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Issue Area and Pluralization In Brazilian Foreign Policy: an Exploratory Study of Decision-Making Processes in the Fernando Henrique Cardoso Government*

Martin Egon Maitino¹

¹PhD candidate in Political Science. Political Science Department. School of Philosophy, Literature and Human Sciences (FFLCH). University of São Paulo (USP). Brazil.

✉ E-mail: martinmaitino@gmail.com  Orcid: <https://orcid.org/0000-0001-9254-2816>

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Resumo

Temática e Pluralização na Política Externa Brasileira: Um Estudo Exploratório dos Processos Decisórios no Governo Fernando Henrique Cardoso

A ideia de “pluralização” – uma nova configuração nos processos decisórios, caracterizada pela participação de diversos atores e relativa perda de influência do Itamaraty – tornou-se comum nos estudos sobre política externa brasileira. Questionando o enquadramento geralmente dado a essa transformação pela literatura, exploramos a hipótese de que a pluralização varia conforme a temática sendo analisada. Tomamos por base um mecanismo que conecta os efeitos distributivos domésticos da política à pluralização e aplicamos o método de *process tracing* para analisar dois “casos típicos” associados a temas ambientais e de saúde: as negociações do Protocolo de Kyoto e o contencioso das patentes de medicamentos de AIDS. Exploramos como a temática interage com mecanismos afetando a dispersão da unidade decisória e geramos hipóteses para explicar desvios do modelo. Os resultados contribuem para discutir os efeitos da temática, subexplorados na literatura. Conceitualizando temáticas como subsistemas, identificamos dimensões relevantes para pensar sua relação com a pluralização.

Palavras-chave: política externa brasileira; pluralização; diplomacia; processos decisórios; política burocrática

Abstract

Issue Area and Pluralization in Brazilian Foreign Policy: An Exploratory Study of Decision-Making Processes in the Fernando Henrique Cardoso Government

The idea of ‘pluralization’—a new configuration of decision-making processes, characterized by Itamaraty’s relative loss of influence and the participation of various actors—became widespread in Brazilian foreign policy studies. Questioning the literature’s general framing of this transformation, we explore the hypothesis that pluralization varies depending on the issue area under analysis. We build upon a mechanism connecting domestic distributive effects to pluralization and apply process-tracing methods to analyze two “typical cases” associated with environmental and health issues: the Kyoto Protocol negotiations and the dispute on AIDS drug patents. We explore how issue areas interact with mechanisms affecting decision-unit dispersion and generate hypotheses to explain deviations from the model. The results contribute to discussing issue-area effects, a gap in the literature. Conceptualizing issue areas as subsystems, we identify relevant

dimensions to think their relation to pluralization: technical knowledge, distribution and weight of power capabilities, expert communities, institutionalization, and past interactions within the subsystem.

Keywords: Brazilian foreign policy; Pluralization; Diplomacy; Decision-making process; Bureaucratic politics

Résumé

Domaine de Problématique et Pluralisation dans la Politique Étrangère Brésilienne: Une Étude Exploratoire des Processus Décisionnels dans le Gouvernement de Fernando Henrique Cardoso

L'idée de « pluralisation » - une nouvelle configuration des processus décisionnels, caractérisée par la perte relative d'influence de l'Itamaraty et la participation de divers acteurs - est devenue courante dans les études sur la politique étrangère brésilienne. En remettant en question la conception générale de cette transformation dans la littérature, nous explorons l'hypothèse selon laquelle la pluralisation varie en fonction du domaine de problème analysé. Nous nous appuyons sur un mécanisme reliant les effets distributifs nationaux à la pluralisation et appliquons des méthodes de *process tracing* pour analyser deux « cas typiques » associés aux questions environnementales et de santé : les négociations sur le Protocole de Kyoto et le litige sur les brevets de médicaments contre le SIDA. Nous explorons comment les domaines de problème interagissent avec les mécanismes affectant la dispersion de l'unité de décision et formulons des hypothèses pour expliquer les déviations par rapport au modèle. Les résultats contribuent à discuter des effets de la thématique, sous-exploités dans la littérature. En conceptualisant les thématiques comme des sous-systèmes, nous identifions des dimensions pertinentes pour réfléchir à leur relation avec la pluralisation : connaissances techniques, distribution et poids des capacités de puissance, communautés d'experts, institutionnalisation et interactions passées au sein du sous-système.

Mots-clés : politique étrangère brésilienne ; pluralisation ; diplomatie ; processus décisionnel ; politique bureaucratique

Resumen

Temática y Pluralización en la Política Exterior Brasileira: Un Estudio Exploratorio de los Procesos de Toma de Decisión en los Gobiernos de Fernando Henrique Cardoso

La idea de “pluralización” – una nueva configuración en los procesos de toma de decisión, caracterizada por la participación de diversos actores y la relativa pérdida de influencia del Itamaraty – se tornó común en los estudios sobre política exterior brasileira. Cuestionando el marco generalmente dado a esa transformación por parte de la literatura, exploramos la hipótesis de que la pluralización varía conforme a la temática que es analizada. Tomamos como base un mecanismo que conecta los efectos distributivos domésticos de la política a la pluralización y aplicamos el método de *process tracing* para analizar dos “casos típicos” asociados a temas ambientales y de salud: las negociaciones del Protocolo de Kyoto y el contencioso de las patentes de medicamentos del SIDA. Exploramos cómo la temática interactúa con mecanismos afectando la dispersión de la unidad decisoria y generamos hipótesis para explicar desvíos del modelo. Los resultados contribuyen para discutir los efectos de la temática que son poco tratados en la literatura. A partir de la comprensión de las temáticas como subsistemas, identificamos dimensiones relevantes para pensar su relación con la pluralización.

Palabras clave: política exterior brasileira; pluralización; diplomacia; procesos de toma de decisión; política burocrática

Introduction

Diplomats and scholars from around the world report a transformation in foreign policymaking: throughout the 20th century and, more intensely, in the last three decades, diplomacy became more “fragmented”, as ministries of foreign affairs were increasingly challenged by actors from within and outside the state (Langhorne, Wallace, 1999; Devin, Toernquist-Chesnier, 2011; Amorim Neto, Malamud, 2019; Spies, 2019).¹ Facing changes in the global and domestic environment, these bureaucracies lost space and had to adapt, as some of their traditional functions ceased to be under their control—the diplomatic service is not the only body able to gather information, communicate with other governments or organize negotiations. This relative decline in the power of foreign ministries is widespread, but their policymaking capacity varies widely, as each country has its way of incorporating these systemic changes (Hocking, 1999; Amorim Neto, Malamud, 2019; Spies, 2019).

Brazil, where the Ministry of Foreign Affairs—also known as Itamaraty—was assumed to dominate international relations with virtually no competitors, is an interesting case for examining this process. Given Itamaraty’s autonomy, would diplomats be able to resist pressure from other actors, or would they lack the political capacity required to maintain control over policy (Drezner, 2000)? Investigating this issue has developed into a central research agenda in Brazilian Foreign Policy studies. With varying emphasis and labels,² contemporary studies point to an increase and diversification of actors involved in formulating, defining, and executing Brazilian foreign policy (Cason, Power, 2009; Figueira, 2009; Faria, 2012; Farias, 2012; Ramanzini Jr., Mariano, 2013; Milani, Pinheiro, 2017). The idea of “pluralization” as a new configuration of decision-making processes characterized by the Ministry of Foreign Affairs’ (Ministério das Relações Exteriores—MRE) relative loss of influence and the participation of various actors became widespread.

While this growing research agenda presents substantial evidence of governmental and non-governmental actors’ participation, explanation of the phenomenon remains somewhat problematic. Internationally, this is seen as a consequence of the blurring of the limits between the domestic and the international caused by globalization processes and the end of the bipolar conflict (Langhorne and Wallace, 1999; Milani and Pinheiro, 2017). The dominant argument in the literature associates the transformation in Brazil to a process beginning in the country’s redemocratization,

which purports to have promoted progressive growth in societal actors' interest and mobilization in international issues (Lima, 2000; Figueira, 2009). This framing, however, may induce inadequate generalization, as it shifts focus and limits comprehension of cases that deviate from the trend towards increasing actors after democratization. In turn, it hampers our understanding of participation prior to 1988 and of centralization today.

