

Trading solidarity: dockworkers and the EU liberalisation of port services

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Abstract:

This paper discusses the implications that the free trading of labour can have on workers solidarity. The idea of the free trading of labour is introduced as a way to explore the implications of new modes of neoliberal governance within the EU which are increasingly focusing on the free trading of services, therefore, having direct implications on how labour is understood and, more importantly, regulated. To do so, it focuses on European dockworkers and their struggle during the 2000s against the two EU directives designed to liberalise port services (EU directives on Market Access to Port Services). Considering that European dockworkers have, so far, successfully challenged the liberalising attempts of the Commission, the paper contributes to our understanding of successful transnational trade union action.

1. Introduction – the free trading of labour?

The concept of free trade has generally involved a conceptualisation of commodities being traded across different countries. Generally, and within our collective imagination, commodities or their production is what is actually *being moved*. Whilst the provision of services has generally been considered to be an economic sector that is place bound, the deepening of global restructuring processes is seriously questioning the non-mobility of such services. The European Union represents a perfect example of this situation. Whilst the mobility of capital (and to a lesser extent of labour) has been the *leitmotif* of its existence, the developments that led to the Lisbon agenda clearly moved towards furthering the neoliberal character of the EU.

This was done by adding the mobility of services to create a triad of hypermobility. It fitted well within the Lisbon aims of a competitive economy and the efforts by the EU to reduce what could be seen as protective intra-state practices. In reality, however, what it does is place workers bound by different national industrial relations systems in a situation of uneven competition between themselves. The institutionalisation of this new system was done by what has become known as the Bolkestein Directive, which it did not just open up the European market to the free trade of labour, but it conceptualised the role of the European Commission as the key agent in the liberalising efforts of the EU. In the Directives own words:

“Until now, the Commission was primarily a law-giving body, whose main task was to pave the way for European unification by producing a series of directives and regulations. Much of this legislative work – for example, relating to the internal market – is now complete. Several important economic sectors have been liberalized, including air travel, energy, telecommunications and postal services.” (Bolkestein, 2004, p. 31)

The opening up of European markets to the free trade of services masks a key issue under the banner of competitiveness: “haircuts and plumbing services can now be purchased “in Poland”, with the twist that the worker performing the service has to be moved to France, and then back to Poland, which is a particular form of transportation cost” (Saint-Paul 2007, p. 153). Whilst this has been presented as having key benefits to the consumer, by ensuring that tight regulations are shown up to be uncompetitive, the real issue at stake is that competition is coming from lower labour costs ensuring a race to the bottom. It intensifies what Gramsci noted:

“An increasingly perfect division of labour objectively reduces the position of the factory worker to increasingly “analytical” movements of detail, so that the complexity of the collective work passes the comprehension of the individual worker; in the latter’s consciousness, his own contribution is devalued to the point where it seems easily replaceable at any moment.” (Gramsci, 1973: 202)

Whilst Marx (1990) clearly identifies at the beginning of Capital volume I that commodities embody labour power, the current mobility of services needs to be understood as the commodification of individual labour power. This process of commodification has important implications both for the emancipatory power of labour as well as for its capacity to articulate solidarity, as this paper explores. Whilst the liberalisation of services within the EU is well underway, the paper attempts to understand this liberalisation in a particular sector, the port transport industry, where its implementation has failed twice.

This paper, therefore, considers how European dockworkers successfully challenged the European Commission's repeated attempts at liberalising port services, which would have certainly involved a downward spiral towards the *precarisation* of their employment. This paper argues that this was done via the dockers successful use of both ideological cleavages within the European Parliament as well as the utilisation of all material resources available to them. Something which included alliances with other actors that, whilst not always, on the side of the union, were able to be mobilised against two Directives that also contained clauses that could be detrimental to them. To do so, the paper is structured as follows. Firstly, a historical account of dockworkers trade unionism is provided in order to understand the organisational resources available to dockworkers and its experience with international trade union action. Secondly, this account is placed in theoretical perspective via a succinct assessment of the recent literature on international trade union action. This section aims to provide the reader with some of the key theoretical challenges faced when trying to understand the articulation of solidarity between divided workers. Finally, the last section considers how European dockworkers challenged the European Commission's attempts at liberalising port services and what they actually achieved.

