

The Portuguese New State and the Multilateral Management of Fisheries: Science, Law and Diplomacy (1948-1974)

Álvaro Garrido

School of Economics
University of Coimbra; CEIS20
agarrido@fe.uc.pt

Abstract

This article sets out to examine the impact of the changes in Portugal's fisheries in the second half of the 20th century, with particular reference to the Northwest Atlantic cod fisheries between 1948 and 1974, respectively the creation of the ICNAF and the Portuguese Democratic Revolution. Science, Law and Diplomacy are the three prongs of this work. Focusing on the Portuguese angle, and making use of a huge range of sources, this article deals with the rise and fall of the Portuguese cod fishing industry in an international context.

The analysis is multidisciplinary in perspective: economic and social history, "diplomatic history" and the history of science are its foundations. Political and trade relations with Canada and Denmark play an important part in identifying the Portuguese government's adaptation strategies and the fishing entrepreneurs involved in the main external changes of the 1950s and 60s: the first signs of scarcity of resources, the First and Second United Nations Conferences on the Law of the Sea, the issue of extending the limits of territorial waters and the setting up of multilateral bodies for managing the Northwest Atlantic fisheries (ICNAF, 1948). The way in which the Corporate Organization for Portuguese Fishing - the institutional framework established by the Salazar dictatorship in the 1930s - received the external discussions on the problem of overfishing and dealt with the threats, embarking on unheard of initiatives in external cooperation vis-à-vis intergovernmental organizations for the management of fisheries, are questions that are fundamental to this work.

In this, as in other domains of post-war Salazarist foreign policy, involvement in supranational organizations was a "necessary evil" that ended up creating isolated areas of cooperation and openness to the advances of marine science. The most surprising conclusion of this article is probably this: even under a dictatorship, one that favoured a "historicist diplomacy", Portugal succumbed to the principles and practices of multilateralism in order to defend its interests in the deep-sea cod fisheries of Newfoundland, Labrador and Greenland.

Keywords

Fisheries history; Cod; Portugal; resources management; Diplomacy; Multilateralism

Introduction

In the second half of the 19th century, the industrialization of Portuguese fisheries (the arrival of steam seine fishing connected with the rapid growth of the canning industry) and the increasing perception of the usefulness of oceanographic and marine biology studies led public authorities and scientific bodies to increase their involvement in fishing and pisciculture. The state used specialized departments in the Navy to institutionalize the “fisheries services”, as well as to regulate technology and rights relating to the catching of certain species. In addition to these measures, the Portuguese authorities carried out surveys of the fishing industry, fostered hydrographic campaigns and encouraged the establishment of “maritime laboratories”.¹ The technical advances in fish production and processing attracted both capital and capitalists, but they also provoked conflicts between shipowners; they set local and national authorities against one another and forced negotiations to be held between neighboring countries on the mobility of resources and the respective sovereignty over territorial waters. This was the case with the agreements signed between Portugal and Spain in 1878 and 1885. Their purpose was to protect sardine fishing and guarantee exclusive fishing rights for “national vessels” in the territorial waters of each of these Iberian countries.²

By the mid-19th century, the Naval Ministry Fisheries Board (*Comissão de Pescarias do Ministério da Marinha*) was already intervening in the domain of fishing and monitoring the imbalances in the relationship between men and sea on behalf of the state. Interpreting the fishermen’s complaints, the Board ruled that the number of steam trawlers engaged in sardine and hake fishing should be reduced.³ Fishing began to be seen as a productive industrial sector.

Reacting to the pressures of business associations and those of shipowners and traders organized in mixed-capital firms, and bearing in mind the views of naturalists, the British authorities also promulgated various laws in the early 20th century to combat the fishing crisis in the North Sea. This was the first ocean zone to exhibit the frailties of the sea fisheries in the industrial era. One common denominator stands out from this series of measures: even though the unanimous diagnosis on the state of the “depletion of resources” of high commercial value was a new feature, and despite being based on natural-scientific arguments, its meaning was clearly instrumental and presumed the defense of a return on capital from industrial fishing.⁴ Similar trends could be observed in the second half of the 20th century, in particular in the 1950s and 1960s.

At the end of the 19th century, the “problem of the North Sea” led to the formation of the first intergovernmental organizations for fisheries management and the systematic assessment of the

¹ Inês Amorim, “A Organização dos Serviços de Pescas e as iniciativas de desenvolvimento e divulgação das ciências do mar – o laboratório marítimo em Aveiro – o projecto de Melo de Matos”, *I Congresso Luso-Brasileiro de História da Ciência e da Técnica*, Évora/Aveiro, UA/UE, 2001, pp. 594-605.

² See, *idem, ibidem*.

³ Baldaque da Silva, *Estado actual das pescas em Portugal*, Lisbon, Imprensa Nacional, 1891.

⁴ See Robb Robinson, *Trawling – The Rise and Fall of the British Trawl Fishery*, Exeter, University of Exeter Press, 1996, pp. 101 and ff.

biology of marine resources. The most important of these bodies was the International Council for the Exploitation of the Sea (ICES), established in 1902 and based in Copenhagen.⁵

Such a great impetus of oceanographic research and such diligent endeavors to regulate the fisheries were only paralleled in the period after the Second World War, a time of major technological change in fishing on a global scale. It was then that the theoretical debate about the limits of the bountiful resources of the sea and the bio-economic sustainability of the fishing industry was rekindled and increased in complexity. The discussion widened to cover a range of species in larger areas of the ocean, and not just the North Sea. Cod fishing in the northwestern Atlantic was one of those most heavily involved in this production-line processing.

Given this influx of external changes, it is important to examine the role of Portugal in the international dynamics of the multilateral management of marine resources that was so evident in the third quarter of the twentieth century. Consideration must be given to the questions of how and to what ends the Portuguese authorities joined in the discussion on new codification systems relating to the sovereignty and jurisdiction of the seas. Heated arguments threatened to put an end to the legal term “free seas”, which for many years had sustained the singular importance of Portuguese deep-sea fisheries. Over the centuries, only the *mare liberum* allowed the Portuguese state to promote “supply fishing”, wholly incompatible with the strict limits of the “coastal state” that were imposed later.⁶ It was only from 1974 onwards, when it signed onto the “Exclusive Economic Zone” concept, that Portugal began to restrict the fishing industry to resources that were under its national jurisdiction.⁷

In brief, as our study focuses on the third quarter of the 20th century, it should be understood how Portuguese public institutions followed the guidelines of international fishing policy, in particular the discussion on the issue of “overfishing”. We shall try and assess how Portugal entered into the external dynamics of fisheries regulation, and how the country’s institutions reacted to the signs of change that they saw as threats to Salazar’s protectionist policy and

⁵ On the creation of ICES and its original purpose, see *O Oceano nosso futuro — O Relatório da Comissão Mundial Independente para os Oceanos*, Lisbon, Expo 98/Fundação Mário Soares, 1998, p. 80.

⁶ Fishing policies were aimed at the prevention of crises in the food supply, based on protectionist measures and on encouraging fleets designed to catch species for mass consumption, such as cod and sardine, an important raw material for the canning industry. The choice of “supply fishing” tended to overvalue public support for replacing cod imports by means of artificial market reserve mechanisms (import and distribution quotas) and administrative prices in the various circulation segments. Complying with this concept, the entrepreneurial fabric of fishing remained formally private and not particularly concentrated, but in order to ensure the political ends of managing the sector, the state imposed the sharing of “capital” and “labor” in the form of tightly supervised public corporate institutions. The main economic indicators for this model of political management for the Portuguese fisheries were, however, positive: reversing the previous trend, the “trade balance in fishing goods” was always in the black between 1936 and 1967; the level of self-supply of salt cod on the Portuguese market averaged around 61% in the same period, while between 1900 and 1933 it never exceeded 15%. See A. Garrido, *Abastecimentos e Poder no Salazarismo — O “Bacalhau Corporativo” (1934-1967)*, vol. II, Coimbra, FEUC, 2003, pp. 806-807.

⁷ See, M. Eduarda Gonçalves, “Le Portugal et le droit de la mer”, T. Treves (ed.), *The Law of the Sea*, 1997, pp. 427-447.

the encouragement of deep-sea fishing as defined in the early 1930s – the so-called “cod campaign”.⁸

This article analyses the deadlocks that threatened to hold back the “cod campaign” after the end of the war and which rocked its original foundations. It might seem contradictory that policies be adopted that encouraged fishing in a period when the Law of the Sea was changing and when there were unprecedented debates about the multilateral management of resources. This is probably why it generated careful responses from Portuguese diplomacy. Here, as in other spheres of Salazar’s postwar foreign policy, integration into supranational bodies was a “necessary evil” that ended up creating isolated areas of cooperation and opening up marine science to progress.⁹

1. The geopolitics of marine resources and technological change in fishing after the Second World War

The economic and demographic growth occurring in the thirty years immediately after the war gave the fishery problems a much greater importance and dimension. In terms of regulatory practices, the “glorious years” of modern economic growth (1948-1973, according to most authors) were ones that had marked the greatest confrontation between national policies and the interests of other states. The growth in the fishing industries and the expansion of fish consumption led to fishing policies and intensive extraction practices on the part of companies being starkly exposed to the judgment of the multilateral organizations responsible for managing marine resources.

