# BRICS in polar regions: Brazil's interests and prospects*

*P. B. Casella[1], M. L. Lagutina[2], A. R. C. Giannattasio[1]*

[1] University of São Paulo,
109, Rua da Reitoria, Butantã, São Paulo, 05508–900, Brazil
[2] St. Petersburg State University,
7–9, Universitetskaya nab., St. Petersburg, 199034, Russian Federation

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The current international legal regulation of the Arctic and Antarctica was organized during the second half of the XX century to establish an international public power over the two regions, the Arctic Council (AC) and the Antarctic Treaty System (ATS), which is characterized by Euro-American dominance. However, the rise of emerging countries at the beginning of the XXI century suggests a progressive redefinition of the structural balance of international power in favor of states not traditionally perceived as European and Western. This article examines the role of Brazil within the AC and the ATS to address various polar issues, even institutional ones. As a responsible country in the area of cooperation in science and technology in the oceans and polar regions in BRICS, Brazil appeals to its rich experience in Antarctica and declares its interest in joining the Arctic cooperation. For Brazil, participation in polar cooperation is a way to increase its role in global affairs and BRICS as a negotiating platform. It is seen in this context as a promising tool to achieve this goal. This article highlights new paths in the research agenda concerning interests and prospects of Brazilian agency in the polar regions.

*Keywords*: Brazil, emerging countries, BRICS, Polar Regions, Arctic Council, Antarctic Treaty System.

## Introduction

Since 1949 technological development revealed that both Arctic polar region (latitude 60° N) and Antarctic polar region (latitude 60° S) are relevant places for inter-state approaches in different areas — politics, economics and military [1, p. 123–124]. After all, technical innovations enabled new forms of economic and political uses of those spaces — which were for long time regarded as untouchable, unreachable and deprived of economic interests [1, p. 123; 2, p. 156; 3, p. 177–179].

The XX century was able to overcome the perception that the Arctic is a simple floating ice layer and that Antarctica is a mere frozen continent [4; 1, p. 173–174; 3, p. 185; 5, p. 59][1]. For this reason, the usual Law of the Seas rules codified during the last century

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[1] Recent researches on the Antarctic Circle have discovered fossils of a temperate lowland rainforest environment near the South Pole.

were applied concerning the maritime and land territories in both regions — as the International Convention for the Regulation of Whaling (1946), among others.

Still, the second half of the last century identified in the polar regions several (i) economic opportunities — fishing, seal and whale hunting, new commercial routes for sea and air transport, mineral resources and tourist activities [6; 2, p. 208–209, 213–222; 3, p. 210–227; 5, p. 60–61], and (ii) strategic interests in terms of military and defense purposes [2, p. 210–212; 3, p. 228–237; 5, p. 60] and of territorial politics [2, p. 171–178; 3, p. 238–251; 5, p. 62–78].

As a result of these growing interests originated both from states and international community, two specific cooperation mechanisms were created for each polar region: the Arctic Council (AC) and the Antarctic Treaty System (ATS). The former was created in 1996 by the Ottawa Declaration, which was signed by the eight self-declared arctic states (Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the US), while the latter was established in 1959 by the Treaty of Washington, which was signed by twelve countries (Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, United Kingdom, the US and the USSR). Originally conceived to operate as intergovernmental cooperation mechanisms, both acquired international legal personality in the last decade — the Tromsø Host Country Agreement (2013) established Tromsø (Norway) as the headquarters of the AC and the Punta del Este Headquarters Agreement (2010) defined Buenos Aires (Argentina) as the headquarters of the ATS.

Be as it may, the two mechanisms derived from an international effort towards the establishment of an international authority on each polar area [4; 7; 8] to deal with four main issues: (i) preservation of regional environment, (ii) fight global climate change, (iii) enhance scientific cooperation, and (iv) eradicate military tensions [1–3; 5; 6][2].

In spite of the differences concerning their respective institutional designs and their performances as treaty-negotiation and treaty-making fora, both organizations were responsible to create a shared international public authority [9] over public goods within their respective regions [10]. In order to institutionally enable such international agency, not only non-coastal states to the Arctic region take part on AC's discussions[3], but also states which are not close to the Antarctica in geographical terms are members of the ATS[4].