To tackle this problem, we engage with the literature in two fronts. Conceptually, we advance a new framing of the issue: analyzing phenomena not as processes, but as characteristics of decision units. Empirically, we discuss a hypothesis on the causes of pluralization: the idea that issue areas influence the degree of participation. Instead of systematically testing this through case comparisons, which would exceed the scope of this article, the study aims at exploring mechanisms through which issue area and pluralization may be related.

To accomplish that, we build upon a mechanism present by Lima (2000) and widely recognized in the literature (Faria, 2012; Faria, Nogueira, Lopes, 2012; Milani, Pinheiro, 2013; Farias, Ramanzini Jr., 2015). It connects domestic distributive effects to decision arena pluralization. We apply process-tracing methods (Beach, Pedersen, 2013) to determine whether issue areas are necessary contextual conditions for the mechanism's proper behavior. More specifically, we empirically assess the extent to which propositions hold in situations which are not strictly related to economic themes.

We examine the Kyoto Protocol negotiations (1996–2001) and the World Trade Organization (WTO) dispute on drug patents (2001) as two “typical cases” with distributive effects and minor presidential participation. We find the mechanism presents partial functioning in both cases, explaining the behavior of some, but not all, actors. Based on deviations from the model, we identify relevant dimensions to think pluralization's connection to issue areas: technical knowledge, power capabilities, expert communities, institutionalization, and past interactions within the policy subsystem.

The argument is divided into six sections. First we introduce our conceptual understanding of pluralization and discuss its causes. Next we advance our methodological framework. Third and fourth, we present our two case studies: the Kyoto Protocol negotiations and the drug patent disputes. Then we discuss each case's results and how they relate to our research questions. Finally, we identify relevant dimensions for considering the relationships between issue areas and pluralization.

Pluralization: definition and causes

Although changes in foreign policymaking play an increasingly central role in the Brazilian foreign policy agenda, little attention has been given to conceptual discussions of pluralization.³ This is largely problematic because different definitions imply different research questions, designs, and conclusions, hindering the accumulation and comparison of study results: if we want to describe or test hypotheses related to pluralization, we must first know what it is.

We define pluralization as the increase and diversification of actors involved in the processes which produce foreign policy. Diversification in turn is here understood in terms of the organizations to which individuals are associated—whether they are state agencies (e.g., sectoral ministries, legislative houses, presidential offices, and other federative units) or non-state actors (businesses, NGOs, epistemic communities, etc.). Pluralization can thus be seen as a wide phenomenon which encompasses other relevant phenomena, such as paradiplomacy, horizontalization, civil society participation, and presidential diplomacy.

One should note this definition follows major works in the research agenda (e.g., Cason, Power, 2009; Figueira, 2010; Faria, 2012) in understanding phenomena as a processes, since the notion of “increase” implies variation and, therefore, time comparison. This, however, makes it ill-suited to analyze specific decisions—a major problem, as the bulk of the literature relies on single case studies on decisions (e.g., Mello, 2010; Oliveira, 2014) or specific agencies (e.g., Machado, 2009; Campos Lima, 2011; Faria, Nogueira, Lopes, 2012)

This illustrates the importance of having clear concepts: while the major works in the field discuss claims about a general diachronic process (Cason, Power, 2009; Figueira, 2009; Faria, 2012), most evidence in the literature comes from single case studies built on various definitions (e.g. Machado, 2009; Mello, 2010; Campos Lima, 2011; Faria, Nogueira, Lopes, 2012; Oliveira, 2014), precluding proper comparison and fragilizing inferences about the wider phenomenon. Diachronic studies remain scarce (Cason, Power, 2009; Figueira, 2009; Amorim Neto, Malamud, 2019) and mostly rely on limited proxies, such as presidential trips or the number of interministerial commissions. While the direct measurement of actor participation and centrality in policy networks—as proposed by Farias and Carmo (2021)—may alleviate this problem in the future, no database of this sort has been produced for the post-1985 period yet.

To study individual decisions, therefore, we also need a definition of pluralization as a “situation” (Farias, Ramanzini Jr., 2015), that is, as a characteristic associated with a given case. Building upon the classical concept of “decision unit” (Hermann, 2001:48), we propose a focus on “plural decision units”, that is, those in which a) the number of participants is larger than one agency and b) there is some level of sharing, even if not complete, of information over the decision and opportunities for communication among actors.

This requires “actual”—as opposed to merely “symbolic”—participation⁴ of multiple actors: different actors’ positions must be taken into consideration even if, in the end, a specific actor has the final say. In this sense, our approach differs from Hermann’s (2001) focus on “authoritative” or “ultimate” decision units, which is restricted to actors whose decisions cannot be reversed. This would severely limit analysis, as decisions are routinely taken at lower levels of the administration and do not directly reach such high-level actors as the president. Our focus is not on identifying the ultimate locus of authority, but rather those who participate in the discussions and negotiations that define policy.

While this limits the breadth of the pluralization argument, it provides a more solid basis for our inferences by distinguishing claims about which conditions cause plural decision units from claims about the recent proliferation of such conditions. Combined with the widespread assumption according to which Itamaraty has held a quasi-monopoly in international matters, dominating and insulating foreign policy production since the 1960s (Cheibub, 1985), the automatic connection of pluralization to redemocratization might lead to disproportionate generalizations about decision-making processes. Existing evidence suggests that there is a multiplicity of decision-making patterns in foreign policy issues, and the incorporation of “new actors”, as well as the influence of Itamaraty, seems to vary significantly across issue areas (Farias, Carmo, 2021). The overall narrative of pluralization as a phenomenon of redemocratization eventually diverts attention away from incongruent case-study evidence, causing decision-making patterns to appear more homogeneous and changes to look more recent than they truly are.

This is particularly clear when looking at economic and commercial issues within foreign policy. While the general argument attributes the increase in the number of actors to the effects of redemocratization and globalization, plural decision units have been historically common in these issue

areas (Farias, 2012). Indeed, recent research comes to radically distinct conclusions regarding transformations in decision-making: Ramanzini and Mariano (2013) describe a rise in Itamaraty's centrality in trade negotiations since the 1990s. Duarte and Lima (2017) see a similar movement in financial discussions in the 2010s.⁵ This more plural dynamic is not limited to economic foreign policy, the participation of non-diplomats being pervasive and varying widely across issue areas (Farias, Carmo, 2021). The proper study of these and other "deviant" cases can provide a better understanding of the mechanisms which lead to pluralization and, therefore, shed light on wider processes of change in decision making processes in Brazil and elsewhere.

Causes of pluralization

Recent processes of pluralization and decentralization of foreign policy-making have been identified in multiple countries (see Hocking, 1999; Murray, 2008; Devin, Toernquist-Chesnier, 2011; Amorim Neto, Malamud, 2019; Spies, 2019). Most of this literature states that the end of the bipolar conflict and the intensification of globalization processes affected the global agenda, blurring the lines between domestic and foreign policy and, therefore, multiplying actors and arenas involved in international issues (Langhorne, Wallace, 1999; Milani, Pinheiro, 2017). The expansion of the international arena, with new and complex issues being debated, increases the demand for specialists and strengthens sectoral agencies vis-à-vis diplomats (Figueira, 2010; Faria, 2012; Milani, Pinheiro, 2013).

In Brazil, this argument is widespread and commonly associated to the parallel processes of economic and political opening in the 1980s and 1990s (Lima, 2000; Faria, Nogueira, Lopes, 2012; Farias, Ramanzini Jr., 2015). According to this perspective, abandoning the protectionist development model changed the domestic effects of foreign policy. Costs and benefits began to be perceived as more unequally distributed in society, and some effects, whether positive or negative, became concentrated in particular social groups. This meant increasing the interest of domestic actors in this policy arena on the one hand and the influence of domestic over foreign policy on the other hand, combined with democratization. This diminished Itamaraty's insulation in conducting external affairs (Lima, 2000). Other conjunctural factors, such as administration reforms in the 1990s (Figueira, 2010) and the personality of participants (Cason, Power, 2009), contribute to the explanation.