The statistics for this period show an extraordinary growth in the fishing industry, in global terms. According to the OECD, in 1938 the world volume of fish caught was 20.5 million tonnes. Twenty years later, primary world production had increased by over 64%.¹⁰ Although the criteria for compiling the figures may be open to question, they nonetheless allow us to compare the orders of magnitude per country and identify variations in growth.¹¹

⁸ The “cod campaign” is the term we adopted by analogy to another Salazarist scheme for the import substitution of basic foodstuffs - the “wheat campaign”. This was an extensive state scheme to protect cereal production, launched in 1929 under the Fascist model, the *Battaglia Del Grano*. More enduring than its cereal counterpart, the cod campaign consisted of a political plan, imposed by Salazar in 1934, to prevent crises in food supplies. This protectionist scheme began to be demanded by the anti-Liberal right at the end of the First World War, and was to be imposed as a “national scheme” under the *Estado Novo* (the Portuguese *New State*). This was a despotic program that emerged from the restriction of imports and public encouragement of the cod industry, under the regimes and practices of free access to the resources of the North Atlantic. See, A. Garrido, *O Estado Novo e a Campanha do Bacalhau*, Lisbon, Círculo de Leitores, 2004, pp. 134-144.

⁹ See Fernanda Rollo, “Salazar e a construção europeia”, *Penélope*, no. 18, May 1998, pp. 51-76. See also texts by the ambassador, Ruy Teixeira Guerra, on Portugal’s integration into Europe: Nuno Valério (org.), *Ruy Teixeira Guerra*, Lisbon, Cosmos, 2000.

¹⁰ *Politiques de Pêche en Europe Occidentale et en Amérique du Nord*, Paris, OECD, 1960, p. 15.

¹¹ It is sufficient to note that, in the invaluable Appendix of data for the Organization’s member states in the OECD report that we are using, the chronologies do not always tally, and the total catch is expressed in terms of live weight. While this criterion might be more accurate for species such as sardine, it does, however, conceal considerable distortions in the case of cod, figures which seem to relate to landed weight, i.e. without taking into

Just taking the simple indicators, it can be seen that, between 1938 and 1954-58, Norway and the United Kingdom were the two western European countries with the highest absolute figures for the volume of catch. But there are countries that stand out for the high growth that they registered in this twenty-year period: above all, there is Denmark, which between 1954 and 1958 caught five times as much fish as it did in 1938. Next come Spain and Portugal, with very significant and very similar increases, both in excess of 80%. Finally, there is the growth in the volume of fish caught by Norway: despite the fact that it was already quite high in 1938, it actually rose by around 60% over the next twenty years.¹² For most countries, however, the first half of the 1960s saw a moderate increase in their catches, although by the second half they were already falling.¹³

Between the eve of the Second World War and the end of the 1950s, Portugal's fishing industry grew quickly, at a pace that was unmatched by most OECD countries. The same source suggests that in 1938 the total catch of all the Portuguese fishing fleets was 247.000 metric tonnes, and in 1954-58 (a five-year average) 451.000 tonnes. This represents an increase of 83%, or a leap of almost double the amount¹⁴.

"Atlantic cod" was far and away the species that most contributed to the overall increase in fish caught by European countries. Between 1938 and 1954-58, cod accounted for about 30% of the total increase in fish production in Western Europe. In North America, the expansion of the cod fisheries continued to be far lower, while Canada opted not to exploit the fisheries a long way from its Atlantic provinces. Until the end of the 1950s, the volume of cod caught by the USA and Canada was still not very significant and did not even overtake other species such as herring, salmon, sardine, and others.¹⁵

The hierarchy of growth margins for dried salt cod production is quite different. This must be because it involves both nominal values for catches or landings, and a specific kind of treatment for the fish - salting and drying, which many cod-producing countries were already replacing by freezing.

Of the countries that showed the greatest tendency for growth between 1938 and 1958, Portugal made the greatest leap forward, followed by Spain. In this period, the cumulative value of production (fresh and dried) for the Portuguese cod fishing fleet increased almost fivefold: a growth of 472%.¹⁶ In 1957, Portugal became the world's leading producer of dried salt cod.

These many clear signs of growth are explained by the reconstruction of both the belligerent and neutral economies, by campaigns promoting the eating of fish and by a large range of technical advances in terms of finding, catching and preserving fish. These innovations found a response in

consideration the changes in weight after scaling and salting on board. Inter-country comparisons are hard to establish since the criteria are not uniform.

¹² *Politiques de Pêche...*, *cit.*, pp. 16-18.

¹³ For the period between 1957 and 1965, see another OECD report: *Politiques et économies de pêche — 1957-1966*, Paris, 1970.

¹⁴ See, *Politiques de pêche...*, *cit.*, pp. 15-16.

¹⁵ *Idem*, pages 20 and 25.

¹⁶ Our calculations, based on statistics from the INE (amounts in tonnes). See, A. Garrido, *op. cit.*, vol. II, p. 808.

the means of distribution and transport and in the consumption dynamics arising from population growth and the increasing urbanization of societies. The growth in fishing on a global level was also linked to the fact that countries - and also the United Nations, through the FAO, created in 1945 - were ensuring that people attained an adequate nutritional level. This was particularly true in “Third World” countries and those countries casting off the yoke of colonial domination, for which fish was an essential source of animal protein.¹⁷

The recovery of the economies shattered by the war started with an increase in the supply of food. But the creation of large fishing fleets and the resulting increased fish production also had financial motives: the lack of means to make foreign payments and the exchange problems inherited from the war led governments to be more watchful of their balance of payments, whether by reducing their external reliance on the importation of livestock products or stimulating exports so as to obtain foreign currency, principally US dollars.¹⁸

With a view to ensuring the expansion of the fisheries and equipping the deep-sea fishing fleets with effective technical equipment and the necessary scientific support, the end of the Second World War saw the entire “industrialized world” move towards establishing public organizations of an advisory nature. These bodies focused on the biology of fishing resources and studied both fishing and fish-processing technologies¹⁹. National dynamics did not always sit easily with the movement towards the multilateral management of maritime fishing. It was not rare for countries to be in opposition to one another, for the reason that at the same time as they signed onto agreements and conventions that required multilateral efforts to restrain the economic effects of “overfishing”, many states were doing their best to extend their sovereignty over the high seas, so as to strengthen their rights to exploit the more valuable biological resources.

2. The international management of the Atlantic fisheries - the case of cod

In the third quarter of the 20th century, the scarcity of the biological resources exploited by the fishing industry became as clear as the systemic evidence of its problems, giving rise to Investi-

¹⁷ As an example, the anxieties of the Fisheries Division of the FAO are particularly elucidatory. For the way in which this body shared the instrumental view of marine biology as a science capable of providing diagnoses about the growth possibilities of world fish production, see the following article: Michael Graham and G. L. Kesteven, “Possibilités biologiques des pêches mondiales”, *Bulletin des Pêches de la FAO*, vol. 7, No. 1, January-March 1954, pp. 1-15.

¹⁸ See A. Duarte Silva, *A Pesca do Bacalhau — campanha de 1955-56*, Lisbon, GEP, 1957, p. 5. Regarding the monetary and financial problems that remained after the Bretton Woods agreements of 1944, see Barry Eichengreen, *A Globalização do Capital — Uma História do Sistema Monetário Internacional* (transl.), Lisbon, Bizâncio, 1999, pp. 145 and ff.

¹⁹ See Roger Revelle, “The Oceanographic and How it Grew”, in M. Sears and D. Merriman (eds.), *Oceanography: the Past*, New York/Heidelberg/Berlin, Springer-Verlag, 1980, pp. 19-23; in the same book, see also T. R. Parsons, “The Development of Biological Studies in the Ocean Environment”, pp. 540-550. For the case of Portugal, see Victor Crespo, “Oceanografia”, in A. Barreto and M. F. Mónica (coord.), *op. cit.*, vol. VIII, pp. 624-626.

gation and head-scratching in the vein of the “bio-economics of renewable resources”.²⁰

The *common, dynamic* and *finite* nature of marine biological resources meant changing the scope of strictly national solutions. In the wake of the pioneering work undertaken by naturalists and hygienists in the 19th century, and studies on “fishing biology” whose main production can be placed in the 1930s, modern national laboratories and researchers came into direct contact with the activity of fishing.²¹ A science-led approach thus emerged from the issue of biological resources, which was legally regulated with respect to the respective access regime.

The increase in long-range fishing by trawlers in parts of the sea where the most commercially valuable species of fish were more abundant provoked the establishment of countless intergovernmental commissions designed to promote a concerted (and in some cases multilateral) management of the resources exploited by national fleets. These bodies motivated member states to develop scientific research, collect and organize data and compile statistics that could estimate the greater or lesser abundance of fish. The North Atlantic and its “northwest region”, in whose biogeography cod figured significantly, was the area most targeted by these abundance maps.

In the 1950s and 1960s, however, the expansion of industrial fishing allowed by the “freedom of the seas”, plus the competition between the large trawler fleets, soon led to a fall in yield and required unprecedented efforts of external cooperation to protect the ability of resources to renew themselves and to safeguard biotype diversity. Most attention was given to the deep-sea fisheries, greedily plundered outside the jurisdiction of the coastal states, on the basis of the old practices of “free access”, and using intensive techniques to exploit the resources. This was why the main difficulty in negotiations between “national governments” lay in reconciling restrictions on deep-sea fishing with those that were being adopted by coastal states in their stretches of “territorial waters”, i.e. beyond a three-mile zone.

