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The role of Brazil in the International Commission for the Conservation of Atlantic Tunas (ICCAT)

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Abstract

Although Brazil has been an active voice in ICCAT in the past ten years, its leadership has been declining. This paper examines what might explain the variation of international influence Brazil has had in addressing the issues at ICCAT and argues that if Brazil wants to preserve its leadership, it must demonstrate commitment to its own waters while strengthening governmental institutions.

Keywords: ICCAT; Brazil; fishery; leadership.

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Introduction

The focus of this paper is to review the history of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and to understand and discuss Brazil's role in this international agreement over the past 10 years. ICCAT is responsible for the management of tunas and tuna-like species in the Atlantic Ocean and adjacent seas, and is one of the first regional fisheries management organizations.

The role of Brazil at ICCAT matters and deserves to be analyzed, as Brazil has been a very active voice at ICCAT in the past ten years. The country was also one of its founding nations (International Commission for the Conservation of Atlantic Tunas 1966). ICCAT was created in 1966 in the city of Rio de Janeiro, and Brazil has been a signatory member since the beginning of the agreement. Furthermore, Brazil is a biodiversity hotspot that is relevant not only nationally but also globally (Scarano et al. 2012), and even more so because the country aspires to deliver on ambitious global commitments to various multilateral environmental agreements that have biodiversity conservation as a

key component (Pires et al. 2018). Brazil does not have a well-developed fishery industry, however, it has been trying to sustain itself in this sector (Abdallah 1999; Abdallah and Sumaila 2007).

Considering the country's strategic proximity to the migratory routes of the main stocks of tunas in the South Atlantic, and the great extension of its coast of around 8,500 km, it is clear that the position currently occupied by the country in the scenario of fisheries in the Atlantic is not justified (Hazin and Travassos 2007). However, although this condition gives the country a great comparative advantage, Brazil still faces a high degree of political instability at the domestic level (Ruffino 2016). On the other hand, at the international level, during the period of study, Brazil performed well at the ICCAT, being very active and leading different thematic areas involving the future of the ICCAT, as argued here.

Thus, this paper aims to present the ICCAT's history and its relationship to Brazil. It also provides insights, not only into the "what" explains the level and variation of international influence Brazil has had in addressing the issues of the global governance of the tuna fishery, but also assesses "how" to develop a more robust fishery sector. It is argued here that due to an entrepreneurial leadership (Skodvin and Andresen 2006), Brazil could maintain its voice at the ICCAT and lead some processes, however, considering the weakness of the domestic scenario, this situation did not endure, and recently its leadership has been declining steadily.

Through process tracing (Beach and Pederson 2013), this paper analyses meeting reports from ICCAT, reports obtained from other international organizations, such as the Food and Agriculture Organization of the United Nations (FAO), reports obtained from the Brazilian government, and other peer-reviewed published papers. In order to complement and qualify the information obtained from secondary sources, data is included from seven semi-structured interviews of key Brazilian stakeholders involved in ICCAT diplomatic negotiations during the period of this study (2007 to 2017). This includes members of the Ministry of Foreign Affairs, the Ministry of the Environment and the Ministry of Fisheries and Aquaculture, in order to understand the processes of policy formulation and the repercussions of international action within the domestic level and vice-versa. These data were supplemented with participant observation at one ICCAT meeting (Recife 2009).

The ICCAT history

ICCAT's history began almost 60 years ago in 1960, when, during the Symposium of the Commission for Technical Cooperation in Africa (CTCA) on Tuna, in Dakar, the increase in Bluefin tuna catches was recognized as a potential threat to the traditional Mediterranean trap fishery due to the introduction of commercial longliners and purse seiners¹. The Symposium recommended

1 Longline fishing is a commercial fishing technique that uses a long line, called the main line, with baited hooks attached at intervals by means of branch lines. A purse seine is a net set vertically in the water. When a school of tuna is sighted, the purse seine vessel encircles the school and traps them in the net by linking back up with a smaller vessel. Purse seine is an extremely efficient method, which enables fishers to catch and freeze large quantities of tuna (Food and Agriculture Organization 2019).

that the CTCA should request the relevant Specialized Agency of the United Nations, the FAO, to convene a conference of plenipotentiaries of all countries interested in the development of high sea tuna fishery and the long-term protection of the tuna resources. The need for creating such an organization was also endorsed at the World Scientific Meeting on the Biology of Tunas, held in 1962 in La Jolla, California, U.S.A., under the auspices of the FAO (International Commission for the Conservation of Atlantic Tunas 2008).

In 1963, at the FAO Council meeting, the rapid growth of tuna fishing in the Atlantic in the absence of coordinated action to study the resources and the effect of fishing upon them was noted with concern. There was a general desire for action to be taken for the conservation and rational exploitation of the tuna resources of the Atlantic. This resulted in the creation of the Working Party on Rational Utilization of Tuna Resources in the Atlantic Ocean, which held its first session at FAO, Rome, Italy, 25-30 October 1963, as described in the performance review of the ICCAT (Hurry et al. 2008) and by Fonteneau (2008).