[2] Although the Ottawa Declaration explicitly states that the AC will not decide upon military issues on the region (art. 1.a).

[3] China (2013), France (2000), Germany (1998), India (2013), Italy (2013), Japan (2013), Netherlands (1998), Poland (1998), Singapore (2013), South Korea (2013), Spain (2006), Switzerland (2017) and United Kingdom (1998). The numbers in brackets indicate the respective years in which each country became an observer state at the AC. However, according to the Ottawa Declaration (art. 6 and 7), only the eight arctic states have voting rights in the decision-taking within the AC.

[4] The closest land territory to Antarctica is the Argentinian-Chilean Tierra del Fuego, lying in a distance of circa 3.600 km. In general terms, at least ten states and territories in the Southern Hemisphere are geographically "closer" to Antarctica than others: Argentina, Australia (including Heard and McDonald islands), Brazil, Chile, France (Crozet and Kerguelen islands), Madagascar, New Zealand, South Africa, United Kingdom (South Georgia and South Sandwich islands) and Uruguay. Only six of them — Argentina (1942), Australia (1933), Chile (1940), France (1924), New Zealand (1923) and United Kingdom (1908), alongside Norway (1939) — presented territorial claims over this continent — the numbers in brackets indicate the respective years in which each country officially presented such claim [1, p. 177–184, 186–189]. That is why those countries were invited in 1958 by the US — alongside Belgium, Japan, South Africa and the USSR — to negotiate in Washington the ATS. Nowadays, fifty-four states from all continents are parties to the ATS — although only twenty-nine of them have consultative *status*, i.e., have voting rights in the decision taking-process within the ATS (art. 21 to 24 of the Treaty of Washington).

Since 2015, the BRICS countries have included issues of joint use of the World Ocean and the Polar Regions on their agenda [11]. Then, these issues started to be reflected in various documents of the BRICS. All the BRICS countries are not newcomers in the polar issues. All of them have a long history of the involvement in the Antarctica. As far as the Arctic is concerned, among BRICS countries only Russia is an Arctic country, China and India are the Arctic council observers since 2013, and Brazil and South Africa are non-Arctic state and non-participants of the Arctic council. Being so different in their polar identity and in the level of involvement in the polar affairs, these five countries on several occasions discussed plans to cooperate on polar issues in the framework of BRICS grouping [12].

Although Brazil never presented an official territorial claim over the Antarctic continent [13], and in spite of the fact that it was not invited to take part on the negotiations of the Treaty of Washington in 1958 [2, p. 176–178; 4; 6, p. 254; 14, p. 15–16][5], the country is not a new-comer in the polar issues. Indeed, Brazil has signed and ratified the ATS in 1975 and received the consultative *status* in 1983, after the fulfillment of the formal requirement of the Treaty (art. IX. 2) of successful developing and establishing substantial research activities in Antarctica — which was done via the Brazilian Antarctic Program (PROANTAR, acronym in Portuguese). Even though Brazil has not developed until recently any public policy towards the Arctic[6], by referring to its achievements in Antarctica, the country is quite actively seeking in recent years an observer *status* in the AC [12, p. 10–11]. Brazil, which appeals to its rich experience in Antarctica, also declared its interest in joining the Arctic cooperation.

It is undisputed that from XVI century to the end of XX century, international legal framework was largely conducted by an Euro-American structural driver, which was created, backed and reinforced by substantial (military and economic) and ideational (symbolic) powers [17–23]. However, XXI century indicates more and more the challenging of this structural condition by the emerging countries and a progressive redefinition of the balance of international power in favor of states not traditionally perceived as Europeans and Westerns [22; 24–27]. Such redefinition goes beyond the struggle for better economic performances or greater political projection: it goes along with other international challenges — like agenda-setting, defining normative concepts and rethinking institutional governance frameworks — in different subjects [28; 29, p. 154–157; 30, p. 75–78; 31, p. 3–4; 32, p. 1182–1183; 33; 26, p. 154–159; 27, p. 112–114]. Indeed, they are "a number of large states that, despite the past and present lagging behind the advanced echelon, are gaining the prerequisites for moving to a higher level in the world hierarchy, begin to have a significant impact on formation of a world order, on a world political climate" [34], although not always according to a logic of "integration versus rupture" [35; 33].

