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Union Networks and Global Unionism in Maritime Shipping

NATHAN LILLIE

Under the auspices of the International Transport Workers' Federation's (ITF) Flag of Convenience campaign, maritime unions have developed transnational global structures exploiting interdependencies in transportation production chains. The ITF, a London-based association of transport unions, connects the struggles of seafarers and port workers through a global strategy of union networking and coordinated industrial action. Seafaring unions draw on the industrial leverage of port workers to negotiate minimum standard pay agreements, while dock unions leverage the growing influence of the ITF in fighting union busting in ports. A global transnational ship inspector network provides the power basis for imposing collective agreements on shipowners. Although conceived as a resource for organizing seafarers, the inspectorate also provides port unions with leverage.

One of the central questions in industrial relations is whether unions can regain their influence in the face of capital's increasingly fluid transnational production strategies in the current era of globalization. Maritime shipping is arguably the most globalized of all industries, and also the industry with the most significant transnational union strategy coordination. Under the auspices of the International Transport Workers' Federation's (ITF) Flag of Convenience (FOC) campaign, maritime unions have developed

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transnational global structures¹ which exploit interdependencies in transportation production chains by leveraging union strength in one part of the chain, ports, to further the interest workers in another part of the chain, on board ships at sea. The example highlights the potential for a union strategy of identifying and exploiting the linkages and interdependencies inherent in transnational production processes by building transnational networks and institutions suited to the particular logic of production in an industry. It also highlights the power-resource building nature of seemingly altruistic solidarity, and the ways in which solidarity can be reframed to counter new transnational capitalist strategies of worker alienation as these develop.

Maritime cargo transport on ships and cargo handling in ports are interdependent aspects of the same production process. Seafarers work on seagoing ships, which, due to the FOC system of ship registration and transnational recruitment, are to a large extent disembedded from any unified national regulatory or social context. National seafaring unions in the developed world have been in decline since the 1950s due to the growth of FOCs. In contrast, dock workers are generally thoroughly embedded in local social and political contexts, and have a high degree of industrial leverage because of their position in the production process. However, the increasing vertical concentration of maritime capital has fuelled an impetus to implement greater managerial control over all links in the transport production chain, including ports. The assault on dock workers' working conditions has manifested itself somewhat differently than that on seafarers—instead of shifting labour sources to circumvent nationally based labour organization, employers have attacked labour organizations and mobilizing capacities directly. The ITF, a London-based Global Union Federation (GUF) of transport unions connects the struggles of seafarers and port workers through a global strategy of union networking and coordinated industrial action. Seafaring unions draw on the industrial leverage of port workers to negotiate minimum standard pay agreements, while dock unions leverage the growing influence of the ITF in their efforts to thwart union busting in ports.

This article will begin with a discussion of how globalization processes are strategically exploited by capital as a means of alienating workers from their product, and show how class conflict is shaped by this within the transport industry. It will then show how the different manifestations of globalization in different maritime industry segments have produced different challenges for transnational union structures. ITF structures and

1. The ITF Flag of Convenience campaign originally aimed at the political abolition of the FOC system. As the industrial campaign has gained momentum, this political goal has faded.

the development of a transnational union network of ship inspectors will be described. Finally, the ways in which seafaring unions and dock unions use these ITF structures to regain control of labour markets and work processes will be analyzed. To conclude, broader lessons from the case will be presented.

GLOBALIZATION AS AN EMPLOYER STRATEGY OF ALIENATION

Globalization restructures industrial processes, and thereby creates new and differently formed political spaces of contestation (Amoore, 2002). These new spaces, at least initially, are less amenable to worker resistance—if nothing else because one motivating factor in capital's restructuring along transnational lines is to reduce the capacity of workers to resist. As Wennerlind (2002) shows in his analysis of alienation, capital strategically adopts social and technological innovations to protect its ability to extract surplus value. A variety of devices, including restructuring manufacturing processes (Braverman, 1974), new technology (Marglin, 1974), and so on are deployed to regulate the level and means of alienation of workers from their product, depending on the circumstances, and the specific manifestations of worker resistance. Geographical strategies, such as moving investment, or dividing production chains spatially to optimize the characteristics of workforces involved in specific production tasks (Herod, 1992), can also be regarded as components of capital's repertoire of alienation strategies.

Nationally organized labour unions evolved to suit the geography of production and the political economy of the international nation state system (Cox, 1987). Globalization is, in part, a capitalist strategy specifically designed to reduce labour's capacity for resistance by undermining and circumventing this national basis of organization. The outcome has been the fragmentation of national industrial relations systems, bargaining structures, and trade union organizations. For example, because of the transnationalization of management industrial relations strategy, national sectoral bargaining is now more driven by company level developments than vice-versa (Marginson, Sisson and Arrowsmith, 2003). Transnational industrial relations systems based in and around firms displace national systems, undermining their cohesion (Katz and Darbishire, 1999). As Tuckman and Whittall show, this process can disadvantage local union officials who, no longer supported to the same extent by national union organizations, become caught up in a management driven process of productivist and concessionary bargaining (Tuckman and Whittall, 2002). The shift to a global stage ensures that current union structures are unsuited to effectively organizing and channelling worker resistance.

While union structures are not static, substantial barriers exist to union restructuring along transnational lines (Ramsay, 1997), so that current configurations structure the process of change in ways not necessarily suited to building industrial strength through solidarity (Lillie and Martinez Lucio, 2004). Translation of capital's new vulnerabilities into actual leverage for worker representation requires the restructuring of union organizations and the adoption of new strategies along lines dictated by the new logic of production. The specific nature of these structures and strategies therefore depends on the logic of production and the opportunities for contestation within each industry (Anner *et al.*, forthcoming, 2006).