2. Dockworkers trade unionism – between sectoral interests and strong international unions

When analysing trade unions in their historical context several approaches can be used. National industrial relations systems can help us identify the type of unions that develop within each national context, or we can attempt to understand the type of trade union practices within specific industries. To understand dockworkers trade unionism, a combination of the two approaches is required. This is because dockworkers trade unionism developed, obviously, alongside national industrial relations systems, but with a strong sectoral identity. This led to a type of unionism which was often quite united within dockworkers, but very divisive vis-à-vis other transport workers. This was partly due to the particular characteristics of the industry and the type of work performed.

Ports were slow in developing technology. They had been a traditionally low-cost labour-intensive industry which was characterised by fragmentation. Aside from some early technological innovations (electric cranes and grain elevators) introduced between 1896 and 1907 in some of the largest ports, such as Rotterdam (Marges 1999), followed by

palletisation – organising cargo on pallets to reduce the time spent loading and unloading – ports did not radically change the way dockers worked until the 1960s when containerisation was first introduced. Crucially, this change would have a direct impact on employment. Previously, “technological change had had a minimal effect on employment in the industry, which fluctuated largely in response to the trade and business cycles” (Turnbull 1993, p. 194). Although the numbers of dockers had already begun to decline, prior to containerisation, it was technological change rather than the various attempts at registration and decasualisation of employment that brought about the largest change to employment levels.

However, it was not just the number of dockers required to work that would change; the appearance and location of ports was also radically altered, as the old locations and dockside equipment were no longer suitable for the loading and unloading of large container ships. This changed the appearance and location of the dockers’ work environment, as “the ‘clutter’ of a conventional berth with narrow quays and tall warehouses, seething with men and equipment,” was replaced by “the container terminal [which] is like a giant car park, or more precisely container park, with a long straight quay and massive cranes” (Turnbull 1993, p. 195).

Therefore, ports and the work carried out within them were moving away from the traditional quayside. For dockers across the world, this meant a sea change in the way they lived and worked. Due to the casual nature of dock work, dockers, and other port workers, lived around the dock area, in order to be close by when work became available. With the advent of containerisation, fewer dockers were required to load and unload cargoes and ports moved to areas that were purpose built in order to operate larger machinery and to accommodate vessels requiring deep water berths. This rapid period of change, when a labour-intensive industry moved towards becoming a capital-intensive industry, had contradictory consequences for dockers. On the one hand, dock work became less physically strenuous, and a different set of skills, based around the operation of large machinery, rather than the artisan skill of stevedoring, became the norm for the majority of the work. On the other hand, dockers were increasingly worried about the effects technological advances would have for jobs. Although it may be considered that dockers adopted a Luddite attitude to change, the reality was far more complicated and included a range of concerns, such as the effects of large scale redundancies in already deprived areas, or retraining in order to be able to operate new technology, all often considered under the umbrella term ‘social consequences’ (WFTU 1969).

Furthermore, the geographical relocation of the workplace had implications for dockworkers which were two-fold. On the one hand, as mentioned before, dockers had traditionally lived close by the docks where they worked. Container terminals were often built a considerable distance away from these docks. For example, in Liverpool, older working docks such as Albert Dock gave way to the Royal Seaforth Container Terminal, inaugurated in 1972, and Birkenhead docks, with smaller docks such as Garston being maintained or refurbished. On the other hand, large spaces of land on the waterfront were left empty, as wasteland. This increasingly gave way to the idea of waterfront redevelopment (Breen and Rigby 1996), a new way of creating profit from ports which did not require dock work, based instead on urban speculation. The benefits for capital of reducing the number of required dock workers were not grasped equally by ports and employers everywhere. For example, urban speculation in waterfronts was quicker and linked to urban regeneration in cities such as Barcelona than it was in many port cities in Britain.