We understand that the challenges posed by BRICS countries to this Euro-American international legal structure also tackles issues concerning the international legal regulation of the public authority over the two polar regions [4; 12; 14; 24; 36–38; 39, p. 120; 40].

[5] That is why some Brazilian geographers [15, p. 42–49] argued at that time that the country should also present a territorial claim — a position which was never officially backed by Brazil [13].

[6] The discussions remained mostly in academic circles concerned with environmental issues and in punctual measures taken by private and state corporations regarding the exploitation of mineral resources (oil and gas), natural resources (fisheries), tourism and new commercial routes, as well as the development of naval and railway industries and technologies [12, p. 10–11; 16, p. 128–133].

Within this perspective, this article examines the role of Brazil within the AC and the ATS to address different polar issues — with a particular focus on the debates concerning the institutional design of the ATS. This will highlight new paths in research agenda concerning interests and prospects of Brazilian agency in Polar Regions.

Based on a qualitative research over information gathered via primary sources (document analysis) and secondary sources (literature review), this article is divided in three main parts. The first part describes background, new conditions and challenges of including the polar issues into the agenda of BRICS grouping. The second part emphasizes Brazilian interests and prospects in each polar region — first Antarctica, then the Arctic. The third part discusses possible trends of Brazilian agency in the AC and the ATS, according to the international legal tradition hitherto exercised by the country in international relations.

## BRICS countries in the Polar Regions: An Overview

As it was mentioned above, since 2015 the issues of joint use of the oceans and the polar regions have been put into the BRICS agenda and nowadays these are the prerequisites for the participation of the BRICS in the polar cooperation. First of all it should be mentioned that all BRICS countries are littoral states, which are highly dependent on the seas and are connected with each other through the Atlantic, Pacific, Indian and the Arctic Oceans [41]. Although in different degree, all are maritime powers.

The discussion on the ocean and polar cooperation started at the 3rd Science, Technology and Innovation (STI) Ministerial Meeting in October 2015 in Russia. BRICS countries adopted the 'Moscow Declaration' and defined the guidelines for their collaborative research and development and outlined the new initiatives amongst which they outlined the science and technology cooperation on oceans and polar regions [42]. Russia and Brazil were pointed out as the responsible countries for this area of cooperation.

During the 4th BRICS STI Ministerial Meeting held in 2016, the prospects of joint polar research by BRICS countries were also discussed and the final 'Jaipur Declaration' noted an intent to organize the first meeting of the BRICS Working group on joint Ocean and Polar research. BRICS countries underlined that "the ocean and polar science and technology are of utmost importance" [43].

At the BRICS summit held in Xiamen (China) in 2017 along with outer space, the polar territories were notedas one of the priorities for world politics in forthcoming years [44]. During the Xiamen summit the BRICS leaders noted the inadmissibility of the military component of cooperation in these spaces and declared the Arctic, Antarctica and outer space as zones of peaceful cooperation. The main factor which calls for attention of the BRICS countries to the polar issue is climate change and its possible consequences — which will obviously affect the ir territories [12].

Finally, in July 2018 the 1st Meeting of the BRICS Working group on Ocean and Polar Science and Technology took place in Brasilia (Brazil). The adopted joint statement pointed out that "the five BRICS countries cover every ocean in the world and are very much engaged in developing ocean and polar science and technology" [45]. The countries also agreed to jointly define priority cooperation areas, to formulate recommendations on the method of work as well as on the next steps to be worked on; to identify priority areas on

ocean and polar science and technology for subsequent BRICS STI Framework Program calls for proposals; and to make relevant recommendations for other BRICS groups.

The 2nd Meeting of the BRICS Working group on Ocean and Polar Science and Technology took place in Moscow (Russia) in August of 2019 [46]. During the meeting the priority goals were identified: 'to update overarching and cross-cutting themes and establish guidelines for collaborative research and development activities', and 'to reiterate the commitment on the planning of joint research cruises and expeditions in areas of common interest' [47].