The specific ways in which transport has restructured along global lines, in part driving and in part driven by the globalization of production in other sectors, therefore impact the strategies of transport workers and unions. Cargo transport is a key sector for organized labour because it links other sectors. Militant labour organizations in transport allow the strategic exertion of leverage in dependant and connected processes (James and James, 1963). Transport workers, and especially dock workers, often find themselves in a position to undertake direct solidarity actions in support of other workers, and not infrequently, they actually do so. In particular, dock workers are well known for their ability to organize effective shop floor action (Turnbull, Morris and Sapsford, 1996), although other transport sectors have above-average levels of industrial militancy as well (Silver, 2003: 97–102).

Maritime capital works at various levels to undermine, circumvent, or outright challenge the control of transport workers over their production processes, and to limit their capacity to act in solidarity with other workers. The movement of ships to FOC registers, and increasing direct attacks on port unions can be seen as aspects of capital's counter strategy. Geographic movements and organizational restructuring to undermine labour's capacity to resist are long established strategies (Cowie, 1999), and not inherently connected to the current phase of globalization. However, globalization extends the contest to a wider stage, providing both capital and organized labour with new sets of opportunities and constraints, as well as new organizational imperatives in terms of structure and strategy.

METHODS

This case study is based primarily on a total of more than 90 interviews and conversations with union officials and employer representatives in Australia, North America, and Europe, conducted between 1998 and 2004. For easy reference, press reports and secondary sources are cited

wherever possible. The sections detailing the processes of globalization and restructuring in shipping and ports are based on industry press accounts and secondary analysis, supplemented by interviews with dock and seafaring union officials, industry association representatives from shipowner associations, and seafarer mission (church) employees. The section on ITF structure is based on ITF reports on activities, the ITF website (www.itf.org.uk), discussions with ITF staff, seafaring union officials, dock union officials, and personal observation of their interactions at International Labour Organization negotiations in July 2003, January 2004, and September 2004. On the ITF inspectorate, the case relies on ITF documentation and secondary sources for the early development of the inspectorate (until the 1980s), and thereafter, on 10 semi-structured interviews with ITF inspectors in the Australia, Canada, Germany, Sweden, and the USA. These are supplemented by discussions with three seafarer mission staff in New York City and Seattle (who sometimes work closely with inspectors), several ITF Secretariat staff involved in providing support for the inspectors, and dock union officials in Finland, Germany, Sweden, and the USA, who are involved in mobilizing dock union support.

The section on IBF bargaining relies mainly on discussions with senior seafaring and dock union officials, and shipowner association representatives involved in the bargaining process. The section on dock union responses to restructuring relies on five interviews with dock union officials in Finland, Germany, Sweden and the USA between 1998 and 2001, discussions with ITF dockers' section staff in 2001, and research into the European Port Services Directive at the European Parliament in 2004. This is supplemented with ITF documents and press reports, particularly as regards developments before the 1990s.

GLOBAL LABOUR MARKETS AND THE DISPLACEMENT OF NATIONAL SEAFARING UNION STRUCTURE

Owners of ships in international trade have been able to disembed production relations on their ships through the Flag of Convenience (FOC) institution. Immediately after World War Two, shipping was regulated nationally, similar to the situation in other sectors. This gradually changed as ship owners, fleeing taxes and strong unions, began to move away from traditional flags to flags which are neither capable of nor particularly interested in regulating the ships they register (Northup and Rowan, 1983). FOC countries offer their flag for the tonnage tax and registration fees it brings. Effectively, they sell their inability to regulate to shipowners for a nominal fee (Alderton and Winchester, 2002: 40).

Moving to FOCs brought freedom to hire from anywhere. As a result, maritime labour sourcing shifted geographically, in favour of countries with lower cost labour. Just after World War II, FOC crews were drawn from diverse countries including northern Europe. By the 1970s, northern Europeans had become too expensive, and sourcing shifted to southern Europe, Korea, and Africa. Through the 1970s and 80s, Filipinos began to displace other groups, in part as a result of the Filipino government's policy of encouraging the export of cheap labour for foreign exchange (CIIR, 1987). With the opening of the eastern Bloc, Russia and other post-communist challenged the primacy of the Philippines and India (which has always been a major seafaring labour supplier) by flooding the market with highly trained seafarers (Johnsson, 1996). Currently, new entrants such as China and Indonesia threaten the wage norms Filipino seafarers have come to expect.

The move to global labour sourcing also reduces the capacity of seafarers to organize and resist. The global institutional infrastructure which has developed to hire ship crews from low-wage seafaring labour supply countries for work anywhere in the world (Alderton *et al.*, 2004: 31–48), has a strong coercive aspect—as ship crews can be quickly replaced. Multi-national ship crews, which are now the norm (Alderton *et al.*, 2004), create social and cultural divisions among seafarers (Sampson, 2003). Where unions represent FOC crew, quite often there are different unions representing crew from different countries, not to mention different crafts. Furthermore, deregulation of the work environment makes possible serious violations of human rights by unscrupulous employers. FOC countries often have neither the ability nor the will to enforce their legal systems on the vessels they flag (Chapman, 1992), and most seafarers do not have means to pursue legal claims in courts in far away FOC countries they have probably never visited.

The globalization of labour sourcing, and the disconnection of shipping from legal spaces to which unions have regularized institutional access, dictate the structure of the new transnational union networks. Structures for industrial action must extend to those areas where industrial leverage is high, and these should be combined with and connected to representational structures which are effective in the places where seafarers work. Ideally, these structures should also be present in the places where they live when they are between jobs and when they are being trained and recruited. Union representatives must be able to act locally in the rapid time scales prevalent in the shipping industry—there is little point in union representation which is unable to get to a ship which may only be in port several hours²—and

2. Sampson and Wu (2003), for example, describe the way in which the organization of modern port work has speeded up the turnaround time for ships, decreasing the opportunities for seafarers to go ashore.

local action must be consistent with and embedded in a global strategy. As a result of the need for new transnational structures and forms of action, nationally based seafaring unions have been sidelined by the transnational network based around the ITF.

