regional authority and representative of PRODUCE (*DIREPRO*) in the centre of Pisco were also interviewed. In Lima, representatives from industrial fisherfolk, NGOs, and fisheries researchers were interviewed. Finally, key State members from PRODUCE were interviewed. The list of actors interviewed, and dates of interviews are presented in Appendix 1.
- **Observation:** When on the dock in San Andrés (called DPA San Andrés), after interviewing fisherfolk, observation was conducted, for half of the day, of the arrival of boats, landing of all catches, and commercialization of the fish. There, informal conversations were carried out with fisherfolk, boat owners, fisherfolk' families and others involved in the value chain.
- **Meetings:** On 28 August 2018, the monthly meeting of the Forum for Sustainable Fisheries and Aquaculture of the Ministry of Production was held, where stakeholders discussed proposals of a legislative decree to formalize artisanal vessels (D.L. 1392)¹⁰ and a legislative decree that set interdiction measures (D.L. 1393).

It is important to note that notes were kept on a journal on a daily basis, as the recorder was only used for formal interviewed with researchers and industrial fisherfolk. It was considered inappropriate to record the fisherfolk, because the interviews could put them in a vulnerable position, when discussing illegal activities they do and how they challenge the rules of the State. Additionally, the use of a recorder could have taken the trust from the interviewee, and affecting their answers. The decision was therefore to take notes only, when interviewing fisherfolk.

The interviews, while open-ended and flexible in order to allow for unanticipated courses of discussion, were centred on six topics. These were: background in the sector, fishing routine and day to day operation, subsistence, organization, interactions with the multiple institutions of the State, informality, and the commercialization and destiny of anchoveta. The complete list of guiding questions is presented in Appendix 2.

1.5. Ethical considerations and limitations

The main challenges encountered in this research paper were:

- a. to create spaces where the interviewees feel comfortable enough to tell their individual stories, these were mitigated by indicating that the purpose of the

¹⁰ The presentation was done for Silvana Quinteros from the Ministry of Production, and can be accessed in the following link: <http://www.fpas.pe/wp-content/uploads/Proyecto-de-DL-que-promueve-formalizacion-de-la-actividad-pesquera-artesanal.pdf>

interviews was only for academic ends, and that their identity was going to be protected;

- b. that due to how the activities researched are considered illegal, resistance and certain initial apprehension was encountered because fisherfolk were afraid the interviewer was a supervisor from PRODUCE. This was easily overcome once the intentions and identity of the interviewer were clearly stated
- c. that the research involves an informal dynamic, and there is limited public information. That is why the knowledge about artisanal fishing dynamics was strengthened by interviews with experts;
- d. resource limitations: limited time of observation of the activities of the artisanal fisherfolk and the access to personal spaces, and financial limitations to conducting interviews in a broader area from the coast of Peru. Secondary data is used to understand the fisherfolks from San Andrés and diverse regions;
- e. the interviewer's gender being female. Fisheries are an overwhelmingly male-dominated sector, and sometimes women are not taken seriously or treated with respect. This limited the research choices taken, and it might affect the quality of the responses of the interviewees. On one side, being a woman portrayed the interviewer as a defenceless person, and thus the interviewees treated her as someone who they did not have to feel threatened. Hence, they would feel free to share their experiences openly. In other cases, the interviewer had to deal with direct flirty comments or indirect interest about her personal life. There was a clear internal conflict between sharing experience as much as they were sharing their experiences and protect oneself from recently known men that could represent a threat. Finally, this was a huge setback, as it was not deemed safe for a female to go on a fishing trip with a crew of 6 fishing men or to visit an illegal processing plant alone;
- f. that the specific case analysed was in San Andrés, making it challenging to make national conclusions from a case study. In order to mitigate this bias, differences among artisanal fisherfolk have been acknowledged;
- g. finally, although this research aims to discuss the struggles of artisanal fisherfolk, the discussion centres on anchoveta, which does not represent entirely the diverse fisheries in which they are involved. However, it highlights common struggles and claims.

This research addressed ethical considerations by informing the interviews of the purpose of it seek for their approval to use their stories for academic purposes, ensuring the anonymity of those respondents when talking about sensitive topics such as illegal fishing.

1.6. Overview of the chapters

After this introduction, in Chapter 2 sets up the basis on which the analysis of everyday politics and resistance takes place, by discussing what fisherfolk might believe is rightful. In Chapter 3, an analysis is made of how the State institutions' gaps create structural openings that fisherfolk seek to fill; paying particular attention to how the perception of these opportunities affect the reaction of fisherfolk. Chapter 4 analyses how the web of artisanal

fishering is engaging with the different of the State machine at the edge of what is considered legal and, in some cases, goes beyond that and it locates at the centre of illegality. In chapter 5 it is discussed why and what are the motives that cause the trigger of such contention between fisherfolk and State. Chapter 6 discusses how fisherfolk' politics has redefined the Peruvian State, bearing in mind that people can influence the State in more ways than making the typical *official politics*. Finally, concluding remarks centre on that the results of this analysis are not only applicable to the livelihoods of Peruvian artisanal fisherfolk of anchoveta, but it is relatable to the struggles that other extractive communities have.

Chapter 2

Artisanal fisherfolk of anchoveta's livelihoods

This chapter sets up the basis on which the analysis of everyday politics and resistance that will take place. It is of particular interest to this research to analyse if the fisherfolk seem to have certainty that their rights have been cutted, thus triggering a high-profile protest or a less risky reaction. To run this analysis, a first approach considers discussing what the fisherfolk believe is rightful. Based on the historical tradition of fishing in Peru, this subchapter provides further input in which to lay the groundwork for a deeper analysis in the following chapters. The following includes (i) a discussion of the traditional fishing legacy of artisanal fisherfolk and their identity, and (ii) the collectiveness and organization of their routine and operation.

2.1. Fishing legacy and identity

Since the pre-Hispanic period (1000 BC -1530 AD), anchoveta has been used as food for humans and as a key element on the food chain of other species that are fundamentally integrated in Peruvian's livelihoods¹¹ (Miranda 2018). Whereas the extent to which the fishery of anchoveta was a massive or fundamental activity for the Peruvian economy, is uncertain. Yet, diverse historical research regarding the consumption, and fishing, of anchoveta conclude that it is undeniable that this extractive activity has *always* existed (Miranda 2018). Moreover, it has been important for the national 'development'. The various known use of anchoveta, includes: food for the Caral population (2600 BC-1500 BC), and Inca troops or patriots' troops fighting in the independence, but also used historically for fertilizing crops, feeding guano birds, tuna or bonito, supporting livestock feeding, birds and aquaculture, and even helping to fight malnourished children Anchoveta has truly been a fish that allowed Peruvians to benefit in multiple ways (Miranda 2018:34).

Historically, fisheries are the main economic activity in San Andrés, Pisco. As in other fishing coves, in San Andrés, fishing is an activity that is inherited from family. All the fisherfolk interviewed had spent most part of their lives in this activity and had immediate or extended family working with them. It is common that over the years, fisherfolk changed their role within the same activity; shifting between fisher, vessel owner, loader, or intermediary. The seniors had 30- 40-years of fishing experience and younger ones had 20-6 years.

On the dock, it is common to find family working together in boats, or a former fisher checking on how his son was doing with the boat he gave to him after his retirement, or uncles and cousins working as loaders. Outside the dock, it is common to see restaurants of seafood, and women filleting fish at the sides of the road. On the streets, boats are being constructed or fixed. On the roads, refrigerated trucks are transporting the daily catches to processing plants. Overall, the majority of people from San Andrés are involved in fishing activities.

As in most of fisheries at global level, there was a clear gender division of the work. All the fisherfolk were men, and they were boat owners, boat captains, and crew. When asked if

¹¹ Bonito, Mackerel, Horse mackerel, tuna, and giant squid.

fisherfolk knew a female fisher, they laughed and didn't give a response. It was interesting to note that there was Venezuelan people as well, operating in diverse activities¹². Women were involved in the commercialization on the dock, filleting or as intermediaries, and it was interesting to have found a woman working as loader. She seemed to be doing the same physical work than the men and treated as any other member of the group. Nonetheless, this was an exception from the social norm. It is unclear the ways in which the male dominance of the work has impacted on the claims of the fisherfolk. However, the voice of women involved in this fishery is invisible, and their claims do not have space in the fisherfolk' organizations that are traditionally male dominant. The implications of the gender division of the work in fisheries goes beyond the scope of this research. However, for reference, García (2001) did an ethnographic analysis about it in Peru, including the district of San Andrés.

Figure 2.1
Painting of historical fishing culture in San Andrés



Source: Author

Figure 2.1 is one of the multiple paintings that was found in San Andres, representing the historical fishing culture in the district. In San Andrés, there are different expertise within artisanal fishing: shell fishing diving, line fishing (*pinteros*), driftnet fishing (*cortineros*), and net fishing (*bolichitos*). Artisanal fisherfolk of anchoveta, usually fish using a boat called *bolichito*, because of the type of fishing net that is used, this is called *boliche*.

This district follows the legacy of the Paracas culture, a fishing community from between 700 B.C. and 200 D.C. Thus, the fishery of anchoveta in the district is quite established. In the last 40 years, this community entangled in the expanding fishmeal market, and the aim has been participating in it, instead of fishing for food. This has meant that even though it is artisanal, *bolichitos* have evolved to have more industrial fishing techniques. Before, they used to have a small haul capacity (around 4 or 5 tonnes), smaller nets and lower heights. But as the fishmeal industry has arisen, the boats have been evolving with it. Currently, the *bolichitos* in San Andrés have double of (10 tons) haul capacity.

As observed in Figure 2.2, the boat does not count with mechanic fishing gears, thus, the work is done manually. This boat only counts with an electric pump that is used for less than 10 minutes, while the overall journey can last more than 12 hours. Additionally, the boat

¹² This is the context of a massive migration of Venezuelan to multiple countries due to political crisis, especially in South America.

has a sonar that allows fisherfolk to know the zone where the fish are and how deep they are located; but it has certain limitations, such as the non-identification of the fish size. Thus, it is not possible to know if the fish found is adult or juvenile (not old enough to reproduce). *Bolichitos* are specialized to fish anchoveta, bonito fish, and “white fish” (parrot fish, herring, and mackerel). They have to alternate between species according to their availability in the sea, yet anchoveta is the only species that is available the whole year, with more or less abundance in certain seasons.