The 3nd meeting of the Working group on Ocean and Polar Science and Technology is planned to be organized in August 2020, in Goa (India).

The mission of the BRICS Ocean and Polar ST Working Group is "to promote cooperation between BRICS member countries in the field of ocean and polar science and enabling technologies through joint activities of government, universities, research institutions, and industry". The main goal of this cooperation is "to generate new knowledge, train human capital, develop new technologies and applications, and improve public understanding of ocean and polar science" [43]. Thus, it seems that the Ocean and Polar issues become one of the areas of BRICS' cooperation and it is regarded mainly in the framework of scientific cooperation of BRICS countries. Such 'soft' approach gives a possibility of participation in this cooperation for the countries with different polar identity.

## Brazil as an Emerging Country in Polar Regions

Brazil is one of the largest states in the world — the largest in terms of area and population of states in South America. Until recently, no one doubted the fact that Brazil was the leader of political and economic processes in the South American region [48, p. 45–46; 49, p. 959–1095] and a core player in south-south international relations [14; 50].

By the beginning of the XXI century, Brazil is among the so-called "ascendant giant countries" [24]. Former President Fernando Henrique Cardoso (1995–2002) began economic and social reforms in Brazil during the 1990s and former Presidents Luis Inácio Lula da Silva (2003–2010) and Dilma Rousseff (2011–2016) brought the country to a prominent world leadership position in the first two decades of 2000s. Some recent Brazilian claimsare vivid confirmations of this movement — such as the ones for a permanent seat in the UN Security Council, to take part in G7 summits or to join the BRICS countries, among others [51, p. 17–29]. Gradually, Brazil began seeking to the spread of its influence outside the Latin American and Caribbean regions, in order to become one of the key centers of world development [52].

In other words, Modern Brazil is less and less satisfied with the role of a regional power. At the beginning of the XXI century, Brazil revealed its intention to actively include itself among the great world powers and to, in equal terms, discuss and define with them relevant subjects for the development of international order [26, p. 149–151; 27, p. 114]. In this context, one of the most important elements of Brazil's foreign policy is its active participation in various international and regional integration associations and organizations [51]: although the country participates nowadays in more than 60 international political and economic organizations — including the ATS, it continues to show interest in new international global and regional structures — such as the AC.

### *Brazilian Agency in Antarctica*

Brazil has signed and ratified the ATS in 1975 and received the consultative *status* in 1983, after establishing its Antarctic Program (PROANTAR). Since then, Brazil has ratified all the treaties currently in force within the ATS framework: the Convention on the Conservation of Antarctic Marine Living Resources, in 1986, the Convention for the Conservation of Antarctic Seals, in 1991, and the Protocol on Environmental Protection, in 1995[7].

Brazilian interests in the ATS are justified for the fact that the is the seventh closest national territory to Antarctica continent — being thus subject to possible environmental impacts derived from climate change in Antarctica and South Atlantic regions [53, p. 4–5]. This would not only affect its national environment for ecological reasons (biodiversity), but also the performance of its economy based on fisheries, agriculture, tourism, among others [12, p. 10–11]. Moreover, although Brazil seeks a new geopolitical position in South-South relations [14, p. 14–15, 17–18, 21–22], the country has not approached Antarctica according to a traditional political mindset: i.e., it has never presented a territorial claim over this continent [54].

The preservation of environmental conditions in Antarctica from local and external degradation processes seems to be the main driver of all Brazilian initiatives in this polar region [55]. However, this concern does not go alone: Brazil seems to adopt measures based on a strong commitment to the development of scientific research and peaceful use of Antarctica [56–58].

Indeed, Brazil was originally against the authorization of tourist activities in Antarctica, due to its clear hazardous effects to local environment. However, taking into account that it was not possible to hinder such activities, Brazil demanded explicitly the strict regulation of such activities, in order to minimize its effects to Antarctica environment [59]. Brazil was also among the countries responsible for proposing the creation of the First Antarctica Special Managed Area (ASMA n. 1) in the Admiralty Bay. Since 1996 Brazil, Ecuador, Peru, Poland and the US develop joint activities in this location to promote a better protection and management of sites with aesthetic, historical, environmental relevance for Antarctica [55; 60–63].