Portugal was part of these discussions. Cod fishing had become an increasingly important part of the foreign policy of the *Estado Novo* since the Second World War - when, despite all the dangers of the submarine war around Newfoundland, Salazar instructed the Portuguese ships to continue fishing, to “bring back the bread of the seas to the Fatherland” - and this activity was continued and reinforced throughout the 1950s and 1960s.²² Confirming one of the postwar Salazarist lines of foreign policy, from 1946 onwards, Portugal took an active part in the dynamics of the intergovernmental management of the exploitation of the sea’s resources, particularly those that were of most interest to the national fishing industry. Lisbon did its best “not to be left out” and avoided any marginalization that could threaten Salazar’s work for the “revival” of fishing and oppose the social and economic interests involved in deep-sea fishing, including those of the State itself.

Portugal was quick to join the new international organizations set up to study and control fisheries; it took part in most international conferences where questions of “fishing biology” and the Law of the Sea were discussed; it subscribed to and ratified all the conventions concerned with the

²⁰ See John M. Hartwick and Nancy D. Olewiler, *The Economics of Natural Resource Use*, 2nd ed., Reading, Massachusetts, Addison-Wesley, 1997, pp. 90-137; Rui Junqueira Lopes, *L’Économie des Ressources Renouvelables*, Paris, Economica, 1985, especially pp. 1-33.

²¹ E. R. Russell, *O Problema da Sobrepesca*, Lisbon, Estação de Biologia Marítima, 1943, p. VII (from the preface by the translator, Alfredo de Magalhães Ramalho).

²² An expression used in several propaganda booklets by the Corporatist Organization for Fishing.

legal system governing sovereignty over marine zones and the multilateral regulation of the resources exploited by Portuguese fleets: the cod fisheries in the Northwest Atlantic (the Grand Banks of Newfoundland, the fishing grounds of Nova Scotia and those off the west coast of Greenland) in the first place; followed by the fishing grounds for hake in the waters off the west coast of Africa and in the South Atlantic, at a second level of political priority. The scale of such interest underlines the relative importance of dried salt cod and trawled fish from Africa to the public supply.²³

In spite of the indirect benefits and the timid scientific openings that these cooperative ventures allowed, Portugal played a reactive part in this international trend. In the offices of the Naval Ministry and the Corporatist Organization for Fishing (the power bases of the “national fishing industry”, at whose point of intersection stood the figure of Henrique Tenreiro)²⁴ a number of specialized bodies and commissions came into being: the Institute of Marine Biology, in 1950; the Office for Fishing Studies, created in 1952 with funds from the Marshall Plan; and, in the same year, the National Advisory Committee of ICNAF (International Commission for the Northwest Atlantic Fisheries, today known as NAFO), whose action involved a slightly more restricted analysis.

Only the last two bodies had a more or less direct link to the problem of the “Atlantic cod” fishing grounds. Their mission was related to the examination of the Atlantic cod biological stocks, as well as to the procedures for catching and processing them. On 19 March 1947, the National Commission for the FAO was also established, although its interests were not confined to marine fishing resources.²⁵

2.1. The Washington Convention - the creation of ICNAF

By the end of the 1940s, although commercial fishing in the Northwest Atlantic still seemed a profitable venture, several countries whose fleets were operating in these waters were appealing for protection for the biological populations that were being subjected to a “powerful extractive pressure”.²⁶ To this end, the USA suggested holding an intergovernmental conference designed to foster the scientific study and conservation of fishing resources in this huge area of the Atlantic.

During the course of the eighteen plenary sessions of the Washington Conference, the divergences relative to the text proposed by the USA became quite clear. It seems, however, that its workings failed to make it clear that the treaty would neither add to nor subtract from the limits of

²³ See A. Garrido, “Políticas de abastecimento no segundo pós-guerra: a Organização das Pescas”, *Análise Social*, No. 156, vol. XXXV, Autumn 2000, pp. 656-667.

²⁴ Henrique Ernesto Serra dos Santos Tenreiro (1901-1994). A Naval Officer, he was a member of a distinct oligarchy in the Salazarist corporatist system. A government delegate to all the fishing associations, between 1936 and 1974 he was the political patron of this sector of the “national economy”. He was a leader of the Legião Portuguesa, a Fascist militia, a deputy in the National Assembly and an attorney for the Corporate Chamber. For a biographical essay on H. Tenreiro, see A. Garrido, “Henrique Tenreiro: patrão das pescas e guardião do Estado Novo”, *Análise Social*, No. 160, vol. XXXVI, Autumn 2001, pp. 839-862.

²⁵ Decree-Law No. 36 187.

²⁶ *Relatórios do Instituto de Biologia Marítima*, No. 14, “Biologia e pesca do bacalhau, 1964-1968”, Lisbon, 1969, p. 2.

the territorial waters of each state - the old limit of three nautical miles, equivalent to the range of a cannon shot, imposed in the Modern Era. Even though we only know about the discussions relating to the scope of the Conference through the partial report presented by the Portuguese delegates, everything suggests that the omission of the American proposal was deliberate.²⁷ Following the statements made by President Truman on 28 September 1945, which declared the US interest in extending its jurisdiction over the fishing zones contiguous with the coast, but nonetheless remaining outside the respective territorial waters, the American initiative in calling the Washington Conference and having a pragmatic convention approved that could open the way for the “territorialization” of fishing resources was a strong indication of postwar geopolitical changes.²⁸ American attempts to extend its sovereignty over the sea bed or, at the very least, to strengthen regulatory powers over fisheries beyond the narrow limits of territorial waters show that the United States wanted to take its place as the major power to emerge from the Second World War and did not want to act against the spirit of the “Truman doctrine”.²⁹

The divergence of interests between the North American “coastal states” and the former European cod fishing powers, which wanted to maintain a Law of the Sea tailored to their interests in deep-sea fishing, namely a legal system that would leave their customary free access to the Northwest Atlantic banks untouched, was introduced in the plenary sessions of the Washington meeting. It continued to characterize relations for the whole of the second half of the 20th century.

In order to protect the independence of the member states of the future ICNAF, after lengthy and heated arguments, the Convention ended up including a subparagraph that left intact the right of the governments of the member countries to define for themselves the limits of their national jurisdictions for the purposes of fishing³⁰.

Signed in Washington on 8 February 1949, the Northwest Atlantic Fisheries Convention came into force on 3 July 1950, the date on which four governments ratified it: Canada, the USA, the UK and Iceland. The other six countries - Denmark, Spain, France, Italy, Norway and Portugal

²⁷ The Portuguese delegation to the Northwest Atlantic Fisheries Conference was composed of the following dignitaries: Rear-Admiral Quintão Meyreles (head of the delegation and representing the Ministry for the Navy), José Augusto Correia de Barros (representing the Ministry for the Economy), Commander Américo Tavares de Almeida (representing the Association of Cod Fishing Shipowners) and Alfredo Magalhães Ramalho (representing the Ministry for the Navy and the director of the Maritime Biology Station). See Bibl. IPIMAR, Pasta *Conferência de Washington — Fevereiro de 1949*, “Relatório do Delegado do Ministério da Economia”, fl. 2

²⁸ Regarding the content and meaning of proclamations nos. 2 667 and 2 668 by the American president see, among others, René-Jean Dupuy and Daniel Vignes, *Traité du Nouveau Droit de la Mer*, Paris, Economica, 1985, p. 835 and ff. The full text of Truman’s second proclamation (on “coastal fishing in certain places on the high seas”) is in the bundle of documents that we have been consulting and it served as a working item for the Portuguese delegates from the Ministry for the Navy at the Washington meeting: see Bibl. IPIMAR, Pasta *Conferência de Washington — Fevereiro de 1949*, “Policy of the United States...”, fls. 1-3.

²⁹ See Charles Zorgbibe, *Historia de las relaciones internacionales (2), Del sistema de Yalta hasta nuestros dias*, Madrid, Alianza Universidad, 1997, pp. 134 and ff.

³⁰ This is the content of the controversial paragraph 2 of Article I: “Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or the jurisdiction of a coastal state over fisheries”. (Bibl. IPIMAR, Pasta *Conferência de Washington — Fevereiro de 1949*, “Relatório dos delegados do Ministério da Marinha...”, fl. 9).

- ratified the text some time later. In the mid 1960s, the number of states belonging to ICNAF rose to fourteen, after the controversial admission of three “Communist bloc” countries - the USSR, Poland and Romania, and after West Germany also signed up.³¹

Portugal ratified the Washington Convention early in 1952.³² It did not do so, however, before taking issue with certain provisions in the text proposed by the USA, which were seen by the Salazar government as inconvenient. Lisbon’s misgivings about the North American project to set up an agreed area to study and manage the cod fisheries were based on a common interpretation of the Portuguese Foreign Office and the Portuguese Corporatist Organization for Fishing: the Convention might compromise the national program for encouraging the development of the cod industry and might threaten the “sovereignty of the signatory countries”. In view of the disapproval of the Portuguese delegation and some others, notably Canada, the clauses that recognized foreign authorities’ “right to board and examine vessels engaged in fishing” within the area covered by the Convention were removed from the original document.³³ Also dropped were provisions that compelled the acceptance of any fisheries’ regulations as long as they had majority approval.³⁴ According to reports made by the delegate of the Ministry for the Economy, in several plenary sessions of the Washington meeting “Canada opened fire on the idea from the United States, declaring its fears about an organization having regulatory powers, before the biological part of the fish living in the Northwest Atlantic had been properly studied”³⁵.