Figure 2.2
“Bolichito”



Source: Author

Doing most of the fishing manually was important for the fisherfolk because there is a spirit of embracing who has the right to be called a *real* artisanal fisher, despite the official definitions having been constantly changed. Up there, fisherfolk consider that they are the *real* artisanal, and thus, believe that they cannot be treated by the State in the same way as industrial or small-scale fisherfolk. According to Palacios (2015), in the city of Yacila, in the Piura region, fisherfolk also try to establish a vision and division of the social world; the fights regarding this are about what fishing technique has the right of legitimate artisanal fishing. In San Andrés, fisherfolk mentioned:

“We do not belong to the FIUPAP¹³ because they don’t represent us, they think our *bolichitos* are not artisanal” (San Andrés’s artisanal fisher’s organization representative).

“In Chimbote and Callao, there is also fishing of anchoveta but is bigger, San Andrés is the only place where we fish manually” (Artisanal fisher).

According to the interviews, in Chimbote, where there is also artisanal fishing of anchoveta, the small-scale vessels are miniature versions of industrials and are just as mechanized. Consequently, for the current Peruvian law, they are considered small-scale, and not artisanal. For the people of San Andrés, this created certain barriers regarding sharing interests with fisherfolk from other cities. As presented in Chapter 1, although the State regulates in a similar way both fleets, small-scale and artisanal, there are key nuances that seem to be crucial and avoid the alliance between these fleets. This is a very important

¹³ National fisher’s organization.

component for the analysis of the power dynamics within artisanal and small-scale fishing. Somehow, San Andrés' fisherfolk have generated a common identity that differentiates them from others, which –at first glance– would seem to be the same. Not unpacking these differences will narrow the understanding of the diversity within fisherfolk, and thus, the political systems in which they are located.

Although the possible construction of a common identity could beckon a type of political organization, done should not consider that the fisherfolk are consciously making politics in their everyday life. Kerkvliet's statement regarding everyday politics that it "is done by people who probably do not regard their actions as politics" seems to apply to this case (2009:232). However, this research does not imply that everyday politics is the only form for fisherfolk to engage with the State institutions. In the following chapters an analysis is done of the diverse ways in which they do seem to be intentionally political, at a local level.

2.2. Collective organization and well-formed fishing

O'Brien and Li (2006:6) stated that rightful resistance involves a "collective, public challenge, based on common purposes and group solidarity". Yet, like in everyday resistance, at first sight, it seems that there are no "well-formed" groups nor "collective" consciousness.

Above, subchapter 2.1 outlined the traditions and legacy as a form of common identity within fisherfolk and brought out a lack of consciousness in their actions. Building upon that, in this subchapter, two other concepts that are intrinsic to each other and to the politics of fisherfolk are discussed: "collective" and "well-formed".

2.2.1. Organization

At a national level, there are 1,667 registered artisanal fisherfolk' organizations. These are differentiated by location and type of fishing (PRODUCE 2018b). Just in San Andrés, there are 40 organizations. Despite this, there are traditional organizations that remain to be representative of the general opinion at national level, and also locally.

It would seem that having organizations that only have two or three members have affected the unification of the artisanal fisherfolk' voice to the State. It is uncertain the causes of such fragmentation, but is certain that it has generated disunion among fisherfolk.

The principal organization of artisanal fisherfolk of anchoveta in San Andrés is called "*Asociación de Pescadores artesanales de bolichitos de San Andrés Victor Peña Nieto*" (English translation: Association of artisanal fisherfolk of *bolichitos* of San Andrés Victor Peña Nieto". It registers 60 members in the official record of PRODUCE, however, according to the president of the organization, it has 500 members, because not all of them have the valid documentation. One representative described the organization as having been created by the will of the people, and the fisherfolk, in order to resolve their problems.

It is not usual that San Andrés' fisherfolk join forces with others from different cities nor with one of the national fisher organizations (*FIUPAP*). In line with what a member of the local organization stated, *FIUPAP* does not represent them, because they consider that fisherfolk in Pisco are not artisanal since they use an electric pump for 10 minutes.

Likewise, they consider that there is no union among fisherfolk from other cities. Early in 2018, fisherfolk from Tumbes, a city in the north of Peru, worked together with the regional government and established the total formalization of their fleet, further described in subchapter 3.1. Despite that, the regional government does not have the jurisdiction to make a decision like this and the intervention was annulled by the central government.

Fisherfolk in San Andrés consider that if they would have asked for the union of all fisherfolk it could have succeeded. Similarly, they stated that they once protested together with fisherfolk from Chimbote, a city in the Ancash region, and it was successful. However, they do not plan to do it again because they do not agree in certain topics, but above all, because boats in Chimbote are considered small-scale and the Ministry gives them more benefits than the ones in San Andrés.

All in all, it seems that the fisherfolk in San Andrés were organized within themselves. Although no official channels of communication with the State where established, they set informal internal processes to ask for the attention of the State. For example, they visited Lima multiple times, ask for appointments with the Minister or Directors; despite not being taken seriously many times.

2.2.2. Value chain

Artisanal fisheries are considered complex because of the high informality that surrounds it. The State has no clear knowledge of the people involved in this sector, since about 60% of the boats are informal (Lozano 2017). Thus, at first sight, it would seem that there is no structure, and it is because of it that it is difficult for the State to regulate it in a successful way. However, if analysing thoroughly, it becomes clear that there is an informal collective organization and structure that works well for them, and allows fisherfolk to accomplish their activities systematically. This is most evident when observing the value chain of the sector, the systematic ways of operating and their fishing routines.

For an overall view, Figure 2.3 shows the artisanal fishing within the value chain of the fishery of anchoveta. As observed, artisanal fisherfolk don't sell their fish directly to markets, and they most likely have to rent a boat if they are not the boat owners themselves. Then the boat owner sells the fish to an intermediary, who is most likely a clandestine actor that facilitates the commercialization of fish that does not comply with certain regulations. The intermediary sells fish to a processor of DHC or IHC (illegally). In the case of the processors for IHC, it is likely to find illegal plants that finance fishing trips and make deals in advance with boat owners, in order to assure that they have raw material for production.

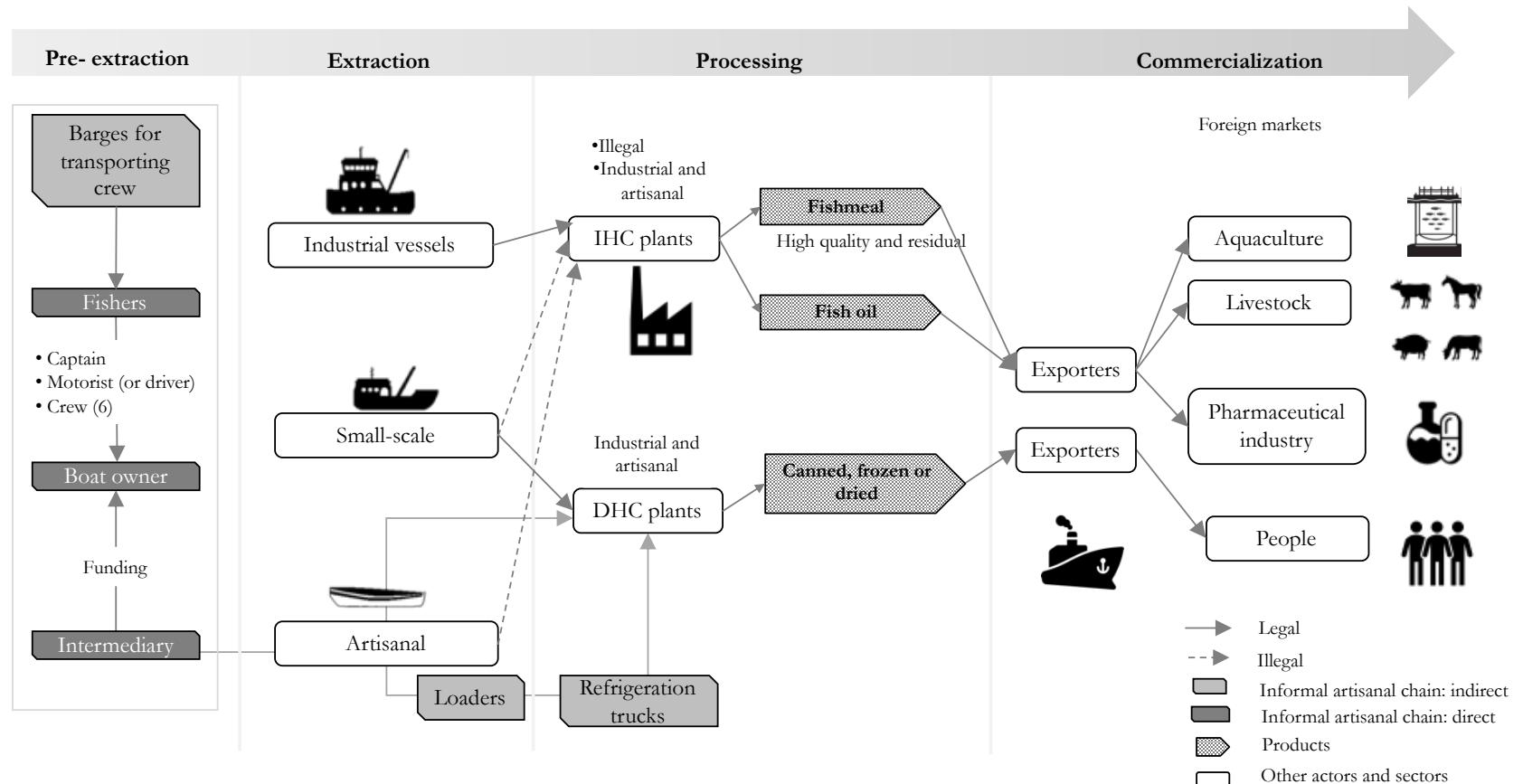
Anchoveta is not for self-consumption. After finishing the unloading and charging the refrigerated trucks, some fisherfolk took one or two plastic bags of anchoveta with them, yet –almost exclusively– anchoveta is commercialized. The boat owner sells it to intermediaries, with whom they have previously agreed on a deal. Intermediaries give the funding for the fishing trip costs (3,000 Peruvian soles, weekly approximately¹⁴); later on, this amount is deducted from the price they will pay to the boat owner. This was important because usually deals with intermediaries are done on weekly basis, thus in days when fisherfolk come back without catching anything, they have access to funds to go out the next day. In conversations with the fisherfolk, some of them indicated that they needed this because they did not have the capital to pay the costs for themselves.