Moreover, after Brasilia's ATCM of 2014, Brazil held in 2014–2015 with other consultative and non-consultative states of the ATS — Belgium, Bulgaria, Chile, Portugal and United Kingdom — a co-chair on the Education on Antarctic issues. This co-chair enabled discussions for the encouragement and development of measures to strengthen worldwide social awareness and education concerning the relevance of Antarctica and its environment for everyday life [64] and to "inspire future generations of researchers and provide to the general society information about the results and social application of the public investment in [s]cience" [65].

Furthermore, as mentioned above, since 1983 Brazil develops annually several research activities within the PROANTAR framework at its Antarctic Station — the Commandant Ferraz Antarctic Station (EACF, acronym in Portuguese). The station is located

[7] Brazil also took part in the negotiations of the Convention on the Regulation of Antarctic Mineral Resource Activities (1988), and as every other country who have taken part in those negotiations, has not ratified it (ATS. IV SATCM, 1988).

at the Admiralty Bay of the King George Island, within the South Shetland Islands of the West Antarctic Peninsula [66, p. 15–27; 67, p. 191–197].

Brazilian Antarctic program has been institutionalized at the Federal level by Brazilian Government within an interministerial commission composed by the following Ministries: (i) Environment, (ii) Science, Technology and Innovation, (iii) Foreign Relations, (iv) Mines and Energy, and (v) Defense, which support of the Brazilian Navy. These institutions develop scientific cooperation with several national entities, like the Brazilian National Institute of Science and Technology (INCT, acronym in Portuguese) with specific programs towards the Antarctica, as the INTC of Cryosphere- responsible for one of the latest projects of which was the study of the impact of climate change in the Arctic on the South Atlantic[8], and the INCT for Antarctic Environmental Research (INCT APA) [57]. They also cooperate with public and private universities [68–72], but it is worth mentioning the Polar and Climate Center and the Institute of Geosciences — both Federal University of Rio Grande do Sul (UFRGS), as the Polar and Climate Center acts as the basis for cooperation between various research structures in Brazil and abroad.

The scientific activities developed at EACF so far are originated from different fields of both Natural and Human Sciences [73] and are conducted by Brazilian and by non-Brazilian researchers within a clear cooperation dynamicsbetween Brazilian and non-Brazilian research teams [69–71; 73]. This is particularly motivated by Brazilian demands for closer cooperation between ATS parties in order to: (i) enhance information sharing on the outcomes of researches conducted in Antarctica [74], (ii) continuously develop researches to deepen environmental protection of Antarctica [64], and (iii) promote regional development between all IBAS countries [75].

The EACF severely damaged by a fire in 2012, which was responsible for destroying almost 70 % of its structure and for the death of 2 Brazilian soldiers [76, p. 2]. In spite of this incident, during the reconstruction of the EACF Brazil has not stopped its regular scientific activities. Indeed, they continued (i) in Brazilian vessels, (ii) in Antarctic Emergency Modules installed in the remaining area of the EACF, and (iii) in cooperation within Antarctic Stations from other consultative parties — especially Argentina, Chile and Spain [70; 73; 77]. Even the environmental protection of Antarctica was the main concern of Brazilian activities, as the demolition, the clean-up and the reconstruction of EACF — which finished in January 2020 [78] — followed the requirements of ATS for minimal environmental impact in the region [76; 79–81].

In 2013, the Brazilian government prepared and published the Brazilian Antarctic Action Plan for the period from 2013 to 2022 [68]. This document proposes the creation of "five research thematic programs" that show the relationship between the processes taking place in the Antarctic and the environment of South America, with particular attention to the impact exerted on Brazil [68, p. 4]. Indeed, the programs aim to examine (i) "The role of the cryosphere in the Earth's system and interaction with the region of South America", (ii) "Biocomplexity of the Antarctic ecosystem, their relationship with the region of South America and climate change", (iii) "Climate Change and the Southern Ocean", (iv) "Geodynamics and geological history of the Antarctic and its relations with the region of South America", and (v) "The dynamics of the Antarctic in the field of atmospheric, geospatial interactions and the relationship with the region of South America".