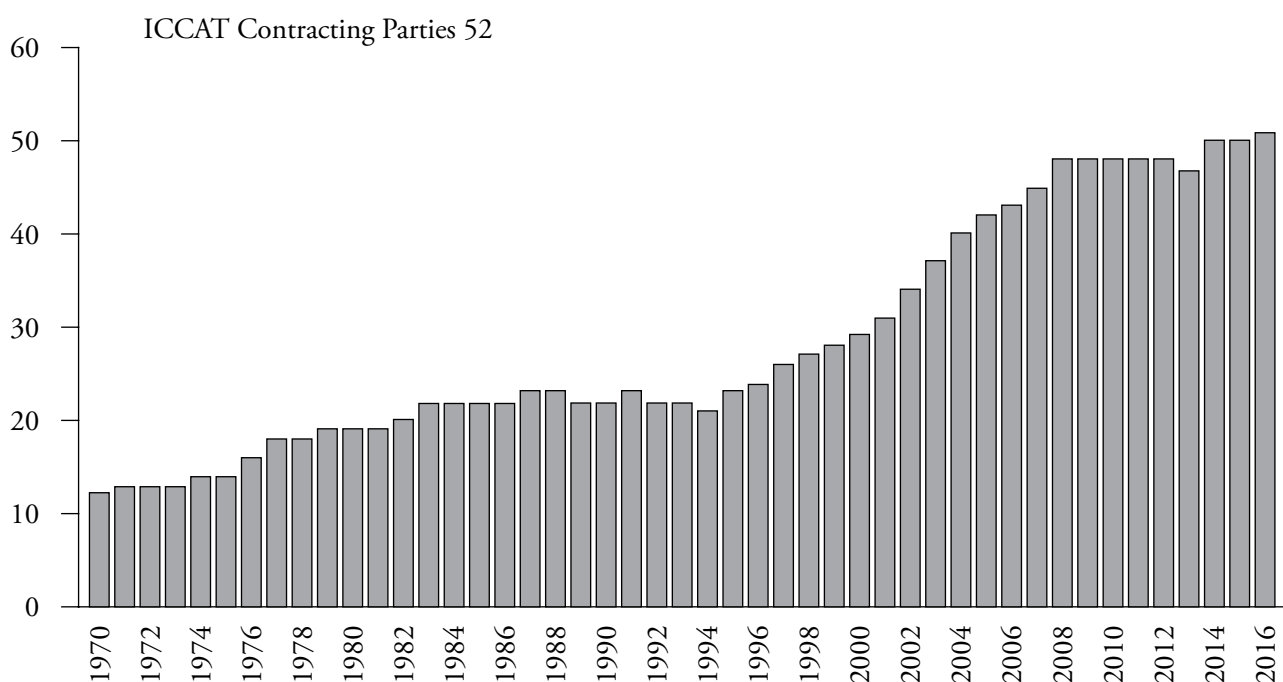
At the 13th Session of the FAO Conference, the report of the aforementioned Working Party for Rational Utilization of Tuna Resources in the Atlantic Ocean was endorsed, and it was considered that a commission for the conservation of tuna and tuna-like fishes in the Atlantic Ocean was desirable. The Director-General was then authorized to convoke a conference of plenipotentiaries for the purpose of establishing such a commission and to invite all FAO Member Nations and Associate Members. All nations and non-Members of FAO that were Members of the United Nations or a Specialized Agency of the United Nations were invited to send duly authorized representatives (International Commission for the Conservation of Atlantic Tunas 2008).

The Conference of Plenipotentiaries on the Conservation of Atlantic Tunas met on the invitation of the Government of Brazil, in Rio de Janeiro, from 2 to 14 May 1966. The Governments of the following seventeen states were represented and signed the final text: Argentina, Brazil, Canada, Cuba, Democratic Republic of the Congo, France, Japan, Portugal, Republic of Korea, Republic of South Africa, Senegal, Spain, Union of Soviet Socialist Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela.

Based on its deliberations, as recorded, the Conference prepared and opened up for the signature the International Convention for the Conservation of Atlantic Tunas (ICCAT Convention), which entered into force in 1969 when it reached the minimum for ratification. The ICCAT is, therefore, one of the oldest of the world's five major tuna Regional Fisheries Management Organization (RFMOs)², and it has also become the largest. Since the signing of the Convention, the number of contracting parties has continued to rise (Figure 1).

Amid the ratification processes in the 60s-70s, until the early 80s, the number of countries increased continuously due to a normal process of ratification, the timing of which depends on

2 The other tuna RFMOs are: IATTC (1950), CCSBT (1994), IOTC (1996), and WCPFC (2004).

Figure 1. ICCAT contracting parties (N=52).

Source: International Commission for the Conservation of Atlantic Tunas 2018

each country, but may take more than 10 years to be completed. Countries like Angola, Russia, Gabon, Cape-Vert, Uruguay, Sao Tome e Principe, Venezuela and Equatorial Guinea did eventually ratify the Convention in the late 80s.

However, after 1994/1995, the number of participating countries steadily began to rise again, which this time was due to two remarkable events within the United Nations. The first was the enactment of the United Nations Convention on the Law of the Sea (UNCLOS) (November 1994). The second stemmed from the first event and was framed by another parallel debate, which was the overarching legal regime for the conservation and management of marine living resources within areas under national jurisdiction and on the high seas, including UNCLOS-specific provisions relating to straddling fish stocks and highly migratory fish stocks.

Thus, pursuant to resolution 47/192 of the General Assembly, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, convened in 1993, completed its work in 1995 with the adoption of the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the “Agreement” - UNFSA).

