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ABSTRACT The globalization of socio-economic relations is a central topic of discussion in both the general literature on economy and society and in the area of food and agriculture. Many maintain that we are in a transition from one era, termed Fordism, to another, called Global Post-Fordism. We use the case of two fisheries eco-labeling programs to inform discussions regarding the emergence of stabilizing socio-economic mechanisms in the Global Post-Fordist era. We argue that recent developments in the tuna-dolphin case, the first major experiment with eco-labeling in the fisheries industries, combined with the Marine Stewardship Council, an initiative designed to regulate and certify a system of global “sustainable fisheries” through an eco-labeling program, provide valuable insights into the ideological and organizational structure of salient global actors in the Post-Fordist era. The discussion addresses (1) the contested terrain within the “North” and between the “North” and the “South” regarding eco-legislation to regulate the global fisheries; (2) the fracturing of the environmental movement into “mainstream” and “grassroots” camps and the resulting inability to maintain a coordinated agenda to counter the globalization project; and (3) the emergence of new forms of supranational state-like regulatory mechanisms that combine science with free trade and environmental ideals and propose to resolve the global fisheries crises by providing sustainable socio-economic coordination. We conclude that the emergence of these supra-national state-like NGOs raises important implications for the sovereignty of nation-states and democratic action on the part of subordinate groups opposed to the globalization project.

“Tuna is the debut for a great debate between environmentalists and traders.”

Oliver Belisario, Caracas-based consultant for Venezuela’s tuna industry (Brooke 1992:7)

Introduction
The tuna-dolphin controversy covers a thirty year span of struggles between environmental groups, transnational corporations (TNCs), tuna fishermen and processing workers, and various states and supra-national organizations to define the rules of the eastern trop-

1We would like to thank Donna Trahan for her valuable research assistance on the project. We would also like to thank Doug Wilson and four anonymous reviewers for their constructive comments that improved the quality of the manuscript.
The "dolphin-safe" tuna label, the first "eco-label" for fisheries products, is an outcome of this struggle. The recent adoption of the Panama Declaration ushers in a new chapter of the story in which "dolphin-safe" may come to indicate techniques of fisheries management rather than the banning of particular techniques of fishing. A new initiative, the Marine Stewardship Council (MSC), proposes to certify the products of all major fisheries as either "sustainable" or, by default, "not-sustainable." In this paper we use the tuna-dolphin controversy and the MSC to inform discussion of the emergence of Global Post-Fordism, in general, and management of global fisheries, in particular. More specifically, we are interested in identifying the nascent mechanisms of socio-economic coordination that might provide stability at the global level. We open with a brief review of the literature on the transition away from Fordism and the emergence of Global Post-Fordism. Next we survey the background and latest developments in the tuna-dolphin controversy and provide a description of the emergence of MSC and the controversies around its agenda. Finally, we discuss what insights the case can provide into the future of global fisheries under Global Post-Fordism and draw some conclusions.

The Fordism to Global Post-Fordism debate

Recent contributions in the Sociology of Agriculture and Food (e.g., Arce 1997; Bonanno et al. 1994; Constance et al. 1995; Friedland 1994a, 1994b; Heffernan and Constance 1994; McMichael 1996a, 1996b) and the Economy and Society debates (e.g., Antonio and Bonanno 1996; Cox 1997; Giddens 1994; Harvey 1989; Lash and Urry 1994, 1987; Lipietz 1992) analyze socio-economic transformations in late capitalism. One of the major themes of these discussions is the end of Fordism and the transition to Global Post-Fordism. According to European representatives of the Regulationist School (e.g., Aglietta 1979; Harvey 1989; Lash and Urry 1987; Lipietz 1992) capitalism is divided into specific periods of socio-economic stability followed by periods of crisis. For many regulationists, stability is achieved through a virtuous relationship between a "regime of accumulation" and a "mode of regulation." Regimes of accumulation are stable historical periods in which conditions are such that they allow the reproduction of accumulation and maintain acceptable levels of socio-economic order. The whole of the institutions and norms supporting a regime of accumulation is called a mode of regulation (see Aglietta 1979; Lipietz 1992; also Bonanno and Constance 1996).

According to regulationists such as Aglietta and Lipietz, by the late 1960s Fordism, based on mass production matched to mass consumption coordinated through the actions of an interventionist
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state, entered a period of rising costs, declining productivity, and market saturation that generated an accumulation crisis. Global Post-Fordism, the new regime of accumulation, is characterized by enhanced economic flexibility for corporations and a crisis of the nation-state. Attempting to revive accumulation, corporations increased their economic flexibility through capital flight, decentralization of production, and the informalization of labor. Highly regulated states, in turn, tended to deregulate their economies as they lost the ability to mediate conflicting demands emerging from dominant and subordinate groups. While the internationalization of production has a long history, the current phase of globalization is qualitatively distinguished by the hyper-mobility of capital (Harvey 1989), the crisis of the state (Lipietz 1992), and the rise of TNCs (Bonanno et al. 1994). Similar versions of the end of Fordism and the emergence of Global Post-Fordism have been presented in American debates as well (Hirst and Zeitlan 1988, 1991; Piore and Sabel 1984). While the characteristics of the new regime of accumulation are observable, the socio-economic coordination mechanisms making up the mode of regulation in Global Post-Fordism are less obvious.

The active debate over the nature of the Post-Fordist transition in the agricultural and food sector is characterized by at least four positions. The first position, exemplified by the work of Philip McMichael (e.g., 1996a, 1996b), holds that the collapse of Fordism was directly linked to a preference for liquid over fixed capital. Investors decoupled liquid capital from productive capital and thereby affected the reorganization of political and economic institutions. Financial institutions expanded their ability to control the servicing of debts, which affected the behavior of production corporations and states. This process was orchestrated by a global elite of financial managers, bureaucrats, and corporate leaders. In the early 1970s global banks provided unsecured loans in support of the export-oriented industrialization strategies of Third World countries seeking to “catch up” with the developed world. Pursuit of these strategies stimulated transnational trade and the growth of global corporate activities and contributed to world financial instability and the creation of a new breed of global banks. In the late 1970s the flow of loans to the Third World ended, and severe financial crises in developing countries motivated international financial institutions—such as the International Monetary Fund—to impose economic restructuring plans. In this context, multinational institutions, the financial class, and state managers worked to reorient developing economies toward neo-liberal policies. One result was the consolidation of the position of global corporations as the privatization of national assets and the opening of domestic markets reduced wages and weakened the powers of states. For McMichael,
global capital has superceded state powers and closed off many of the spaces for democratic action. Like the Regulationists, he concludes that Post-Fordism is the most recent attempt to stabilize capitalism.