While these factors probably exert a causal impact on foreign policy participation, it is hard to untangle the mechanisms through which they affect concrete decisions and, therefore, to identify them at work in case studies. This is a particular problem for our purposes: to understand how issue-area variation may interact with the causes of pluralization, we must examine the way different actors in different contexts incorporate these structural incentives for participation differently.

Thus, to design our study, we must frame these variables as closer and more easily observable conditions affecting decision-making processes. By looking at the distribution and strength of the decisions' domestic effects (Ingram, Fiederlein, 1988), for instance, we can approximate the globalization effects argument to case level and design tests to assess its effects, as explained in the next section. Another source of variation in pluralization, hinted at by discussions about the personality of actors, is presidential participation. Actors in the Executive react differently according to presidential behavior: if the president is interested and deeply involved in an issue, they are capable of overpowering any bureaucratic dispute, designing the decision unit itself (Rosati, 1981).

We expect these variables to interact with issue areas in determining the configuration of decision units. While actors react to expected benefits or costs, their beliefs, coalitions, information, and power resources, as well as the actors themselves, vary significantly across issue areas. Issue areas hence work as a sort of "summary" variable to describe the arena in which policy is to be defined, resembling the notion of a policy subsystem. A policy subsystem is characterized by a semi-autonomous community which shares expertise in a given policy domain and has long sought to influence policy in that domain (Sabatier, Weible, 2007:192). These communities develop common ways of looking and dealing with problems as a result of their continuous interaction, affecting the mediation of interests and ideas in policymaking (Howlett, Perl, Ramesh, 2013:153-154).

Methodology and research design

To design empirical tests in process tracing, we must have clear expectations about how these variables are to affect decision unit concentration/pluralization. This will enable our tests to evaluate the proper functioning of the causal mechanism and explicitly state the kind of evidence needed to support or weaken the hypothesis (Beach, Pedersen, 2013).

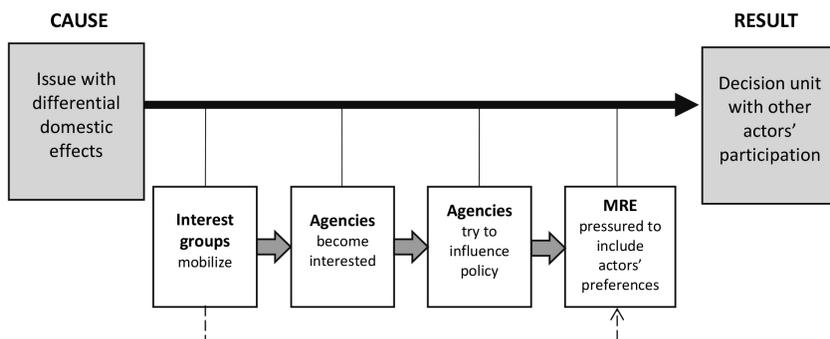
Propositions connecting distributive effects and plural decision units are relatively clear: actors that are potentially affected by the decision mobilize to influence it. If a unit concentrated in the MRE is relatively insulated, as generally assumed of Itamaraty (Cheibub, 1985; Loureiro, Abrucio, 1999), in the participation of other agencies should increase. An alternative pathway would be for the MRE to open itself directly to interest groups. Either way, the result is a plural decision unit.

The effects of presidential participation, however, are somewhat obscure. Although it is well established that presidents may shape decision units to their preferences (Krasner, 1972; Moe, 1982; Bendor, Hammond, 1992; Rudalevige, 2002), it is hard to determine their preferred design in advance. Highly opaque factors, such as personality, trust in other ministers, or familiarity with the subject may be central to shaping the decision unit in cases of presidential interest (George, Stern, 1998; Rudalevige, 2002), hindering the formulation of theoretical expectations in specific cases.

In this sense, presidential interest might act as a modifying contextual condition which, due to our lack of precise data on its effects, would introduce greater complexity. To avoid this problem, we “control” for this issue through case selection, excluding cases with overt presidential participation to allow for a clearer and relatively linear causal mechanism.

Figure 1

Distributive effects and plural decision units: causal mechanism



Source: prepared by the author.

The mechanism to be tested is composed of four sequential stages (see Fig. 1). It is activated by the perception of distributive effects in a given foreign policy decision. In Stage 1, interest groups mobilize to influence

policy in response to potential losses or gains. As a consequence of interest group mobilization, governmental agencies which are not directly linked to foreign policy take interest in the issue. In the third stage, these agencies work within the administration to influence policy outcomes. Finally, facing pressure from other actors to include their preferences in the decision-making process, the MRE opens up the decision unit to the participation of other actors. The expected result is a plural decision unit. As previously stated, the absence of presidential participation is a contextual condition for the proposed mechanism to act.⁶

The process tracing procedure consists of evaluating the congruence between the mechanism's expectations and the mechanism effectively at work in the cases. This is assessed through a series of empirical tests based on the observable implications of the theoretical mechanism. These tests then direct our analysis of a wide range of sources, such as diplomatic telegrams, official documents, minutes for governmental meetings, parliamentary discourses, newspaper articles, secondary literature, etc.). A description of such tests and of the primary sources consulted for the development of the case studies can be found in the Methodological Appendix.

One should note this procedure only tests whether the tested mechanism is operational and sufficient for explaining the result in a specific case—which does not necessarily exclude the possibility of other factors contributing to the outcome, whether as separate mechanisms or as contextual conditions for the mechanism's operation. In this sense, our focus on domestic arena interactions should not be interpreted as a claim that external pressure is irrelevant or that more structural domestic explanations—such as those based in administrative culture—do not contribute to explanation. Proper evaluation of the strength of such alternative explanations for the cases would demand process tracing and comparative studies of their own, which lie beyond the scope of this article.

While useful for testing the connection between domestic distributive effects and plural decision units, the process tracing method alone cannot address the question of issue area as a scope condition. To do so, we must resort to comparison: does the mechanism continue to function properly when operating in different issue areas? If issue areas are irrelevant, we should not expect any kind of change. If we see deviations between cases and expectations, however, these can be used to generate hypotheses on how issue areas, distributive effects, and pluralization interact.

In its original formulations, the mechanism was applied to the study of economic and commercial issues in foreign policy (see Milner, 1997; Lima, 2000). As the argument is widely referenced in the literature (Faria, 2012; Faria, Nogueira, Lopes, 2012; Milani, Pinheiro, 2013; Farias, Ramanzini Jr., 2015), we assume it is valid for the arena from which it was formulated.

Thus, case selection for our analysis must consider both the requirements of process tracing and those of our comparative method. To build or test hypotheses on causal mechanisms, we must select a “typical case”, i.e., one in which cause, contextual conditions, and expected results are present (Beach, Pedersen, Siewert, 2019). To test for scope conditions in the comparison, we must aim for case similarity: ideally, the only varying condition would be issue area (Beach, Pedersen, Siewert, 2019). This means we need to examine cases of non-economic issues with distributive effects and plural decision units in similar contexts, preferably in the same time period, but free from presidential participation.

To accomplish this, we restricted our search to both Fernando Henrique Cardoso administrations⁷ (1995-2002), mapping and classifying decisions which had already been studied in the literature and for which primary data were available. This led us to two cases associated with different issue areas: the Kyoto Protocol negotiations (1996-2001), related to the environmental agenda, and the HIV/AIDS drug patents dispute (2000-2001), related to global health issues.

Besides the similarities guaranteed by the procedure, the cases converge in being related to issue areas which, although originally characterized as “low politics”, rose to the forefront of the global agenda—and of Brazilian foreign policy, in particular. Indeed, as follows, Brazil exerted leadership in the international arena in both cases, gaining international visibility by garnering the support of other developing countries. Significantly, connections established in the drug patent dispute lie at the origins of the IBSA forum (India, Brazil, and South Africa), which would become one of Brazil’s most important foreign policy initiatives in the 2000s (Oliveira, 2005).