Additionally, after the anchoveta is processed for fishmeal and oil products, (including a lower quality fishmeal produced from residues), these are exported primarily to China and Europe¹⁵ if they are legal, otherwise they would go to local markets, further explained in subchapter 4.2.

¹⁴ USD 900, at October 2018 exchange rate.

¹⁵ According to the Supreme Decree N° 005-2011-PRODUCE, discards and residues generated while manipulating fish for DHC must be used in production plants of residual fishmeal.

Figure 2.3
Artisanal fishing sector within the value chain of anchoveta



Source: Authors' elaboration based on data from Galarza and Kámiche (2014), Christensen et al. (2014), PRODUCE (2016) and interviews.

Particularly, in the cove of San Andrés, anchoveta fisherfolk share systematic daily routines. They depart each weekday around midnight and come back to the coast around 11:00-14:00, depending on how far they have to travel to find fish. There are 6-7 people in one boat and each one has a defined role: boat captain, motorist or driver, and crew. In some cases, the boat owner also goes out to fish. Artisanal vessels fish anchoveta between the miles 2 and 12. They could go until the mile 60; however, they don't go that far because the price they receive would not compensate their expenses, because they don't bring much anchoveta, maximum 10 tons in their hauls. When arriving at the dock, they organize themselves in a way so that they can unload ordered in the loading platform according to their arrival time. This is because, due to the narrow space, only 3 or 4 boats can unload at the same time. This organization goes beyond the fisherfolk, since early in the morning, loaders are also waiting for the boats at the dock, as well the refrigeration trucks together with the intermediaries. Following the unloading of fish, the commercialization of the fish is done similarly by all.

The entire daily operation of fisherfolk is surrounded by actions that challenge the regulations¹⁶. These are done in a collective way by different groups of fisherfolk; because as it was described, the routine of anchoveta fisherfolk, fisherfolk of other species seem to be as organized as they are. Given the observed structures, it appears that there is collectiveness within fisherfolk, as well as that they are part of a well-formed group.

Ultimately, San Andrés is one of the fishing communities that the most protests are shown in national news. Such protests appeared to be conducted by an internal organization and communication among fisherfolk, of all species including anchoveta. Possibly this is because they are located near the National Reserve of Paracas and the Islas Ballestas, thus, if they stop the road that connects Pisco with Paracas, tourist activities would be affected. Recent protests include: April 2014, opposing a fishing ban of anchoveta; July 2014, against fines being constantly charged; January 2015, against a law that permitted industrial fishing of certain species; April 2018, because of the rejection to a list published by health authorities that did not include them in the authorized docks for land fish that goes for human direct consumption; and September 2018, against the legislative decree that wants to formalize the fishing activity. Appendix 3 presents news' headlines regarding such protests.

¹⁶ The ways in which this happens are discuss in Chapter 3 and Chapter 4 .

Chapter 3

Locating divisions within the State

For O'Brien and Li (2006:25), divisions within the State give the perception to villagers that the State's gaps can be exploited by the villagers for their own benefit, to make the most of such divisions. In this chapter, the aim is to analyse how the State gaps create structural openings that fisherfolk seek to fill; paying particular attention to how the perception of these opportunities affects the reaction of fisherfolk. To do so, an analysis is done of (i) how the division of functions between central and regional governments opens a space for the resistance of artisanal fisherfolk, including a discussion about systematic corruption, Moreover, this paper analyses (ii) a particular case of tension between the central and regional government of Piura regarding the formalization of artisanal vessels.

3.1. Unpacking the State: Division of functions between central and regional governments

While PRODUCE has exclusive competence in regulating the management of fisheries, aquaculture, and industrial fishing; it shares jurisdiction with regional and local governments regarding artisanal fisheries, micro- and small-scale aquaculture, among others.

It is PRODUCE that emits the fishing permits for industrial and small-scale fleets, at national level, through the Vice ministry of Fisheries and Aquaculture. Since 2001, as a consequence of a decentralization process, and transference of competences to the regional governments, the regional offices (DIREPRO) are the ones in charge of issuing fishing permits for artisanal fisheries and supervising them. As for the marine police (DICAPI), they emit the license and other certificates required to navigate, and they should give each vessel the approval of sail set.

In San Andrés, fisherfolk have the perception that the DIREPRO is quite invisible, as they stated that they receive no support from them. This contrasted with the opinion from the DIREPRO, who stated that they had a "very good" relationship with the fisherfolk, except when they have to apply certain norms and feel the fisherfolk' discontent. According to this statement, it would seem that any conflict between the DIREPRO and fisherfolk should be related to the supervision and the application of fines. However, despite the DIREPRO being directly responsible for the management of the artisanal fishery, they have no supervisors on the dock in San Andrés. As such, the state of supervision of DIREPROs is similar across the Peruvian coast; in average each DIREPRO has 1 or 2 supervisors. It would seem that the DIREPROs don't have enough budget to hire the required people in order to comply with their duties regarding artisanal fishing. This is of particular surprise, since it is PRODUCE who decides the budget. In practice, DIREPROs were assigned responsibilities, without the means and processes to effectively accomplish them. In order to manage artisanal fisheries, PRODUCE had no other option then to support DIREPROs, and they sent their own supervisors to regional docks. However, it is uncertain the ways in which the roles of both, PRODUCE and DIREPRO, are being informally divided.

This gap of responsibilities seems to have opened a space for the own benefit of fisherfolk. It is they who are "obtaining, processing, and deploying information about that opening" (O'Brien and Li 2006:48). As a consequence of the gap, artisanal fisherfolk are barely supervised, in fact, in San Andrés, only two supervisors from PRODUCE were

present at the dock during certain days, and they change people every other day. Despite being their direct responsibility, the DIREPRO has no presence at the dock. Furthermore, even though the supervision is minimal, it is one of the main causes of friction between the State and artisanal fisherfolk, because, most of the fisherfolk are committing some type of infraction. Thus, if they are supervised, it is certain that they will receive a fine. In San Andrés, the tension between fisherfolk and supervisors from PRODUCE is strong; fisherfolk are constantly stressing about new people being a supervisor.

According to López (2015:46), in the city of Yacila, in the Piura region, the artisanal dock administration allows the vessels to unload fish under its minimum size, and when they create landings monthly reports and present them to the DIREPRO in Piura, they do not show the size the fish that arrived at the dock. However, Lopez states that the DIREPRO offices do know about the illegal fishing of juvenile, but this activity continues because *bolichitos* owners and traders pay bribes to the supervisors of PRODUCE and to the administration of the dock. Additionally, Lopez mentions vessels arrived at the dock in the middle of the night to avoid supervisors, that did not arrive until midday, although the supervisors did know what was going because fisherfolk of other species reported the infractions.

Fisherfolk identified the structural gap within the State and have been exploring it; they continuously learned about it, by pushing the boundaries of the law and probing such opportunities.

3.2. Case: Tensions between central and regional governments due to the formalization of artisanal fisherfolk' vessels

The artisanal fishing sector in Peru is highly characterised by informality. According to the last census, in 2012, more than 60% of the artisanal fishing vessels were informal (INEI 2012). Simply put, this means that from 16,045 artisanal vessels, 9,928 were not complying with having registration nor fishing permit (Quinteros 2018). By 2018, it is only expected that this figure has significantly increased.

In April 2018, DIREPRO of the Piura region created their own regulation to formalize the artisanal fishing fleet, supported by the fisherfolk of that region. However, PRODUCE stated that such regulation did not proceed because it would go against a Supreme Decree that prohibited the construction of new artisanal boats. Thus, it is only PRODUCE who had the power to modify it and formalize artisanal fishing vessels. Although the authorities in the government of Piura continue debating about who is allowed to publish a regulation of national importance. This discussion put formalization of artisanal vessels on the public's eye.

Later, in September 2018, PRODUCE published two decrees that promoted formalization. The first one (D.L. 1392) has the aim to formalize all the fleet existent to date, and the second one (D.L. 1393) to enforce the prohibition of construction of new boats and give more power to the State to confiscate and even destroy boats. Since October 2nd, 2018, both of these decrees have begun to be implemented. Thus, it is too soon to have a clear picture of which are being the consequences, and how these norms are working in practice. In a presentation of PRODUCE, stakeholders of the sector presented their preoccupation regarding the perverse incentives this would give to artisanal fisherfolk to build boats and expect a future formalization of them.

The local arrangements between fisherfolk and the regional government of Piura enabled the publication of a norm that –although legally not valid– pushed PRODUCE to

publicly manifest about the reality of the informality of thousands of fisherfolk. Particularly, this was a moment in which PRODUCE was preparing their own norms (D.L. 1392) not only to formalize the fleet in Piura but a national level. Thus, the contention with the regional government of Piura also affected the outcomes of PRODUCE's own process. They could not wait much long after the challenge of the government of Piura to publish the formalization and interdiction decrees.

Chapter 4

Operating in the boundaries of legal and beyond

“Rightful resisters may, through persistence and probing the limits of the permissible, create their own opportunities” (O’Brien 2013:1053)

In this chapter, the aim is to analyse how the web of artisanal fishing of anchoveta is engaging with the different institutions of the State at the edge of what is considered legal. It is interesting to analyse how different actors of artisanal fisheries have found spaces to operate within norms in ways that definitely do not align with the aims of the State. Hereafter, a review is done of some of the means used by these fisherfolk, such as being part of an informal fleet, deviating fresh anchoveta for the production of residual fishmeal, or avoiding fines by using the norms in the literal sense.

While contesting what is institutionalized, the fisherfolk also have gone further from the boundaries of legal. They commercialize with illegal plants of production of fishmeal, even operating in ways that might put at risk the sustainability of anchoveta, the resource on which they livelihoods depend for. In addition, this is done in a somewhat systematic way, open at the eyes of everybody.