PORTS RESTRUCTURING AND GLOBALIZATION

Capital in ports is in a very different situation, being to a large extent fixed and within the territories of nation states. Ports cannot shift themselves away from national labour regulation, unions and shore-based communities so easily. Rather, port based capital has been obliged to fight it out in spaces where labour is capable of mounting effective resistance. Despite the difficulties, the concentration of capital in fewer and larger global firms, often vertically integrated into multiple transportation chain links, has provided both the motive and opportunity to reduce the influence of port unions. Before the 1980s, the structure of relations between ports, shipping lines, and shippers interfered with initiatives to break dock unions and change the highly unionized labour relations systems in ports. Port unions could rely on divisions between the interests of relatively smaller and fragmented shipping lines, shippers, stevedoring companies and governments to pressure ports to come to a quick settlement. Fragmented shipping interests found it too difficult and expensive for port workers to remain on strike, and too easy to settle and pass the increased labour costs on to port customers.

Changes in the structure of the shipping industry over the past two decades mean the larger transnational shipping companies of today have a vested interest in shifting the balance of power in ports, because passing on the costs has become more difficult. Some giant shipping liner firms such as P&O Nedlloyd have transformed into vertically integrated logistics companies, through the acquisition of cargo handling facilities. Alternately, cargo handling firms such as the Seattle-based Stevedoring Services of America (SSA) or the Singaporean PSA have expanded globally but horizontally, remaining specialized in the operation of port facilities (*Containerisation International*, March 1999: 99–101). Furthermore, the new emphasis on logistics, including “door-to-door” delivery in some firms, has created an imperative for greater managerial control in all production nodes (Robinson, 2002), and a lower tolerance for the effects of industrial action in ports. For labour, the news is not all bad, however. To the extent that labour can act transnationally, the new globally integrated companies are in some ways *more* vulnerable than they were in the past, because any local dispute can quickly become a liability to tightly integrated operations around the globe.

The rapid and total workforce replacement by presumably compliant workers from developing countries seen on many FOC ships has not been possible in ports. Instead, maritime capital has had to take advantage of the resources available in each particular national and local context to challenge dock union power. For example in Santos, Brazil, the port users and the port authority, Cosdep, have long wanted to reduce the size of the workforce, and introduce new work rules (*Containerisation International*, June 1995: 95–97). In 2001, a combination of competition from smaller newly expanded Brazilian container ports, self-loading by some liner companies, and a greater collective spirit among port employers and port users enabled the port to take on the unions and win a two-week strike (*Lloyd's List*, 5 April 2001). Similar stories can be told about New Zealand (Green, 1996) and the Bangladeshi port of Chittagong (*Lloyd's List*, 19 March 1997; 10 July 2001), where Stevedoring Services of America (SSA) helped provide the backing needed to take on the power of the dock unions. SSA is also thought to be the most influential actor within the Pacific Maritime Association (PMA), behind the 2002 drive to break the coast-wide contract with the union on the US West Coast (*Pacific Business Journal*, 18 Sept. 2002). In Marseilles, port employers endured long strikes to win concessions, with the explicit backing of the port users' association (*Lloyd's List*, 18 July 1994). In the Indian ports of Mumbai and Chennai as well as in Colombo in Sri Lanka, P&O Ports took on local unions to push through unpopular (with the workers) privatization plans (*Lloyd's List*, 2 July 2002; 29 Feb. 1997). Global maritime capital is now more ready to get behind port employers who take on dock unions creating 'local' problems for them. Dock unions, however, have responded by building up their international linkages. Although dock unions' international linkages have an existence and logic of their own, this article argues that they are also closely linked to FOC campaign strategy. Production process linkages and increasingly common threats from common employers make construction of solidarity along the links in the production chain an important strategy.

THE ITF

As has been shown, maritime unions, both on ships and in ports, have come under attack, and successful resistance has required globally coordinated union action. Because of this, the role of the ITF, as a coordinator and mediator between national unions, as a distributor of strategic information, as a center of a global union network, and as a union actor in its own right, has increased over time. Much of the ITF's coordinating apparatus is concentrated in the ITF Secretariat in London where professional staffers oversee the implementation of FOC campaign policy, and

in the Fair Practices Committee (FPC) meetings where ITF and national union officials determine FOC campaign policy. The ITF's presence on the ground is ensured by the FOC campaign's own power resource—the ITF ship inspector network. The network provides the power basis for imposing collective negotiations on shipowners. Although conceived as an FOC campaign resource, the inspectorate directly, as well as indirectly through ITF influence with shipowners, also provides port unions with leverage.

The ITF's power has increased over time, and it has become an influential body not only vis-à-vis employers, but also vis-à-vis national unions. However, it is important to note that ITF influence depends on its constitutive unions. Rather than conceiving of the ITF as an independent global union body, it is more accurate to think of it as an organization for pooling union authority, and for coordinating national activity in systematic ways. Also, the ITF is responsible for a number of transport sectors besides maritime. In other sectors, although the role of the ITF has increased, it has not grown nearly to the same extent as in maritime. In civil aviation, for example, despite ITF promotion of the idea, unions have shied away from the inspector model of union transnationalization (Lillie and Martinez Lucio, 2004: 173).