[8] See: www.ufrgs.br/inctcriosfera.

This document reflects Brazil's interest in the North Pole: the experience of scientific research and international cooperation gained at the South Pole and the institutes created for the study of Antarctica might also focus their attentionto the North Pole. To put it simply, Brazilian scientific community believes that the scientific outcomes of Antarctica researches on ocean water circulation, climate change and atmosphere will be useful for the Arctic region.

This aspect will be examined in the next section — as it is directly related to the discussion concerning the prospects of Brazilian agency in the Arctic. However, it is still important to present in this item that Brazilian agenda in the Antarctica was not only directed to (i) develop scientific research and scientific cooperation in Antarctica and on Antarctica issues, (ii) to promote a broader awareness of the preservation of local environment in Antarctica, in order to reduce local and global effects of climate change, and (iii) to keep a peaceful use of the Antarctic continent. Such discussion reveals that Brazilian experience in Antarctica might contribute to Arctic issues beyond scientific and environmental issues.

Indeed, Brazil was also responsible for relevant discussions concerning the improvement of the ATS legal framework itself. As a country traditionally committed to the development of international legal system and its multilateral institutions, based on a solidarity approach prone to resort only to peaceful means for the settlement of international disputes [24, p. 11–28, 45–84; 49, p. 959–1095; 50; 82, p. 663–685], Brazil was also active in discussions and initiatives towards the enhancement of the legality, of the legitimacy and the of enforcement mechanisms of the ATS.

In this sense, while Brazil participated in the negotiation of the Treaty on Mineral Resources Activities, it does not seem that such participation was purely motivated by its own national goals and interests. After all, alongside with other third world countries, the country proposed amendments to enable a more balanced and equitable participation on the Regulatory Committee between all parties to the ATS [54]. Even though the treaty was never ratified, Brazil was actively engaged in not accepting an unequal governance framework. The role concerning the improvement of the ATS Governance framework came once again in discussion when, in 2015, in spite of the regulatory constraints, Brazil and other countries recognized the importance of the expertise of non-state actors to improve conditions for the conservation of local environment [64].

But there is more. Brazil was an important player in the discussion concerning the creation and the institutionalization of the Secretariat of the ATS. Once again, in the name of the necessity of a balanced geographical distribution of ATS institutions and of Latin American solidarity, Brazil explicitly supported the establishment of this organ in Argentina [83]. For this reason, the country explicitly criticized the excessive delay to do so and stressed that this condition derived only from disputes on political interests — and not from a serious legal concern on the mission of the ATS [58; 83].

Apart from those legality and legitimacy issues, Brazil also contributed to discussion concerning the improvement of enforcement mechanisms of the ATS by: (i) proposing a more precise legal concept of minor and transitory environmental impact [84], (ii) proposing a more precise legal concept of bioprospection [85], (iii) demanding the enhancement of transparency on domestic legal initiatives to fulfill ATS obligations [64; 86], and (iv) asking a closer cooperation between parties to the ATS in order to enhance information sharing on the outcomes of researches conducted in Antarctica [74].

### *Brazilian Agency in the Arctic*

Brazil is not a party to the AC, but its interest in the Arctic was identified about 7 years ago, in Brazilian Antarctic Action Plan for the period from 2013 to 2022 [68]. In particular, Brazilian scientists are interested in the following issues regarding the Arctic: (i) how quickly will climate change in the Arctic and melting Arctic ice affect the South Atlantic, (ii) what are the economic benefits of opening annual shipping on the northern sea routes, providing navigation between Europe and Asia, and (iii) how will the development of oil and gas fields on the shelf of the Arctic zone of the Russian Federation affect world markets?

The same document focuses on the relationship of the two poles. In particular, it states that "the Antarctic scientific community is interested in deepening cooperation with researchers from the Arctic region to jointly study the relationship between the two polar regions" [68, p. 27]. Referring to the global effects of climate change in the Arctic and their possible impact on the Antarctic, Brazil is encouraged to become an active member of the International Arctic Science Committee (IASC), especially on climate change and geological research.