The Agreement entered into force on December 21, 2001, and currently has 80 State Parties, including the European Union. It is considered to be the most important legally binding global instrument to be adopted for the conservation and management of fishery resources since the enactment of the Convention itself, in 1982. Participation in the Agreement is thus regarded as an important way for a country to signal that it is a responsible fishing nation. The Agreement sets

out the legal mandate for the conservation and management of straddling and highly migratory fish stocks, with a view to ensuring their long-term conservation and sustainable use. In line with the Agreement, the conservation and management of such stocks must be based on the precautionary approach and the best scientific evidence available. The Agreement also elaborates on the fundamental principle established in the Convention, that states should cooperate in taking the measures necessary for the conservation of these resources. Under UNFSA, regional fisheries management organizations and arrangements (RFMOs/As) are the primary vehicle for cooperation between coastal states and high seas fishing states in the conservation and management of straddling fish stocks and highly migratory fish stocks.

With this, many countries that signed UNFSA, and which were not yet involved in any RFMOs, were obliged to sign and join an RFMO. The number of ICCAT countries increased by 2010, but has now stabilized, as most states that have a fishery interest in the Atlantic Ocean are already part of the agreement. In addition to this, in 1995, the FAO Code of Conduct for Responsible Fisheries was also adopted, showing that the international arena was attentive to likely future developments.

The ICCAT's structure is comprised of a Commission, Council, two standing Committees (one for Finance and Administration and one for Research and Statistics) and four Panels that are responsible for keeping track of the species, group of species or geographic area under its purview and for collecting scientific information and other relevant information pertaining to the mandate area. ICCAT has its own scientific advisers under the Standing Committee on Research and Statistics (SCRS), which consists of scientists indicated by the Contracting Parties and Cooperating Non-Contracting Parties, entities, and fishing entities. They are mandated to advise on conservation and management measures, address specific ICCAT requests, and to meet annually and produce annual reports on stock status. Almost all of the Commission's scientific work and data collection efforts are conducted by the Contracting Parties themselves ("Strengthening regional fisheries management organisations." 2009).

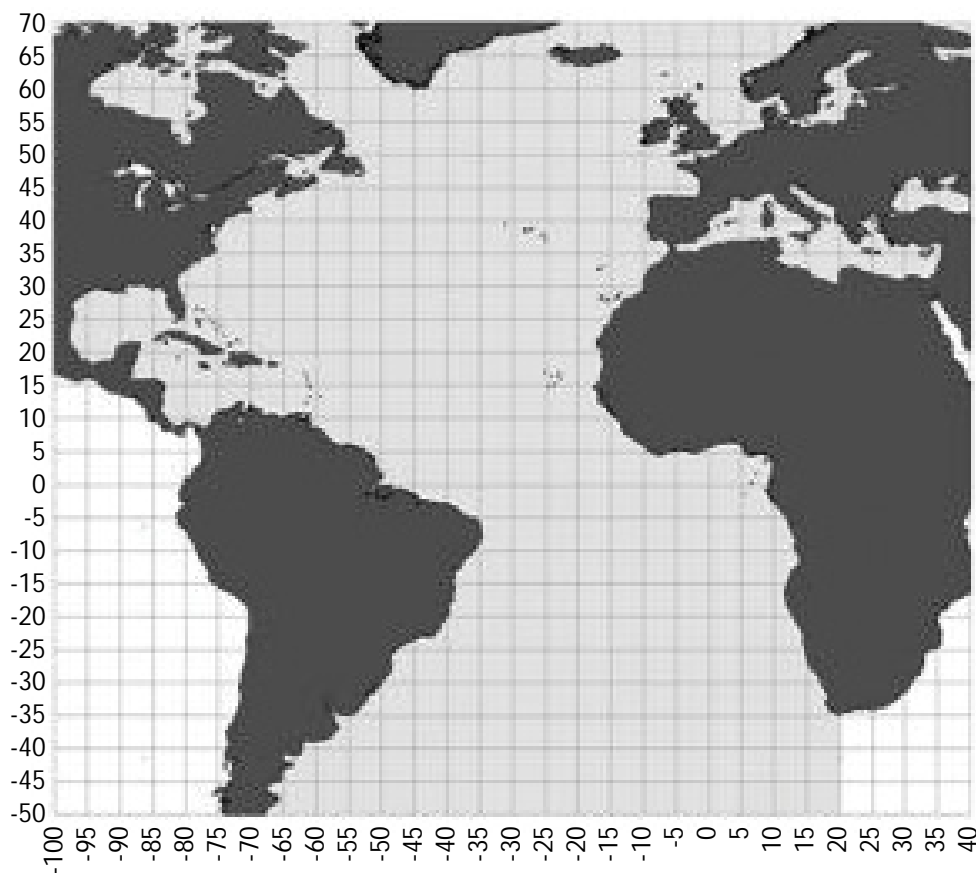
ICCAT's importance for fishery governance

According to the ICCAT website, the organization was created with the sole purpose of managing the fish stocks under its mandate and to maintain their population at levels compatible with the Maximum Sustainable Yield, as provisioned by UNCLOS. Currently, ICCAT has 52 contracting parties and a Convention area that covers the entire Atlantic Ocean and the Mediterranean Sea (Figure 2). ICCAT's mandate requires the collection and analysis of statistical information relative to current fishing conditions and population trends carried out by its Standing Committee on Research and Statistics (SCRS).