It should be noted that although it seems that the State crumbles when implementing textbook policies in this complex web of actors, it is likely that they adapt the rules to the complexities of artisanal fishing. In Chapter 6 there is a discussion on the reaction of the State entities and the dynamic relationship between what can be resistance and the prevailing of a legal frame to include all the actors.

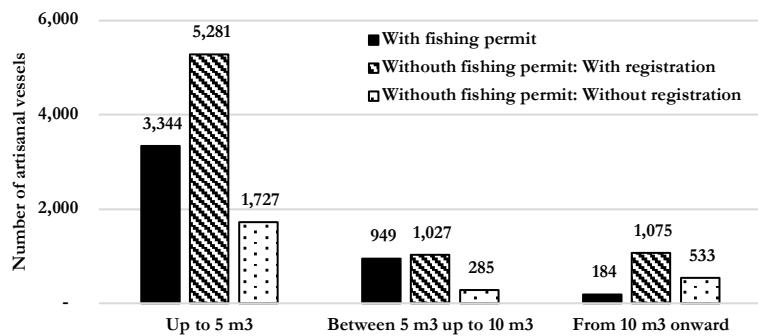
Below, is a further analysis of (i) the systematic operation of a fleet without a regulatory framework, (ii) the diverse ways in which the artisanal fisherfolk do not comply with the regulation that compels them to sell their catch for DHC and produce fishmeal (iii) their sharp methods to avoid fines, and (iv) how their fishing might be endangering the sustainability of anchoveta.

4.1. A fleet without a regulatory framework

As described above, according to the first –and only– census of artisanal fishing, in 2012, 60% of the artisanal fleet was informal (INEI 2012). That is to say 9,928 vessels did not have fishing permits and registration as presented in Figure 4.1, despite these two documents being the basic requirements to be part of the formal artisanal fleet. By 2018, it is only expected that this number has significantly increased.

In fact, since 2012, it is illegal to build fishing boats, because it was decided that there was too much pressure on fish stocks, and thus their sustainability might be endangered if the fishing fleet continued increasing. However, as in the San Andrés’ case, boats continue being built across the Peruvian coast. Figure 4.2 and Figure 4.3 shows how this is done openly, even at the eyes of the authorities.

Figure 4.1
Informality in artisanal vessels, according to haul size, 2012



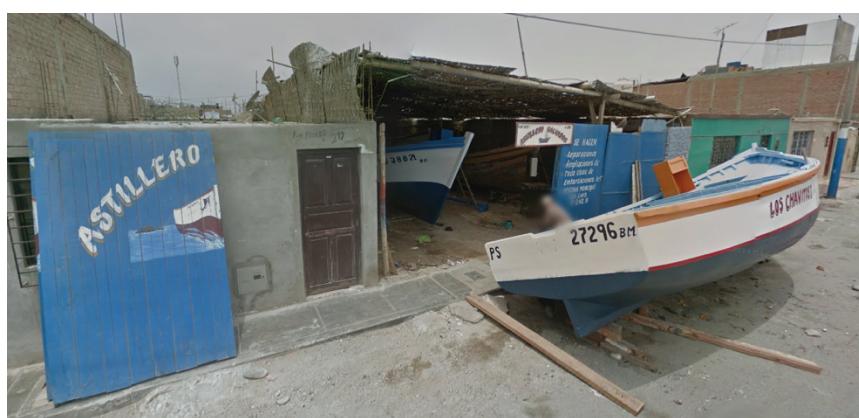
Source: INEI (2012)

Figure 4.2
Construction of vessels in Parachique, Piura region



Source: Ojo Público (2017)

Figure 4.3
Construction of vessels in San Andrés, Ica region



Source: Google (2013)

This practice involves, not only boat owners that order new vessels, but also the people that work in the shipyards. It is a coordinated economic structure that challenges the law, while at the same time keeping a low profile. Otherwise, the supervisors from PRODUCE, together with the marine police (DICAPI), might decide to take action. It would seem that there is a consciousness regarding what is not rightful for them, and it is uncertain what this ‘no right’ would be: if there is a lack of right to endanger the ecosystem or a lack of right to challenge the State. That would be why fisherfolk avoid the attention of elites, including the State. Therefore, in this particular topic, fisherfolk are not as “noisy, public and open” as rightful resisters (O’ Brien 1996:34).

The following quote was published in the news portal of PRODUCE referring to an intervention in a shipyard in San Andrés:

“It disrupted the traffic, that is why, it was exhorted to suspend their illegal activities [...]” (officer from PRODUCE) (PRODUCE 2017b)

The quote shows how authorities only take actions when a relatively high profile is taken, like building vessels in the middle of road, hence disrupting traffic. Keeping a low profile would seem to be part of the strategy of fisherfolk to improve their odds of victory. This research has not found evidence of artisanal fisherfolk or vessels owners seeking the attention of authorities to change the norms that prohibits the construction of new vessels. Then, one cannot but wonder if the people involved in such activity want to keep themselves working with the uncertainty that police will approach them at any moment, if not, then why not demand the modification of such norm. Analysing what happens later when these vessels are ready to operate might help to answer this question.

As stated previously, according to the regulations, it is necessary that owners of artisanal boats have the following documentation: (i) fishing permit and (ii) registration. However, fishing anchoveta requires more paperwork¹⁷:

- a) Having a valid fishing permit.
- b) Having a technical protocol of sanitary accreditation.
- c) Having a valid registration in national list of vessels that fish for DHC.
- d) Having satellite tracking device.

(PRODUCE 2017c)

In San Andrés, there are around 150 *bolichitos*, where only about 40 have fishing permits, but that is only one of the conditions that allows them being formal, and at DPA San Andrés most of the vessels do not have the required documentation. Near there, there is another dock called La Puntilla. Fisherfolk stated that the only boats allowed to dock, were those who had all the documentation, and the anchoveta complied with the minimum size requirements. Then, the anchoveta goes directly to processing plants of DHC that already have agreements with boat owners or intermediaries.

Most of the fisherfolk in San Andrés manifested that they want to be formal. They state that being part of the system would allow them to sell their catch directly to the processing plants of DHC, and they won't need intermediaries any more. Thus, they could sell their catch at a higher price than they do currently, making the most out of their hard work.

¹⁷ Before 2017, it was also required to have a haul thermally isolated and prove of an agreement with a processing plant of DHC products.

However, one of the fisherfolk had an opinion that shows a more conflictive view of the duality of being formal/informal. He mentioned that although it was not an option for him to be formal because of the excessive requirements, being formal would actually put him in a risky position, because then he would need to finance the costs of the fishing trip himself.

“We do not want to be informal, we want to work in accordance with the law, but the State does not help us. Being formal is beneficial for us [...] [as we] no longer we would have fines”

“It’s not that we want to be informal”

“Those who have permits are the former boat’s owners. There is a new fleet, new vessels are constantly being constructed”

“We want to be formal, pay taxes and act according to law”

“They ask too much requirements, there is no money. We ask the State for time and they surprise us with fines. Being formal is not convenient. If you are formal, you do not work with intermediaries [...] you need money to invest and fisherfolk do not have it”

The formalization of artisanal vessels might have further implications than the inclusion of a new fleet to the hands of the State. When the new legislative decrees of formalization are applied, all the informal boats built until 2018 will have licenses. However, considering that fisherfolk in San Andrés will continue catching smaller anchoveta than the allowed one, they will continue selling their catch to illegal fishmeal processors. Thus, it is likely that the problem of *illegal* fishing continues. What is more, when becoming formal, boat owners will have access to other funding sources, because there will not be intermediaries, or otherwise the design of the commercialization will have to change. This then raise a question of whether there will be another agent that acts as patron by sponsoring fishing trips. The answer to this question remains uncertain, but it seems to be negative, and has not being address by the State as of yet.

PRODUCE has published diverse norms since 2012, in order to formalize the artisanal fleet. In September 4, 2018, this ministry has published two decrees. The first one (D.L. 1392) has the aim to formalize all the existent artisanal fleet at the date, and the second one (D.L. 1393) aims to enforce the prohibition of illegal fishing, that includes the construction of new boats, the operation of illegal processing plants, the operation of docks without authorization, fishing without valid documentation, and the use of prohibited gears. In a meeting where PRODUCE presented the proposal, some of the stakeholders presented their concerns regarding the perverse incentives this would have. In the future, boats will continue being constructed because of the perception that there will always be a legislative decree that makes them legal.

At a national level, one of the main organizations of artisanal boat owners—ANEPA¹⁸—showed their commitment to the norms and praised this initiative, Figure 4.4. Although for the rest of the industry these decrees would definitely benefit artisanal fisherfolk, not all artisanal fisherfolk agreed. In the same publication of ANEPAP, some fisherfolk present their support. Yet, most of the comments disagree:

“What? Are you interpreting correctly that norm? And you call yourself leaders”

¹⁸ Asociación Nacional de Empresas Pesqueras Artesanales del Perú (ANEPA)

“That is why our claims do not go well, because of people like this leader that says to defend artisanal fisherfolk, to be honest I do not know him, and why he did not defend the D.S. 19 that also defends fisheries [...]”

“This leader appears today as the Saviour, why is that?”

After the publication of such decrees, in September 19, 2018, fisherfolk –of all sort of fish species—from San Andrés protested against the decree 1393. For them, many of their fellows would not be able to work after the publication of the D.L. 1393, because there are not enough conditions for them to formalize in the D.L. 1392, and thus they will be kept from informal fishing. They mobilized and blocked the road to Paracas, where the National Reserve is located, as presented in Figure 4.5 and did not go out to fish for three days, as organized by the leaders of the fisherfolk’ organization. Certainly, this was an open and loud demand for the attention of the State, far away from the quietness from everyday politics that describes Kerkvliet (2005) and more relatable to resistance. Leaders indicated that they searched the backing of the major of the Ica region, and if they did not get it, they would go directly to Lima, to the offices of PRODUCE. However, this call for attention was not successful, because neither PRODUCE nor the regional government took this matter as a serious claim.

Perhaps this is related to the fact that fisherfolk’ claims seem to be circumscribed at a local level. Each community seems to be asking the State for action in benefit of their particular interests; as in the case of Piura and Chimbote described in the subchapter 3.1. O’Brien and Li (2006:64) stated that rightful resisters are usually “mindful and circumscribed, rather than national and autonomous”. In Peru, there has not been a national mobilization claiming the formalization of the undocumented artisanal fleet, nor presenting a consensual view regarding the decrees. Rather, there is constant sabotage and overlook to the rules at community level and dashed protests.