William H. Friedland (e.g., 1991, 1994a, 1994b, 1995), on the other hand, argues that, rather than transforming into Post-Fordism, Fordism has evolved into a more advanced form, termed Sloanism. For Friedland, those who argue for a break over-emphasize craft-based production. He shows how the decentralization of large vertically integrated systems and the presence of small production units signal not the emergence of a craft-based system but the development of a more sophisticated mass production system that is formally based on small, independent units although it is controlled by TNCs. The resultant nichification of markets allows TNCs to respond to the crisis of mass markets and cater to the diversified demands of global consumers. Therefore, despite producers' apparent independence, products and labor processes retain their mass character and are controlled from above. For Friedland, when the Fordist model was threatened by "over-standardization," Sloanism provided a system based on "options" that consumers added in relation to their purchasing powers. Originating in the automotive industry, Sloanism expanded into other areas of production such as clothing, electronics, and food. Thus, Fordism did not end but was modified. The new version is controlled by large corporations but offers sufficient differentiation of products to support the impression that mass production has been replaced with craft production. The decline of the powers of the state and the rise of supra-national forms of governance have been central aspects of this process.

The third position is represented by the work of Alberto Arce and his associates (Arce 1997; Arce and Fisher 1997). While agreeing that new global forms of economic activity are emerging, they criticize views that present the Fordism/Post-Fordism dichotomy as a homogenous phenomena largely explicable through macro analyses. Employing an actor-oriented approach (e.g., Long and Long 1992), these authors stress micro dimensions in which actors develop and use interpretations of situations in their everyday lives to further their existences. Calling for a serious reconsideration of the role of local actors in the shaping of global events, they question approaches that define globalization in terms of local processes being affected by distant events (e.g., Giddens 1990). Such approaches have very little to say in terms of how actors "interpret and translate" global phenomena (Arce 1997:82). Instead, Arce and his associates contend, global processes are fragmented and reinterpreted at the local level, and mediation and reconfiguration by local actors makes it important to underscore the differences and peculiarities of globalization through a "close-up analysis" (Arce
Arguing that the concepts of Fordism and Global Post-Fordism lack the necessary analytical capacity to respond to this epistemological request, Arce and his associates maintain that mediation and interpretation enhance reflexivity and allow individuals and communities to further their own emancipation by taking advantage of conditions emerging globally. These authors have thus far only responded to views that empower the global dimension with mechanistic readings of all powerful TNCs and ignore the embedded power of locals to successfully negotiate their place in the global system. Arce and associates (Arce 1997; Arce and Fisher 1997) do not advance a definitive position on the impact of globalization on the state, but their work implies that local actors may be able to use the mechanisms of the state and supranational, state entities to advance their own definition of their role in Global Post-Fordism.

Finally, Alessandro Bonanno and his associates (e.g., Antonio and Bonanno 1996; Bonanno 1993; Bonanno and Constance 1996, 1998a, 1998b; Constance et al. 1995) stress the class dimension of the Post-Fordist transition and view Fordism as an ideal type of the capitalism that emerged after World War I and reached maturity after World War II. They emphasize the open-ended character of the current transition and portray it as a contested terrain in which groups operate both locally and globally. Claims that legitimized the rule of dominant classes were countered by demands from subordinate groups in both advanced and developing nations. This confrontation destabilized Fordism and forced dominant groups to devise the new strategies for capital accumulation and social legitimation that resulted in Global Post-Fordism. These authors agree that the end of Fordism presented possibilities for enhancing freedom (e.g., Beck 1995; Giddens 1994; Lash and Urry 1994). Unfortunately, the opening of "free spaces" has been countered by TNC actions that have established processes diminishing the political power of subordinate groups. These authors link the crisis of the political power of subordinate groups to the crisis of the state and its inability to control flows of resources and actions within its territory. They maintain that, despite their strength, TNCs are still vulnerable as new sensitivities about the environment and quality of consumption and life style issues inform anti-corporate actions by economic and social groups. This vulnerability is evidenced by the actions of new social movements, including the environmental movement, that have been able to establish anti-corporate agendas both in advanced and developing societies. However, even successes come with contradictions. The environmentalist agenda has only partially addressed labor issues, and TNCs have been able to pit labor against environmental groups. Thus, these scholars conclude that the struggle for democracy is problematized as emancipatory groups
find themselves divided and often at odds with each other. A unified anti-corporate front has yet to emerge in Global Post-Fordism.

These four views generate valuable insights into the mechanisms and effects of the Post-Fordist transition in general and the changing nature of state/firm relationships in particular. All assert that we are witnessing a significant shift from national to transnational forms of economic organization. Although Friedland and Arce see this shift as an evolution, they do stress the important qualitative differences between older and current forms of globalization. McMichael’s world-system approach illuminates the social and environmental costs of allowing “Finance Capital’s” globalization to eclipse the sovereignty of individual states. Friedland’s description of Sloanism shows how centralized control can coordinate and link a multitude of different producers and consumers in a system in which the socio-economic coordination mechanisms of states subside in importance and are replaced by emerging supra-national state structures. Arce highlights the mediated aspects of globalization at the local level, as actors and communities define, negotiate, and create their own roles and realities in Global Post-Fordism.

In this paper we focus most closely on how competing groups pursue solutions to the fisheries crises through policies carried out at the state and supra-state levels. While we borrow the concept of “mode of regulation” from the Regulationists, we do not subscribe to the structuralist Regulationist theory, but rather attempt to use it as an heuristic to analyze the contested emergence of mechanisms facilitating stability under Global Post-Fordism; a central role of the state under Fordism’s “mode of regulation.”

The case
The case proceeds in four parts. First, we provide an historical overview of the tuna-dolphin controversy. Next, the specifics of the Panama Declaration highlight the continued contestation of the tuna-dolphin issue and the organizational forms emerging to mediate the crisis. Finally, the nascent MSC initiative is briefly compared with the tuna-dolphin case.