Amongst various responsibilities, ICCAT: (1) compiles fishery statistics from its members, cooperating non-members, and from all entities fishing for tuna and tuna-like species in the Atlantic

Ocean; (2) coordinates research, including stock assessments; (3) develops scientifically based management advice; (4) provides a mechanism for contracting parties to agree on management measures; and (5) produces relevant publications. Contracting parties that do not agree with a management measure adopted by the Commission may lodge an objection. If an objection is submitted in due time, that measure is not applicable to the contracting party that lodged it (International Commission for the Conservation of Atlantic Tunas 1966).

Figure 2. ICCAT Convention area.



Source: International Commission for the Conservation of Atlantic Tunas 2018

About 30 species are of direct concern to ICCAT over a very large area (Figure 2): Atlantic Bluefin (*Thunnus thynnus thynnus*), skipjack (*Katsuwonus pelamis*), yellowfin (*Thunnus albacares*), albacore (*Thunnus alalunga*) and bigeye tuna (*Thunnus obesus*); swordfish (*Xiphias gladius*); billfishes such as white marlin (*Tetrapturus albidus*), blue marlin (*Makaira nigricans*), sailfish (*Istiophorus albicans*) and spearfish (*Tetrapturus pfluegeri*); mackerels such as spotted Spanish mackerel (*Scomberomorus maculatus*) and king mackerel (*Scomberomorus cavalla*); and, small tunas like black skipjack (*Euthynnus alletteratus*), frigate tuna (*Auxis thazard*), Atlantic bonito (*Sarda sarda*) and others. This is not an easy task to manage, as it involves many species, different countries, and consequently a great challenge to become a successful RFMO.

With the development and entry into force of the United Nations Fish Stocks Agreement (UNFSA) in 1995, the international community made a commitment to strengthen, where needed, Regional Fisheries Management Organizations (RFMOs). Since then, RFMOs have been under increasing pressure to improve management of the fishery resources under their control. The expectations placed on RFMOs have grown over the past decades alongside a proliferation of international hard and soft law, and there continues to be widespread concern over the performance of RFMOs. This is reflected in calls within international law for organizations such as the United Nations and the FAO to make improvements in the operations of the RFMOs. As a result, a number of RFMOs have undergone significant changes in recent years, with varying degrees of success in terms of ensuring stable cooperative agreements and improved management of the fishery resources under their control.

In this context, the OECD (Organization for Economic Co-operation and Development) published a study in 2009 which reviewed the experiences of four RFMOs: the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), International Commission for the Conservation of Atlantic Tunas (ICCAT), the North East Atlantic Fisheries Commission (NEAFC), and the North Atlantic Fisheries Organization (NAFO). The objective of the study was to elicit key lessons from the recent experiences of each of these RFMOs in order to inform efforts to strengthen RFMOs, in general, bearing in mind that RFMOs have been engaged in a process of performance review since the last decade. The study focused on the political and economic issues underlying the process of implementing change in the structure and operations of RFMOs.

It is important to recognize that change may occur at both a large scale (such as major reform and re-writing of a convention underpinning an RFMO) and at smaller scales (such as introducing new catch information systems or dispute resolution mechanisms). The OECD study analyses how the pressure for change arises, how it gains momentum, and how the outcomes are sustained over time. The study also provides insights into ways in which governments and international organizations can help smooth the path of change in strengthening RFMOs. While there may be some questions over the effectiveness of some of these changes and the extent to which they are actually implemented by some Contracting Parties to ICCAT, the changes have helped to move the organization towards a more effective framework. This is reflected in the success stories of some specific stocks under ICCAT management, such as the recovery of the Atlantic swordfish stocks, illustrated in the OECD (2009) study.

Another very emblematic and widely discussed case under ICCAT management that is under improvement is the Eastern Bluefin tuna. The topic is so important that it was considered crucial, and the performance review stated that the judgment of the international community on ICCAT would be based largely on how the management of fisheries on Bluefin tuna (EBFT) would be accomplished along the years (International Commission for the Conservation of Atlantic Tunas 2008).

ICCAT has undergone two Performance Reviews (International Commission for the Conservation of Atlantic Tunas 2008; 2016). In the second one, ICCAT was congratulated to make significant progress since the first performance review, particularly as it had adopted “appropriate measures to strengthen and improve management of the species under its competency.” However, much of ICCAT’s success depends, and will always depend, on member countries’ domestic compliance with the regulations adopted by the Commission.

Brazil and ICCAT

Brazil is one of the major economies of the world (8th position), with a GDP of 3.2 trillion in PPP (purchasing power parity) in 2017 (“GDP, PPP: current international \$.” 2018). However, Brazil’s fisheries sector is not an important sector when compared to the others economic activities, representing only 0.2% of GDP (Abdallah and Sumaila 2007). Given the general conditions of low productivity of Brazilian waters and the prevalence of other more attractive productive activities for the investment of capital in the various moments of the country’s history, the fishing economy has rarely been the object of attention on behalf of the public and private sectors in Brazil (Peixoto 2010). As a result, the potential of fish as a source of animal protein and the comparative advantages of commercial fish stocks close to Brazilian ports were not translated into actual income for the national fisheries sector. In recent decades, however, Brazilian society has become more mobilized to obtain the recognition of their right to participate in the tuna fisheries of the Atlantic Ocean and to develop the necessary technical and infrastructural capacity together with the other international actors interested in the capture of Atlantic stocks,.