Brazil appeals to its rich experience in Antarctica and step-by-step expresses, at least on the expert level [16], its interest in joining the Arctic cooperation within the AC framework and acquiring the observer *status* would be a way to enhance its voice in Arctic affairs. In this sense, one should note ignore that Brazil has been taking efforts to promote both public and private sector investment activities in the Arctic [87].

At present the main platform for expressing Brazilian expert vision of Arctic cooperation is the annual Assembly "Arctic Circle". In this forum, representatives of Brazilian business and academia have repeatedly voiced their interests in the Arctic and even receiving an observer *status* in the AC.

The experts explain Brasilia's willingness to be a part of the Arctic cooperation by the fact that Brazil is one of the largest maritime powers in the world and that "in solving the complex of problems of Brazil's maritime policy, special attention is paid to the development of international cooperation in the ocean sphere" [88, p. 80–86]. Brazil actively cooperates with the UN Commission on sustainable development and also plays an active role in the "TRAIN-SEA-COST" (TSC) program, which was created by the UN Office for Maritime affairs and the law of the sea in accordance with the Agenda-21 recommendations.

Brazil intends to pay greater attention to the development of scientific cooperation with the Arctic countries. A key role in this direction is expected to take the Brazilian Academy of Science, which successfully has been implementing implements the Antarctic program of Brazil (PROANTAR)during more than 30 years.

Brazil could be also motivated by commercial interests including gas and oil exploration on the Arctic shelf, commercial navigation in the Arctic, fisheries and tourism. It is important to note that Brazil is the 7$^{th}$ largest economy in the world, actively developing green technologies in the energy sector [89]. In this particular subject, stated the president of SE2T International, Ltd. S. Trindade, that Brazilian businessmen saw the Arctic as a promising platform for investment. In addition to the prospects for oil and gas production on the Arctic shelf, which at this stage have lost their profitability given the fall in world oil prices, the Brazilian side is interested in such areas of Arctic cooperation as shipping,

fishing, and tourism. Brazil expresses its willingness to invest in these areas of activity in the Arctic.

However, Brazil already has some experience in the Arctic cooperation. For example, Brazilian mining company Vale S. A. owns railway lines and a number of seaports in Canada's Arctic territory [90]. Being the 9th largest shipbuilding country in the world, Brazil could be participate in the construction of the Arctic merchant fleet, partnering with such countries as China, Japan, South Korea, and Singapore [87]. At this stage, it seems that big business is promoting the idea of Brazil's participation in Arctic affairs.

Finally, Brazil is interested in environmental protection and sustainable development. Brazil is primarily concerned about the effects of climate change and the melting Arctic ice. Brazil ranks 15th in the ranking of countries that are world sources of greenhouse gases. At the same time, Brazil ranks 2nd — just after Russia — in the number of forests in its territory. These aspects emphasize that Brazil performs a crucial role in maintaining the ecological balance on the planet — along with Russia. For this reason, Brazil is an active participant in climate negotiations and concerns about the effects of climate change on the two poles of the Earth, as already noted, are reflected in the Brazilian Antarctic Plan of Action for the period from 2013 to 2022.

A Brazilian researcher S. E. M. Lima, the following goals of Brazil's activity in the Arctic should be regarded on official level: (i) joining the Treaty of Svalbard as a way to become officially closer to the Arctic affairs, (ii) establishing a dialog with the member-states of the Arctic Council, in order to join the AC in the future with observer status, (iii) monitoring climate change impacts in the Arctic and its consequences for Brazilian and South American areas, for the exploitation of its resources and for the conservation of biodiversity, and (iv) promoting research in the Arctic through bilateral cooperation with Arctic and non-Arctic state, using the Brazilian experience of cooperation in Antarctica [16].

## Assessing Some Prospects of Brazilian Agency in Polar Regions

Brazilian agency in the Arctic and in the Antarctica does not seem to differ from the traditional four-axis approach given by international community to Polar Regions — (i) preserving regional environment, (ii) fighting global climate change, (iii) enhancing scientific cooperation, and (iv) eradicating military tensions. Even though its experience with polar issues was until recently backed only by its public policy towards Antarctica, this emerging country is progressively showing its interests in the Arctic.