The long-established practice of cod fishing in deep waters by Portuguese vessels, with no constraints other than a lack of capital and a protected domestic market, was now exposed for the first time to multilateral scrutiny by a body established to ascertain the abundance of resources in the Northwest Atlantic. This was a body that was ready, if necessary, to impose restrictive measures on the amount of fishing, so as to diminish the economic impact of a scarcity of resources.

States with quite different interests in the cod industry co-existed in ICNAF. Views diverged in accordance with the distance from home ports and depending on the sovereignty that each member state exercised, or could exercise, over the most plentiful stocks - of fish, or oil, yet to be found³⁶.

A first group consisted of the North and Northwest Atlantic coastal states, some of which had the outer limits of their territorial waters very close to the Grand Banks. These were countries whose economic interest in exploiting the sea’s resources had intensified since the end of the Second

³¹ See *La situation de la pêche dans le monde, cit.*, p. 51. This study by the FAO includes a valuable synopsis of the intergovernmental fishing bodies created up to the 1970s.

³² *Diário do Governo*, 1st series, Decree-Law No. 38 648, of 18 February 1952.

³³ See. Bibl. IPIMAR, Pasta *Conferência de Washington — Fevereiro de 1949*, “Relatório dos delegados...”, *cit.*, fl. 6.

³⁴ See *idem*, fl. 8.

³⁵ *Idem*, “Relatório do Delegado do Ministério da Economia”, fl. 7.

³⁶ See J. D. House (ed.), *Fish versus Oil – Resources and Rural Development in North Atlantic Societies*, St. John’s, Memorial University of St. John’s, 1986, pp. 129-161.

World War, either for economic reasons or for geopolitical motives, exacerbated by the Cold War.³⁷

In a second bloc were the countries of southern Europe, the former masters of cod fishing on the Newfoundland banks, which had never been faced with the dual threat of scarce resources and legal pressure in the maritime areas where they had established their “historical rights” of free access and free exploitation. Dialogue between those who had the cod close to their shores - countries which, for the first time, were threatening to prevent access by European fleets far beyond the generously prescribed three-mile limit - and the Portuguese, Spanish and French governments, who relied on fishing off Newfoundland, Greenland and around the coasts of Iceland, to supply their large markets, was considered by some to be inevitable and by others to be preferable to conflicts on a bilateral level.

The signatories to the Washington Convention nonetheless had shared interests in exploiting the fish resources of the Northwest Atlantic. For this very reason, a wide-ranging agreement was signed “for the research, protection and conservation of the fishing grounds” in this part of the ocean, with the explicit aim of ensuring the maintenance of a “maximum permanent catch” of the most plentiful species of greatest economic interest.³⁸

Not surprisingly, the motive of the Convention and the intergovernmental Commission to which it gave rise, ICNAF, was not so much the conservation of fish stocks, but the regular diagnosis of how the most economically valuable biological populations were evolving, in order to maintain high levels of fishing with a “sustainable yield”. To this end, the reaction of the Portuguese Minister for the Economy, Castro Fernandes, to the report sent to him by his Ministry’s delegate to the Washington Conference could not have been more pointed and syncretic: “On the whole it seems to me that the Convention is appropriate and useful, since it will try to prevent future shortages of cod”.³⁹ Showing the same difficulty in grasping the true scope of the changes in progress, interpreting them merely as external threats to the political ends of the cod campaign, Correia de Barros was declared to have said in the plenary session that “Portugal would be happy to see measures taken that would guarantee the largest amount of catch possible”.⁴⁰

The area covered by the Washington Convention was the northwest Atlantic. With the territorial waters of the coastal countries being excepted, the agreement could not threaten the jurisdiction of any state over the fisheries.⁴¹ The zone of the Convention was to be divided into five sub-areas, corresponding to the geography of the main fishing grounds for cod in the Atlantic.

³⁷ See Miriam Wright, “Fishing in the Cold War: Canada, Newfoundland and the International Politics of the Twelve-Mile Fishing Limit, 1958-1969”, *Journal of the Canadian Historical Association*, New Series, 8, St. John’s, 1997, pp. 239-259.

³⁸ Decree-Law No. 38 648, of 18 February 1952 (from the preamble).

³⁹ António Júlio de Castro Fernandes, Minister for the Economy (16.10.1948-2.8.1950); Bibl. IPIMAR, *Pasta Conferência de Washington — Fevereiro de 1949*, “Relatório do Delegado do Ministério da Economia”, fl. 5.

⁴⁰ *Idem, ibidem*, fl. 7.

⁴¹ Decree-Law No. 38 648, 18 February 1952, Article I.

The division established, in increasing order, from north to south: “the banks of Greenland; Labrador and Newfoundland; Nova Scotia; Maine and New England.”⁴²

In order to keep fishing in the various sub-areas of the Convention under surveillance, for the purposes of study and the possible regulation of the fishing effort, ICNAF set up a panel for each of them. Each Government would have a representative delegate on the panels, with the right to one vote, and also a scientific consultant, if appropriate.⁴³ Based on scientific research in the domains of biology and oceanography, the panels could “make recommendations to the Commission for joint action by the governments”.⁴⁴ The member states’ representation on the panels was considered by the Commission according to the volume of catch landed by the fleets of the respective countries⁴⁵. Apart from these criteria, the make-up of the panels envisaged by the Convention was designed to meet the demands of the North American countries, which were more and more interested in monitoring the activity of the large European fleets in neighboring international waters off the coasts of their Atlantic provinces. It was not by chance that the text ensured the “contracting governments with a coastline adjacent” to any sub-area representation on the respective panel.⁴⁶ Portugal was represented on the panels of three of the five sub-areas in the Convention: Greenland, Newfoundland and Nova Scotia, the maritime areas most exploited by the national cod fishing fleet.

In view of the reluctance of the various member states to accept fishing regulations, the jurisdiction of ICNAF with respect to the study and conservation of resources was to be considerably wider than its powers to regulate the Northwest Atlantic fisheries. Apart from the USA, all the governments that signed the Convention preferred powers to make recommendations and advisory powers to those of regulation.

Fearful of the consequences of any “regulatory excesses” and anxious about external interference in the cod fishing fleet’s activity, the Portuguese delegation was one of the most intransigent in its rejection of the regulatory powers established in the draft Convention put forward by the USA.⁴⁷ This was perhaps because the Salazar government and the fishing oligarchy felt that the right to conduct an external examination of the national fisheries would pave the way for

⁴² The Convention covered a huge area, with the two most distant points being a place on the coast of Rhode Island, in the USA, at longitude 71° and 40' west, and the west coast of Greenland at latitude 78° and 10' north. The extension of the ICNAF Convention area to the entire west coast of Greenland, including the part enclosing the Baffin Sea, was not intended under the American proposal, and was approved under pressure from the Danish delegation at the Washington Conference. See, Bibl. IPIMAR, *Pasta Conferência de Washington — February 1949*, “Relatório dos delegados do Ministério da Marinha”, fl. 8.

⁴³ *Idem*, Article IV.

⁴⁴ *Idem*, Article VII, 2.

⁴⁵ Under the terms of their zoological classification, the resources covered by the Convention were fish from the cod group (*Gadiformes*), flat-fish (*Pleuronectiformes*) and the *rosefish* (*Genus Sebastes*). These classifications include cod, haddock, halibut and redfish.

⁴⁶ See Decree-Law No. 38 648, of 18 February 1952, Article IV, 2.

⁴⁷ See Bibl. IPIMAR, *Pasta Conferência de Washington — February 1949*, “Relatório dos delegados do Ministério da Marinha”, fls. 11 and ff.

infringements of the sovereignty to which the Portuguese State had not yet become accustomed; maybe because in the early 1950s the scientific diagnoses of cod and other deep water species in the Atlantic had not yet rung any warning bells.

What is certain is that ICNAF would be more of an advisory than a regulatory body. Operating at a different level from ICES - which focused on the fish resources in the North Sea - ICNAF was more of an intergovernmental commission to study and manage a limited group of fish of major commercial interest. The “Atlantic cod” covered almost all of the Convention’s area.

Under the scope of its advisory functions in the scientific sphere, the Commission was later intended to carry out “the necessary investigations into the abundance, natural history and ecology of any living aquatic species in any part of the Northwest Atlantic”.⁴⁸ The core of this research work would consist of organizing and analyzing the annual statistics relating to the catch of the species of greatest economic interest in the area covered by the Convention, the capacity of the fleets and the conservation levels of the resources. Finally, ICNAF had to prepare inquiries, promote experimental fishing operations, and carry out sampling and other tasks to determine the stocks appropriate to studies of the dynamics of biological populations.⁴⁹ In this, as in other research programs designed to use scientific bases to gauge the possibilities of fishing in the area of the Convention, it was left to ICNAF to coordinate national research projects. At the end of each program, all the statistics on the fisheries within the jurisdiction of ICNAF were published and disseminated. Some of these studies involved partnerships with ICES and with the FAO Fishing Division.⁵⁰

The scientific work developed by ICNAF, which was constantly revised and discussed at annual meetings, saw the issue of proposals to regulate fishing, with the aim of anticipating imbalances in the exploitation of resources that would prevent levels of a “constant maximum catch” in the Convention area.⁵¹ This was the key concept of the “fishing biology” studies carried out by ICNAF in the 1950s and 1960s.