ITF INSPECTORATE

The purpose of the ITF inspector network is to obtain and enforce collective bargaining agreements (CBAs) on FOC ships. There are 105 ITF inspectors and coordinators,³ who monitor compliance with ITF contracts, coordinate industrial action against ships without contracts, and assist seafarers in distress. Though formally employed by their local or national unions, inspectors are in fact answerable to the Secretariat.⁴ When an FOC ship visits a port, it may receive a visit from an inspector. If the ship has an approved ITF CBA, the inspector will talk to the crew and check the payroll to ensure standards are being maintained. If it does not have a CBA, the inspector will attempt to obtain one, using persuasion and the threat of industrial action by port workers (Northup and Rowan, 1983; Northup

3. According to the ITF 'Message to Seafarers,' directory examined in December 2004.

4. The extent to which this is true, however, seems to vary from place to place. In Sweden and Finland, where the maritime unions are influential within the ITF, and the inspectors are in any case very effective, there seems to be a high degree of national autonomy. In the USA, on the other hand, where corrupt inspectors from certain seafaring unions have caused problems in the past, and there is strong rivalry between maritime unions, the ITF exerts more direct control (*Journal of Commerce*, 23 Aug. 1987; *Journal of Commerce*, 26 Dec. 1995).

and Scrase, 1996). The ITF "Actions Unit" in London provides advice and support for industrial action, including information on ships and ship owners, such as past movements, disputes with the ITF, and agreements signed (ITF FCR, various years).

Today's inspectorate is the result of a 30-year development process, during which it has changed to reflect the global and transnational structure of the industry. The inspectorate has developed along three distinct, though related dimensions. First, the inspectorate has expanded geographically, from its core in countries with very strong labour movements, to include most of Europe, North America, Japan, and more recently, many developing and formerly state socialist countries (ITF FCR, various years; ITF ROA, various years, Northup and Rowan, 1983; Northup and Scrase, 1996). Second, it has become more transnational, so that policies are uniform and centrally coordinated. Information about agreements, actions, and vessels is now instantly available to individual inspectors (Lee, 1997). Third, the inspectorate has become more professional, so that inspectors are skilled in mobilizing port workers, in negotiating with ship owners, and in implementing uniform procedures. There is accountability to the ITF for job performance, measured, among other things, in terms of contracts obtained relative to the difficulty in obtaining contracts in that inspector's port.

When the FOC campaign began in 1948, it was conducted without any formal transnational structures. Throughout the 50s and 60s, unions agreed from time to time on global FOC boycott actions, none of which had permanent impact (Northup and Rowan, 1983; Metaxas, 1985). In a 1971 meeting of the FPC, some unions asserted the campaign, as it had been conducted, had failed utterly. Only an insignificant number of FOC vessels operated under ITF contracts, and the FOC fleet continued to grow. ITF affiliates committed to appointing inspectors responsible for enforcing the ITF minimum wage level for seafarers on FOC vessels (Johnsson, 1996: 44–51; Koch-Baumgarten, 1999: 448). With this renewal, unions in Australia, Finland, Israel, Sweden, and the United Kingdom began conducting boycotts of FOC vessels regularly. Employers reported occasional boycotts and ship inspections in Belgium, Canada, Denmark, France, Germany, Italy, the Netherlands, New Zealand, Norway, and Spain (Northup and Rowan, 1983: Appendix B). Throughout the 1970s, Australia, Finland, Sweden, and the UK formed the backbone of the campaign's industrial strength (Northup and Rowan, 1983: Appendix B; Johnsson, 1996).

FOC campaign structure during the 1970s, however, remained substantially national rather than transnational in character. Although ITF records indicate a large number of inspectors in various countries, it is not clear that all these inspectors really undertook substantial FOC campaign work (ITF ROA, various years). Accounts of ITF boycotts and inspector

activities indicate inconsistency in what ITF affiliates and inspectors tried to accomplish. On the one hand, the number of vessels under ITF contract rose consistently throughout the period, both as an absolute number and as a percentage of the rapidly growing FOC fleet (Lillie, 2004: 53). On the other hand, not all FOC campaign actions had the objective of obtaining ITF contracts at consistent wage levels. On some occasions, ITF actions only backed up industrial action by the seafarers themselves, settling for whatever the seafarers were willing to accept (usually less than ITF rates).⁵ On occasion, boycott activity aimed at replacing the FOC crew with a national one of seafarers from the boycotting country (Harrigan, 1984).

There was also a lack of follow up to ensure that ITF wages continued to be paid after the boycott was finished. Problems occurred in remitting back pay obtained through boycott action to seafarers. Once seafarers returned home, they were frequently blacklisted. Employers sometimes attempted to recover ITF pay through legal (or illegal) means, and there was no way to protect seafarers from this.⁶ An ITF inspector relates:

In the early 1980s, ship inspections started taking place [in the United States], but the inspections were not well managed, or coordinated. Everybody just did what they could, and didn't understand the consequences. Action against ships did not always work out well for the seafarers because there was no way to follow up. It wasn't organized.

Despite its geographical limitations and lack of coordination, the FOC industrial campaign grew in strength and effectiveness through the 1970s. By the 1980s, ship owners clearly considered the ITF a threat to their operations, even if not resigned to complying with ITF demands. In 1982, the International Shipping Federation (ISF), a global federation of national ship owner associations, began coordinating employer responses (Northup and Rowan, 1983; Johnsson, 1996).

The ISF noted that most of the campaign's leverage derived from secondary action in relatively few countries. The ISF attempted to weaken this leverage by challenging the legality of boycotts in test cases where the ITF was "set up" to take action on the borderline of legality. In the UK, in the early 1980s, changes introduced by Thatcher altered the industrial relations landscape to make secondary action unfeasible. In Australia, Finland and Sweden, however, ship owners' efforts failed to change the situation, except briefly in Sweden in the early 1990s (Northup and Rowan, 1983;

5. According to B.L. Williamson's account this appears to have been the case in Belgium, Canada, Germany, the Netherlands, and the United States (Northup and Rowan, 1983: Appendix B).

6. Blacklisting and employer attempts to recover ITF wages after the fact continue to be a problem although there are now institutions and routines for dealing with this.