Case study: the Kyoto Protocol negotiations (1996-2001)

The case refers to the Brazil's positions in the negotiations concerning the Kyoto Protocol, which established goals for the reduction of greenhouse gas emissions by developed countries and, through "flexibility mechanisms", created an international carbon market. Although the protocol was created and signed in 1997, negotiations continued until late 2001. Attempts to limit developing countries' emissions, led by the USA, as well as the need to detail the functioning and implementation of its mechanisms, gave rise to a series of impasses. These were negotiated in annual conferences, and, in 2001, at COP 6-2, which took place in Bonn, a political deal was finally reached, being formalized in COP 7 by the Marrakesh Accords.

Brazil played an important role in the Kyoto Protocol negotiations (Viola, 2002). The country fought against limiting developing countries' emissions, arguing that reduction goals should be based on historical rather than current emissions (Cole, 2012). The Brazilian proposal for a fund through which developed countries would finance emission reductions in developing countries was the basis for one of the Protocol's flexibility mechanisms—the Clean Development Mechanism (CDM) (Cole, 2012). Brazil tried to inhibit the inclusion of forest conservation among financeable projects as the CDM was detailed, restricting the discussion of forests to reforestation and afforestation. This section describes the domestic process leading to these positions. As we are testing for the presence of the mechanism presented in Section 2, the case presentation is structured according to the mechanism's stages.

Perception of distributive effects

At the start of the process, public discussion of the Protocol's effects was scarce. Until 1999, most non-negotiators provided little information on the issues under consideration. While some congressmen worried about the impacts of potential limits to Brazil's carbon emissions, they did not specify sectoral costs and merely mirrored the official diplomatic discourse, which framed the negotiations as a "collective good"—Brazil's development as a whole was to be protected. The few times a concentration of negative effects was specified, underscoring the importance of the Protocol for the Amazon region's agricultural production and energy supply, it reflected a

greater concern for short- and long-term effects of global warming—the costs of inaction—than for the effects and formats of international regulation (Cabral, 1997; Lobão, 1997; Rosa, 1997; Domingos, 1998).

Actors directly involved in the negotiation process, however, were clearly aware of the Protocol's concentrated effects. Negotiators saw the CDM's potential for attracting investments, benefiting the biofuel, hydropower, and energy conservation sectors. The protocol talks were also seen a source of risk for Brazil's Northern region. The MRE was worried that the UNITED STATES might assign the Amazon a central role in discussions, as the superpower tried to pressure developing countries to limit emissions (Rosa, 1997; MRE, 1998).

As negotiations advanced between late 1999 and 2001, information spread, especially among sectors or specific projects that could benefit from the CDM. Gains in some sectors, such as ethanol biofuels and renewable energy, were given as certain by both companies and diplomats (CIMGC, 1999b; Folha de S. Paulo, 1999). Others, such as nuclear energy, forestation, and financing, depended on the regulation's final format.

In Brazil, discussions on forestation, particularly on whether the mechanism should fund forest conservation projects, generated perceptions of both gains and losses in Brazil. Some saw this as a possibility for financing not only foresting projects, but also the development of the country's Northern region. Other groups, however, read the inclusion of forests in the international regime as a threat to Brazil's agribusiness. Both groups saw regionally concentrated effects: the Northern region, which includes the Amazon Forest, was to be the most affected, for better or worse (Amorim, 2000; Jucá, 2000; Folha de S. Paulo, 2000d; Capixaba, 2001).

Interest group mobilization

The Protocol's effects were not widely recognized. Thus the lack of interest group activity during initial negotiations should come as no surprise. Most public statements in the press came from scientists publishing studies on the general impacts of climate change or international NGOs focused on influencing the position of developed countries. There was also early contact between government officials and Brazilian scientists. Members of a research program at the Federal University of Rio de Janeiro were frequently present at preparatory meetings on the subject and participated informally in the Kyoto Conference (Rosa, 1997; Folha de S. Paulo, 1997a; Folha de S. Paulo, 1998).

A more relevant development was the creation in 1997 of an interest group focused on sustainable development: the Brazilian Business Council for Sustainable Development (Conselho Empresarial Brasileiro para o Desenvolvimento Sustentável – CEBDS), associated with a global network of analogous business councils. CEBDS had access to high levels of government because its board included important businessmen and the Brazilian vice-president (CEBDS, 2007; Cardoso, 2017:447). Occupying, from its first year of existence, a chair in the government's Commission on Sustainable Development Policy (Comissão de Política de Desenvolvimento Sustentável – CPDS), CEBDS had regular contact with negotiators (CPDS 1997a; 1997b; 1997c) and, from 1998 on, started to participate in delegations to international conferences. Other domestic actors had regular contact with negotiators through the CPDS, most notably the Brazilian Forum of NGOs and Social Movements for the Environment (Fórum Brasileiro de ONGs e Movimentos Sociais para o Meio Ambiente e o Desenvolvimento – FBOMS),⁸ which was also a recurring participant in climate negotiations and a part of the Brazilian delegations from COP 3 to COP 6-2.

As information on the protocol's differentiated effects became widespread, interest increased and sectoral groups started to mobilize. A clear example was the Brazilian Nuclear Energy Association's effort to directly contact the MRE asking for the certification of nuclear energy projects. Months later, the association published an op-ed claiming nuclear energy was a safe source which should thus be included in the protocol. Other organizations, most of which were involved in the energy industry, also organized events, talked to the press, and tried to contact governmental bodies (CIMGC, 1999b, 2000; Carvalho, 2000).

The bulk of mobilization, however, regarded the inclusion of forests in the CDM. Brazilian officials argued that conservation projects for existing forests should not be included and that the CDM should only finance afforestation and reforestation. A wide group of Brazilian NGOs and social movements, however, questioned that position and organized a seminar and a manifesto in support of including forests.⁹ The seminar provided an opportunity to broadcast the issue, receiving support not only from the press, but also from politicians in Congress and members of the Ministry of Environment (Ministério do Meio Ambiente – MMA) (Eduardo, 2000; 'Manifestação da sociedade...', 2000; *Folha de S. Paulo*, 2000c; *Folha de S. Paulo*, 2000f; *Folha de S. Paulo*, 2000g). The scientific community also mobilized in public and in private to discuss the issue of existing forests, arguing to authorities that avoiding deforestation

would have a greater impact than reforestation, but the government maintained its position (Rosa, 2000; Folha de S. Paulo, 2000a; Folha de S. Paulo, 2000b; Folha de S. Paulo, 2000c). Despite perceptions that the agricultural sector would be the one to bear the costs of a potential inclusion of forests in the international regime, we found no public statements by direct representatives of this sector on the issue—although many congressmen with ties to agribusiness expressed their worries (Bittar, 2001; Feijão, 2001; Pedrosa, 2001).

Governmental agencies' interests and actions

The Ministry of Science and Technology (Ministério da Ciência e Tecnologia – MCT) was immediately interested in the issue (Viola, 2002; Cole, 2012). MCT officials made frequent public statements on the Kyoto negotiations, and newspaper reports mentioned MCT negotiators more than diplomats. The Science minister was also the one responsible for broadcasting the Brazilian position to a wide domestic audience both in the beginning and end of the process (Vargas, 1997; Folha de S. Paulo, 2001e). The formulation of the Brazilian proposal in Kyoto—in particular, its technical aspects—was attributed to MCT bureaucrats (Vargas, 1997; Folha de S. Paulo, 1997b; Cole, 2012:43–44), as was the information that upheld the country's positions. Most data on climate change were produced by the Brazilian Space Agency and the National Institute for Space Research, both related to the MCT.

One should note, however, that MCT's participation in climate change discussions predates the Kyoto negotiations (Viola, 2002; Freitas, 2012) and, therefore, the ministry's interest and actions cannot be attributed to Kyoto's distributive implications, as effect cannot precede cause.

No specific evidence of government agencies other than Itamaraty and MCT producing information to influence negotiations was found. However, information on climate agreements circulated through interministerial bodies, making for regular contact among the MRE and multiple government agencies. The first of those bodies, the CPDS, was more focused on domestic implementation, and, while reports on negotiations were frequent, no debates on the Brazilian position were found on meeting minutes. The second interministerial body, the Commission on Global Climate Change (Comissão Interministerial de Mudança Global do Clima – CIMGC), however, was tasked with contributing to govern-

ment positions in the international arena. Participation by the MRE and MCT was intense, reporting on diplomatic and scientific aspects of the negotiations.