To a considerable degree, scrutinizing the stocks was the province of the Evaluations Sub-Committee: it carried out periodical reviews of the abundance of resources, assessed the effects of trawl nets on the biological stocks and suggested protective measures capable of allowing fishing vessels to “obtain maximum yield in an equilibrium phase”.⁵² These aims and duties included biologists and economists working together in order to optimize the exploitation of the cod fisheries

⁴⁸ Decree-Law No. 38 648, of 18 February 1952, Article VI, 1, subparagraph *a*). The other competences of the Commission are set forth in Article VI of the same law.

⁴⁹ Two very important international programs for reading cod otoliths were developed by ICNAF. The first of these, a simple trial, was conducted in 1962. The second lasted from 1963 to 1967 and was coordinated by the English laboratory at Lowestoft, with scientists from all the Member States of ICNAF taking part. An otolith is a small bone in the ear of fish, and it increases in volume with the addition of one ring per year. It is extracted, identified and read under a microscope or magnifying glass to define statistical classes of age, based on samples. See *Relatórios do Instituto de Biologia Marítima*, No. 14, *cit.*, p. 17 and ff.

⁵⁰ The scientific cooperation between ICNAF and these two bodies was one of the aims expressed in the Washington Convention. See Decree-Law No. 38 648, 18 February 1952, Art. X.

⁵¹ The expression appears in Article VIII, no. 1, of the Washington Convention.

⁵² *Relatórios do Instituto de Biologia Marítima*, No. 14, *cit.*, p. 19.

under the surveillance of ICNAF. Albeit recent, the theoretical support for the bio-economics of renewable resources had already been incorporated into the Commission's programs.

Reports by the scientists led to measures restricting the fishing effort, quite rare until then in the fishing grounds of the "Atlantic world", and immediately approved by national governments: imposing alternate closed and fishing seasons; demarcating prohibition areas in certain spawning zones and in other zones densely populated by immature fish; fixing legal minimum sizes for the fish caught; legally fixing net mesh sizes and banning certain fishing gear and devices made of materials that were especially hostile to the depths or which did not permit "immature fish" to escape the nets in a condition to survive. Finally, the Washington Convention accepted that maximum quotas would have to be established for certain species.⁵³

How were these regulatory practices embraced by Salazar's public policies in relation to deepwater fishing? What was Portugal's involvement, and what precautions did Lisbon need to adopt relative to a "necessary" body, in the event of its having to impose restrictions on Portuguese fishing in the North Atlantic?

In 1953, accepting ICNAF's advice regarding the protection of haddock⁵⁴ on the Maine and New England banks, the Salazar government began by banning vessels fishing within the limits of this sub-area from "having on board or using for fishing trawl nets with a mesh smaller than 115 mm".⁵⁵ It was only in 1958, however, when the scarcity of cod in Newfoundland waters led to drops in operating yield - a crisis particularly felt in the rod and line fishing boats, as these were less agile in the pursuit of fish than the trawlers - that Portugal included the first restrictions on cod fishing in its domestic legislation. For the first time, there were prescriptions that applied to areas of the sea where Portuguese vessels were accustomed to fish: Newfoundland, Nova Scotia and New England. As there were still plenty of fish around Greenland, no restrictions were in force there. Various minimum mesh sizes were imposed on trawlers, depending on the type of material from which they were made. For the very first time this new law also sought to dissuade shipowners and masters from the current use of devices ("tricks" or "gadgets") that could block or reduce the size of the mesh, as fixed by law.⁵⁶

Judging from the views of biologists, as expressed in the reports of the National Advisory Commission of ICNAF, these and other measures limiting fishing in the Northwest Atlantic were not very harsh. The most aggressive would have to wait for the daily experience of a shortage of fish, quite certain to happen in the view of the scientists. If, for most of the 1950s, the increased fishing effort in the various sub-areas of ICNAF was not enough to cause marked drops in yield, the scenario changed abruptly over the next decade. After the warning bells of the bad years of 1959 and 1960, and the poor campaigns of 1964 to 1968, Portuguese biologists sounded the alarm: "Fishing

⁵³ Decree-Law No. 38 648, 18 February 1952, Article VIII.

⁵⁴ Fish from the *Gadidae* family, especially *Melanogrammus aeglefinus*. Haddock fishing only started on a large scale in the northwestern Atlantic in 1946.

⁵⁵ *Diário do Governo*, 1st series, Ordinance No. 14 313, 26 March 1953.

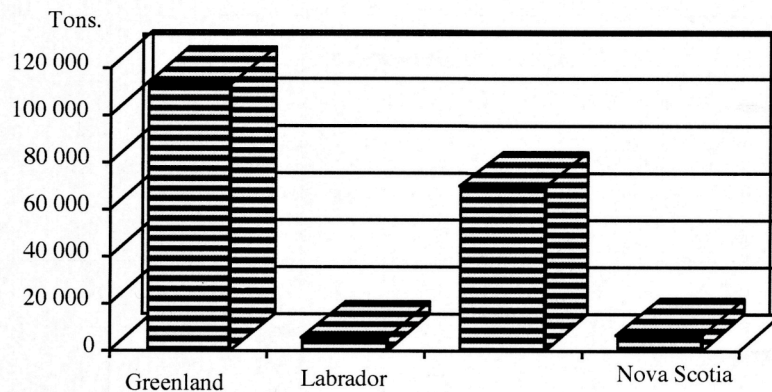
⁵⁶ See *idem*, Ordinance No. 16 628, 15 March 1958.

efforts are extremely intense and, in the long term, their level could be prejudicial to the maintenance of the populations and prevent them from achieving suitable levels of yield” .⁵⁷

For the first time there was statistical proof that cod catches were increasing more slowly than the activity of fishing, with hints of a fall in productivity for boats and the strong likelihood of a low return on capital for the owners.⁵⁸ There were some parts of the sea in which ICNAF was already witnessing a fall of 40% per effort unit in overall catch⁵⁹. As far as scientists were concerned, not even the increase in fishing in the more northerly sub-areas - Greenland and Labrador - could deny that the prospect was gloomy.

Figure I

Nominal cod catches by the Portuguese fleet in the ICNAF sub-areas (1954)



Source: A. Duarte Silva, *A Pesca do Bacalhau - Campanha de 1955-56*, Lisboa, GEP, 1957, p. 11.

⁵⁷ *Relatórios do Instituto de Biologia Marítima*, No. 14, *cit.*, pp. 21-22.

⁵⁸ Activity indices for fishing were measured in units of time spent by the vessels in the fishing grounds.

⁵⁹ *Relatórios do Instituto de Biologia Marítima*, No. 14, *cit.*, p. 22.

Optimism in relation to the infinite abundance of the “Atlantic cod” began to be much less unanimous. Scientific diagnoses began to coincide with the practical daily impressions of fishermen, masters and shipowners.

As Figure I shows, cod catches in the vast shallows of Newfoundland were already falling off by the mid-1950s, being frequently offset by the good fisheries to the west of Greenland. Matters got worse. In the 1964 and 1968 campaigns, for example, over half the cod fished by rod and line came from the Greenland sandbanks, where Portuguese trawlers scarcely went. This was done to avoid extra costs and because the concentration of “rod and line boats” was discouraging them from frequenting these fishing grounds. Portuguese trawlers only went to the waters of Labrador. And they went there increasingly in the 1960s, to the point where, in the 1965 campaign, the tonnage of the cod caught in this ICNAF sub-area was now greater than the tonnage caught in Newfoundland.⁶⁰

According to the conclusion of ICNAF’s biologists, the growth in catches in the two northerly ICNAF sub-areas (Greenland and Labrador) stemmed from biological populations subjected a little while earlier to intensive exploitation, while the Newfoundland stocks would lose the ability to renew themselves owing to the extractive pressure to which they were being subjected.⁶¹

The abundance map for Northwest Atlantic cod began to change more frequently than usual. The distribution of shoals was becoming ever more unpredictable, forcing ships to look for more prolific waters. Entering this vicious cycle, it was not long before abundance became accidental, almost allegorical, and scarcity was the harsh reality that had to be faced. As was only to be expected, these signs of change provoked a certain deepening of scientific research under ICNAF and paved the way for a number of measures to regulate cod fishing.

In the mid-1960s, the situation of the cod fisheries in the area covered by the ICNAF Convention was approaching a “critical phase”.⁶² Convinced of this, ICNAF experts had already recommended that the Commission should not hesitate to adopt other means to protect the biological resources envisaged in the Washington Convention. The various legal rules on increasing net mesh size, imposed since the early 1950s, were not very effective, given that hundreds of stern trawlers used devices applied to the upper side of the bags to counter their selective effect by preventing the smaller fish from escaping. Biologists warned that the “shields” (pieces of leather buckled to the bag to stop the nets from being badly damaged when dragged along the bottom) stopped small fish from escaping.

In light of the ineffectuality of the measures regulating meshes, the problem of checking their compliance and the proven deterioration of the potential to renew stocks, a Permanent Committee for Measures to Regulate the Fisheries was set up under ICNAF in 1967. This body put forward proposals that were much more drastic than the simple legal imposition of mesh sizes

⁶⁰ See *idem* (Fig. 3 attached, non-numbered page).

⁶¹ *Idem*, p. 22.

⁶² *Idem*.

on nets. According to the experts, the time had come to impose quotas or maximum catches.⁶³ Such measures were as effective for safeguarding the renewal of the biological resources as they were difficult to enforce.