Although Brazil has a long history with the ICCAT, the Brazilian government has not always been a prominent and active voice. In fact, from the interviews, it was possible to note that there were periods of time when the governmental institutions were not giving the topic the priority it deserved. Notwithstanding, due to the involvement of particular individuals and stakeholders that had gained governmental credibility, the process itself, along with the Brazilian position, could be maintained over time. Even with the ups and downs in Brazilian government with regard to the institutional management of the fisheries sector, the country’s position in ICCAT was, for many years, sustained by key leaders from academia and from the Ministry of Foreign Affairs.

In the past 10 years, there were even *times of glory* when Brazil was a leader in ICCAT, setting the agenda, creating synergies, influencing the meetings as a key player, and even chairing the Commission. During this time, the domestic industrial fishery groups were organized enough to pursue their interests by pressuring the government to adopt favorable policies towards their sector. However, the weakness and instability of domestic fisheries institutions gradually eroded Brazilian participation in ICCAT. According to the meeting reports and interviews, as time passed, Brazil became a more “selfish” stakeholder, losing the power it once had to set the agenda within these

discussions or to actively promote compliance with rules and norms adopted by the Commission, due to the fragility of its domestic scenario. For analytical purposes, these stages will be described and divided into three phases below.

Phase 1: 2007 to 2012 - a leader

From 2007 to 2011, Brazil evolved and held a position that was cited by key stakeholders as a “global/regional leader.” Throughout those years, Brazil, as a country, did not only position itself in relation to topics of its own interest, but also regarding topics such as the ICCAT performance review, ICCAT agenda, the Future of ICCAT, and many other issues. As a leader, it was making alliances with key countries, such as E.U. states and the U.S., as well as diverse stakeholders to make ICCAT a robust RFMO.

According to official data, in 2007, the most important item on the agenda of the XX Session of the ICCAT was the election of the President of the Commission, when the Brazilian delegation launched the candidacy of Fábio Hazin, approved unanimously. The achievement of the ICCAT Chair position by Brazil was very significant, in several campaigns, and verified the leadership that has been discussed by several authors under the global environmental governance perspective (Skodvin and Andresen 2006; Young 1989). The election stemmed from the long history of active participation by Brazil in the organization, as well as the priority given to the development of the national fishing industry by the government. It also reflected the recognition by the international community of the country’s commitment to the sustainable development of marine fishery. The choice of Hazin also reflected his effective performance in the work of ICCAT over the last ten years and his in-depth knowledge of the topics covered in that forum, not only the legitimacy held within the Brazilian government. It should be recalled that, since 1988, the ICCAT chair position has not been occupied by a representative of a developing country, alternating over the last 16 years between E.U., U.S. and Japan.

Apart from the election, one of the relevant themes in this period for Brazil was to position itself in the bluefin tuna debate. Although Brazil has no direct interest in fishing bluefin tuna, the Brazilian delegation has always expressed a strong concern about the continued deterioration of the already difficult situation of the bluefin tuna stock. In particular, Brazil recalled times when continued overfishing threatened the credibility of ICCAT as an international fisheries management organization, arguing that the management of stocks in ICCAT should strictly follow the scientific recommendation. Accordingly, the Delegation always favored the adoption of measures that would allow a fast track for the reestablishment of the bluefin tuna stock, including resorting to a moratorium, if necessary, as recommended by the SCRS.

Despite Brazil having had no direct interest in bluefin tuna fishing, it insisted on making the point that respecting science was crucial to ensure, not only the conservation of the exploited stocks and the consequent sustainability of the fishery, but in the long term also the very survival

of the Commission. Indeed, under the Brazilian mandate as chair of the Commission, the ICCAT significantly changed its image from an organization that did not venerate science, to an organization committed to applying advice from the scientific community - even if it implied the need to drastically reduce the TAC of valuable stocks, as was the case for the eastern Bluefin tuna (Gonçalves 2016). In this phase, Brazil acted as a leader in the international negotiations, as defined by Skodvin and Andresen (2006, 13) “that parties can be differentiated by the extent to which they are capable of, and willing to, take on a particular responsibility of guiding other parties in directions that could lead to joint solutions.”

At the time, Brazil was expanding a programme to rebuild its national fishing fleet, stimulating the competitiveness of the fishery sector, the conservation of fishery resources, and preservation of the environment, the federal government, through Law no.10.849/2004, created the Profrota Pesqueira, with a strong emphasis on tuna harvesting. The Profrota Pesqueira Programme aimed to support the construction, modernization, or purchase of new fishing trawlers. It was supposed to include the financing of new oceanic tuna fishing vessels, in addition to refurbishment and conversion of eight coastal fishing vessels into ocean-going tuna fishing trawlers (“Strengthening regional fisheries management organisations.” 2009).

The effective operationalization of this program was based on the regulation of the Decree 5.474 / 2005, with the launching of the first call notices by the Special Secretariat of Aquaculture and Fisheries of the Presidency of the Republic (SEAP/PR), later Ministry of Fisheries and Aquaculture (MPA), which is currently extinct. It is interesting to note that by 2008, the program seemed to be underutilized with regards to the intensity of the use of the resources available (Garcia et al. 2018). Silva (2008) documents that until that year, the resources had been applied on only seven boats. Another 38 were already approved projects, totaling 45 - well below the 520 vessels originally the goal of the program. In terms of amounts, projects approved and financed up until 2008 totaled R\$ 140 million; well below the total amount available for the period (almost R\$ 1.2 billion).