While the CIMGC formally convened a wide range of agencies, minutes show little activity by other bodies, except for the MMA, which progressively increased its participation during the period. As of 1999, the MMA was focused on acquiring information and admitted to not fully knowing the government's position but showed great interest in participating in its "improvements", especially in the forests issue. By the end of 2001, MMA officials proposed criteria and indicators for the CDM, publicly discussed negotiations, and led international delegations to regional meetings (CIMGC, 1999a, 2001; Sarney Filho, 2001). Most importantly, the MMA supported, as previously mentioned, a seminar claiming for the inclusion of native forests in the CDM and pointing to a divergence within the government: while the MMA supported the inclusion, the MCT and MRE were against it.¹⁰

Congress also seemed increasingly interested in the negotiations. Whether because of the increased visibility of the Kyoto Protocol or of the aforementioned interest group mobilization, one can see a change in the frequency¹¹ and contents of congressmen's speeches. During the final period, abstract references to Kyoto give way to the discussion of substantive aspects of the negotiation, such as the inclusion of native forests in the CDM, the composition of international delegations, and critiques to other countries' positions. While congressmen had distinctively little information on the negotiation process, they tried to gather information through the means available, summoning authorities or contacting different agencies.

Opening and pluralizing the decision unit

As we did not access direct correspondence between ministries, information on the decision unit focuses on the design of and participation in governmental bodies, such as the aforementioned interministerial commissions and delegations to the United Nations Framework Convention on Climate Change (UNFCCC) meetings.

From 1994 to 1997, the Interministerial Commission for Sustainable Development (Comissão Interministerial para o Desenvolvimento Sustentável - CIDES) was the body formally responsible for coordinating Brazilian

positions, with representation from multiple agencies (Brasil, 1994). This commission was extinguished in 1997 and replaced by CPDS, which lost its prerogatives in international negotiations. In this sense, we might speak of a decision-unit “closure” in this initial period.

In 1999, this movement was reversed with the creation of the CIMGC, which was clearly in charge of supporting government positions in international forums. In its first meeting, the commission was said to have been created to reconcile sectoral views, and the roles of the Ministries of Mines and Energy and of Environment were highlighted, suggesting the commission was formed to include these actors in the decision unit (CIMGC, 1999a).

Over 2000 and 2001, as companies and interest groups started contacting the CIMGC to obtain information on or influence the CDM regulations, the commission started to debate its relationship with the private sector. A proposal to include civil society in discussions was rejected, and the commission decided non-governmental actors should only be invited on a case-by-case basis. The commission’s opening, therefore, would acquire a selective character, consistent with the hypothesis that actors would only be included in the decision unit when such inclusion was deemed convenient (Farias, Ramanzini Jr., 2015:12). Regardless of its motivations, this “selective opening” resulted in the participation of some non-governmental actors, such as the CEBDS and researchers from the Federal University of Rio de Janeiro (CIMGC, 2001).

A new institutional space for contacts between civil society and government, however, was devised during the same period: the Brazilian Forum on Climate Change (Fórum Brasileiro de Mudança do Clima – FBMC). The forum brought together a wide range of civil society and business representatives, as well as officials from several ministries, the presidents of both legislative chambers, and representatives from subnational governments. There was no apparent conflict between the CIMGC and the newly created FBMC over attributions, and, while some issues were not open for debate in the forum’s meetings, its creation can be seen as a step towards pluralizing the decision unit.

Finally, the makeup of international delegations provides a general picture of changes in the decision unit. Table 1 summarizes this information, which was compiled from official lists of representatives to the Conference of the Parties (COP) meetings of the United Nations Framework Convention on Climate Change’s (UNFCCC).

Table 1

Makeup of the Brazilian delegations to UNFCCC COPs (1997-2001): number and proportion of participants per organization group

Organization	COP3		COP4		COP5		COP6		COP6-2	
	01-10/12/1997	02-13/11/1998	02-13/11/1998	25/10-5/11/1999	25/10-5/11/1999	13-25/11/2000	13-25/11/2000	17-27/07/2001	17-27/07/2001	17-27/07/2001
Science and Technology	5	36%	9	27%	8	27%	11	17%	11	24%
Foreign Affairs	3	21%	7	21%	6	20%	7	11%	4	9%
Environment	2	14%	1	3%	3	10%	2	3%	1	2%
Energy	1	7%	1	3%	1	3%	2	3%	0	
Economy	0		3	9%	1	3%	1	2%	2	4%
FBMC	0		0		0		1	2%	3	7%
State-owned companies	0		1	3%	0		4	6%	2	4%
Subnational	1	7%	0		0		2	3%	1	2%
Congress	0		1	3%	0		1	2%	0	
NGO	1	7%	1	3%	1	3%	2	3%	5	11%
Business	1	7%	6	18%	7	23%	11	17%	7	15%
Academia	0		0		3	10%	3	5%	5	11%
Lawyers	0		0		0		3	5%	5	11%
No information	0		3	9%	0		14	22%	0	
Total participants	14		33		30		64		46	

Source: prepared by the author based on participant lists published by UNFCCC secretariat. "Energy" includes the Ministry of Mines and Energy (Ministério de Minas e Energia - MME) and the National Council for Energy Policy. "Economy" comprehends the Ministry of Finance (Ministério da Fazenda - MF), the Ministry of Planning and Budget (Ministério do Planejamento e Orçamento - MPO), and the National Bank for Economic and Social Development (Banco Nacional de Desenvolvimento Econômico e Social - BNDES). "State-owned companies" encompasses Petrobras—an oil company—and the Brazilian Agricultural Research Corporation (Empresa Brasileira de Pesquisa Agropecuária - Embrapa)—a biotechnology company.

While the size of delegations increased in COP-6 and 6-2, their proportional participation remained somewhat stable: MCT sent the most participants, Itamaraty provided the second-largest delegation, and MMA accounted for a small part of negotiators. Other sectoral agencies, especially those related to energy and economic issues, regularly participated in negotiations. Non-governmental actors were also diverse, relying on the

increased participation of actors from universities and research centers, as well as NGOs. The CEBDS represented most business representatives, but industrial and agricultural confederations, energy consumer associations, and, in COPs 6 and 6-2, individual companies were also represented.

Case study: the drug patent dispute

The case refers to international disputes over the right to the compulsory licensing of HIV/AIDS drugs between 2000 and 2001. The formal debate in the World Trade Organization (WTO) started in May 2000,¹² when the United States requested consultations with Brazil, claiming that parts of the Brazilian Intellectual Property Law were in conflict with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Consultations would later become a panel in the WTO dispute settlement mechanism. This was widely interpreted as a reaction to a negotiation strategy used by the Brazilian Ministry of Health (Ministério da Saúde – MS) for purchasing anti-retroviral drugs, in which threatening to break patents played a central role. Per extension, the WTO dispute was seen as a menace to Brazil's model program on AIDS, which relied on reducing purchase prices to enable drug distribution.

Brazil reacted by giving rise to an offensive in defense of access to medicine both in the WTO and other international arenas. The country tried to guarantee its AIDS program would continue, initially by avoiding a loss in the WTO and, later, by solidifying a flexible interpretation of the TRIPS agreement. This resulted in favorable resolutions at the World Health Organization (WHO) and at the UN Human Rights Commission, the withdrawal of the panel, and, finally, the Doha Declaration on TRIPS and Public Health at the WTO meeting. To accomplish this, Brazil's strategy aimed at garnering international support from the media, NGOs, and scholars, mobilizing a majority support in the WTO, and maintaining open negotiation channels with the United States and the European Union (Serra, 2004:9).