Then as now it was not possible to establish measures to preserve resources without prior knowledge of the ecosystems of the species that were intended to be protected from “overfishing”. The northwest Atlantic was one of the ocean’s richest zones in terms of commercially valuable fish, but it had been poorly studied by oceanographic scientists, and so ICNAF gave priority to hydrographic studies. The hydrological conditions of the sea were characterized on the basis of data collected on the initiative of the Commission’s Member States, and by ICES, in the five sub-areas of the Convention. The explicit goal of these studies only confirmed the pivotal reasons for which ICNAF was set up: “Trying to establish (...) correlations between the abundance of fish and the environmental conditions”.⁶⁴ No less essential for estimating the potential to catch and for mapping the abundance of resources were the knowledge of currents and the movement of water masses. This was the justification for hydrological research to focus on those areas of the sea where fish were plentiful and there were good prospects for increasing fisheries, leaving for a later date those where signs of “overfishing” had already been noticed.

Among the first areas to be studied was Greenland. The growing importance of cod fishing in the coastal coves and off the shores of this large Arctic island justified the delayed research that ICNAF carried out there. The scientific explanation for this interest was fairly obvious and did not dispel the impression that Portuguese fishermen and masters had noticed in the harvests of the mid 1950s: an increase in seawater temperature was observed in the Greenland waters, a powerful indication of more fish.⁶⁵

Most notable among the second areas to be studied was Labrador, in whose waters fishing had been declining, without there being any convincing explanations for this scarcity.

Regulation of the fisheries in the Convention sub-area of Newfoundland, the most fruitful of all sandbanks, seems to have been the most difficult and controversial. Investigations led by ICNAF and the first measures taken to conserve Newfoundland’s resources were halted early on by the divergence of economic interests relative to the fishing of certain more commercially valuable species. If the problems in gathering reliable statistical information on the biological reserves of cod soon ceased to be a major obstacle, greater embarrassment was caused by the expansion of the demand for fish by the processing industries of the Canadian and US Atlantic provinces. From 1954 onwards, thanks to technical innovations, many of these “companies” began to fillet large catches of small cod, often less than 35 cm in size, and other fish that should have been left to grow.⁶⁶ Catching small fish was no longer an economic problem. Capitalists investing in the means of production needed to make full use of the by-products; the expansion of refrigeration chains, from production on the high seas to the large and small urban markets, was a driving force behind

⁶³ *Idem*, pages 24 and 28.

⁶⁴ *Boletim da Pesca*, “A Comissão Internacional das Pescarias do Noroeste do Atlântico...”, *cit.*, p. 16.

⁶⁵ Oral evidence from Captain Francisco Correia Marques (30 October 2001).

⁶⁶ See *Boletim da Pesca*, “A Comissão Internacional das Pescarias do Noroeste do Atlântico...”, *cit.*, p. 18.

new commercial products. Finally, even the increased production of meal was making immature fish an essential raw material, rather than a waste product.

As usual, technological innovation, market dynamics and pressure from the fish processing industries on land, whose growth the Canadian government began to support in the 1950s, threatened to compromise the efforts at achieving a balanced management of the seas' resources.⁶⁷ Leaving the fish-abundant waters of Newfoundland to the mercy of any kind of small-meshed net would be to put the future of the fisheries at risk. Under ICNAF, a serious confrontation began to develop between the countries of southern Europe, which caught cod for salting and drying, and the others (especially Canada and the USA), which fished to supply the freezing industry. Suddenly the former were finding, in the cultural tradition of their dried salt cod markets, a powerful argument for the diplomatic game. Motivated by the greater demand for medium and large-sized fish, the fishing carried out by the large Iberian fleets was far more selective than that of their North American competitors, more and more so when the fish was caught by rod and line and not by the implacable trawl nets.

Judging by the negotiations that took place in 1956 to regulate fishing in ICNAF sub-areas 3, 4 and 5, Portuguese diplomacy succeeded in using this "ecological" argument quite skillfully.⁶⁸ In this "good fishing" year, among the large European fleets only the Portuguese fished for cod with rod and line within the Convention zone. Specific treatment was demanded for the trawling gear defined by ICNAF following the recommendation of the London Conference in 1946: fixing minimum trawl net mesh at 102 mm for the Newfoundland sub-area and 114 mm for that of Nova Scotia.

In light of these measures, which overlooked the singularity of the rod and line fishing performed from the sailing and motor boats of the legendary Portuguese "white fleet", on 28 June 1956 Portugal asked the diplomatic missions of the signatory countries to the Washington Convention to consider three amendments intended to regulate fishing with rod and line. The proposals were approved unanimously.⁶⁹ Ten years later, when proof was found of "overfishing" in the waters around Greenland, Denmark forced even more drastic measures by proposing that the *Store Hellefisk Bank* (division 1B in the ICNAF Convention area) should be closed to trawlers. The Danish government argued that fishing for cod with rod and line, almost the only means of survival for the people of Greenland, would be threatened by the depletion caused by the trawl nets.⁷⁰

But the swiftness with which the Commission dealt with the requests to protect fishing with rod and line put forward by Portugal and Denmark does not suggest any other convergence of interest between the two states. On the contrary, the divergence of views with respect to the issue of

⁶⁷ Miriam Wright, *op. cit.*, pp. 51 and ff.

⁶⁸ The perception that the Washington Conference could lay down "international limitations or conditions" on trawling activity in the Northwest Atlantic, and that in this situation fishing from boats using the rod and line technique should not be restricted, was mentioned even before this meeting took place and was discussed by the Ministry for the Sea's Directorate of Fisheries and H. Tenreiro. See Bibl. IPIMAR, Pasta *Conferência de Washington* — *Fevereiro de 1949*, "Nota 1836", fls. 1-2.

⁶⁹ AHMNE, RQE, Proc.º 44, 17, 2º P, A 61, M 317, Pasta 2, *Regulamentação Internacional da Pesca do Arrasto*.

⁷⁰ See *Relatórios do Instituto de Biologia Marítima*, No. 14, *cit.*, pp. 24-26.

the limits of Greenland's territorial waters was soon to worsen. In May 1963, Copenhagen alarmed Lisbon with a unilateral proclamation that extended the island's territorial waters from three to twelve miles.⁷¹

2.2. Portugal in ICNAF: multilateralism and autarky

Given the limitations of scientific activity in Portugal and the political constraints on the integration and cooperation of scientists in intergovernmental organizations, the active role of Portugal in ICNAF might seem strange.

In this, as in other spheres of postwar external cooperation, Salazar's government signed on in order not to be left out. Safeguarding the Northwest Atlantic fishing grounds and keeping intact the web of interests that the *Estado Novo* had ceased to weave around the cod campaign required unprecedented efforts at cooperation in multilateral organizations for the study and management of the fisheries. These were undertakings that were perhaps at odds with the strictly national dynamics of the corporate administration of fishing, contrary to its closed and oligarchic direction, proper to a political organization with strong *New State* connotations, and wrought from authoritarian powers, even ones with suggestions of fascism.

Even considering the pragmatic adaptations of postwar Salazarist diplomacy, the readiness with which Portugal joined ICNAF and the active part it sought to play within the Commission are unambiguous.⁷²

Of all the agreements accepted under ICNAF, the one that caused the most embarrassment to the authorities in Lisbon was that of proving information on the activity of the Portuguese cod fishing fleet. Between the wish to comply with the agreement of some leaders of fishing's corporate oligarchy, the fine perception of what was changing in deep-sea fishing, borne out by others (especially by António Duarte Silva⁷³) and the power of Tenreiro to persuade the Foreign Ministry to sign the agreements that he felt were essential for the "protection" of fishing, Salazar's foreign policy redoubled its concern with defending the "national interest" when it came to deep-sea fisheries and sovereignty over the seas.

The Washington Convention envisaged the establishment of national ICNAF advisory committees. There were countries which never bothered to establish theirs. Portugal, however, was

⁷¹ See A. Garrido, *op. cit.*, vol. II, pp. 581-583.

⁷² In the second mandate of ICNAF, which began in 1953, a Portuguese member was elected Vice-President — Commander Américo Angelo Tavares de Almeida (1898-1972). In the third mandate, after 1955, he was elected President of the Commission, a post he held until 1957. In addition to this involvement, the efforts of the Portuguese Commissioner to convene an annual meeting of ICNAF in Lisbon were neither small nor in vain. The first meeting to be held outside North America took place in Lisbon, in 1956. The Scientific Committee of ICNAF also came to be presided over by a Portuguese member, Mário Ruivo.

⁷³ António Álvares Pereira Duarte Silva (1904-1981). Born in Figueira da Foz, a lawyer and shipowner and, until the April 1974 Revolution, always a top leader of the Corporate Organization for Fishing. A large number of the policies for the cod industry established by Henrique Tenreiro resulted from studies carried out by Duarte Silva and the opinion that he proffered.

one of the first Member States to create a National Advisory Committee for the Northwest Atlantic Fisheries. It did so in mid-1952. A few months later, the Convention was ratified. The justification given in the preamble to the law does not hide the reasons for such haste: it is stressed that the agreement relates to those zones of the sea where the national cod fishing fleet had been fishing for many years, with the greatest interest being in cooperating in all the work of the bodies that had been established, or due to be set up after the Convention came into force.⁷⁴ Collaboration in order to avoid being marginalized was once again the order of the day. This meant an opening up to the outside world that was as unwanted as it was essential, in order to keep a close watch on what was changing in the cod fishing grounds and to reject any measures that were hostile to the progress of the cod campaign.