However, even with this weakness and challenges at the domestic level, at the international level Brazil was regularly submitting the information and data requested by ICCAT regarding catch and effort, which placed it in a comfortable position to request the same posture from other countries. During that time, the ICCAT Compliance Committee praised Brazil for being one of the countries with the best records of compliance with its obligations to submit data and statistical information, as well as not having exceeded any of its quotas or catch limits. Backed by such a positive record, in 2008 the Brazilian delegation defended the idea that a letter of concern should be sent by the ICCAT Compliance Committee to member countries that were not fulfilling their obligations, demanding that the necessary steps be taken to remedy the nonconformities (International Commission for the Conservation of Atlantic Tunas 2012).

During that time, some national stakeholders strongly believed that, considering the role Brazil was playing in the ICCAT, the participation of the country in regional and even global fisheries should be expanded, requiring therefore the increase of fishing quotas, the consolidation

of a national fishing fleet, capacity building of a skilled labor force and generation of scientific and technological knowledge on the exploited tuna species (Canton 2012).

In its opening statement in 2011, Brazil stated that:

“The establishment of the Ministry of Fisheries and Aquaculture has resulted in the improvement of the Brazilian fisheries statistics as well as in the development of strategic programs for the control of fishing activities, such as the on board observer program (PROBORDO) and the vessel monitoring system (PREPS). The new Ministry also coordinates and implements, in conjunction with the Ministry for the Environment, a joint committee for the management of fisheries resources, responsible for adopting the necessary regulations, with a view to harmonize the development of the fisheries sector, with the necessary sustainability and fulfillment of international commitments.”

The statement clearly underscored and acknowledged the influence of domestic politics, - in this case for good, - on the international scenario.

Within the domestic scenario, with the transformation of the Special Secretary of Fisheries and Aquaculture into the Ministry of Fisheries and Aquaculture (MPA)³, the competencies and attributions were expanded and shared with the Ministry of the Environment (MMA) to establish norms, criteria, standards, and measures for the sustainable use of fisheries resources. In this phase, Brazil was also positioning itself as a progressive and conservationist country, acting as a leader and demanding the Commission to engage in the “exercise of updating the ICCAT Convention, in order to align it with the modern concepts of fisheries management.” In this context, Brazil not only defended a revision of the Convention text, but also the,

“approval of precise and very well focused terms of reference, to address specific issues such as the Precautionary Approach, the Ecosystem Approach, the Objection Procedures, and the decision-making process, in particular the time for adopted measures to enter into force and voting rules, including required quorum” (Brazil, opening statement, 2011, ICCAT plenary).

Phase 2: 2011 to 2015 - a non-compliant member

The transition from 2011 to 2012 included the establishment of the Standing Committee for the Management of the Tuna Fisheries⁴, aiming at involving users of the fisheries resources in the management process, from decision-making to implementation and enforcement of management measures. However, the tide had already started to turn in the country, due to strong political

³ Brazil 2009

⁴ Ministério da Pesca e Aquicultura 2011

instability. From 2011 to 2015, the Ministry of Fisheries and Aquaculture (MPA) was managed by five different ministers: Ideli Salvatti (01/01 to 06/10/2011), Luiz Sérgio Nóbrega de Oliveira (06/10/2011 to 29/02/2012), Marcelo Bezerra Crivella (29/02/2012 to 27/03/2014), Eduardo Benedito Lopes (27/03/2014 to 01/01/2015) and Helder Zahluth Barbalho (01/01 to 02/10/2015). During these almost five years, many of the programs and advances in the national fisheries management system, achieved during the mandate of Altemir Gregolin, first as Special Secretary of Fisheries and Aquaculture (03/04/2006 to 26/06/2009), and then as Minister of Fisheries and Aquaculture (26/06/2009 to 31/12/2010), were discontinued. Among the programs interrupted were the National Information System for Fisheries and Aquaculture (SINPESQ) and, consequently, the National Fisheries Statistics Program. The Standing Committees created for the management of various fisheries, discussed and approved throughout 2010, were not implemented, and neither was the Aquaculture and Fisheries Territorial Policy (Ruffino 2016).

Due to the great instability introduced in the national fisheries management system, Brazil was no longer able to fulfill its obligations to provide accurate data to the ICCAT, incurring several compliance problems, such as late submission of data; retroactive registration of vessels on the ICCAT list of vessels authorized to fish in the Convention Area; non-submission of the management plan for the North Atlantic swordfish fishery; late submission of compliance tables; non-submission of the report on chartered vessels, etc. Due to all of those infractions, during this period, the Commission issued several 'letters of concern' to Brazil. Apart from that, from this phase to the following one, Brazil was passing through a major national political and economic crisis. This materialized as a wave of massive corruption scandals and a great political instability in all sectors that also reflected on the fisheries government structure.

Phase 3: 2015 to 2017 - worse comes to worst

In the two years that followed the closure of the Ministry of Fisheries and Aquaculture, in early October 2010, the situation deteriorated even further with an exacerbation of the institutional instability. The institutional responsibility to manage Brazilian fisheries was first transferred to the Ministry of Agriculture, Livestock and Supplies, then in March 2017, to the Ministry of Industry, Commerce and Service, and finally, in January 2018, back to the re-created Secretary of Fisheries and Aquaculture. At the peak of the institutional changes during these two years, the country faced one of its worst economic crises in history, resulting in dramatic cuts in the budget allocated to the public sector. Among other things, the lack of a program to collect fisheries statistics undermined the government's ability to carry out the collection of necessary information on Brazilian tuna fisheries to be provided to the ICCAT (Ruffino 2016).