Perception of distributive effects

In Brazil, discussions on the WTO dispute with the United States were deeply connected to domestic debates on health policy. Thus, perceptions of the decision's consequences were mediated by its expected effects on the national AIDS program and the MS's drug procurement strategy. Even before the pressure exerted by the United States, the high costs of anti-retroviral medicine were seen as a problem for the sustainability of the AIDS program, which

relied on universal medicine distribution. As local production and the threat of compulsory licensing were seen as essential to reducing such costs, losing those instruments was perceived as a significant blow on the budget of the MS¹³ and as a preclusion of the AIDS program in the medium or short term. The lack of funding for the AIDS program, in turn, was recognized to have a big impact not only on its 105,000 patients, but also on many AIDS-related NGOs which relied on the program's funding for their activities (CNAIDS, 2001c; Grangeiro et al., 2006:64; Galvão et al., 2008:141).

Another group perceived as directly affected by the WTO dispute was the pharmaceutical industry. A Brazilian victory was widely seen as a loss to research-intensive pharmaceutical companies, as weakening the patent system would reduce part of their compensation. This was largely seen as positive, reducing the industry's "exorbitant profits", but some argued it would lower incentives to innovation. Some actors also saw the dispute as a profit opportunity for Brazilian pharmaceutical companies, claiming Brazil could become an exporter of generic drugs, although the MS denied this possibility (Folha de S. Paulo, 2000h; Folha de S. Paulo, 2001a; Folha de S. Paulo, 2001d; CNAIDS, 2001d; Lima, 2001; Souza, 2001; Valente, 2001).

Interest group mobilization

There is abundant evidence of interest group mobilization in this case. Through their sectoral association in Brazil (Interfarma), research-intensive pharmaceutical companies defended the importance of patents and the legitimacy of the United States' claim—especially through interviews, op-eds, and participation in public hearings in Congress were the main means of intervention in the public debate (CSSF, 2001; Licks, 2001; Vormittag, 2001; Folha de S. Paulo, 2001c). National pharmaceutical companies also expressed their support for the government's position in public hearings, but claimed there was no communication channel with the government (Alário Jr., 2001; Cepaluni, 2006:101).¹⁴

Both national and international NGOs were also quite vocal about the case. Brazilian NGOs frequently commented on the case in the media and organized information campaigns, criticizing multinational pharmaceutical companies, demanding the withdrawal of the panel, and supporting the MS's threats to enforce compulsory licensing. Articulation and strategic coordination happened among national and international civil society organizations, resulting, among other actions, in synchronized protests in front of American consulates and in the creation of a new grouping

of Brazilian civil society organizations—the Intellectual Property Workgroup within the Brazilian Network for Integration of the Peoples (Rede Brasileira pela Integração dos Povos – REBRIP) (CDH, 2001; Passarelli, 2001; Scheffer, Rosenthal, 2001; Folha de S. Paulo, 2001b; Razuk, 2008:80).

These civil society organizations had regular contact with government members both in Congress, supplying information to parliamentarians and participating in hearings, and in the MS. Activists from the NGOs had seats in the National Health Council and interacted closely with the government in managing the AIDS program through the National Commission on STDs and AIDS (Comissão Nacional de DST e Aids – CNAIDS), which became a space for spreading information and discussing domestic and international challenges to the program.

Several international NGOs expressed their support for Brazil in the WTO dispute but were more focused on influencing international public opinion than on affecting the Brazilian position. Participation in seminars and international events on access to drugs, as well as informal expert networks, such as the IP Health mail-list, provided space for contact between such NGOs and government officials. Private meetings between Oxfam representatives and Brazilian diplomats, as well as offers of support, were also reported, but it is hard to establish whether any articulation of positions happened (Amaral, 2001; MRE, 2001f, 2001j; Abbott, 2002:475; Bulhões, 2008:93; Razuk, 2008:79).

International scholars and experts were also in contact with the Brazilian government, reaching out to offer technical support both in the WTO panel and in writing the Doha Declaration on TRIPS and Public Health (MRE, 2001i, 2001p).

Governmental agencies' interests and actions

Since the beginning, the MS showed great interest in the issue of intellectual property and access to medicines, collecting information and keeping regular contact with Itamaraty at least since early 2000. Efforts to collect information on the issue and to garner international support for this agenda included initiatives led by the minister of Health, such as a state visit to India—the world's leading generic drug producer—and a proposal to create a global listing of AIDS drug prices in the World Health Assembly. Contact with the MRE also served this purpose, as diplomats regularly retransmitted information gathered abroad to the international advisory branch of the MS ('Reunião Serra', 2000; MRE, 2001a, 2001g, 2001o).

The minister of Health, José Serra, and the national coordinator for the AIDS program, Paulo Teixeira, made public statements in the case much more often than diplomats. The MS spoke not only in media interviews, but also through official notes, such as a harsh rebuttal of a report by the United States Trade Representative (USTR) accusing Brazil of protectionism in May 2001. Internally, the ministry also accompanied and supervised Brazil's defense in the WTO panel and communicated its strategy and content preferences for the negotiations in the TRIPS Council (MRE, 2001d, 2001e; MS, 2001a, 2001b).

Other government bodies whose work also involved intellectual property themes were also interested in the case. They mobilized through a pre-existing informal group, the Interministerial Group on Intellectual Property (Grupo Interministerial de Propriedade Intelectual – GIPI).¹⁵ The group offered technical support and supervised the WTO panel negotiations, but the extent of its interest and activities is unclear due to a lack of documentation (MDIC, 2001).

Congress also showed great interest in the issue after the WTO panel was established, with congressmen regularly commenting developments in the case, showing support to the government's position and criticizing the United States. While there was much debate on related issues and praise for partial victories in the negotiations, not much substantive debate happened regarding foreign policy—perhaps due to a consensus among opposition and situation groups in support of the government's strategy and the sheer complexity of the dispute. Notwithstanding this problem, congressmen show interest in supervising the government, gathering information through public hearings and by summoning authorities (CREDN, 2001; CSSF, 2001; Lafer, 2001; Suassuna, 2001).

Opening and pluralizing the decision unit

As mentioned above, the case involved action in several international forums—the UN General Assembly Special Session on Aids (UNGASS), the WHO, the UN Human Rights Commission, the WTO's dispute settling mechanism, the TRIPS Council, and ministerial meetings, as well as bilateral negotiations. Unsurprisingly, participation in the decision unit varies across such instances.

Civil society organizations, for instance, were only found to be part of the decision unit in reference to the UNGASS in June 2001. NGO representatives discussed the Brazilian position at the summit in the CNAIDS

and took part in preparatory meetings as well as in the delegation to the UNGASS itself. A business representative linked to the AIDS program, as well as a few congressmen, were also present at the conference (CNAIDS, 2001a, 2001b; MRE, 2001k, 2001l).¹⁶ Scholars were also rare—only in delegations to the World Health Organization were there participants linked to universities and research institutes, while some gave technical assistance to the government (MRE, 2001h).

There is, however, abundant evidence of the decision unit opening to other ministries, particularly the MS, which was found to participate in all instances except the UN Human Rights Committee.¹⁷ Itamaraty maintained routine contact with the MS through the latter's International Advisory Branch, headed by a diplomat. High-echelon officials also communicated, discussing policy through ministerial notices signed by the ministers themselves (MRE, 2001c; MS, 2001a; Castro, 2018). A formal instance of coordination may also be found in the aforementioned GIPI, as there is evidence of consultations and technical contributions by GIPI members to the WTO discussions, especially the Ministry of Development, Industry and Trade (Ministério do Desenvolvimento, Indústria e Comércio – MDIC) and the MS (CNAIDS, 2001a; MRE, 2001e, 2001m, 2001n; Castro, 2018:173).

The decision unit seems to have been characterized by a division of tasks in which the MS was responsible for building support from NGOs and public opinion in the United States,¹⁸ while Itamaraty, mainly through its delegations in Geneva and Washington, was in charge of substantive bilateral and WTO negotiations. This separation was also attributed by the Brazilian media to the political aspirations of the minister of Health, José Serra, who would be the government's candidate in the upcoming presidential elections, as it provided him with extensive media coverage (Folha de S. Paulo, 2001g).