Figure 4.4

National organization of artisanal boat owners publish their support to the D.L. 1393



Source: ANEPAP (2018)

Figure 4.5
Fisherfolk from San Andrés protesting against the D.L. 1393



Source: Camacho (2018)

4.2. Production of fishmeal

Artisanal- and small-scale fleet catch can only be destined to DHC. This means that they can only supply raw material, fish, to processing plants that produce canned, frozen and dried products of anchoveta¹⁹. On the contrary, the industrial fleet is only allowed to supply processing plants of IHC, and usually the industrial fisherfolk and industrial processors of IHC are vertically integrated.

The illegal production of fishmeal and commercialization can be done in the following modes: (i) illegal processing plants, (ii) residual fishmeal processing plants and reutilization, processing fresh anchoveta and (iii) drying in the open lands. Illegal plants and open lands are sourced of fresh anchovy by artisanal and small-scale fisherfolk. According to Grillo et al. (2018), this type of illegal fishing is done on a daily basis, systematically along the Peruvian coast. The authors state that there are different factors that enable this behaviour:

List of factors that enable illegal fishing

- A high domestic demand of fishmeal that is not served by the formal industry. Almost in its totality, fishmeal and fish oil that are legally produced are exported. At the same time, aquaculture, and poultry sectors in Peru are growing. These sectors require fishmeal as an essential part of the feed for farm animals; thus, there is a growing internal demand that is served by illegal and informal channels.
- There is no equilibrium between the volume of raw material (fish) landed and the final products. When comparing statistics of production and exports of dried fish, it seems to be a high domestic demand of this product. However, there is no more evidence that this market exists.

¹⁹ I do not mention fresh anchoveta, because there is no reliable data that estimates the amount of fish that goes to local markets. In fact, this would be because there is no domestic market for anchoveta in its fresh form.

- The growth of installed capacity of production for DHC without a market that justifies it, especially for dried anchovy. There are 74 plants with a license to produce this product, however, people from the sector indicates that only 5 operate in the market. These five support 46.5% from the market, despite only having 5.8% of the registered installed capacity. It is likely that there are plants that have a license for dried fish that systematically deviate fresh anchovy to plants that produce illegal fishmeal.
- Weak inspection of local governments and inefficacy of sanctions. It is likely that local governments are involved in a corruption system, and thus these plants are operating normally. Additionally, the sanctioning process is long and the application is inefficient. In some cases sanctions can take up to seven years to be executed. Moreover, the data collected for official records is based on declarations from the processing plants, thus, there are limited ways to ensuring the authenticity of the sources and destination of the fish.

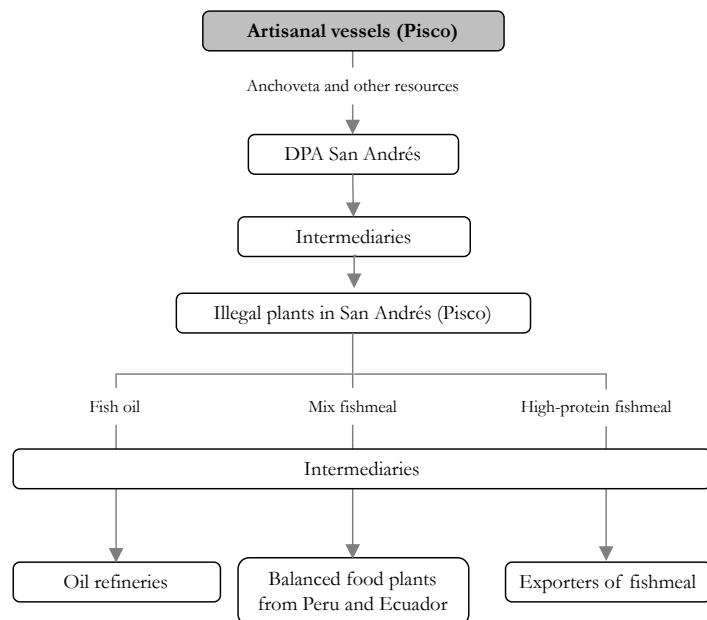
According to the experts interviewed, the deviation of fresh anchoveta for fishmeal has always happened. In Pisco, it has happened for at least 20 years, with a peak of highest deviation recorded from 2008-2010, estimated at 400,000 tonnes. Currently, they estimated it has reduced to 120-150,000 tonnes. One reason for this decrease is that PRODUCE is sending supervisors directly, instead of relying on the regional governments. But another reason might be that there is less anchoveta as it will be described later in subchapter 4.4.

Figure 4.6 presents the flow of the illegal fishing and destination of the anchoveta in San Andrés. After the anchoveta is caught, vessels unload at the DPA San Andrés. There, intermediaries receive the loads of anchoveta and transport them to illegal plants. In these plants they produce fishmeal, fish oil and a high-protein fishmeal. These end up being used in oil refineries or balanced food plants as an input in their processes, or in the container of an exporting legal plant that needed to complete a determined quantity. This operation is systematically done on an everyday basis, openly, whether there are supervisors from PRODUCE at the dock or not.

Indeed, after talking with the fisherfolk and the scientific representative at the dock in San Andrés, it was confirmed that all the fish that was seen landing, went directly to the production of IHC. If the fish were to go to DHC, they would have needed to use ice in the boat and in the containers that were being loaded to the refrigerated trucks; however, there was no ice.

The position of the fisherfolk regarding the production of fishmeal was complex. Some of them stated: "We want to sell directly to the processing plants". Others manifested that they did not know where the fish goes after selling, and thus, they did not care if the anchoveta goes to fishmeal or DHC. However, most of them stated that everybody knew who the fishmeal buyers were because of the price they pay; thus it is impossible to not know what they are going to do with the fish afterward. Others indicated that they sell anchoveta to the fishmeal producers, not because there is a feeling that they have an ancestral right to do it, rather, because it is their only option to subsist. They are specialized in that specific fishery, and in certain seasons it is the only species that they can fish. Additionally, if they have no fishing permit, no legal direct human consumption plant will buy from them. Even if they were to have all the valid documentation, the demand for anchoveta for DHC is minimum when one considers the supply side of artisanal vessels, not only in San Andrés but at a national level. The right to have an exclusive market, DHC, where they do not have to compete with industrial vessels, forms part of the inclusion discourse from the State, but it does not benefit artisanal vessels as it was promised. So, producing illegal fishmeal forms part of a rightful claim because artisanal fisherfolk of anchoveta have a right to subsist.

Figure 4.6
The flow of supply of raw material (fish) and commercialization of products from illegal fishmeal plants in San Andrés, Pisco



Source: Adapted from Grillo et al. (2018)

Others commented that they wanted a part of the quota of anchoveta, so they can sell to plants directly and they would have no need for intermediaries. They indicated that they have as much right as the industrials to sell to the fishmeal producers. Even the representatives' discourse was complex. In the case of the association that promotes direct human consumption, in certain times shifted their stance to instead ask for a part of the share of quotas of anchoveta for fishmeal to the State. A member of the association said that every person is equal to the law, thus: "Why only the big ones can make fishmeal and not us?". So, it is also the right to be treated equally. Another representative of the artisanal fisherfolk stated that some of the people that ask a share of the quota are not aware that they would have to comply with off seasons and more regulations, as industrials do. Thus, they only want to be formal and have access to sell to the plants that process for DHC.

Thus, there are the rights to subsist and to be treated equally that seem to push the contention towards the lack of compliance with rules that do not respect them. As a consequence, fisherfolk end up exploiting the gaps between "rights promised and rights delivered" (O'Brien and Li' 2006:64)

Production of residual fishmeal

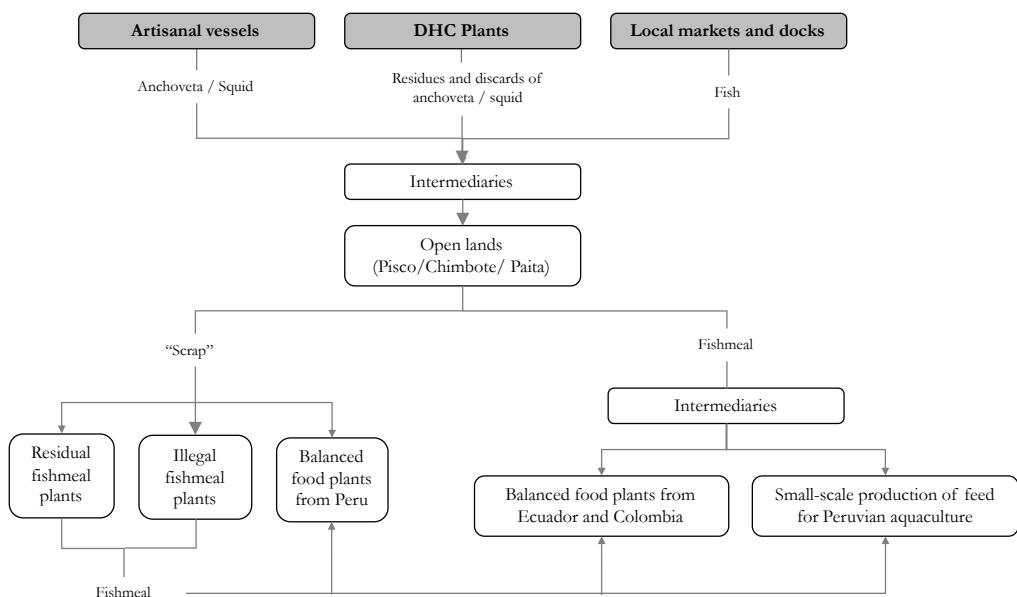
One of the regulations that has most space for the fisherfolk to operate in the boundaries of legal and illegal is the normative about the use of residues and discards of DHC (D.S. N° 005-2011-PRODUCE). Using the "sustainability" discourse, PRODUCE settled that the discards and residues of landings and primary process, from artisanal and industrial activity for DHC should be reused for the production of residual fishmeal, a lower quality fishmeal. This would be done by a specific plant called 'residual fishmeal plant'. According to the

ministry, this would allow the “integral and rational use of the hydrobiological resource” (PRODUCE 2011).