As was usual in the shifting sands of the Organization for Fishing, the Decree setting up the ICNAF National Advisory Committee subtly introduced a force for influencing fishing policies and renewing the cod fleet, based on a scientific report on the problem of conserving resources.

Struggling with the serious problems of organizing the work and with the fact that there were few marine biologists in Portugal, the ICNAF National Advisory Committee could not fulfill all the objectives ascribed to it under the law: "To study all the problems of fishing in the area covered by the Convention, to acquire and gather all the elements required for this study and compile reports, data or opinions that will enable the Government to decide on the direction to be taken by the representatives of Portugal".⁷⁵ Relying on a president appointed by the Minister for the Navy⁷⁶ and by a few representatives of the various ministries involved in managing both fishing and the corporatist bodies set up for the economic coordination of cod fishing - among which the name of Henrique Tenreiro looms large - the ICNAF Advisory Committee remained under the protective wing of the Directorate-General for the Navy. The headquarters of the Committee was linked to the newly created Office for Fishing Studies, i.e. remaining safely within the corporate oligarchy.

Despite the sparse financial support given by the Portuguese government to these "attempts at multilateralism", the participation of Portugal in research tasks was ensured by the scientific interest of the members of the Navy department's advisory bodies on fishing - especially of a few officials linked to the hydrographic services, whose oceanographic awareness and knowledge was more refined - and the political need to meet the obligations assumed in Washington.

The scientific input from each member state to ICNAF's investigations was in proportion to the fishing effort of the respective fleet in the Convention area. The immediate goals of the body were to assess stocks and the effects of fishing on the capacity for resource renewal. This program was beyond the individual capabilities of each country, requiring as it did expenditure and specialized personnel in order to carry out sampling programs in huge areas of the sea.

One of the difficulties most noticed by ICNAF scientists seems to have been the international standardization of methods and techniques for identifying the dynamic characteristics

⁷⁴ *Diário do Governo*, 1st series, Decree No. 38 806, of 30 June 1952.

⁷⁵ *Idem*, Article II.

⁷⁶ Rear-Admiral António Francisco Alves Leite, who, up to 1961, combined the post of President of the Committee with that of President of the Office for Fishing Studies.

of the fishing stocks. According to the “fishing biology” standards of the day, the features of biological populations that most caught the attention of the scientists were their potential for growth and reproduction, the feeding and migration habits of the more commercially valuable species, as well as “natural mortality” indices and those resulting from fishing. In order to diminish the differences between the technical process of “determining the age of fish by counting the annual rings on the scales”, as well as to harmonize the techniques of reading otoliths and other scientific methods of characterizing the stocks, a scientific meeting was held in Lisbon in May 1957 to discuss the “population dynamics and selectivity of the fishing effort”. The meeting was sponsored by the FAO, ICNAF and ICES.⁷⁷

2.3. Diagnoses and intergovernmental research projects

In the early years, and under the impetus of the ICNAF Scientific Research Committee, the work of the National Advisory Committee concentrated on collecting and compiling the statistical data relating to fishing by Portuguese vessels in the Convention area. This was an important task, especially as fishing statistics in Portugal barely considered biological variables, and had never been discussed with the need to determine “conversion factors” that could transform the global figures for the fish landed into values for the total fresh catch taken from the sea, or into “real catch”, as requested by ICNAF.⁷⁸

In terms of biology, the main commitment of Portugal as a member state was that of sampling. This meant the standardized collection of cod on board trawlers and “rod and line boats”, so as to calculate the maximum possible catch levels by assessing the degree of maturity of the biological populations and the understanding of the migratory behavior of cod. This knowledge was crucial for effective detection and for preventing falling yields.

For this purpose, the ICNAF National Advisory Committee organized a group of samplers who would be on board during the several months of the campaign. Among them, “biologists” were still an exception. A young biologist from the Portuguese Institute of Marine Biology, Mário Ruivo, whose political activism in the clandestine cells of the PCP (the Portuguese Communist Party) did not prevent the Organization for Fishing from keeping him in its bodies involved in studying fisheries, was involved in Portuguese research into cod between 1954 and 1961.⁷⁹ The work he directed took place on board the Portuguese fleet’s trawlers and rod and line vessels, with the aid of assistant-observers. Other tasks were carried out in the laboratory of the hospital ship *Gil Eannes*.⁸⁰ The sampling “covered the parameters fundamental to the study of population dynamics - such as

⁷⁷ See *Boletim da Pesca*, “Pescarias e cooperação internacional...”, *cit.*, p. 17.

⁷⁸ *Idem*, “A Comissão Internacional das Pescarias...”, *cit.*, p. 19.

⁷⁹ See Mário Ruivo, “Ciência e gestão dos recursos haliêuticos na segunda metade do século XX – o bacalhau no Atlântico Norte: um caso paradigma”, in A. Garrido (coord.), *A Pesca do Bacalhau – História e Memória*, Lisbon, Editorial Notícias, 2001, p. 350. Although under the watchful eye of the PIDE [the secret police], the skill of the young biologist, and maybe the fact that the repressive apparatus of the regime did not see any risks of “ideological contamination” in laboratory work that were comparable to those of teaching, could help to explain this remarkable cohabitation.

⁸⁰ See A. Duarte Silva, *op. cit.*, p. 15.

composition by size, sex and degree of maturity, the collection of otolites for establishing age, analysis of stomach contents - complemented in the fishing zones by other relevant observations".⁸¹

The work was painstaking, lengthy and costly, and was far from guaranteeing scientifically reliable results.⁸² It may be observed, for now, that the "fishing biology" was virtually confined to trying to estimate changes in stock abundance with a view to establishing "maximum sustainable catches". In the absence of a research vessel, towards the end of the 1950s, in addition to the sampling, observations were made on the rod and line boats to check for any correlation between the conditions in the seawater (temperature and salinity) and fishing yield. Such methodologies were increasingly close to current trends.

On a horizon dominated by rough knowledge gained from campaigns of plenty, the practical and intuitive knowledge of the masters and fishermen came up against the discourses of science. Certainly the dialogue between the men fishing for cod and the scientists was always a very delicate one, characterized by mistrust on the part of the former and constantly postponed by the relative abundance of fish - an abundance which, in 1956, in relation to the Newfoundland sandbanks, the ICNAF studies still did not refute.⁸³ But because the scenario at that time was already a little bleaker with respect to species related to cod, the *Boletim da Pesca* (*The Fishing Journal*) for that year called for everyone to cooperate in the biological research: "From the humblest fisherman who collects a marker to the ship's master who facilitates the work on board his vessel, and the officials who can create the conditions needed for serious scientific research that is properly directed and equipped with the means to act, then it will be possible to accomplish the program outlined and reap the rewards of this international collaboration for the balanced exploitation of natural resources".⁸⁴ If the *Boletim* is to be trusted, retrieving the marked fish was a task that the Portuguese fishermen performed zealously, on board their dories, on the orders of the captains.⁸⁵ These latter figures had to record the length of the specimens, as well as the date and place of their capture, and then send them to the *Grémio dos Armadores* (the corporatist shipowners' association), and thence to the laboratory. In an authoritarian state, it is amazing and paradoxical that the motive of "national interests" allowed the various actors in fishing the dynamics of cooperation in scientific

⁸¹ Mário Ruivo, *art. cit.*, p. 352.

⁸² Those who recognized it were the scientists who signed the Report used here as a source, Rui Monteiro and Manuel Lima Dias. See *Relatórios do Instituto de Biologia Marítima*, No. 14, *cit.*, p. 7.

⁸³ See *Boletim da Pesca*, "A Comissão Internacional das Pescarias do Atlântico Noroeste...", *cit.*, pp. 17-18. It is enough to highlight the educational discourse of this periodical, published by the Office for Fishing Studies, concerning the importance and demands of Portugal's cooperation in the multilateral bodies engaged in studying and managing the fisheries. The role of the *Boletim* in disseminating new fishing and fish processing technologies seems to have been no less important.

⁸⁴ *Idem*, p. 20.

⁸⁵ *Idem*, p. 19.

programs, which bore practical similarities with certain “cooperative models” for the regulation of fishing that are recommended today.⁸⁶

2.4. General overview and instrumental results

It is not easy to assess the practical effects of these investigations and the scientific opinion that they engendered, which in turn led to the general management of the cod fisheries. Yesterday, as is the case today, the policies of renewing the fishing fleet and regulating the technological systems for catching fish were the topics most likely to gauge the impact of scientific diagnoses on the greater or lesser abundance of resources.

If we compare the annual reports of the ICNAF National Advisory Committee with the public opinions relating to the renewal of the Portuguese cod fishing fleet, it is immediately clear that the applied research developed between 1948 and 1974 with the help of the Biological Marine Institute was restricted to the abundance of resources and the estimation of catch potential, in accordance with the need to supply the national cod market. The autonomy of the scientific discourse emanating from technical and advisory bodies in the area of fisheries and affecting the political decisions taken was thus very limited, shackled and conditioned by the system of authority over national fishing: Tenreiro, from the side of the Corporatist Organization for Fishing, and the Cod Trade Regulatory Commission (CRCB), in the exercise of its powers of public economic coordination.