As an emerging country deprived of substantial (military and economic) and ideational (symbolic) powers [22], someone could argue that the rise of Brazilian presence in both polar regions would be just another sign of "typical newcomers", (i) either pretending to have a passive unempowered role, being unable to change superficial or structural legal arrangements [91], (ii) or seeking to change superficial or legal arrangements [91], (iii) or even performing a self-interested (active or passive) role, acting instrumentally to achieve their own goals/interests [12; 14; 16].

Instead of trying to classify Brazilian role within the ATS as active, passive or self-interested, we argue that the documents indicated that Brazil acted according to its traditional pattern: legalism, solidarism, multilateral approach and peaceful settlement of international disputes [24, p. 11–28, 45–84; 49, p. 959–1095; 50; 82, p. 663–685; 51, p. 29–32].

In other words, the information gathered on Brazilian agency on Antarctica indicates that the country maintains coherence in its legal behavior at the international level.

Indeed, Brazilian experience in the ATS was hitherto neither disruptive, nor naive, as it: (i) refused to reform the Governance framework due to self-interested purposes, (ii) took ATS legal obligations seriously — not only for itself, but also for others, (iii) demanded explicitly from others the fulfillment of those obligations, and (iv) proposed improvements of ATS framework in order to enhance its legal framework, the legitimacy of its governance structure and the enforcement capabilities.

That is the reason why we argue that Brazilian experience in the ATS is broader than usually indicated. Besides its measures concerning (i) scientific cooperation and scientific research in different fields of knowledge, (ii) promoting local environmental protection for global fight of climate change, (iii) engaging in sustainable development and (iv) maintaining the peaceful use of this region,there is a legal know-how developed within Brazilian agency in the ATS that should not be ignored. Thus, a prospective Brazilian role within the AC cannot be summarized in simple arguments that it is going to contribute for the usual "four-axis set". These issues are expected from all who engage in activities in any polar region. Brazilian contribution to the Arctic can go far beyond these, as its traditional know-how on international legal issues can be used to reinforce the legality, the legitimacy and the enforcement mechanisms of the AC, according to the own purposes of this organization, as defined by its state and non-state parties.

## Conclusion

The rise of emerging countries at the international level cannot be regarded as a mere dispute over better economic performances or as a simple struggle for greater political, military or cultural projection. This new condition must also be understood as a dispute over the power to define new limits and possibilities of international law — or, to put it simply, to define what is international law in academic and in non-academic spheres.

We understand that the interests and prospects of Brazil to international order — and specifically to both polar regions — cannot be reduced to a mere search for accomplishing the traditional requirements of existing international legal framework. As an emerging country, while it does not completely disregard the existing institutions, it does not simply accept its terms and does not simply look for meeting their criteria. It also tries to challenge these criteria within legal and peacefully discourses, emphasizing the need to strengthen international solidarity and multilateral institutions.

Taking the polar regions just as an example, Brazil does not disregard the traditional four-axis approach. Still the country uses its legal know-how on international issues to precisely enforce the goals of existing institutions — even by proposing new institutional designs to enlarge its legality, its legitimacy and its enforcement mechanisms. Such experience within the ATS might be recognized as an important driver for a possible Brazilian agency in the AC. For Brazil, participation in polar cooperation is a way to increase its role in global affairs and BRICS as a negotiating platform is seen in this context as a promising tool to achieve this goal.

For this reason, along with Brazilian contributions for (i) sustainable economic development issues, (ii) global and local environmental concerns, (iii) fostering cooperative scientific research in different fields and (iv) maintaining the goal of non-armed interna-

tional relations, we suggest that there is a fifth domain in which the country can act beneficially: (v) reaffirming the legal know-how in international relations and contributing to the development of this framework. It is high time for Brazilian academia in international law to acknowledge this particular moment and embrace such role — not only to present contributions for the institutional design of the ATS and of the AC, but also for other multilateral institutions which are nowadays facing strong political, social and economic challenges.

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Authors' information:

*Paulo Borba Casella* — PhD, Professor; pbc@usp.br
*Maria L. Lagutina* — PhD, Professor; m.lagutina@spbu.ru
*Arthur Roberto Capella Giannattasio* — PhD, Professor; arthur@usp.br