However –as presented in Figure 4.7– in practice, fresh anchoveta is deviated systematically from the DHC plants to residual fishmeal plants; artisanal and small-scale fisherfolk sell directly to these residual fishmeal plants or open lands; as do local markets (Grillo et al. 2018). The ways in which this is done varies; according, to the dimension of the activity and, thus, its supervision. For instance, in the region of Chimbote there is a higher surveillance system because it is where anchoveta is most landed; thus, any illegal activity has to find the way of being part of what is already structured as legal. An example of this is that fresh anchoveta is not deviated directly to residual fishmeal plants, but it is loaded to refrigerated trucks and these stay parked at the dock until the anchoveta is rotten, then they complete a declaration saying that the fish perished, consequently it will be taken to a residual fishmeal plant. On the other side, in Pisco (San Andrés), there are no legal residual fishmeal plants, so they need illegal machinery; and since there is minimal supervision, the most resourceful way is to directly deviate fresh anchoveta to illegal plants.

Fisherfolk, are not challenging the official State institutions as a whole, rather, their tactics are trying to minimize the loss of power of the authorities. Such behaviour seems to be enabling room to continue with their cautious operation. And, as O’Brien and Li (2006:17) indicate, they even are “taking the State at its word”.

Figure 4.7
The flow of supply of raw material (fish) and commercialization of products dried in open lands in Ica (Pisco), Ancash, and Piura



Source: Grillo et al. (2018)

4.3. Avoiding fines

During the fieldwork time, supervisors approached vessels three or four times at the day when landed and they were charging trucks, however, no fine was imposed. The supervisors indicated that they only can control those fisherfolk who have a permit, otherwise, it is as if they do not exist to the State.

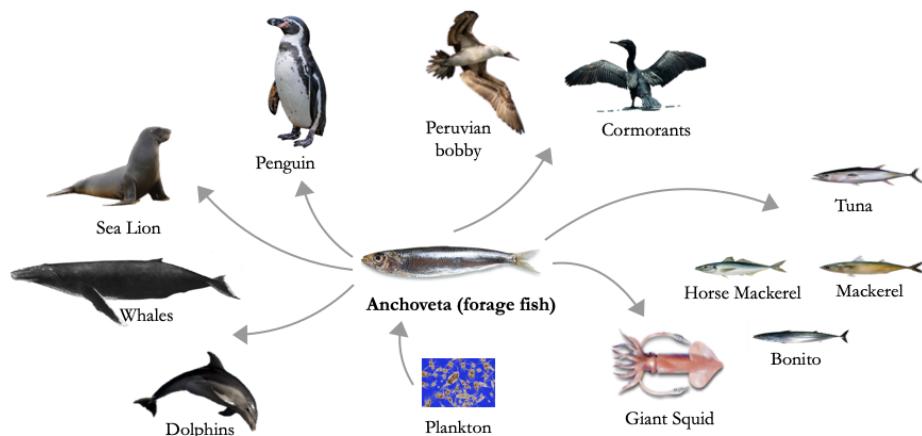
They also stated that when fisherfolk know that they are committing an infraction, like fishing juveniles, they don't show their permits, even though they might have it. This is because the sanction for not having valid documentation is only a monetary fine, even the fisherfolk may appeal later and when they present their permits, the fine will be canceled. However, if a supervisor detects a fisher with all the documentation available is catching anchoveta under the minimum size, not only will he be fined but the fish will be seized. Remarkably, the regional government officer commented that not presenting the documentation was the most common infraction.

Fisherfolk seem to be reshaping the State and making the most of opportunities that come to them. These opportunities have been created by the State itself, and the consequential contention forms part of a process of "State building" where fisherfolk intervene by pushing against boundaries (O' Brien 1996:34). However, one should not consider that there is a right claimed associated to this particular conduct of the fisherfolk. Rather, it seems that it is just an everyday act, or "petty acts" to resist authority (Scott 1986:8).

4.4. Endangering the sustainability of anchoveta?

Anchoveta is considered forage fish; in other words, it feeds from plankton and it is food for bigger predators, as Figure 4.8 presents. Thus, endangering the sustainability of anchoveta, means endangering the sustainability of these other animals. Ultimately, people depend directly or indirectly of them; tuna, horse mackerel, mackerel, bonito and giant squid are species included in the daily diet of Peruvians and exported. Cormorants, Peruvian bobby, Penguins, and sea lions belong to touristic national reserves; as well as whales and dolphins have created regional touristic economies.

Figure 4.8
Overview of anchoveta's food chain



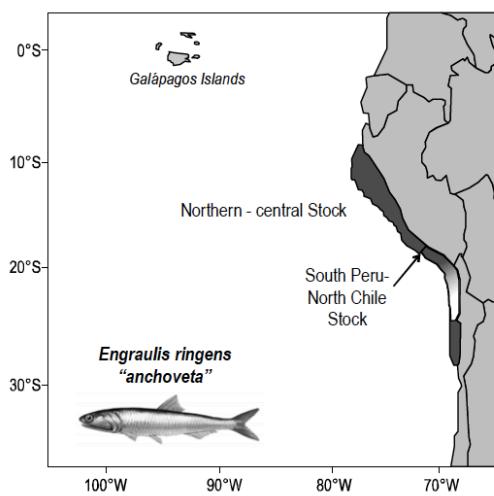
Source: Author

All things considered, the management of anchoveta is structurally divided in these two sectors: IHC and DHC. There is no clear scientific explanation of why the anchoveta management has been divided according to the destiny it takes, rather than per species, or an ecosystem approach²⁰. There is also no clear explanation as to why artisanal and small-scale fleets are not allowed to sell their catch to fishmeal production. In fact, according to scientific experts interviewed, this has no rationale, since the ecosystem is one. It might be that the only difference is that for the nature of their fishing methods, the artisanal fisherfolk fish closer to the coast, where it is most likely to find a spawning biomass of anchoveta. However, this hasn't been sustained by PRODUCE nor IMARPE, and it represents just a hypothesis that was inferred after the interviews with scientific experts.

There are regulations for all types of fleet, and these are geared to the ecological conditions of the fish and the marine ecosystem. Three of the most relevant are the fishing zones, seasons, and minimum size. Figure 4.9 shows how anchoveta is distributed in two main stocks: Northern-Central stock and Southern stock. It is the Northern-Central stock that is the most regulated since it represents 94% of the landings (2017-2018) (PRODUCE 2018a). In fact, this stock is only regulated by the Peruvian State; while the Southern stock is regulated both by Peru and Chile. Due to information limitation and the dimensions of the problem; in this research issues concerning the Northern-Central stock are addressed.

Regarding the fishing seasons, these only apply for the industrial fleet. Their objective is to protect the reproduction of anchoveta and those fish that haven't reached the minimum size, hence, they haven't grown enough to reproduce. This includes the spawning fish, that are in a reproductive cycle. For each of the zones, there are given two fishing seasons, the first one usually is in April, and the second one in July. Each season finishes when the TAC is reached or when a new reproduction cycle starts.

Figure 4.9
Distribution of anchoveta by stocks



Source: Perea et al. (2011)

²⁰ Which takes the entire marine ecosystem into consideration.

The minimum size of catch for anchoveta, is 12 cm²¹. This has been set by PRODUCE and IMARPE, the scientific entity, and it rules for all type of fleets. Fishing anchoveta below the minimum size is sanctioned because it endangers the reproduction of the next batch; and thus, puts anchoveta sustainability at risk. However, after lobbying of the industrial fisherfolk, PRODUCE published a normative (D.S. N° 024-2016-PRODUCE) that allows to not be sanctioned when fishing juveniles –fish under minimum size– if they communicate to the ministry where such fishing took place; consequently closing the zone. The motive behind it, is that –at the date– there is no technology that allows, not even industrial vessels, to identify the size of the fish before extracting them. And often, to avoid be sanctioned, the boat captain would order to discard the fish and throw it back to the sea if he or she identifies that there was a proportion of juvenile fish that exceed the limit. For PRODUCE, this practice was as endangering as fishing the juvenile itself, because this fish would perish anyway.

According to one of the leaders of the local organization in San Andrés, during August 2018, the anchoveta was small and juvenile, as a consequence of climate change.

It was observed that in fact, all the anchoveta that was unloaded from the boats in San Andrés was smaller than the minimum allowed size (12 cm). However, no supervisor was there.

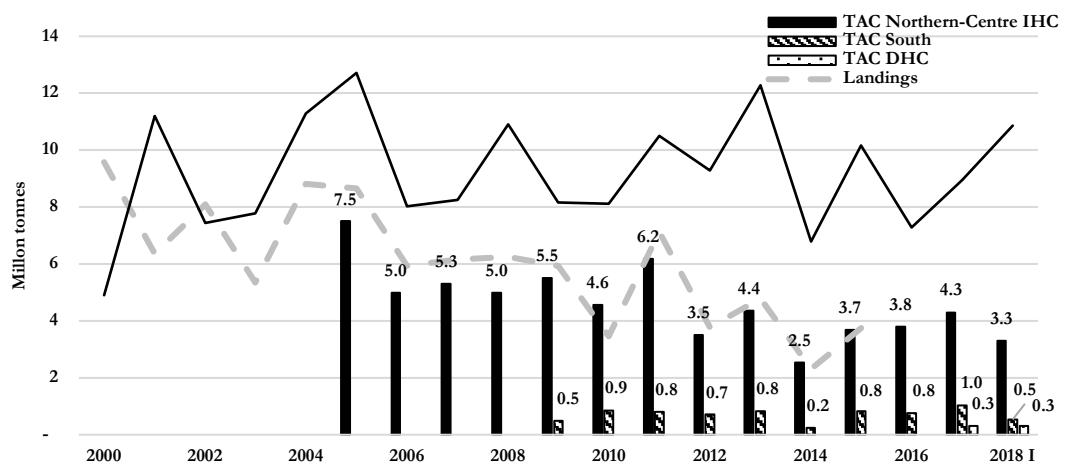
“We don’t want to overexploit the resources...there are good and bad fisherfolk, but all of them are coming together” (San Andrés’s artisanal fisher’s organization representative).