This division, however, was not rigid: the MRE also maintained contact with NGOs, and the MS contributed to devising strategies and building substantive positions—although Itamaraty probably had the last word on most occasions.¹⁹ An illustration of this dynamic is found in the correspondence exchanged by José Serra and the minister of Foreign Affairs, Celso Lafer, before the WTO Ministerial meeting in Doha. Serra suggested mentioning differential drug prices and parallel imports in the declaration being negotiated, but Itamaraty found such inclusion to be counterproductive and, therefore, did not follow the minister's suggestion (MRE, 2001q; MS, 2001a, 2001b).

Results discussion and hypothesis generation

This section evaluates and compares theoretical propositions and case study results. As summarized in Table 2, the mechanism provided partial explanations in both cases and accounting for the behavior of some actors, but was unable to cover other relevant aspects. We focus on these deviations and raise hypotheses that could explain such variation.

Table 2

Case summary and comparison

Mechanism expectations	Kyoto case evidence	Patent case evidence
Economic issue area	Environmental issue area	Health issue area
Decision distributive effect is perceived by social groups.	Follows expectations. Negotiators' and general society's perceptions differ.	Follows expectations. Mediated by case impacts in domestic policy (against AIDS, in this case).
Interest groups mobilize in reaction to distributive effect.	Follows expectations.	Follows expectations. Governmental body (MS) also mobilizes in reaction to budget impact.
Interest group mobilization and contact generate governmental agencies' interest and action.	The MMA and Congress follow expectations. Science and Technology does not.	Congress follows expectations. MS is compatible, but not completely explained (there is contact, but interest precedes it). MDIC does not follow expectations.
Governmental agency action pressures MRE and the opening of the decision unit.	Follows expectations for the Environment. Partially follows for Congress (restricted to FBMC). Falls short of expectations for Science and Technology (participation precedes trigger).	MS follows expectations. Congress and MDIC fall short of expectations.
Pluralized decision unit.	Follows expectations.	Follows expectations.

Source: prepared by the author based on process-tracing results presented above.

The several empirical deviations pose different kinds of challenge to the mechanism. Minor deviations, which are compatible with the mechanism's logic but not accounted for by its current form, can be used to propose refinement hypotheses. In both cases, the lack of direct participation of Congress in the decision units, for instance, could be explained by adjusting legislator behavior expectations in line with Brazilian literature—if Congress is expected to participate indirectly, delegating the formulation of foreign policy issues and “supervising” the Executive (Spohr, Silva, 2016; Ribeiro, 2018), results become clearer. Similarly, if we take the version of the mechanism presented in Fig. 1, the interest of the MS in the Drug Patents case would violate timing, as it precedes interest group mobilization. If we take into account that the case had direct effects on its budget, however, this is no surprise, as the agency was reacting to the decision's concentrated effects in the same manner as an interest group.

A second group of deviations is represented by within-case variation which is not covered by the mechanism but does not fall short of its expectations. For instance, mobilization seems to be enough to ensure the participation of governmental agencies, but does not say much about the variation in their influence. Relevant issues that are left unexplained—such as the divergence of perceptions on the effects of decisions' in the Kyoto case, the variation in the direct access of interest groups to the decision unit, as well as in the capacity of actors capacity to influence policy outcomes—can be the basis for supplementary hypotheses.

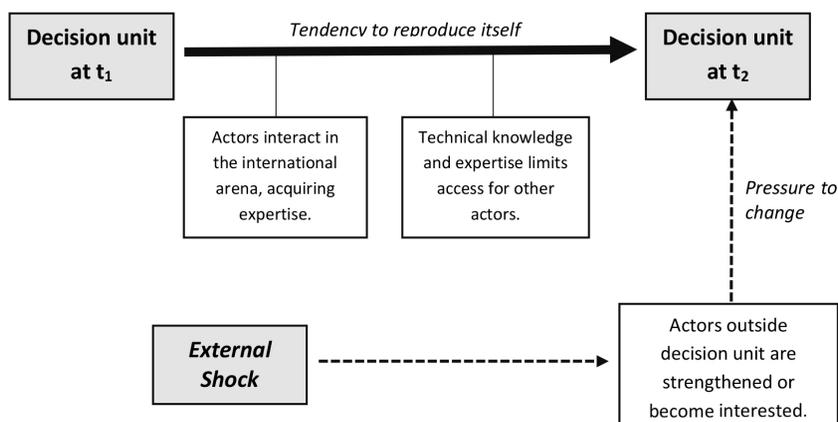
Based on the Kyoto case, a potential reason why some interest groups can directly access the MRE or participate in the decision unit while others cannot might be connected to a convergence of preferences with Itamaraty (which would suggest gatekeeping behavior) or to group resources (whether financial, informational, or political). A comparison of the MS's success and the MMA's failure in influencing policy strategy and content reveals similarities. While Health was a wealthy, politically powerful ministry with a structured division devoted to foreign affairs, Environment had little political support or experience in the international arena, facing a coalition of more traditional bureaucracies (Itamaraty and the MCT).

Finally, a third group is composed of case developments which represent unequivocal violations of the mechanism. In the Kyoto case, the MCT participated in climate negotiations even before domestic distributive effects were perceived. Effect preceded cause, violating the mechanism's sequence. In the Patents case, the MDIC, as well as the Interministerial

Group on Intellectual Property, participated in decision units, but no evidence of their contact with interest groups was found. Alternative mechanisms must be used to explain the behavior of these actors.

A first hypothesis, based on the MCT’s historical participation in climate negotiations (Cole, 2012:45), would be that past decision units tend to reproduce themselves in the future, creating bureaucratic routines and raising entry barriers for new participants. We thus propose a path dependence mechanism, depicted in Fig. 2: a decision unit would acquire technical expertise and develop contact networks, through regular interaction in the international arena. This would increase the bureaucratic power of established participants, preventing new agencies interested in the issue from entering or influencing it. Bureaucratic routines should tend to continue, except in the presence of an “external shock”—represented, in the Kyoto case, by the negotiations’ distributive effects and the inclusion of forests as a central aspect of climate negotiations.

Figure 2
Influence of past decisions on decision units



Source: prepared by the author.

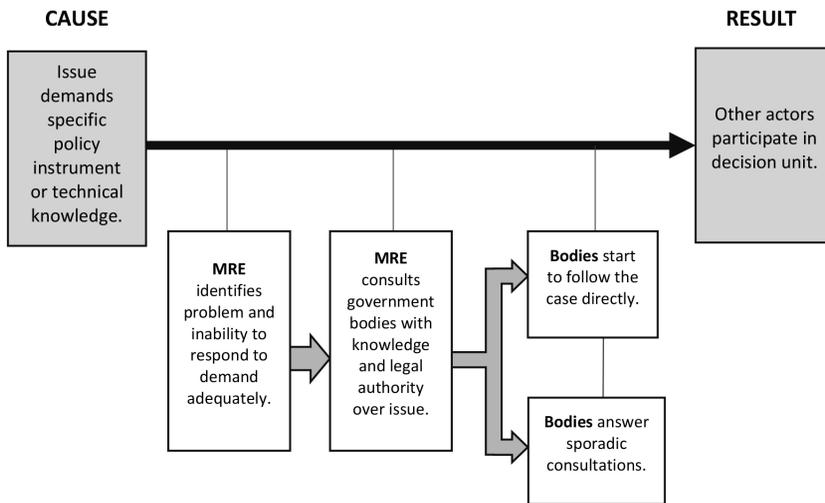
A second mechanism arises from an analysis of the participation of the GIPI and the MDIC in the Patents case. As mentioned, no evidence was found of the GIPI or the ministry’s contact with interest groups regarding the case. Mobilization seems to respond to another mechanism: Itamaraty makes requests and consultations to the body, which follows the case and participates by providing technical support when requested (see Fig. 3). Following this mechanism, pluralization would happen on the initiative of

the MRE itself once it identified an inability to adequately respond to an international demand, whether due to a lack of internal technical capacity or to a lack of command over relevant domestic policy instruments.²⁰ Itamaraty would then consult specialized or jurisdictionally competent bodies, which would either participate directly in the case or respond to consultations, resulting in a plural decision unit.