Regarding the outcome of the research undertaken by the ICNAF National Advisory Committee, it is no less scandalous that scientific opinion was snuffed out in the face of the instrumental goals of its application. The inclusion of ICNAF investigations in the fleet renewal programs, considered by the CRCB under the scrutiny of the “government of the Nation”, appear to be fairly scarce. The annual reports from the National Advisory Committee became a dead letter, even though they were kept in the ICNAF *Yearbook* and summarized in other documents emanating from the annual meetings of the organization.⁸⁷ The state invariably looked only at such research results in order to see the catch possibilities for the Portuguese fleet in the ICNAF Convention area, and to use them to chart the supplies for the national cod market. The prevailing viewpoint of “supply fishing” made any investigations by the advisory bodies and specialist committees on national fisheries virtually ineffectual.

As happened in other countries interested in developing their fishing industries, in the third quarter of the twentieth century “fishing biology” became a “state science” in Portugal, developing the advantages, drawbacks and regulatory concerns of applied research. Even so, the technical and advisory bodies on fishing created after the Second World War permitted the narrowest of openings to international cooperation, somewhat isolated in the panorama of scientific research in the Salazarist period. Whether through the regular participation of its researchers in

⁸⁶ For thoughts on some of these management models for the “Atlantic cod” fisheries, see, among others, Barbara Neis; Lawrence Felt (ed.), *Finding Our Sea Legs – Linking Fishery People and Their Knowledge with Science and Management*, St. John’s, ISER of the Memorial University of Newfoundland, 2000.

⁸⁷ Some of these annual reports published by ICNAF are still in the IPIMAR library, in Lisbon. See “Portuguese Research Report, 1963”, *ICNAF Redbook - 1964* (II) and the same document for the years 1964, 1965 and 1966.

international meetings or due to the need to plan and present statistics, the contact that was enjoyed with more evolved scientific research centers, working in the area of fisheries, did, in fact, yield positive results.⁸⁸

With respect to the technologies used in fishing and processing the catch, despite the activities of the Office for Fishing Studies⁸⁹ and the Geographical Missions and Colonial Investigations Board⁹⁰, there never was a national drive for research in these domains, which partly explains the obstacles raised to the reorganization of the sector.

In the 1950s and 1960s, the activities of the public research bodies were centered on the “classic” issues of detecting, prospecting and mapping resources. With the exception of the work of the Biological Marine Institute, designed to study the fishing resources of the Portuguese coast (especially sardine), through which passed a good many of the future national elite of “marine biologists”, the outcomes of the investigations conducted by the various organizations and advisory committees were scarcely reflected in the “national fishing policy”. Even though Portugal promptly ratified the International Convention on Overfishing, which warned of the need to adapt catch potential to the capacity for resource renewal, the plans made to encourage fishing in the 1950s and 1960s totally ignored the question of the rational exploitation of stocks. Empiricism and an illusory belief in the infinite capacity of marine resources to renew themselves certainly still prevailed over the discourse and practice of the economic agents in the sector and the majority of those responsible for fishing policy. It is certain, too, that in the third quarter of the twentieth century the management of fish resources was based on extremely simple, linear models developed to study the dynamics of biological populations. These were mechanistic models, whose reading of the variations in stock abundance tended to overestimate the impact of fishing but did not include environmental factors and did not gauge the effects of these phenomena on biodiversity.⁹¹

“Fishing biology” studies - still embryonic in Portugal, and with little hope of becoming established in the institutional framework of the Corporate Organization - and even the sampling work on the “Atlantic cod” carried out as part of the commitment made to ICNAF, had absolutely no influence on the essence of political decision-making in relation to encouraging deep-sea fishing. There was a total lack of any ecological discourse or awareness with respect to the problem of “overfishing” and of the need to adjust the capacity of the fleets to a “sustainable” level for the exploitation of resources. Finally, the political preoccupation with ensuring the survival of the cod fleet, “supporting” shipping firms and foreseeing the instability of the supply to the domestic market put ecological discourse and practice firmly in second place, so that it became nothing more than instrumental. The metaphor of the “drop in the ocean” that some biologists used to characterize

⁸⁸ This positive assessment is borne out, for instance, by Prof. Mário Ruivo (interview, Lisbon, 20.4.2001).

⁸⁹ This office was set up under Decree-Law No. 38 638, of 9 February 1952. Incorporated into the Corporate Organization for Fishing, its purpose was to “study the problems related to the various fishing methods and its workers and to try to find practical solutions for them” (Article I). As with other technical organizations on fishing, the Office struggled with a lack of funding. Its operations depended on income or annual contributions from shipowners’ associations.

⁹⁰ Set up in 1948, it includes works by the Missão de Estudos das Pescas de Angola (Study Mission on Fishing in Angola), as it was called from 1951 onwards.

⁹¹ See Mário Ruivo, *art. cit.*, pp. 355 and ff.

their contribution to the administration of fishing in the period of the dictatorship was as much a caricature as it was the truth.⁹²

Conclusions

In the postwar world, accepting that marine resources were “common property” and appreciating that the management of fishing required both multilateral study and the resolution of its essential problem - the vicious cycle of scarcity and falling yields for firms - were rare and controversial attitudes. Nevertheless, the impetus provided by the practical evidence of the shortage of fish in certain zones of the Ocean was at least as strong as that provided by the diagnoses and theoretical formulations from science, in relation to “overfishing”, its causes and bio-economic effects. But the intrusion of any other perspective (from biology and economics) into political decision-making by the Portuguese government was slow. In the changed world of the “Cold War” and with the emergence of new nation-states, the primary concern of governments was to territorialize resources and to map abundance, rather than to introduce measures to prevent the scarcity from worsening.

This conduct on the part of the public authorities did not prevent the establishment of various intergovernmental bodies to study the fishing of species with high commercial value. Their action presumed concerted research and the implementation of measures, negotiated and implanted on a multilateral basis.

Extolling the “national importance” of the cod campaign both for the public supply and for the stimulation of the economic and social life of the main cod ports - often through the use of historicist arguments and recourse to propaganda - the Portuguese *Estado Novo* agreed without hesitation to such principles of multilateralism in order to defend the interests it considered relevant. Astonishing as it may seem, the Portuguese dictatorial regime’s concession to cooperative practices, which, for the first time, required multilateral scrutiny and management of the cod fisheries in the Northwest Atlantic, was justified by the importance of deep-sea fishing for supplying the people.

The survival of the cod fisheries in this new international scenario did, in fact, imply that Portugal become part of a number of intergovernmental organizations. These agreements, by demanding unprecedented commitments to external cooperation in scientific research into the sea, ended up generating flows of knowledge and giving the few Portuguese specialists involved in these organizations advance preparation in the area of marine biology and the Law of the Sea.

The example of ICNAF seems fairly illustrative and could also motivate a re-reading of the almost unequivocal characterization that is usually given to Salazarist foreign policy. From another angle, this essay may actually confirm the limits of the “fundamental truths” of the New State’s foreign policy and its subordination to the pragmatism of interests in the postwar context. An analysis of Portugal’s involvement in the creation of ICNAF and in the dynamics of this intergovernmental organization, created through a US initiative in 1948, does not, however, permit a metonymic conclusion. Portugal’s participation in ICNAF is not enough to contradict Salazar’s resistance to any concessions in terms of foreign policy, or at least in terms of the “sacred principle” of the sovereign and “national” decision, even one created in bilateral forms.

⁹² Evidence from Professor Mário Ruivo (Lisbon, 20.4.2001).

Even so, the multilateral competences of ICNAF that we can see, and the efforts at regulation that the member countries agreed to implement lead one to believe that the management of the Northwest Atlantic fisheries came to rely on the practice of sharing information, with some scientific support. Despite the instrumentalization which the work of the Portuguese “biologists” working at ICNAF sought to achieve, cod fishing had never before aroused such great meticulousness in diagnosing its possibilities and disseminating statistics on the activities of fishing fleets and on their effects on the evolution of biological reserves. The cod fisheries ceased to be a strictly national matter; maintaining or expanding them implied subjecting boats, men and fishing technologies, as well as the public policies for regulating the sector, to principles of mutual, multilateral surveillance.

The part played by the Portuguese authorities in the creation and functioning of ICNAF merely comprises a fine example of the exception that proves the rule; an exception that was acquiesced to in the absence of political implications capable of rocking the foundations of the regime. In this, as in other domains, multilateralism was just a small test, pragmatic and necessary, following the convergence of the interests involved and the expression of their oligarchies within the state’s institutions. It is not even odd that, in order to maintain the viability of the political project of the cod campaign against the flow of the external changes to the Law of the Sea and the very scarcity of resources that became apparent between the 1950s and 1970s, it was the corporatist oligarchy that mobilized the state and dictated the diplomatic strategies to be followed by the Ministry of Foreign Affairs.

As happened in the wider sphere of Portugal’s participation in the movements and institutions of European economic cooperation in the postwar era, marked by the pragmatism of Salazar, by baffling diplomatic advances and retreats, the integration of Portugal into ICNAF gave rise to unheard of external commitments. But one thing is sure: the concession to multilateral principles and practices was minimal and never clashed with any of the “invincible truths” of Salazar’s regime: the integrity of the State and the Nation, the authoritarian nature of the political system, and colonial integralism.

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Appendix A
The area comprehended by the ICNAF convention – final project



Source: Biblioteca IPIMAR, Pasta *Conferência de Washington – Fevereiro de 1949*, “Relatório dos Delegados do Ministério da Marinha”.