Northup and Scrase, 1996). By the end of the 1980s, however, in terms of the number of ITF approved CBAs on FOC vessels, the FOC campaign looked to be in a state of serious decline (Lillie, 2004: 53).

This decline, however, turned around during the 1990s, as a result of improvements in geographical coverage and coordination in the inspector network, which began in the early 80s, and continued in the 1990s. In 1983, the ITF appointed inspectors in Japan. In 1986, the ITF appointed several inspectors from US unions on the East Coast. With the affiliation of the International Longshore and Warehouse Union (ILWU) in 1988, the inspector network expanded to the West Coast as well (*Journal of Commerce*, 26 Dec. 95). Through the 1990s, the ITF also appointed new inspectors in previously underrepresented regions, including Poland, Russia, India, South Africa, and South America. Methods and communications also improved steadily beginning in the 1980s. Inspector training programs began in the 1980s, initially using methods developed by Scandinavian inspectors. The ITF “flattened” and regionalized the structure, so that inspectors are in direct communication with each other on day-to-day matters. The ITF was the first GUF to make substantial use of the technological possibilities of the internet, email, and remotely accessible databases, giving inspectors round-the-clock access to records on individual ships and owners (Lee, 1997).

The inspector network exists in continued tension between the need for global systems and procedures, and local requirements for flexibility. Every port has a different legal, industrial and political situation, meaning that each inspector faces a different set of opportunities and constraints on his or her ability to mobilize support. If ship inspections and boycotts are legally and institutionally supported, the inspector’s job is easier. In Finland, for example, an inspector can successfully rely on institutional channels for mobilizing boycotts, because permissive industrial legislation protects workers in their action. A Finnish dock union official states: “It [the FOC campaign] is not controversial, and the stevedoring companies have accepted the boycott practice. Finnish boycott actions are always successful.” On the other hand, if secondary industrial action is legally constrained, the inspector needs a more subtle approach. In the USA, an inspector cannot always legally order a boycott, and has to find other ways to pressure ship owners. One US inspector relates that, “in some countries, like Norway and Finland, they can stop a ship just because it has no labour agreement. We need more reason here; we have to look for discrepancies between conditions and existing employment contracts.” Although the ITF seeks to systematize procedures across space, there is a continued tension between local and global dynamics. Strategically, this is problematic in that uniformity is desired, but it is also sometimes useful because it allows for

‘venue shopping,’ or leveraging union strength in places where the ITF is strong to compensate for lack of leverage where the ITF is weak.

The ITF inspector network is crucial to making the FOC industrial campaign work, by providing the infrastructure with which the ITF connects global strategy with local tactics. Prior to the growth of the inspectorate, transnational union cooperation in maritime was more similar to that in other industries where, whenever a transnational action of any substance is contemplated, unions generally start from a position of little knowledge about their counterparts in other countries. New contacts need to be made, repertoires devised, and conflicts of interest negotiated. The legal situation for secondary action may be unclear, and the unions will most likely have to conduct research, or just use trial and error, to discover a company’s vulnerabilities (Greven and Russo, 2003). The ITF resolves these issues by having inspectors who are simultaneously local union officials and global activists. ITF policies and methods can be decided collectively by the affiliates in London and implemented by the Secretariat through its own channels without revisiting political disagreements between affiliates each time a transnational action is contemplated.

SEAFARING UNIONS AND GLOBAL BARGAINING

For seafaring unions, the main purpose of the inspector network has been to obtain and to monitor ITF agreements on FOC ships. The inspector network’s increasing effectiveness is evidenced in the steady growth in the number of ships under contract throughout the 1990s, as well as the increasing degree to which shipowners have felt the need to engage the ITF in global level bargaining. Between 1990 and 2000, the proportion of FOC ships with ITF agreements increased from less than 8% of the FOC fleet to more than 30% (Lillie, 2004: 53).

Pressured by the ITF’s expanded presence, some shipowners began to see the benefits of a negotiated relationship with the ITF. Still, organizing to bargaining collectively has been a contentious issue among shipowner associations in the ISF. Many shipowner groups believe the ITF should not be given legitimacy as a bargaining partner. In the early 1990s, a group of shipping companies formed a separate association, the International Maritime Employers’ Committee (IMEC), to be able to design a more flexible bargaining strategy.⁷ While not specifically interested in global agreements at that time, interest grew with the number of ITF CBAs, and in

7. IMEC is closely associated with the ISF. Both organizations share staff and office space. IMEC, however, is structured differently, in that companies join IMEC directly. It is also focused on collective bargaining, while the ISF has a political mandate.

2001 the ITF and IMEC negotiated their first industry level pay agreement for seafarers on FOC ships. These negotiations set the pattern for pay and working conditions for a significant and growing portion of the global workforce. Since the original agreement, the Japanese Shipowners' Association and the Danish Shipowners' Association have joined IMEC at the table (*Lloyd's List*, 2 August 2004), forming the Joint Negotiating Group (JNG). The JNG negotiates with the steering committee of the ITF Fair Practices Committee in what is now known as the International Bargaining Forum (IBF). JNG members directly control about 2200 ships. Including JNG members, ITF contracts are in effect on about 6000 FOC vessels, out of about 20,000 total registered FOCs worldwide. IBF negotiation outcomes also indirectly influence wage rates on ships not under ITF contract (*Lloyd's List*, 19 Sept. 2003).

As with the employers, the ITF has its internal disagreements, although so far these have been resolved between the unions involved. In particular, there is the divide between unions from industrialized countries seeking to raise wages in the FOC market to preserve jobs at home, and labour supplier country unions, some of whom seek to undermine the global wage standard to gain jobs for their members. This has meant balancing the economic imperatives of maintaining bargaining leverage in a deregulated global labour market with the political imperatives of satisfying affiliate interests. Strategically, the ITF does this by segmenting maritime labour markets through targeted industrial action, classifying certain categories of vessels as FOC, subject to international pay rates, and certain categories of vessel as "national flag," where national pay scales—either higher or lower—apply (Lillie, 2004). Central policy implementation by the inspector network has been critical for consistency in implementing labour market segmentation, because the ITF must be sure that the same categories of vessels are labelled FOC everywhere, and those vessels with ITF agreements are not boycotted by national unions applying inconsistent standards.