Contested regulation of the ETP tuna-dolphin fishery:
They are kidding themselves if they think GATT can force the U.S. to abandon laws to protect the environment. In the 1990s free trade and efforts to protect the environment are on a collision course.

David Phillips, Director of Earth Island Institute
(Brooke 1992:7)
Historical background

In the Eastern Tropical Pacific (ETP), which reaches from southern California to Chile and extends about 700 miles west into the Pacific Ocean, dolphins swim above schools of yellowfin tuna. In the 1950s San Diego tuna fishermen began encircling dolphin herds with massive purse-seine nets to catch the tuna below. This technique generated huge catches, but because fishing crews did not work to help dolphins, turtles, and other marine life escape from these nets, from 6 to 7 million dolphins have drowned in the nets since 1959 (see Bonanno and Constance 1996). Public outrage over this slaughter and other marine mammal deaths brought about the passage of the Marine Mammal Protection Act of 1972 (MMPA). However, conflicting language in the MMPA made implementation difficult. For example, one section referred to the need to maintain depleted dolphin species at or above their optimum sustainable populations (OSP) while another stated that the immediate goal of MMPA was to reduce incidental dolphin deaths associated with tuna fishing to “insignificant levels approaching 0.” For the next 25 years the environmentalist coalition and its allies in government sought the abolition of the purse-seine technique while the tuna industry and its allies pursued continued purse-seine fishing within a regulated environment.

In the 1970s, as several Latin American countries adopted the purse-seine system and expanded their tuna industries, most of the U.S. tuna fleet reflagged under Latin American and other flags to avoid MMPA restrictions such as the “backdown procedure,” the “medina panel,” and the requirement that U.S. vessels employ observers to record dolphin deaths. By the mid-1980s the number of dolphins killed by U.S. tuna boats had been greatly reduced, but in 1986 over 100,000 dolphins still died in the nets, almost all set by foreign boats.

In the 1960s and 1970s tuna companies vertically integrated, either through long term contracts with fishermen or by owning their own boats, to guarantee product for their processing plants. In the 1980s, as their need to source “dolphin-safe” tuna increased, United States companies abandoned these practices and sourced tuna on the international market. Most of the U.S. fleet moved to the Western Pacific where tuna and dolphins do not associate regularly, wages are lower, and regulations are less strict. As a result, Puerto Rico lost about 10,000 tuna cannery jobs as the locus of tuna pro-

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2 The “backdown procedure” is a maneuver in which the tuna boat runs its engines in reverse, causing the back end of the net to drop below the water line while the dolphins are herded out of the net. The “medina panel” is an area of smaller mesh at the top of the net designed to reduce the likelihood that dolphins will get caught in the net.
cessing moved to American Samoa, and two of the three largest U.S.-based firms sold their tuna operations to Asian firms. In 1988, Ralston Purina sold its Van Camps "Chicken of the Sea" operations to Mantrust of Indonesia and in 1989 Pillsbury sold its "Bumble Bee" brand to Unicord of Thailand. By 1990, except for U.S.-based Heinz's "Star Kist" plant, the Puerto Rican tuna industry was controlled by Asian firms: Unicord, Mantrust, Mitsui, and Mitsubishi.

During the 1970s the Inter-American Tropical Tuna Commission (IATTC) became increasingly involved in the management of the ETP tuna-dolphin fishery. The IATTC is a non-governmental organization (NGO) comprised of the countries that fish the ETP and is primarily responsible to manage tuna stocks to sustain maximum yields. In 1966 research revealed that tuna stocks were rapidly depleting, and an overall catch quota was established within a specified area of the ETP. Because the U.S. fleet took nearly 100 percent of the allowable catch in the early 1970s the IATTC enacted country quotas to accommodate countries adjacent to the area that demanded special access to their coastal tuna resources and restrictions on "distant water fishing nations" (DWFN). DWFN nations like the U.S. argued that tuna are a migratory species and are not the property of any particular nation. The IATTC's attempts to manage the ETP fishery were ultimately unsuccessful because many tuna boats reflagged under countries that did not belong to the IATTC and fished the ETP just outside of IATTC jurisdiction. The withdrawal of Ecuador, Mexico, and Costa Rica from the IATTC in 1980 reduced the effectiveness of the system severely that it was abandoned.

During the Reagan Administration the tuna industry was successful in reinterpreting the intent of MMPA away from the "0" death goal to an "acceptable" 20,500 mortalities. This change and amendments in 1984 and 1988 highlighted the growing tension between the two interpretations of MMPA. By 1984 the majority of dolphin deaths were associated with foreign fleets, and Congress ordered the National Marine Fisheries Service (NMFS) to close U.S. tuna markets to nations failing to adopt dolphin protection measures "comparable" to those enforced by the U.S. However, by 1988 no embargoes had been issued, and the Marine Mammal Protection Act Reauthorization Coalition, an environmentalist organization comprised of twenty-eight national environmental organizations, including Earth Island Institute, Greenpeace, the Marine Mammal Fund, Sierra Club, the Humane Society of the U.S., the Whale Center, and the National Audubon Society, and some members of Congress accused the NMFS of failing in its duty. At issue was the interpretation of "comparable." The environmentalists felt that it meant "the same" while the NMFS argued that the foreign fleets needed to be "brought along slowly." In 1998, the IATTC made another at-
tempt to meet the comparability requirement by placing observers on the foreign tuna boats to document dolphin kills. The adoption of the backdown procedure and medina panels were also part of this voluntary program, which did rapidly reduce the numbers of dolphin deaths attributed to the foreign fleets.

1990 saw four important events. First, in response to a consumer boycott, the three major processors announced they would only buy "dolphin-safe" tuna. Second, the U.S. government passed the Dolphin Protection Consumer Information Act of 1990, which defined "dolphin-safe" to exclude any tuna caught by encircling dolphins with purse-seine nets and forbade the sale of tuna that was not dolphin-safe in the U.S. Third, environmentalists secured an embargo, affecting Mexico, Venezuela, Ecuador, and Vanuatu, on all tuna that was not proven to be dolphin-safe. And fourth, these countries filed a complaint with the General Agreements on Tariffs and Trade (GATT) that the law was unfair environmental trade protectionism. In 1991 the Bush Administration, seeking to avoid negative repercussions for North American Free Trade Agreement (NAFTA) negotiations, tried to resolve the conflict through bilateral discussions. In 1991 the GATT ruled for the claimants, stating that a product could not be embargoed due to the way it was produced. The U.S. asked Mexico not to press for the enforcement of the GATT ruling and again promised to try to resolve the disagreements by getting U.S. laws changed.