The crisis was so profound, that in June 2017 the Scientific Subcommittee of the Standing Committee for the Management of the Tuna Fisheries presented its collective resignation, since

it no longer had the minimum conditions necessary to carry out its functions⁵. More recently, in November 2017, already under the newly created Secretary of Fisheries and Aquaculture, a significant amount of resources was made available for the Scientific Subcommittee to resume its work, and the country committed itself to sending all the missing data to the ICCAT by March 31st 2018, - a work that is presently ongoing.

The political and institutional framework for the management of the fisheries sector in Brazil, however, still faces many problems and uncertainties that hinder its capacity to ensure the sustainability of the activity. At the most fundamental level, the main challenge is still the lack of information - both scientific data on fisheries resources and ecosystems, as well as on the socioeconomic aspects of the different fisheries, including technological knowledge. There is also a systemic lack of transparency and accountability that affects the government's ability to design and implement coherent and integrated public policies (Ruffino 2016).

Brazilian-based environmental NGOs and the ICCAT

Considering NGOs, in general terms, as institutions that are officially not part of any government, and are free to express their independent view (Young 1997), in the period of this study, through the government report meetings, it was noticed that only three Brazilian-based NGOs (ENGOs) have been active at the ICCAT political plenary. One of them is Projeto Albatroz, a national ENGO focused on albatross conservation and its relation to industrial fishery. It has been participating in the ICCAT plenary, in the National tuna commission and many other international fora in order to propose mitigation measures for the albatross.

Another ENGO is Oceana, which is the largest international advocacy organization for ocean conservation. At the international level, Oceana has been participating at the ICCAT each year as an observer. On the domestic side, Oceana opened an office in Brazil in 2014, and it has not been part of a Brazilian delegation to the international meetings. Its strategy instead focused on the improvement of the domestic fishery policy. Since its work in Brazil began, it has advocated for the resumption of the Scientific Subcommittee of the Standing Committee for the Management of the Tuna Fisheries and for a robust monitoring and statistical program. It has also been involved in many meetings on different governmental levels and with different stakeholders proposing a review of the National Fishery Policy (Law n° 11.959, 2009) in order to guarantee a binding mechanism for the national statistics program (“A fragilidade da política pesqueira gera prejuízos para o país.” 2017).

On the other hand, there is the National Fisheries and Aquaculture Collective (CONEPE, in Portuguese), which is an NGO that aggregates entities representing the fishing and aquaculture sector in Brazil, such as the ship-owners' unions and fish processing industries. It represents the

5 Ministério da Indústria, Comércio Exterior e Serviços 2017

industrial fishery sector, and has been participating in an ICCAT delegation throughout the years of this study. Its main objective is to guarantee a strong and robust national fishery fleet, with the ability to fish as much as it can while avoiding sharing with international fleets (Senado Federal 2007). It has also been part of the Standing Committee (“Portarias de 7 de março de 2013. CPG Atuns e afins.” 2013) to build a bridge between the private sector and the government.

Generally, the Brazilian Ministry of Foreign Affairs invites NGO representatives and many others sectors to formulate their positions in relation to multilateral environmental agreements. Regarding the ICCAT, the Ministry normally adopts the view of the fisheries sector, and universities and government, due to the lack of environmental advocacy groups monitoring fisheries closely within the national context.

Discussion

During the last decade (2007-2017), the ICCAT has seen a large number of changes focused on improving conservation, management, compliance and enforcement, which NGOs, scientists, governments, and private sector representatives recognize as a significant accomplishment. The results of these improvements have been noted within the Second Performance review (International Commission for the Conservation of Atlantic Tunas 2016, 1). Developing countries are seen as key players in attempting to create greater political will to enhance conservation measures. In light of this, the ICCAT has attempted to give greater rights to developing countries. For example, the election of a Brazilian Chair of the ICCAT may indicate an increased interest by developing countries in the work of the organization (“Strengthening regional fisheries management organisations.” 2009).

However, although consolidated, Brazil is still a new and a low-quality democracy, mainly incapable of conducting long-term planning and action to create and protect common goods, and that is the main reason why Brazil is an underachieving environmental power (Viola and Franchini 2017). The role of Brazil within the environmental agenda has declined in many areas such as climate (Viola and Franchini 2017), as well as fisheries.

The leadership of the Brazilian government within the ICCAT has been impacted by the weakness of domestic governance, which has been particularly unstable for the last 7 years. As a consequence, from the materials revised here, it is possible to state that Brazil still lacks a robust project to sustainably develop its domestic fishery sector within its economic exclusive zone (EEZ). This instability has affected the fishery groups, the fishery scientists, and any support they could have on the national level, which also has affected the ability of the country to negotiate within the ICCAT.

Viola and Franchini (2017) state that in climate negotiations from 2005-2010, Brazil shifted from a “climate villain” to a “leader” amongst developing countries, demonstrating a commitment regarding the emissions control. Two years later, that was almost the same period

(2007-2012) as Brazil assumed a leading role within ICCAT. It also coincides with a foreign policy period when Brazil was seeking a central position in world affairs, building alliances under the South-South cooperation strategy, and gaining support to assume leadership positions, as the ICCAT chairmanship. However, this did not hold for a long time, as from 2011 and forth, Brazil's position at the ICCAT was reduced to one of negligence, as also is highlighted by Viola and Franchini (2017) in relation to climate negotiations. Regarding climate negotiations, one of the reasons stressed by the authors was that "Brazil become more conservative and less active in international climate politics," and it opted "for a more discrete vision of Brazil's role in international affairs." For the ICCAT, the domestic scenario has weakened due to political instability, which meant that Brazil could not maintain the position of leadership which it held in the first phase.