PORT UNIONS IN THE FOC CAMPAIGN

Port unions have found FOC campaign structures useful in their own struggle against deregulation and de-unionization. Unlike seafaring unions, dock unions did not decide to create an inspector network and empower the ITF to more effectively defend against deregulation. Rather, because of their participation, the inspector network and the growing influence of the ITF in the industry have redefined their possibilities for transnational action. Specifically, the FOC campaign provides dock unions with (1) resources for combating the worldwide push by shipping companies to introduce self-handling, (2) opportunities for direct solidarity assistance during strikes

and contract negotiations. Although, in principle, dock unions could create transnational networks and global capabilities independently of the FOC campaign (and some have), there is no point (except for those unions seeking to act outside the ITF for one reason or another), because the FOC campaign provides a functional global network for them to access.

In comparison with shipboard industrial relations, in ports the impact of globalization is varied. There is a locally and temporally specific aspect to port union industrial strength which allows them to exert significant leverage through purely localized action, if the appropriate repertoires of contention are in place (Turnbull, Morris and Sapsford, 1996). Competition between union locals exists, and is significant under some circumstances (Bertzbach and Mujkanovic, 1997), but in many cases transnational union relations are not affected by it—in particular when industrial factors do not place unions in competition, but instead provide opportunities for complementary solidarity (Lillie and Martinez Lucio, 2004).

With exceptions such as the UK and New Zealand, where port reform started in the 1980s, most efforts at deregulation and de-unionization of ports started in the 1990s. According to the Dockers' Section Report on Activities, despite continuing technologically motivated reductions in dock employment through the 1980s, "the industry has escaped the current trend towards privatization which affects many of the ITF's industrial sections" (ITF ROA, 1986: 75). However, at the 1990 ITF Congress, the ITF Dockers' Section noted "a number of massive attacks by port employers on dockers' established working conditions and employment security systems" (ITF CP, 1990: 67). By 1994, it was clear that a systematic, global process was at work, including outright attacks on union rights in many places, unfavourable deregulation, and potentially problematic (from the unions' perspective) privatizations (ITF CP, 1994: 69).

In the late 1980s, with proposals for port liberalization being floated in many countries, dock unions sensed the threat, and began the lengthy processes of building stronger linkages with the seafarers and with each other. In 1986, the Dockers' Section voted to hold its annual meeting in conjunction with the FPC to facilitate communication of solidarity requests. In 1987, at the request of the dockers, the FPC passed a resolution stating that seafarers should not cooperate when non-union labour was used to handle their ships, and that seafarer affiliates should assist dockers in the event of a labour dispute. In 1989, again on request from the dockers, the FPC passed a policy statement restricting the use of self-unloading vessels so that seafarers would not "carry out cargo handling work normally performed by dock workers" (ITF CP, 1990: 68). Although the Dockers' Section and FPC passed resolutions, they were not broadly implemented by seafaring

affiliates,⁹ and the inspectorate was not sufficiently developed at that point to implement them independently.

CARGO HANDLING BY SEAFARERS

Generally, the work of seafarers relates to the navigation and maintenance of ships, while dock workers are charged with their loading and unloading. There is, however a 'grey area' of tasks involved in the loading and unloading of ships that might be charged either to seafarers or dockers. This grey area is partly defined functionally, but since it is also a matter of union jurisdiction, safety regulation, and immigration policy, the issue has become politicized. Employers seek as much flexibility as possible in who might perform a given task, ideally defining a wide number of tasks as potentially performed by labour employed under FOC conditions. Unions, in general, have sought to preserve their jurisdictions by preventing seafarers from performing work traditionally assigned to dockers. During the 1990s, cargo handling by seafarers became a major dock union issue, as some shipowners began systematically to use seafarers for this work. Although large-scale replacement of dockers is probably not practical, substitution can occur at strategic moments, such as during strikes.

The ITF role in self-loading has been defined by the natural links to FOC campaign issues. At the 1994 Congress, the Dockers' Section reported that, based on an ITF survey, incidents of seafarers performing work traditionally assigned to dockers had increased significantly. Because this was more a problem of FOCs than anything else, the FPC approved a clause for inclusion in all ITF CBAs on FOC ships stating that seafarers should not be penalized for refusing to perform dock work (ITF CP, 1994: 73). On the global and regional political level, the ITF seeks to engender a consensus against self-loading in international law, because international law shapes and influences the legitimacy of national laws on cargo handling. One example has been the fight over the EU Ports Directive on Market Access, which, among other things, would have permitted self-handling in EU ports. The Directive was defeated in an historical battle in the European Parliament after heavy union lobbying against it (*Lloyd's List*, 20 Nov. 2003). It has now been resurrected by the European Commission, although no doubt it will become contentious again if no compromise is found on crucial cargo handling language. National and international legislation can support or

9. At the 1998 Congress, the Dockers' Section praised Germany and Chile for introducing cargo-handling clauses into their collective agreements, and urged other countries to follow this example (ITF CP, 1998: 59), indicating that application had not been widespread.

undermine union jurisdictional definitions and safety rules on self-handling in collective agreements with port employers and shipping lines.