The interviews results indicated that fishing in San Andrés is very “coastal”. In other words, because of their size and fishing methods, they have to fish very close to the coast, in the first 2 miles, which are the spawning grounds of anchoveta. Through observation, the artisanal fisherfolk were not concerned about endangering the reproduction and future stocks of anchoveta. Only one of the representatives of an organization stated that they are going to *negotiate* with PRODUCE because they are forced to sell their catch to the illegal market because it is not legally allowed to sell the size of anchoveta they were catching. As a matter of fact, during the time of the local research conducted, the artisanal fisherfolk of *pejerrey* (other fish species found in the Peruvian sea) protested to cancel its close season, and after multiple discussions and protests, PRODUCE gave them permission to fish juvenile *pejerrey* based on questionable scientific justifications and directly endangering the sustainability of this fish.

It is not certain that the sustainability of anchoveta is guaranteed because of a TAC, and the IVQs system. In fact, Figure 4.10 shows that for the period of 2000-2018, there is a declining trend in the landings. Even the industrials are fishing less, and they are fishing in fewer days due to the uncertainty if they are going to find fish the next day.

²¹ There is 10% tolerance.

Figure 4.10
Biomass, landings and TACs of anchoveta 2000-2018



Source: INFOPES (2018)

Chapter 5

The rationality of artisanal fisherfolk in the anchoveta fishery

In the previous chapters, this paper analysed ‘how’ the fisherfolk are engaging with the diverse institutions of the State. Building on that analysis, Chapter 5 discusses ‘why’ and what are the motives that cause the trigger of such behaviour. As the title of this chapter indicates, the aim is to critically analyse in what ways the decisions of fisherfolk are structured. In other words, an analysis of the rationality of the contention between fisherfolk and the diverse institutions of the State.

For neoclassical economics, it is assumed that all individuals take rational decisions. That means, to always maximize our own benefit. It is considered that artisanal fisherfolk are irrational because they do not maximize benefits, they live outside the rule of law, lack in efficient techniques, among other reasons. Some even justify that is the reason why they are not included in the IVQ system. However, as previously discussed, in some ways they tend to form an ‘organized chaos’, that makes politics on an everyday basis. In certain occasions, claiming for the attention of *elites*, including authorities; in others, trying to go out unnoticed.

Scott (1986:29) states that the intention of peasants when they make acts of petty resistance or when they are more dramatic, is almost always survival and persistence. From the analysis of this research, it can be inferred that actually, fishing communities accept the forms of the extraction of surplus, and the different rights that have been given to them, not necessarily equally than to industrials. In some ways, this can be understood as how they are complying with the State’s rules. However, this does not mean that they would not systematically act on everyday basis pushing against the boundaries, complying but grudging at the same time. It does mean though, that if they feel in some way that their subsistence and survival is being violated, then a revolt is likely, like in the protests of September 2018.

Their survival depends on their income and although these fisherfolk work the whole year, anchoveta fishery does not provide them with a stable income. Usually, they alternate anchoveta with the other types of fish, depending on the season. The highest catch of Anchoveta are usually done from April to November, and bonito and “white fish” can be caught in the rest of the year, according to their individual seasons. The irregularity of income comes with constant uncertainty if they are going to find fish and how much, as a consequence of the climate conditions. Unlike farm animals, fish is not static and has a high mobility along the coast and regarding the deepness of their location in the sea. According to the fisherfolk, they have sonars that indicate where the fish is but, in some cases, it is too deep to catch it with their artisanal nets. Some of the fisherfolk indicated that this uncertainty was the nice thing about fishing.

“What is nice about fishing is that sometimes there is fish and others not”. (Artisanal fisher from San Andrés)

The irregularity of the location of anchoveta also affects the costs of fishing trips. During the research days in San Andrés, anchoveta was not near the district’s coast, so boats had to travel to the district of Tambo de Mora, Chincha city, 50 km north of San Andrés. Consequently, some boats arrived early in the morning to the dock with no catch, because the cost of the fuel would be higher than the price they would have received back.

It is the intermediary who seems to have the power to set the price. According to the fisherfolk, if the fisher does not agree, most likely there will be another one willing to sell their catch at a lower price. In fact, prior to the research days at San Andrés, the fisherfolk organized a strike against the intermediaries asking for better prices. Despite most of them not going out to fish, the intermediaries were still able to find fisherfolk who were willing to sell. The difference of power with intermediaries, State or industrial, are not causing a revolt per se, but rather, it is the affection of surviving that day, that week, that year.

Hobsbawm (1973:12) discusses that “to be subaltern is not to be powerless. The most submissive peasantry is not only capable of ‘working the system’ to its advantage –or rather to its minimum disadvantage– but also of resisting and where appropriate, of counterattack”. Maximising benefit, or minimizing losses (or disadvantage) seem to belong to the same rationality. Thus, the subsistence ethics from fisherfolk is not only but a way of accepting what the system has given to them, without the aim of transforming the structure of power within fisheries, trying to survive day to day.

Chapter 6

Artisanal fisherfolk in policy making

“If modest variations are persistent and widespread, they can have national implications”
(Kerkvliet 2009: 240)

Over the previous chapters the analysis was conducted of ‘how’ fisherfolk are politically engaging with the State. Yet, these only helped to develop a static analysis of such interaction. That is to say, it was pending –until now– an analysis of the impact of fishing communities on policy making. According to Kerkvliet, “a combination of everyday modifications and evasions and everyday resistance has been known to contribute to authorities adjusting policies or even making new ones” (2009:238)²². There are three ways in which everyday politics could have an impact of this type: (i) through interaction between citizens and local officials, (ii) through local arrangements that can feed national policy changes, and (iii) by affecting outcomes important for authorities.

In this chapter, the aim is to discuss how fisherfolk’ politics has redefined the different institutions of the Peruvian State, bearing in mind that people can influence the State in more ways than making the typical *official politics*²³. This seems to be the way in which the events have unfolded in the anchoveta fishery. By supporting, complying, modifying, evading or resisting on a daily basis, it seems that the fisherfolk pushed the State to take certain decisions that others (e.g. industrial fisherfolk) might consider incorrect, or not ideal. This is precisely what everyday politics proposes: that the trigger to influence State’s politics, is to go from everyday modifications and evasions of regulations to resistance (Kerkvliet 2009: 237). A combination of these would influence the authorities to adjust policies, or even to make new ones. Yet, this should not mean that the fisherfolk’ actions are the only, nor main, factors that affected the State’s decisions, but a part of the influential factors.

Regarding the first way of influencing regulations, the day to day interaction of fisherfolk of anchoveta is with supervisors from PRODUCE and scientific officials. Since the latter does not represent a threat for the fisherfolk, and their role lies in observing, there is no factual channel through which they can have a larger sphere of influence. However, their relationship with supervisors might be an effective channel. As described in the previous sections, although this is a tense relationship, fisherfolk and local supervisors have implicit agreements regarding illegal acts and/or informality. Corruption within the supervision of fisheries has been systematic, and persistent; to the point that informal and illegal activities are performed on a daily basis and openly. The resistance of artisanal fisherfolk, by operating in the boundaries of legal and illegal, seems to have pushed the different institutions of the State into constant modifications of the rules, in order to make this ‘chaotic’ sector become a part of an ordered industry. Examples of the modifications include: simplifying the requirements to become formal, incentivizing the creation of fishing cooperatives that

²² Everyday modifications and evasions refer to “[...] modifications and evasions of what authorities expect or the political system presumes [...] usually convey indifference to the rules and processes regarding production, distribution, and use of resources. [...] trying to ‘cut corners’ [...]” (Kerkvliet 2009:237). Everyday resistance is a type of resistance that is “[...] subtle, indirect and non-confrontational behaviour [...] involves little or no organisation [...]” (Kerkvliet 2009:233)”

²³ Official politics is the type of politics where authorities in organizations are the primary actors, and involves the making, implementing, changing, contesting, and evading policies regarding resource allocations (Kerkvliet 2009:231)

guaranteed them a fishing quota, and even creating offices for specific supervision of artisanal fishing, even though this forms part of the direct responsibilities of regional governments.

The second and third way of influencing, the local arrangements and the affecting outcomes important for authorities, would seem to overlap for this analysis. This can be seen in the case of the publication of the decrees that formalize all the artisanal fleet, published in September 2018. As presented in subchapter 3.1, in the region of Piura, these local arrangements between fisherfolk and the regional government enabled the publication of a norm that –although legally not valid– pushed PRODUCE to publicly manifest about the reality of the informality of thousands of fisherfolk. Particularly, this was a moment in which PRODUCE was preparing their own norms, (D.L. 1392) not only to formalize the fleet in Piura but at a national level. Thus, the contention with the regional government of Piura also affected the outcomes of PRODUCE's own process. They could not wait much longer, after the challenge of the government of Piura, to publish the formalization and interdiction decrees.

The way in which artisanal fisheries influenced in the policy making process, did not require coordination within it. Rather, it represented how individual processes of confrontation and indirect challenge managed to influence larger spheres. This is despite O'Brien's (1996:53) statement that is not likely that rightful resistance remakes the political system, by influencing bottom-up; that is why the politics of artisanal fisherfolk of anchoveta goes beyond the mindful and circumscribed nature of rightful resistance.

Chapter 7

Conclusions

The objective of this research was to analyse how the artisanal fisherfolk of anchoveta are challenging the State of Peru and to why this is happening. The analysis is positioned based on the work of Scott (1986), Kerkvliet (2009; 2005), O'Brien (1996; 2013), and O'Brien and Li (2006) on everyday resistance, everyday politics and rightful resistance, respectively. The goal was to succeed in contributing to the discussion that political actions may come in many shades depending on which are the triggers, and that subtle, indirect and unconscious protests can also have policy implications.

The analysis argued that artisanal fisherfolk have a historical and cultural legacy. Yet, although at first glance it would seem to be the same, it is not possible to group all of them as one. Their different expertise, the size of their vessels, their role in the artisanal value chain, and their location, all influence their identities, and consequently, their claims, that seem to be circumscribed at a local level. Each fishing community has systematic ways of operating and different fishing routines. However, at national level, their position is fragmented, and this has mitigated their success in front of *elites*, including the State. Each community seems to be asking the State for action in benefit of their particular interests.