The ICCAT case also corroborates Barros-Plataiu et al. (2012), showing that the domestic political game has a decisive impact on the country's adherence to international treaties, and in its subsequent compliance, which are complementary steps. Eventually, domestic political stability is a necessary condition to keep the leadership at the international level, while the international dimension alone is not sufficient to comply with the international agreement, mainly on environmental issues related to sustainable development.

The leadership that Brazil has assumed at the ICCAT can be classified as an entrepreneurial leadership (Skodvin and Andresen 2006), and it is primarily linked to individuals that are committed to advancing the agenda of fisheries management. The connections and negotiations that kept Brazil in the loop for five years at the ICCAT were made through formal and informal channels, and the skills used here were typically recognized as mediation (Skodvin and Andresen 2006). However, it has not persisted for long, as the individual entrepreneurial leadership does not only require its own personal motivation, but also the material conditions to work in the international arena, and this has not been continuously provided by the Brazilian government.

During the period of this study, the lack of a national strategic plan for the development of the fisheries sector in Brazil has resulted in significant discontinuities of the positions assumed by the country in ICCAT. In many cases, this was not so much a consequence of a national commitment with regards to a given subject, and much more the result of a leadership of particular individuals who gained trust from the government and from the productive sector to take the lead on the topic. Although the motivational source of this leadership mode is often drawn from personal inspirations, individual personal leadership capabilities seem to be a determinant of success in the short-term, and appear to be unable to sustain it on a long-term basis.

It is important to emphasize that Brazil still is in the initial stages of a great transition from a national productivist policy, - which mainly seeks to increase production, - towards a more effective policy, focused on the sustainable management of fisheries resources and conservation of marine ecosystems. This is a complex and dynamic process that should be considered as a long-term commitment, although it is doubtful whether it will happen without the consolidation of knowledge. It is also relevant to recognize that this transformation arises in the wake of previous

decades during which the fishing industry in Brazil was not considered a national priority, resulting in fishing policies that were often detrimental to the sector, frequently neglected at the national level, and across different regions of Brazil.

Moreover, it is necessary to consider that besides the importance of Brazil in relation to the oceanic and maritime affairs as one of the countries with the largest coastline (17th) and the largest EEZ (11st) in the world (Migiro 2018), the Brazilian waters are characterized by low productivity, and, as stated by Abdallah and Sumaila (2007) “if the economic logic does not consider the biological logic of renewable natural resources, the result will be the extinction of the natural capital, resulting in terrible consequences on the nutritional requirement of generations of Brazilians to come.”

It is well known that NGOs play an increasingly prominent role in international environmental institutions, participating in many activities, such as negotiation, monitoring, and implementation. They have been incorporated in various activities that, in the past, were “states-only” activities (Raustiala 1997; Betsill and Corell 2001), however, the scope and scales of their activities and representation in the multilateral environmental agreements also varies greatly (Betsill and Corell 2001).

At the ICCAT, the participation of environmental NGOs is explained through their engagement in enhancing their knowledge base and advocacy for their personal interests in international and national fishery policy. They have also helped to ensure transparency and provide data to the government to make better decisions, even with different focuses and interests. In terms of civil society’s involvement, the ICCAT and the national fishery policy did not engage national NGOs much, so that only three organizations were identified as active in this matter and, as a consequence, there is a notable lack of transparency of the decision-making process. In addition to this, the lack of a robust group of Environmental NGOs working on international fisheries agreements in Brazil contributes with an unbalanced influence on the Brazilian position at the ICCAT.

Conclusions

The ICCAT is undergoing a continuous process of change, which is truly a challenge considering the relatively large number of Contracting Parties, an outdated Convention, disagreements over scientific assessments, and continued concerns over the overexploitation of key tuna stocks. However, despite ongoing concerns over the sustainability of particular stocks under the ICCAT’s responsibility, it is clear that the Commission has been engaged in a process of modernization to strengthen its performance for some years now, and this has been yielding results, mainly after 2009.

In contrast, besides improvement of the ICCAT, the institutional management of the fisheries sector in Brazil has been plagued by political instability. Its performance as part of this international body has declined from a position of leadership to a noncompliant member, ending in a worst-case

scenario that has destroyed the national fisheries statistics and, as a consequence, the capacity to manage fisheries in the Brazilian EEZ. The entrepreneurial leadership could sustain the Brazilian position over a period at the ICCAT, however, the weak domestic policy on fisheries has been reflected in the role of Brazil within the international arena, as well as the poor representation of civil society in relation to fishery policies. Further studies might be dedicated to more deeply investigating the role of non-state actors in the national fishery governance, in order to understand how the national policy is shaped and by whose interests.

If Brazil wants to play a leading role within international fishery governance, which it could, considering the great extension of its economic and exclusive zone, the country will have to earn it, by showing its commitment to its own waters. Detailed and consistent planning of actions and investments in the short, medium, and long term is now necessary to reverse the situation of overfishing of the main fish stocks in the country, and to achieve the desired environmental sustainability. However, there is a risk that all efforts and investments made may fail if governmental institutions, public policies, and actions are not strengthened and coordinated. As long as the domestic situation is not stable, the role of Brazil in the ICCAT, as well as in other international fora, will continue to reflect it.

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