In 1992 environmentalists secured another embargo against tuna "laundered" through third countries. While the first embargo had only a moderate effect, the extension of the ban to all countries that bought tuna from embargoed countries significantly curtailed Mexican and Venezuelan exports. Mexico and Venezuela accused the U.S. of purposefully setting impossibly high standards for Third World fleets. Several affected countries in Latin America, Europe, and Asia appealed to the GATT, and in 1994 the GATT ruled in their favor. The embargo did, nevertheless, inspire Venezuela and Mexico to join the IATTC and pledge significant monies for "dolphin-safe" fishing research.

The GATT ruling stated that the controversy should be resolved via an international forum. One such attempt was the IATTC sponsored La Jolla Agreement of 1992, which formalized a voluntary program of on-board observers and dolphin protection techniques. Environmentalists welcomed the IATTC efforts but did not accept

3 The "tuna war" between the U.S. and Mexico began in 1933 when the U.S. increased taxes on Mexican tuna imports and accelerated when Mexico prohibited foreign boats from fishing within 12 miles of its coastline. The disagreements accelerated in 1976 when Mexico extended its Exclusive Economic Zone out to 200 miles. In 1980 the U.S. initiated its first embargo on Mexican tuna in reprisal for its seizure of U.S. tuna boats fishing in Mexican waters.
them as an adequate guarantee of continued dolphin protection. The U.S. passed the International Dolphin Conservation Act of 1992, which proposed a five-year moratorium on purse-seine tuna fishing in the ETP and included trade sanctions on violating nations, but because Mexico and Venezuela did not sign the agreement before the deadline, the U.S. continued to ban the sale of all non-"dolphin-safe" tuna within its borders. Three years later the embargoes were still in effect. Spokespersons for Latin American nations claimed that the embargoes cost their countries over $100 million in revenues (Nunez 1995), and across Mexico about 15,000 jobs directly or indirectly tied to tuna fishing were lost (Frazier 1996). But another IATTC compromise was in the works. This initiative was similar to the La Jolla proposal but was much better coordinated.

**The Panama Declaration**

On October 4, 1995 the Panama Declaration was signed by representatives of the governments of Belize, Columbia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the U.S., Vanuatu, and Venezuela. The governments promised to formalize, by January 31, 1996, a binding legal instrument incorporating changes to the voluntary La Jolla Agreement on the regulation of the ETP fishery.

The declaration established a per-stock, per-year mortality cap not to exceed 5,000 dolphins that was to be adjusted down in future years. Other modifications included the establishment of scientific advisory committees that were to use the best scientific evidence to maintain or restore harvested and associated stocks at maximum sustainable yield levels. The declaration also changed the "dolphin-safe" label to include tuna harvested when a purse-seine net is used to encircle dolphins if no dolphin mortality is noted by an observer. Advocates argued that the existing "dolphin-safe" rule condemned an entire load of tuna if just one set of the net in an entire fishing trip was on a mixed school of tuna and dolphin, whether or not mortality occurred (Felando 1995).

To comply, the U.S. needed to change the MMPA as follows (Felando 1995:1-2):

1) the existing primary and secondary embargoes had to be lifted for tuna caught in compliance with the La Jolla Agreement as modified by the Panama Declaration.

2) access to the U.S. market was to be opened to tuna from member states of the IATTC and from states that had initiated steps to become members.

3) the definition of "dolphin-safe" had to be changed to mean that such term "may not be used for any tuna
caught in the eastern Pacific Ocean by a purse seine vessel in a set in which a dolphin mortality occurred as documented by observers."

Written support for these changes was provided by five major environmental organizations: the Center for Marine Conservation, the Environmental Defense Fund, Greenpeace, the National Wildlife Federation, and the World Wildlife Fund (Felando 1995). The Clinton Administration and conservative members of Congress supported the initiative (Fiore 1995).

The U.S. legislative process

The Panama Declaration became the basis for a bill introduced in the U.S. Congress by Senator Ted Stevens (R-AK), Chairman of the Senate Subcommittee on Oceans and Fisheries. The Clinton Administration sided with Senator Stevens as did the five environmental organizations mentioned above. In presenting the International Dolphin Conservation Program Act to the U.S. Senate, Stevens stated (Congressional Record 1996:S11969):

Our legislation is supported by: (1) U.S. tuna boat owners; (2) the mainstream environmental community [italics added] including Greenpeace, the Center for Marine Conservation, the Environmental Defense Fund, the National Wildlife Federation, and the World Wildlife Fund; (3) the American Sportfishing Association; (4) U.S. Labor, including the National Fisherman’s Union, Seafarers International, and the United Industrial Workers; (5) the 12 nations who signed the Panama Declaration (Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, Vanuatu, and Venezuela); and (6) the Administration. I ask for unanimous consent that the letter I received from Vice President Gore in support of S1420 be printed in the Record.

The degree of cooperation between the Clinton Administration and the Republican backers of the bill is exemplified by the letter sent by Vice President Al Gore to Senator Stevens (Congressional Record 1996:S11970):

I am writing to thank you for your leadership on the International Dolphin Conservation Program Act, S1420. As you know, the Administration strongly supports this legislation, which is essential to the protection of dolphins and other marine life in the Eastern Tropical Pacific. In recent years, we have reduced dolphin mortality in the Eastern Tropical Pacific tuna fishery far below historic levels. Your legislation will codify an international agreement to lock these
gains in place, further reduce dolphin mortality, and protect other marine life in the region. This agreement was signed last year by the United States and 11 other nations, but will not go into effect unless your legislation is enacted into law.

Similar legislation introduced by Representatives Randy Cunningham (R-CA) and Wayne Gilcrest (R-MD) cleared the House in May 1996 (Linden 1996). Jerry Leape of Greenpeace expressed gratitude for the overwhelming Republican support in the House and said that he hoped the Senate got a strong message from the vote. “While many think that environment is just a Democratic issue,” Leape said, “I think this shows that it can and should enjoy bipartisan support.” (Odessey 1996:2) Nevertheless, the companion bill did not pass the Senate (Linden 1996).