Likewise, the State has been presented as a structure of rules that has different subparts and particular dynamics, that influence the perception of fisherfolk. When unpacking the actions and decisions taken by the State, it was possible to identify how fisherfolk sought out to fill structural gaps within it. These gaps are mostly located in the division of functions between central government and regional governments. Low levels of supervision and corruption are key in offering opportunities for artisanal fisherfolk to act in their own benefit.

When analysing how the actors within artisanal fishing of anchoveta are engaging with the different components of the State, it was discussed that fisherfolk operate in the boundaries of legal and beyond. In some cases, they have found spaces to operate within norms in ways that definitely do not align with the aims of the State. Constructing vessels after its prohibition is one example of going beyond what is legal. This is done by avoiding the attention of *elites*, and the authorities only take actions when a relatively high profile is taken. Furthermore, the solutions of the State, as the formalization decrees, fail to understand the complexities that characterise artisanal fisheries or any other informal sector. The production of fishmeal is done in the limits of what is allowed, and is yet another case where fisherfolk operate systematically on an everyday basis, whether there are supervisors present or not. Even when juvenile anchoveta is caught, fisherfolk find strategies to not be seized, using regulations to their benefit. Although, it would seem that, because of their specific fishing techniques, they might be endangering the sustainability of anchoveta, the impact of their activity is minimal in comparison to the industrial fleets. Overall, the rightful claims of artisanal fisherfolk—regarding their subsistence and to be treated equally—and the ‘petty acts’, are exploiting the gaps between the rights the State promised them, and the rights that were delivered. However, they are not challenging the official State institutions as a whole. Instead, their tactics are trying to minimize the loss of power of the authorities, by –when possible—taking the State at its word.

It was also considered that artisanal fishing communities accept the forms of the extraction of surplus, and the different rights that have been given to them, that are not necessarily equal to those working in industrial vessels. In some ways, this can be understood that they are complying with the State’ rules. Yet, it does not mean that they would not

systematically act on an everyday basis, by pushing against the boundaries, complying but resentful at the same time. Nevertheless, it does mean that if they feel in some way that their subsistence is at risk, then a revolt is likely, and these are the main triggers for the described behaviour. Above all, because their survival depends on their income and, in spite of how these fisherfolk work the whole year, anchoveta fishery still does not provide them a regular stable income. All things considered, artisanal fisherfolk do not seem to be the irrational group as others portray them. Their strategy is not to maximising benefit, rather to minimize their losses or disadvantage. Thus, the subsistence ethics from fisherfolk is not only a way of accepting what the system has given to them, but rather a way to survive day to day, without the aim of transforming the structure of power within fisheries.

By not doing the typical *official politics*, the engagement of artisanal fisherfolk with the State has reshaped and redefined the different institutions of the former. On the one hand, this has been possible due to the daily resistance of fisherfolk of anchoveta to the supervisors, by operating in the boundaries of legal and illegal, and what is completely illegal. On the other, this is due to the local arrangements with regional governments and affecting outcomes important for the central government. Either supporting, complying, modifying, evading, or resisting on a daily basis, the fisherfolk pushed the State to take certain decisions that others (e.g. industrial fisherfolk), might not consider adequate. Yet, it should be acknowledged that this is only one component of the many that affected the State's decisions.

The results of this analysis are not only applicable to the livelihoods of Peruvian artisanal fisherfolk of anchoveta, but it is relatable to the struggles that other artisanal fishing –and in general extractive– communities have in Peru and many other countries. These are people that have always done their activities in manners that do not fit in the rational and logics of contemporary capitalism. People that do not seem to be efficient, nor maximizing profits, nor being ‘modern’. Far from that, they belong to a complex web of power relations within actors –even within households– that wrongly seem to be one homogenous group. Consequently, the State’s mission of formalize, modernize, and include them in markets, has been unsuccessful. Although the good intentions behind the State’s policies are not called into question, such efforts have lacked space for the multiple complexities of these communities.

Extractive communities have always existed, people have relied on extracting fish, and other resources, since ancient times. However, there has been a structural change in the path of these communities and their main objectives, when they passed from fishing as a means to eat, to fishing as a means to produce a commodity and try to belong to an industry that despise them. By doing everyday politics, resisting daily, or protesting in the streets, extractive communities around the world continue reshaping States and making the most of opportunities as they come. Yet, it should not come as a surprise, that if following on this path, eventually these communities would fade as they are today. As time passes, more fisherfolk do not want their children to continue with the fishing legacy and try take measure to avoid it. However, this will only mean that they have evolve together with the State.

Appendices

Appendix 1 List of interviewees

	Actor	Date
1	Artisanal fisher	16-Aug
2	Artisanal fisher	16-Aug
3	Artisanal fisher	16-Aug
4	Artisanal fisher	17-Aug
5	Artisanal fisher	17-Aug
6	Artisanal fisher	17-Aug
7	Artisanal fisher	27-Aug
8	Artisanal fisher	27-Aug
9	Artisanal fisher collective representative - "Asociación Pesquera para el Consumo Humano" (APCH)	Multiple days
10	Artisanal fisher/ Intermediary	28-Aug
11	Artisanal fisher/President of the local artisanal fisherfolk "Asociación de pescadores artesanales de bolichitos de San Andrés Victor Peña Nieto"	29-Aug
12	Illegal plant worker/ Supervisor of boats	28-Aug
13	Industrial, human consumption - National Society of Industries (SNI)	13-Aug
14	Local scientific entity - "Instituto del Mar del Perú" (IMARPE)	Multiple days
15	National authority - Ministry of Production	01-Oct
16	NGO expert - Oceana	29-Aug
17	Regional authority - Ministry of Production	21-Aug
18	Researcher - "REDES Sostenibilidad pesquera"	Multiple days
19	Researcher - Intelfin	Multiple days
20	Supervisors - Ministry of Production	28-Aug

Appendix 2

List of guiding questions for interviews

List of questions to fisherfolk

- How is the day to day of fishing anchoveta? For how long do you travel? How far into the sea you go? How many people is needed?
- How long have you been involved in this activity? How come you started to work as a fisher? Which is your role in the activity?
- How do you balance your expenses with the revenues obtained from fishing anchoveta? What do you use this money for? Does it provide enough for you to support your family?
- What do you think about the differences between fishing formal and informal? What do you think are the benefits of fishing formal and informal?
- How is the relationship of the fisherfolk with the Ministry of Production (PRODUCE)? And what about the relation with the supervisors of PRODUCE? How is your interaction with the Regional Government (DIREPRO)? What about DICAPI?
- Do you know where your catch goes when selling it? Is it important for you to know it? What are the reasons why fisherfolk sell their catch for fishmeal? Do you have any preference to sell for DHC or for fishmeal? Why?
- Do you belong to an organization of fisherfolk? Do you feel that this organization represents your demands to the ?

List of questions to National and Regional government

- How is the dynamics of the artisanal fishery of anchoveta (at local and national level)?
- How many artisanal fisherfolk of anchoveta are currently (at local and national level)? Is there any information about how many of them don't have fishing permits?
- What are the main functions of your office? What about regarding to the artisanal fisherfolk of anchoveta?
- How many supervisors does your office have?
- How do you balance the budget that your office receives with the expenses? In case if it is not enough, what other activities do you need budget for?
- How is the relationship between your office and the artisanal fisherfolk (at local and national level)?
- Are artisanal fisherfolk of anchoveta complying with the regulations? What is the reason why they can't sell their catch for fishmeal?

Appendix 3 Headlines about protests in San Andrés

Screenshot of the RPP Noticias website showing a news article about artisanal fisherman protests in Pisco.

Portada > Actualidad

Pisco: pescadores marcharán contra la pesca industrial este lunes

Los hombres de mar exigen la derogatoria de la resolución ministerial N° 009-2015 que autoriza la pesca de especies como el bonito, el jurel fino y la agujilla.

Redacción | 19 de enero del 2015 - 8:51 AM



RPP/Referencial



Más en Actualidad



Source: RPP (2015)

Screenshot of the El Comercio website showing a news article about artisanal fishermen protests in Pisco.

El Comercio

Pescadores artesanales realizaron marcha de protesta en Pisco

Piden regulación de normas a Ministerio de la Producción ante constantes operaciones que impiden el desarrollo de sus labores



Pescadores artesanales realizaron marcha de protesta en Pisco



Source: El Comercio (2014)

canal N.pe
Todas las Noticias. Siempre

Miércoles, 03 de octubre del 2018 [f](#) [t](#) [G+](#) [i](#) [s](#)

CRONOLOGÍA [MÁS LEIDAS](#)

ACTUALIDAD [Hace 3 horas](#)
Mamanivideos: Ministerio Público citó a Mercedes Aráoz [f](#) [t](#) [G+](#)

ACTUALIDAD [Hace 4 horas](#)
Elecciones 2018: Reggiardo dice que no excluir a Urresti es "indignante" [f](#) [t](#) [G+](#)

ACTUALIDAD [Hace 4 horas](#)
'Cuellos blancos': Procuraduría Anticorrupción denunció a Pedro Chávarry [f](#) [t](#) [G+](#)

PERÚ [16.07.2014](#) [Compartir](#) [Comentar](#)

Pisco: pescadores protestan contra veda de anchoveta



Foto: archivo El Comercio
Piden que se modifique la norma o realizarán un paro provincial.

Source: Canal N (2014)

RPP NOTICIAS [EDICIÓN NACIONAL](#) [RPP PODCAST](#)

Portada > Ica

Pescadores artesanales bloquearon carretera Pisco - Paracas

La Policía permanece en el lugar para reordenar el tránsito hacia vías alternas, debido a que por esta carretera se traslada un gran número de turistas.

Redacción 04 de abril del 2018 - 11:13 AM

[f](#) [t](#) [G+](#)



Google ha cerrado el anuncio
[Denunciar este anuncio](#)
[¿Por qué este anuncio? >](#)

Source: RPP (2018)

Pescadores bloquearon carretera Pisco - Paracas

1 Hombres de mar aseguran que el DL 1393 del Produce afecta su derecho al trabajo e impide que se formalicen



1 m - !

Síguenos en Facebook 1 Like

YouTube 9K

Source: Camacho (2018)

LO MÁS LEÍDO

- 1 La Línea del Sol
- 2 Los 10 sorprendentes Arrecifes
- 3 Mau y "Quédate en casa"
- 4 Amy de la
- 5 Tula y com
- 6 Nata de Leche

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