This would help explain why, while many non-diplomats actively engage in Brazilian foreign policy, MRE actors are central nodes in the foreign policy network (Farias, Carmo, 2021). Further research into this mechanism may shed light on the repositioning of foreign ministries within the policy cycle, emphasizing coordination or supervision roles over the direct operation of foreign policy (see Faria, Nogueira, Lopes, 2012:212–213; Spies, 2019:147).

Figure 3

Technical complexity and legal authority in decision-unit definition



Source: prepared by the author.

While this model is based on interactions between the MDIC and the MRE, it would also help explain variation in the participation of the MS across international arenas. As interactions in the WHO demand more technical knowledge in health issues than those in the WTO or in the UN Human Rights Commission, MS officials are more relevant in the first arena than in the others, which are dominated by diplomats. It is also

compatible with Kyoto events because the MMA is only incorporated to the decision unit once negotiations start to focus on forest protection, an area for which the MMA has policy instruments and expertise.

Final considerations on issue area and pluralization

With these deviations and hypotheses in mind, we turn to the study's more exploratory question: how do issue areas relate to pluralization? Can these deviations help us select relevant dimensions of this complex variable for further investigation? To answer this, it is useful to first discuss which of the hypotheses raised above can be related to variation in policy areas.

Other than the two refinement hypotheses based on minor deviations, all of the proposed hypotheses are linked to issue areas through specific dimensions: the distribution of resources among actors, technical knowledge, domestic jurisdiction, and past interactions within the policy subsystem.

Consider the propositions on the dynamics of decision units, which attempt to explain access and influence through the distribution of power resources and convergence of preferences among actors. We may assume policy preferences vary on a case-by-case basis, making issue areas less relevant. However, as groups organize around thematic areas, issue areas indirectly "select" relevant actors. The importance of informational and political resources also differs depending on the substantive issue being discussed: when technical-scientific issues are at stake, academic contributions may weigh more than in commercial negotiations, for instance, in which companies' information on the market would be much more valuable.

This is also relevant for internal governmental disputes: for subjects in which Itamaraty relies on no specialized internal structure, sectoral ministries are expected to be more influential. In our cases, the MRE clearly had a Division of Environment, but no division focused on health. This is also linked to technical expertise and domestic jurisdiction over policy areas, which is the basis for one of our alternative mechanisms. In this sense, issue areas would act as proxies, helping to identify not only which actors are interested in decisions, but also what kinds of resource are more valuable in political disputes.

The path dependence mechanism is linked to issue areas through a dimension that was not explored in this study: the historical development of thematic subsystems. Historical routines and patterns of intra-government or government-society relations, especially institutionalized communication channels, can influence access to decision units, closure to new participants, and coalitions among actors.

Our cases show an array of relation patterns among governmental and non-governmental actors, ranging from institutional coordination and discussion spaces of, such as CNAIDS, CPDS, or FBMC, to more informal relations, such as participation in expert events or direct communication with interest groups. This allowed actors to access information on negotiations, as well as to contribute to discussions on the Brazilian position. It is only natural for this to vary across issue areas, not necessarily following the same general pattern in Brazilian foreign policy. Itamaraty, the Ministries of Defense, and Finance have been historically more insulated from political appointments and interest group relations than others (Loureiro, Abrucio, 1999). This might justify an assumption according to which security or financial issues in foreign policy have little participation from other actors—which is not necessarily the case in all areas (see Dolce de Faria, 2017).

All of this highlights the importance of distinguishing between issue areas when making general claims on foreign policy decision-making. This seems particularly important in light of comparative enterprises which, while highly laudable, do not account for this dimension, such as the research agenda on the policymaking capacity of Ministries of Foreign Affairs (Hocking, Spence, 2002; Amorim Neto, Malamud, 2019). Evidently, if we seek generalization, the hypotheses we raised in this study should be further tested against other cases, replicating and varying contextual conditions. Future research on pluralization would greatly benefit from a more rigorous examination of thematic subsystems, either by expanding comparisons among issue areas, testing new and existing hypotheses, or by describing subsystems over longer time periods.

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Notes

1. Competition between foreign ministries and other actors within the state is a historically common feature in foreign policy (Hocking, 1999). While “fragmentation” dynamics took place in various ways across countries, transformations associated with globalization have increased the interest and capacity of actors to engage in global affairs, increasing the pressure on diplomatic services worldwide (Langhorne, Wallace, 1999).
2. Among the various terms used in the literature, one can find: horizontalization, decentralization, pluralization, decapsuling, politicization, democratization, power shift, diversification of interests (Farias, Ramanzini Jr., 2015:7).
3. Farias and Ramanzini (2015) see the profusion of labels used to describe the phenomenon as evidence of a lack of conceptual reflexion. This is also a feature of the international debate on “diplomacy fragmentation”, with Amorim Neto and Malamud (2019) standing out.
4. This does not mean participation must translate into actual influence, but rather that we are particularly interested in situations in which actors have a voice and opportunities to change positions. The distinction accounts for the problem of “rubberstamp committees”, in which actors are only included after problems have been defined and decisions have been made (see Ramanzini, Farias, 2016).
5. This is not restricted to economic issues: plural decision units were described by historical work on the military regime (Miyamoto and Gonçalves, 2000; Pinheiro, 2000) and a centralizing movement on security matters was identified in the 1990s (Mello, 2010).
6. Presidential influence would confound the dynamic proposed, as the president might, for instance, choose to centralize the decision or work as a counterpoint to interest group preferences.
7. This period was chosen due to Brazil’s openness to foreign trade, changes in its international integration, and administrative reforms—factors which the literature associates with pluralization.
8. Other organizations were present in the CPDS but one cannot assume they tried to influence positions in COPs, as the commission was primarily aimed at domestic implementation and minutes do not show their participation in discussions.
9. While the group supporting the issue was wide, this was not unanimous among environmental NGOs. Support for the inclusion of forests might have reflected regionally differentiated effects. European NGOs, where forest area is scarce, were against the inclusion. United States and Canada centered organizations supported it. In Brazil, the Amazon chapter of Friends of the Earth challenged its head office on the basis that “what is good for the planet is not necessarily good for Amazon” (Folha de S. Paulo, 2001f).
10. This was denied by negotiators, but there is evidence of divergence within sectors of the MMA and a split in government (CIMGC, 1999b; Folha de S. Paulo, 2000i).
11. Among the statements analyzed, 82% occurred between 2000 and 2001. The 62 speeches identified as relevant to the research were thus distributed: 1997 (10), 1998 (1), 1999 (0), 2000 (14), and 2001 (37).
12. Although consultations were formally requested in May, pressure by the United States began earlier through communications in Geneva and a state visit by the United States Trade Representative.

13. The MS had precise estimates of the price reduction to be achieved. Banning compulsory licensing would hinder these gains (Soares, 2001; Alcântara, 2000; Folha de S. Paulo, 2000e).
14. Individual businessmen, however, contacted a senator and possibly the Brazilian ambassador in Washington (Suassuna, 2001).
15. Besides the MRE and the MS, this included representatives from the Ministry of Agriculture (Ministério da Agricultura, Pecuária e Abastecimento – MAPA), the MCT, the Ministry of Culture (Ministério da Cultura – MinC), the Ministry of Justice (Ministério da Justiça – MJ), and the MDIC.
16. Congress sent representatives to the conference, but we found no evidence of participation in preparatory meetings, which would make it unlikely to influence the Brazilian position.
17. The proposal of a resolution on access to medication was, most likely, an initiative of the Brazilian embassy in Geneva and diplomats from the Human Rights division, and only diplomats were part of the delegation (MRE, 2001h; Brasil, 2018).
18. This was accomplished through media interviews, visits to the United States, and ads on major American newspapers (Bulhões, 2008; Cepaluni, 2006; Razuk, 2008; Flanagan, Whiteman, 2007).
19. The World Health Assembly might be an exception, as Health made up most of the delegation and seemed to define policy, while diplomats formalized contact with the WHO secretariat (MRE, 2001b; 2001a).
20. The relevance of these aspects in defining foreign policy decision units is also underlined by specialized literature, although no formalized mechanism is postulated (Farias, 2007; Duarte, Lima, 2017; Milani, Pinheiro, 2012).

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