The advocates of the bills argued that the current interpretation of MMPA combined with the Dolphin Protection Consumer Information Act of 1990 was unfair to the signers of the Panama Declaration, who had substantially reduced dolphin mortalities. They maintained that foreign fleets threatened to leave the voluntary La Jolla Agreement program if the U.S. did not adopt the Panama Declaration (Palmer 1996). Proponents also said that MMPA was a major threat to the sustainability of the ETP tuna fishery because of the substantial bycatch of immature tuna associated with non-purse-seine fishing methods. The bycatch of other marine species such as sea turtles, sharks, and billfish was also advanced as evidence of the detrimental effects of the current legislation (Frazier 1996; Young 1996). Finally, supporters stated that the declaration would enact levels of protection based on scientifically calculated population estimates for each dolphin species as opposed to a system based on the banning of a particular technique (CMC 1996; EDF 1996; Greenpeace 1996; NWF 1997). Tuna industry lobbyist James P. Walsh stated, “They catch 300,000 tons of tuna in the eastern tropical Pacific and kill 4,000 dolphins which scientists say is ‘biologically insignificant’ . . . It is time for us to grow up and realize we have more or less conquered the dolphin problem” (Fiore 1995:A-1).

Opponents to the Panama Declaration, such as Earth Island Institute (EII), the Sierra Club, the Humane Society of the U.S., EARTHTRUST, Cetacean Society International, ASPCA, Sea Shepherd, Defenders of Wildlife, Friends of the Earth, Fund for Animals, Ralph Nader’s Public Citizen, Human Dolphin Foundation, Jacques Cousteau, and over 70 other environmental organizations claimed that the complicated enforcement mechanisms and the possibility for corruption meant that dolphin deaths would again
rise (Defenders of Wildlife 1997; EII 1995; Phinney 1995; Williamson 1996a, 1996b). They saw the declaration as the abandonment of the goal of “zero dolphin mortality” and an attempt to override democratically established U.S. laws in order to accommodate Mexico’s demands that the U.S. observe the free trade rulings of the GATT (Defenders of Wildlife 1997; Hebert 1997a). The bycatch argument, they said, was just an excuse to regain access to the lucrative U.S. market and the proposed changes would allow tuna fishermen to chase, herd, and encircle dolphins, which is cruel, stressful, and keeps populations from thriving. Marine mammal scientists denounced the assertions, included in the declaration, of negative impacts of bycatch on tuna and other marine populations. They argued that chasing dolphins would result in many unobserved stress mortalities and that the proposed bills would result in the deaths of tens of thousands of additional dolphins and untold mortalities of fish, sharks, and sea turtles (Cousteau 1996; EII 1996; Hall 1996; Myrick 1996; Payne 1996).

In early 1997, with support from the Clinton Administration, U.S. tuna companies, labor unions, and “mainstream” environmental organizations, Representative Gilchrest (R-MD) proposed H.R. 408, known as the International Dolphin Conservation Program Act, in the House, and Senator Stevens (R-AK) sponsored an identical bill as S.39 (Dregger 1997). In late May, the House passed the act, which would drop the embargo and change the definition of “dolphin-safe” in accordance with the Panama Declaration (Hebert 1997b). In July, the Senate adopted a four part amendment to S.39 put forward by Senator Olympia Snowe (R-ME), Chair of the Oceans and Fisheries Subcommittee (Anderson 1997). The amendment states that tuna caught in accordance with the Panama Declaration cannot be labeled dolphin-safe if an observer sees a dolphin that has been “seriously injured” or “mortally wounded,” as opposed to observing an actual “dolphin death.” Second, it authorizes emergency regulations if research shows adverse impacts on dolphin populations. Third, it mandates research on the effects of chase and encirclement fishing on dolphins. And fourth, it directs the U.S. Secretary of State to take steps to create a bycatch reduction program in the ETP.

Both the Clinton Administration and the Mexican Government accepted the amended version of S.39, dropping the embargo immediately but mandating three years of research on the effects of dolphin chasing before the label can be changed. The NMFS would oversee the research and make a preliminary judgement in 1999, with a final determination before the end of 2002 (Carter-Long 1997). On July 30, the Senate passed the amended version of the act (Allen 1997), and on July 31, the House approved the Senate’s
version (Reuters 1997). The passage of Public Law 105-42, means that two kinds of tuna can now be sold in the U.S.: “dolphin-safe” and non-“dolphin-safe.”

**The Marine Stewardship Council's sustainable fisheries initiative:**

Our view of the Marine Stewardship Council remains unsettled . . . Why do I feel this way? . . . First, past experience . . . We have had unsatisfactory experiences with ecolabeling in the past. The first instance is the label “dolphin safe” . . . specifically “dolphin safe” means no dolphins were encircled during the course of catching the tuna . . . Now, however, former advocates of the dolphin safe concept recognize that the concentration on a single facet of environmental protection has wreaked havoc with the fishery, and is actually damaging to the overall ecosystem. There are strong attempts to change this definition, but animal protection organizations have prevented remedies, even though many environmental groups would like to clarify the definition so that the fishing practices can be more environmentally friendly . . . The second instance is a current ecolabeling scheme called “certified turtle safe shrimp”. . . . A major problem with this ecolabeling program is that Earth Island Institute will not certify aquaculture produced shrimp, which is the most turtle safe of all, in that there are no turtles in the shrimp ponds. So consumers see product bearing the “turtle safe” ecolabel and assume that non-labeled product is not protective of turtles . . . Overall our ecolabeling experiences to date in the U.S. seafood industry have not been favorable.

Comments of Lee J. Weddig, Executive Vice President of the National Fisheries Institute at the European Seafood Exhibition in Brussels, Belgium. April 15, 1997 (Weddig 1997:1)

The Food and Agriculture Organization of the United Nations (FAO) reports that a majority of the world's commercially important fish stocks are over exploited, with catastrophic consequences for coastal communities. This situation is often blamed on the rapid growth of sophisticated DWFN fleets that compete with local fishers. Such practices as trawling and drift netting kill and waste an average of 27 million tons of fish, sea birds, sea turtles, marine mammals, and other ocean life annually—fully a third of the global catch (Samudra 1996a). In February 1996, because previous attempts to halt the decline have failed, Unilever PLC and the World Wildlife Fund for Nature (WWF) announced a joint initiative,
named the Marine Stewardship Council (MSC), to resolve this crisis. The MSC is an independent, non-profit NGO designed to establish sustainable fishing principles and set standards for individual fisheries. Fisheries that meet these standards will be eligible for certification and eco-labeling by independent bodies, and seafood companies will be encouraged to buy their fish products only from these certified sources (WWF 1996).