Actual implementation of self-handling restrictions is conducted in large part through the ITF inspectorate, because it relies on educating rank and file dock workers to monitor port operators and shipping lines to ensure that port union jurisdiction is not violated, and to take steps to stop self-loading when needed. Consistent violation of the ITF position on cargo-handling by certain companies becomes a matter of concern for the ITF Secretariat. The Secretariat pressures these firms at the global level to change their policies, and coordinates global action against them if they do not (*Lloyd's List*, 21 July 2000; 15 Aug. 2000).

DIRECT SECRETARIAT INVOLVEMENT IN STRIKES AND CONTRACT NEGOTIATIONS

Dock unions have sometimes leveraged ITF resources during difficult contract negotiations and for support during industrial disputes. This section of the article will focus on two examples: the 1998 Australian dock workers' lockout, and the 2002 ILWU contract negotiations and lockout on the US Pacific coast.

In 1998, the Australian Howard government attempted to break the Maritime Union of Australia (MUA). The ITF helped define the terms of the conflict by ensuring that it was Patrick Stevedores, an Australian firm, and not the much more powerful P&O Ports which secretly partnered with the Howard government in a conspiracy to break the union. P&O Ports also had an interest in breaking the MUA, and deeper pockets to take the inevitable losses from a strike. However, P&O Ports had its parent company, P&O Nedlloyd, to consider. P&O Nedlloyd, with its global fleet of ships, was extremely vulnerable to ITF boycotts, and, as a consequence, eager to avoid a confrontation (Trinca and Davis, 2000: 35). After a long struggle, which took on national importance, the MUA forced the Howard government and Patrick to come to terms, although they made some concessions in their renegotiated contracts (*Containerisation International*, June 2000: 68–69).

In a similar conflict, in the United States in 2002, the International Longshore and Warehouse Union (ILWU) came under attack from the US West Coast port employers' association, the Pacific Maritime Association (PMA). During contract negotiations, the ILWU leadership suspected the PMA intended to incite the ILWU into industrial action, in order to provide a cover for government intervention in favour of the employers. In an unusual step, ITF general secretary David Cockroft sat in on part of

the negotiations, to demonstrate ITF backing for the ILWU. ITF affiliates pressured representatives of PMA shipping lines in their own countries (*Lloyd's List*, 19 Sept. 2002; 7 Oct. 2002). After the failure of some bizarre political and legal manoeuvring, and several months of negotiation, the PMA signed a contract which kept the coast-wide bargaining system intact (*Logistics Management*, 1 Nov. 2002; 1 Jan. 2003). How much leverage the ILWU gained from support by ITF affiliates is not clear, although it was probably a factor in closing out extreme options to break the ILWU, such as militarizing the docks.¹⁰

CONCLUSION

Over the years, the FOC campaign structure has changed from one driven by self-directed national unions forming a global coalition around loosely agreed political goals, to one of a tightly organized autonomous transnational network. The bellwether for its development has been the ITF inspector network, through which the ITF ties local unions and rank and file dock workers into global strategies designed around the industrial logic of bargaining in the maritime sector. Global unionism in maritime functions differently from national unionism, in that it is organized on a looser, network basis, and reflects the need for rapid, consistent action under a wide variety of circumstances. By exploiting interdependencies inherent in the production process through the ship inspector network, unions have regained a measure of control. The development of these capacities has not been automatic, rather it has required the restructuring of seafaring unionism on the global level, and the strategic reframing of seafaring and dock union interests in such a way as to promote solidarity between workers in different parts of the transportation chain. Globalization of maritime labour markets and threats to port union integrity have enhanced the ability of the ITF to obtain the consensus of its affiliates around a transnational agenda because the Secretariat has constructed the campaign infrastructure in such a way that seafaring and dock unions depend on FOC campaign resources, and therefore lend it their support. This construction flows naturally from the logic of the production process, which ensures that transnational structures are needed to exert pressure on employers pursuing global strategies.

Seen as simply a strategic element of a capital's use of worker alienation to reduce worker control and extract surplus value, globalization in its varying manifestations is no different than any other social and technical restructuring of production. De-regulation through FOCs is not fundamentally different from deregulation through union busting within countries, or

10. For more details on this case, see Lillie and Martinez Lucio (2004).

from capital mobility, if these are used as strategies to create spaces free of social regulation. New spaces of contestation exist even within the very fluid production processes globalization creates. However, as the FOC campaign demonstrates, radically new forms of worker organization may be needed to take advantage of these. For unions, this is both an imaginative and technical challenge, in understanding what the appropriate new structures are, and an ideological and organizational one, in redefining who is worthy of solidarity and under what circumstances. The maritime industry, while not providing a specific roadmap on how to globalize unions, demonstrates the importance of conforming union structure to the logic of production within an industry.

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RÉSUMÉ

Réseaux syndicaux et syndicalisme international dans le transport maritime

Le transport maritime demeure sans contredit le secteur industriel le plus mondialisé de tous les secteurs et c'est également celui où l'on

retrouve une coordination au plan de la stratégie syndicale transnationale la plus importante. Sous l'égide de la campagne contre les pavillons de complaisance de la Fédération internationale des ouvriers du transport, les syndicats maritimes ont élaboré des structures mondiales transnationales qui bénéficient des interdépendances des chaînes de production et de transport, en fournissant un levier à la puissance syndicale dans une portion de la chaîne, celle des ports, afin de promouvoir les intérêts des travailleurs dans une autre section de la chaîne, celle des bateaux en mer. Les marins sur les bateaux et les débardeurs dans les ports travaillent dans un réseau de liens interdépendants au sein d'un même processus de production. La Fédération internationale des ouvriers du transport, une fédération internationale composée de syndicats de travailleurs du transport, basée à Londres, réunit les batailles des marins et des débardeurs sous une stratégie mondiale de « réseautage » syndical et d'action industrielle coordonnée. Les syndicats de marins s'appuient sur le levier industriel des travailleurs dans les ports en vue de négocier des ententes sur une rémunération minimale standard, alors que les débardeurs se servent du levier de l'influence croissante de la Fédération internationale dans leurs efforts pour contrecarrer le délogement des syndicats dans les ports. La présence de la Fédération internationale sur le terrain est assurée par la réserve de pouvoir de la campagne contre l'utilisation des pavillons de complaisance, c'est-à-dire par le réseau d'inspection des navires de la Fédération internationale. Ce réseau fournit la base du pouvoir en vue d'imposer des ententes collectives aux propriétaires de bateaux. Quoique conçue au départ comme une ressource dans la campagne contre les pavillons de complaisance, la section de l'inspection, soit directement, soit indirectement par le biais de l'influence de la Fédération internationale auprès des propriétaires de bateaux, confère en plus un levier aux syndicats dans les ports. Cet exemple met en évidence le potentiel, pour une stratégie syndicale, d'identifier et d'exploiter les interdépendances et les liens inhérents à des processus de production transnationaux, en édifiant des institutions et des réseaux transnationaux adaptés à la logique particulière de la production dans un secteur industriel.