The WWF is the world’s largest private, non-profit conservation organization and Unilever is one of the world’s largest buyers of frozen fish, the manufacturer of the best-known frozen-fish products, and has a large industrial fishmeal fleet (Samudra 1996a; WWF 1996). According to WWF and Unilever, if consumers bought fish products only from firms that backed sustainable fishing methods, then they, the consumers, would be helping to restock the world’s depleted fisheries. During the announcement of the initiative, Michael Sutton, director of the WWF’s Endangered Seas Campaign stated, “The market is becoming more important in economic issues. There are limits to regulation and the market has to start trying to solve this problem rather than contributing to it” (Llunggren 1996:1).

In January 1997 the MSC appointed Carl-Christian Schmidt to be its first project manager. Mr. Schmidt had served as the Organization for Economic Cooperation and Development’s (OECD) principal administrator responsible for global fisheries issues. As MSC project manager, he coordinated a team of consultants with expertise in eco-certification and intimate knowledge of the commercial fishing industry. After consultations with a broad range of experts representing the stakeholders in marine fisheries, the team prepared a set of broad principles for sustainable fishing. The team then sponsored a series of conferences in order to codify the principles and develop a process of international implementation. As of April 1997, workshops had been held in Massachusetts, British Columbia, Germany, South Africa, Australia, New Zealand, Scotland, and Greece (Weddig 1997).

The MSC initiative has generated considerable discussion. Proponents argue that the MSC can significantly alter worldwide fishing practices in favor of more sustainable fisheries by harnessing market forces to consumer power. When Unilever and other major seafood companies commit to buying only from MSC-certified fisheries, they say, the fishing industry will be compelled to modify its practices. "Governments, laws and treaties aside, the market itself will begin to determine the means for fish production" (Samudra 1996a:1). Support for the MSC is so broad that the World Bank is considering enacting a “Market Transformation Initiative” using the MSC as the model (Sutton and Whitfield 1996). In summary, supporters argue that the MSC provides a powerful mediative solu-
tion to the global fisheries crises that includes all major actors: environmentalists, TNCs, labor, and consumers.

Skeptics include many fishing communities in both the North and South. Some argue that the MSC excludes important stakeholders and, thereby, ignores the needs of fishers in both the North (Samudra 1996c) and the South (Samudra 1996b). Others claim that the very companies that created the problem now propose to solve it with a solution that will result in the control of fishing grounds by "industrial" fleets at the expense of small-boat fishers and their communities (Samudra 1996c, 1996e). Similarly, they argue that consumers and TNCs in developed countries will impose their vision of a responsible fishery on developing countries (Samudra 1996b). There is also suspicion that an initiative that places its faith in the "magic of the market" will leave many small-scale commercial ventures that do not fit into the MSC process out of the value-added eco-labeling program (Samudra 1996d). After an MSC workshop to deal with concerns from the South, O'Riordan (1997) stated that the MSC has no clear plans to address the issues of developing countries. The opposition also challenges a totalizing argument based on market solutions to multi-dimensional problems as putting the "fox in charge of the hen house" and excluding several stakeholders. The South also fears that the North will privilege the environment over the social needs of fishers while avoiding any questioning of the consumption patterns in the North. Many see the MSC as another form of eco-imperialism, similar to "dolphin-safe" tuna and "turtle excluding devices" (Samudra 1996d).

Discussion

For more than 25 years the environmental coalition and free-market advocates—tuna TNCs, tuna exporting countries, the IATTC, and the NMFS—battled in the U.S. system and world courts to define the parameters of the ETP tuna fishery. Victories for one position were countered by advances on the part of the other. When environmentalists secured the passage of the MMPA, implementation took decades. The fisheries management advocates prevailed in the 1980s when the goal of reducing dolphin deaths to "zero" was replaced with a quota system. The embargoes of the 1990s again favored the environmentalists, but GATT rulings that U.S. law was illegal validated the accusations of "green imperialism" and called into the question the environmentalist victory. The Panama Declaration and associated U.S. legislation have shifted victory back to the free trade and scientific fisheries management side.

This last victory was secured through three important accomplishments. First, scientific fisheries management advocates were successful in securing the support of the five "mainstream" envi-
ronmental organizations. This action broke the environmentalist coalition that had been the basis of the sustained defense of the embargo and the “dolphin-safe” label. In his appeal for adoption of the Panama Declaration into U.S. law, Senator Stevens made specific reference to the support of the “mainstream environmental community.” Discussing eco-labeling initiatives, National Fisheries Institute representative Lee Weddig commented positively on the fracture of the environmentalist coalition, arguing that those “former advocates” of MMPA had split with the “animal protection groups.” Similar observations can be found in the literature on the history of environmental organizations. Mitchell et al. (1992) note that the emergence of the Environmental Defense Fund (EDF) in 1967 marked the turning point at which the conservation movement began to transform into the environmental movement; other organizations such as the Friends of the Earth, Greenpeace, and the WWF soon followed. Freudenberg and Steinsapir (1992) trace the development of the “grassroots” camp and its charge that the larger organizations (including the EDF, Greenpeace, WWF, and others) had “sold out” and become too reform oriented and not critical enough of the link between capitalism and environmental degradation. They focus on the evolution of the “grassroots” environmental movement from its original “NIMBY” (not in my backyard) stance to a more generalized “NIABY” (not in anyone’s backyard) position: exemplified by EII’s position on “dolphin-safe” tuna and “turtle-safe” shrimp. Cable and Cable (1995) also discuss the grassroots critique of organizations, such as WWF, Greenpeace, and EDF, that have become too reformist in their attempt to maintain a seat at the environmental policy table. The fact that a coalition of over 70 environmental organizations was unsuccessful in opposing the market-oriented position of the five “mainstream” groups testifies to the important socio-economic implications of fractures in the environmental movement.

Second, the scientific fisheries management group, in concert with the “mainstream” environmentalists, was successful in advancing its definition of the impacts of the unidimensional ban on the purse-seine technique. In fact, much of the debate was between the two groups of environmentalists from the North. The “mainstream” groups asserted that the tendency to fish for juvenile tuna and problems of bycatch contributed to the decline of the overall ecological balance of the fishery. The “grassroots” groups claimed that the bycatch arguments were inaccurate, that the ETP tuna fishery was well stocked, and that there was substantial evidence that the technique of “setting on dolphins” caused severe stress for the dolphins. The provisions for research to address the stress and population maintenance issues before the meaning of the label is
changed were the key to breaking the stalemate and getting the bill through the U.S. Senate.

Third, the scientific fisheries management group was successful in linking the "mainstream" environmentalists and their "best science" to free market initiatives. The IATTC's ability to present a coordinated front that included the U.S. in consort with the GATT petitioners, mostly from the South, settled a very embarrassing situation for the U.S. The failure of bilateral negotiations to resolve the embargo without jeopardizing NAFTA combined with the GATT rulings against the U.S. provided ample evidence of "green protectionism." This time the IATTC engaged the issue with a more politically unified and science-based strategy.

The case reveals that the MSC is also working to meld environmentalism with free trade and scientific fisheries management. Like the Panama Declaration, the MSC promises to use the "best science" to manage global fisheries in a sustainable manner. North/North and North/South antagonisms have reappeared around the impact on indigenous fisherpeoples and eco-imperialism. A major environmental organization, the WWF, is again a central player. In both cases an NGO organizational structure has been used to resolve and manage a difficult arrangement—"sustained" access to the global fisheries—with an eco-labeling program. One new element in the MSC case is the lead taken by the TNC Unilever. TNCs have been conspicuously absent in the recent discourse on dolphins, although their free trade rhetoric has been strategically put forward by the broad-based IATTC coalition.

Another proposed fisheries management system based on Individual Transferable Quotas (ITQs) also relies on free-market mechanisms to sustainably regulate fisheries by establishing private property rights in fisheries (Eythorsson 1996; McCay 1996). The ITQ system also promises to use best science and "mainstream" environmental support (from the Environmental Defense Fund [EDF 1998]) to rationalize global fisheries and suffers from the usual legitimation deficits among local fisheries advocates.

Finally, the case illustrates the contested emergence of new organizational forms that combine transnational regulatory, economic, and environmental actors based on free-market strategies to support a more stable socio-economic environment. Through the use of best science, the IATTC and the MSC propose to resolve ongoing fisheries crises and bring about profitable and sustainable fisheries management. It can be argued that these fisheries NGOs are contributing to the development of new mechanisms of regulation that provide both economic and environmental stability. Indeed, these state-like organizations propose to solve both the accumulation crises that has resulted from overfishing and the legitimation crisis based on environmental and local fishing community con-
cerns. The IATTC, through the Panama Declaration, appears to have mediated, and at least temporarily resolved, the controversy over "dolphin-safe" tuna. The MSC and ITQ advocates propose to resolve similar controversies. While these organizations promise to bring economic and environmental stability, they continue to meet resistance from groups that oppose their free-market agenda.

Notable implications can be drawn from the case to inform discussion of the mechanisms that might provide socio-economic stability in Global Post-Fordism. Both the IATTC's Panama Declaration and the MSC are valuable examples of a kind of coalition—blending free-market, science-based, and environmentalist arguments—that could serve to resolve difficult fisheries management, and other, issues. In our case, charges of eco-imperialism and depleted fisheries are being resolved with carefully tailored free-market initiatives. These initiatives utilize supra-national NGOs to provide organizational oversight and scientific verification linking sustainable production to world consumption. Through the appropriation of "best science," these hybrid NGOs bypass the particular political positions of individual states—positions possibly formulated by "grass roots" environmentalists. The NGOs become salient actors and regulators in a global free trade political arena in which consumers legitimate, or buy into, the system by purchasing its products. These NGOs are linked to larger global coordinating mechanisms and initiatives. The IATTC played an important role in resolving the NAFTA/GATT dilemma for the U.S. and the MSC has support from the World Bank and chose its director from the OECD. Thus these NGOs emulate the role the state played in legitimizing and mediating the Fordist regime of accumulation and may provide insights into the characteristics of some of the organizational mechanisms of a global mode of regulation. We see this analysis as an important contribution to discussions of Global Post-Fordist regulatory mechanisms and the emergence of supra-national forms of the state (see Bonanno 1993; Friedland 1991; Pitelis 1993).

**Conclusions**

The four positions articulated at the beginning of this analysis all provide useful insights into the transition to Global Post-Fordism and the changing relationship between the economy and the polity. Arce's (1997) views can be used to highlight at least two aspects of the case. The success of tuna industry interests in developing countries in countering the eco-imperialism of the U.S. can be seen as an example of the ability of weaker groups, i.e. third world fisherpeople and their allies, to structure their role in global production circuits through supra-national mechanisms such as the IATTC and
the GATT. Fisherpeople at the local level have also been able to articulate their fears of marginalization by the MSC, and wide ranging critiques of the MSC from both North and South show that it does not represent all stakeholders. The attempts by the subordinate groups to include social and economic justice issues that protect small artisanal fisheries are valuable demonstrations that the globalization project is a negotiated order. By highlighting how a seemingly disarticulated system made up of multiple actors, locations, and types of fisheries might, in reality, be centrally controlled by a TNC created, supra-national, state-like NGO such as the MSC, Friedland helps us see that Global Post-Fordism (or, in his view, Sloanism) only seems disorganized. Concerns about the declining autonomy of the state in the face of the increased flexibility of global capital and TNCs are also supported by the case. In accord with Friedland’s views, both the IATTC and the MSC use a supra-national NGO form to regulate fisheries beyond the laws of individual states. Unilever’s role in the creation of the MSC forcefully illustrates the importance of fisheries TNCs in transferring the source of regulations from states to the global market arena. Here some of McMichael’s ideas can reveal how the actions of the IATTC and MSC rationalize both developed and developing nations’ economies by incorporating them into global circuits of production: in this case linking fisheries TNCs to consumers via an ecolabeling program. In this process individual states have become less able to regulate their internal affairs. In summary, Arce’s fisherpeople and tuna industry actors from the South negotiate their own role in the global food system that is integrated through McMichael’s global capital circuits, represented by the fisheries TNCs, and Friedland’s Sloanist, supra-national organizations, which coordinate sustainable production and consumption. The MSC is the better example of such an organization, but the IATTC also performs that role.