La manière particulière adoptée par l'industrie du transport maritime pour se restructurer en empruntant des orientations internationales, en dirigeant en partie la mondialisation de la production dans d'autres secteurs tout en étant également poussée par cette dernière, a créé un impact sur les possibilités de résistance chez les travailleurs des ports et les marins. La Fédération internationale et les syndicats de marins ont mis au point des stratégies pour bénéficier de ces possibilités. Ces stratégies syndicales se sont développées en interaction avec les contre-stratégies des propriétaires du capital. À différents niveaux, on voit que le capital maritime cherche à déstabiliser, à circonvenir et à défier ouvertement le contrôle qu'exercent

les travailleurs du transport sur leurs processus de production; ils cherchent aussi à limiter leur capacité d'agir de façon solidaire avec d'autres travailleurs. Les stratégies des propriétaires des capitaux en vue de contenir l'aliénation des travailleurs maritimes se manifestent différemment sur les bateaux et dans les ports, à cause des différences que l'on constate chez les propriétaires au plan des occasions qui se présentent de reconfigurer les caractéristiques de la régulation des espaces dans les processus de production. Sur les bateaux, la mondialisation des réservoirs de main-d'œuvre et l'absence de lien (par le biais de l'utilisation de pavillons de complaisance) entre les activités d'expédition et les espaces légaux, dont les syndicats ont régularisé l'accès institutionnel, ont façonné la structure des nouveaux réseaux de syndicats transnationaux aptes à représenter les marins. D'un autre côté, dans les ports, les propriétaires ne peuvent échapper à la législation nationale du travail, aux syndicats et aux communautés riveraines. Les propriétaires qui ont une base dans les ports sont obligés de se battre pour les espaces où les travailleurs sont capables d'opposer une résistance efficace. Quoiqu'elle demeure solidement fondée sur une force nationale et locale, la stratégie internationale d'un syndicat dans un port demeure néanmoins fortement liée à la campagne contre les pavillons de complaisance, à cause des liens étroits entre les marins au sein des processus de production et à cause des menaces communes et croissantes de la part de leurs employeurs communs.

La capacité de la Fédération internationale des ouvriers du transport de mener une action transnationale repose sur son réseau d'inspecteurs de bateaux, répartis dans les ports du monde entier, qui ont obtenu des accords collectifs et qui sont capables de les faire appliquer. Les inspecteurs de la Fédération voient à ce que les contrats soient respectés, coordonnent l'action du secteur sur les bateaux sans contrat et ils aident les marins en difficulté. Le réseau d'inspecteurs occupe une position critique eu égard au fonctionnement de la campagne contre les pavillons de complaisance, en fournissant une infrastructure qui permet à la Fédération internationale d'apparier la stratégie mondiale aux tactiques au niveau local. Les politiques et les méthodes de la Fédération peuvent être décidées collectivement à Londres et mises en application par le Secrétariat à travers ses propres canaux sans réviser les désaccords entre les affiliés chaque fois qu'une action est envisagée au plan transnational. Le résultat des pressions exercées par les inspecteurs de la Fédération fait en sorte que cette dernière compte environ 6 000 bateaux sous un contrat de travail. La négociation collective entre la Fédération mondiale des employeurs et la Fédération internationale des travailleurs du secteur maritime et ses affiliés établit le salaire standard de l'industrie pour le secteur maritime. Les syndicats de débardeurs se servent de la force de la campagne contre les pavillons

de complaisance comme levier dans le but de promouvoir de temps à autre leurs propres objectifs.

Le syndicalisme international dans le secteur maritime fonctionne de manière différente des syndicats nationaux en ce sens qu'il est organisé sur la base d'un réseau, mais de façon plus flexible : il reflète donc le besoin pour une action rapide et cohérente sous une immense variété de circonstances. La base de cette nouvelle structure demeure le réseau d'inspecteurs de la Fédération internationale, par lequel cette dernière rallie les unions locales et les débardeurs de la base aux stratégies mondiales entourant la logique de la négociation sur une base industrielle. Ce faisant, la Fédération exploite les nouveaux espaces de contestation qu'on retrouve au sein même des processus fluides de production que crée la mondialisation. Ce cas montre que des formes radicalement nouvelles d'organisation des travailleurs peuvent être nécessaires pour tirer un avantage de la nouvelle vulnérabilité des propriétaires. Ceci se présente pour les syndicats comme un défi de nature à la fois technique et créative, dans une compréhension de ce que sont les nouvelles structures. C'est aussi un défi sur le plan organisationnel et idéologique en cherchant à redéfinir qui mérite de la solidarité et dans quelles circonstances. L'industrie maritime, tout en ne fournissant pas une feuille de route particulière conduisant au syndicalisme international, met en évidence l'importance d'une conformité de la structure syndicale à la logique de la production dans un secteur industriel.