Our position incorporates several of the strengths of its predecessors and places them within a “contested terrain” framework that focuses on the open-endedness of the transition and the opportunities for subordinate groups to challenge the free trade agenda of the globalization project. We focus on the ways TNCs and their allies have responded to the attempts, and successes, of subordinate groups to limit economic flexibility and have found innovative mechanisms to establish their free market agenda. This analysis of global fisheries reveals that subordinated groups continue to challenge free-trade positions within Global Post-Fordism. Although the grassroots environmentalist coalition failed to uphold the embargo on non-“dolphin-safe” tuna, it did delay any change in the meaning of the “dolphin-safe” label until relevant research is completed. Similarly, fishing community advocates in both the
North and the South are expressing discontent with the MSC framework. In response, free-trade advocates seem to be consolidating their power through such regional and global regulatory mechanisms as the IATTC and MSC, which either incorporate or marginalize dissenting positions and circumvent the positions of individual states. This last point is especially important. A group of “subordinate” states from the South used the supra-national GATT to challenge the sovereignty of a “dominant” state from the North that sought to ban the importation of tuna caught by a particular fishing technique. The Panama Declaration resolved a very sensitive situation, and thanks largely to the support of the mainstream environmentalist community, U.S. law has been brought into accord with international trade rules.

Our research also shows that the powers of TNCs extend beyond structural issues to penetrate discourses. In effect, segments of the environmental movement have adopted neo-liberal stances in their proposals for solutions to emerging environmental concerns. Environmental organizations such as the WWF and the EDF call for environmental choices to be made through a market dynamic in which consumers decide whether to pay a premium for “dolphin-safe” tuna or other eco-labeled products. Environmentalists won a major victory in protecting dolphins from the free-market through the use of the first eco-label and demonstrated that illegitimate forms of accumulation could be countered. Now the environmentalist coalition is split into competing camps with the mainstream environmental community aligned with advocates of best science and free trade. This case provides evidence that some of the free spaces, such as the MMPA, that opened up as a result of the end of Fordism are now closing as advocates of free trade coopt some of their former adversaries.

This analysis reveals that initiatives such as the Panama Declaration and the MSC are resolving crucial roadblocks to the globalization project and thereby minimizing the critiques of subordinate groups. That being said, contradictions related to the perceived illegitimacy of the emerging Global Post-Fordist system remain. We think that these contradictions will keep the contest over the control of the global fisheries open-ended as actors struggle to secure favorable production and consumption arrangements and regulatory mechanisms. Still, the current situation points to a changed relationship between economic and state actors and difficult times for subordinate groups, such as non-free trade environmental organizations in the U.S. and indigenous fisherpeople’s communities in the South. Events indicate a decline in the autonomy and sover-

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4 The environmental movement was never characterized by a unified agenda, but this split signified a major fracture in the movement along free-market lines.
eignty of states as decisions are shifted to the supra-national and market spheres. This shift is likely to diminish subordinate groups' ability to use established systems to participate in decision making processes. As others have indicated (e.g., Beck 1995; Lash and Urry 1994), the crisis of state-based regulatory systems further problematizes democratically established avenues for the satisfaction of social needs. While some have maintained that this crisis can generate new opportunities for enhanced democratic arrangements (e.g., Giddens 1994; Hirst and Zeitlan 1991), the splits within the environmental movement and between the environmental movement and labor cast doubt on the existence of the historical conditions necessary for such an outcome.

We believe that the environmental movement's historical neglect of labor issues precluded it from successfully building a broad-based coalition capable of challenging the hegemony of the globalization project. Schnaiberg and Gould (1994) argue that the large environmental organizations have become elitist and that the environmental movement in general has often overlooked social and economic issues related to its agenda. The time for a labor-environmentalist coalition appears to be past, as many major environmental organizations now support free-market solutions to environmental issues. We suggest that anti-free trade environmental organizations pay more attention to the social and economic impacts of their agendas in an effort to construct a viable alternative to the globalization project. The recent success of the Sierra Club and the Friends of the Earth in building a coalition in opposition to the OECD sponsored Multinational Agreement on Investment might provide a model.

The IATTC and MSC models for sustainable fisheries management are examples of free-market regulatory mechanisms that provide for capital accumulation with social legitimation. Unlike past proposals, these organizations develop social legitimation by allowing consumers to use free-market choices to buy eco-labeled products and thereby protect the environment. While this approach generates claims that consumers are being empowered, it also reverses the relationship between ethics and the market in framing socio-economic relations. Classical and modern versions of market-based forms of democracy all called for the primacy of the normative sphere over the market (e.g., Antonio and Bonanno 1996; Busch 1998). The objective was to enhance the well-being of society, with the market as a tool to achieve the goal (Dewey 1963). Conversely, recent articulations subordinate normative positions to market relations. In this case it is the free acting of market forces that adjudicates desirable paths for social arrangements such as sustainable fisheries' management.
Finally, it appears that Oliver Belisario, the Venezuelan tuna industry consultant quoted at the beginning of this paper, was right. Tuna was the debut for the great debate between environmentalists and traders that the traders seem to be winning. The grass roots environmentalist, David Phillips of Earth Island Institute, was also right to say that free trade and the environment were on a collision course, but his assessment of the ability of the GATT to force the U.S. to change its environmental laws was only partially correct. While formal GATT rulings were never enforced, the Panama Declaration followed the intent of the GATT rulings and U.S. laws were changed with the support of some of EII's former allies. Lee Weddig, National Fisheries Vice President, may have been too skeptical about the MSC, it appears that its proponents have learned much from the successes and failures of the tuna-dolphin controversy. They have crafted an initiative that incorporates the necessary actors and proposes solutions to the fisheries crisis. Indeed, the MSC promises to resolve both the accumulation crises of the firms in the global fisheries and the legitimation crises around the depletion of the global fish stocks. The question remains whether such innovative regulatory mechanisms can constitute a substantive solution to the social contradictions of Global Post-Fordism.

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