This was primarily due to differences in port administration and port ownership across countries. These differences are important to understand in order to grasp the level of regulatory fragmentation within the industry:

Table 1. Models of port administration

Models	Port functions		
	Landowner	Regulator	Utility
Pure public sector	Public sector	Public sector	Public sector
PUBLIC/private	Public sector	Public sector	Private sector
PRIVATE/public	Private sector	Public sector	Private sector
Pure private sector	Private sector	Private sector	Private sector

(Baird 1995, p. 136)

Most European¹ ports operate within the first three models, with the second model being the most popular. In Britain, the third and, increasingly, the fourth model are the

¹ Phillips and Whiteside (1985, p. 282-283) identify three key differences between British and other European port employers. First, the tidal nature of major British ports meant that work was unpredictable, unlike work in European ports such as Rotterdam, where regular shift patterns were the norm. Secondly, European ports were far less fragmented than British ports, making coordination and the pursuit of common goals easier. Thirdly, in Britain “waterside firms

most common. In fact, the fourth model appears as being particularly British, with only rare examples of the fourth model outside Britain. For instance, both the “Mersey Docks & Harbour Company, and the ports portfolio of Associated British Ports (privatised in 1983) conform to this model” (Baird 1995, p. 135). This way of considering port administration is useful in so far as it points towards a balance, or imbalance, of power between the public and private sectors. There is, however, a more sophisticated way of considering variants of port administration and ownership. Ports have been characterised as being either comprehensive or functional ports, service ports or landlord ports (Chlomoudis and Pallis 2002, p. 23) . This way of analysing ports moves away from ownership and administration patterns and considers in more detail the types of services that port owners can offer. In other words, it specifically assesses the extent to which port owners are involved in cargo-handling operations, and therefore the employment of dock workers. The following table offers a summary of the major characteristics of the different forms of port organisation:

Table 2. Models of port organisation

	Organisational model			
	Comprehensive	Service	Providing the tools	Landlord
Infrastructure	Yes	Yes	Yes	Yes (basic)
Superstructure	Yes	Yes	Yes	No
Provision of general services	Yes	Yes	No	Yes
Provision of public welfare services	Yes	Yes	No	Yes
Cargo handling onboard	No	Yes	No	No
Cargo handling at the docks	Yes	Yes	No	No

(Chlomoudis and Pallis 2002, p. 23)

The most common types of port organisation around the developed world are the comprehensive and the landlord models. They both incorporate a mixture of private and public involvement, yet “both types involve the existence of a public authority, while their differences lie in the room for manoeuvring they allow to private companies”(Chlomoudis and Pallis 2002, p. 22). It is precisely in terms of port administration that the European

encountered union organization a generation before it emerged in the leading continental ports, and encountered it in a form which evoked a discordant and insular response” (p. 283).

Directives on Market Access to Port Services would have had its major impact. This demonstrates that liberalising efforts are no longer aimed at privatisation but rather at the introduction and deepening of managerial control systems that follow liberalising logics, regardless of public or private ownership.

It is within this fragmentation, which has historically characterised the port transport industry, that dockworkers trade unionism developed. It has been a type of trade unionism that has always had some internationalist characteristics as will be explained. The ITF (International Transport Workers' Federation) was created by dockworkers in 1896 "born out of the urgent and very practical need for international solidarity when port employers and shipowners in northern Europe set out to break a series of dockers' and seamen's strikes and to crush the unions which had organized them" (Lewis 2003, p. 2). This ITF was to develop as a federation of social democratic unions which were not always the majority unions in European ports.

In Europe, trade unions representing dockworkers have been traditionally divided between transport unions and dockworkers' unions. It is important to bear in mind that the labelling of them refers less to political ideology than to the way in which their organisations operate. On the one hand, transport unions are particularly strong in the ports of Belgium, the Netherlands and Germany, although some breakaway unions are also in existence. In France, Spain and Sweden the picture offered is more complicated. In France, the major union representing dockworkers is the Confédération Générale du Travail (CGT). Although the CGT was an ITF affiliate, the dockworkers' section was not. This comes from deep historical divisions and the role of the ITF during the Marseilles dock strike at the height of the Cold War. In Spain, *La Coordinadora* is the main dockworkers' union, with representation of around 80% of dockworkers, but it shares its space with Unión General de Trabajadores (UGT) and Comisiones Obreras (CCOO), both ITF affiliates. Spain has had a history of inter-union rivalry on the docks throughout the twentieth century (particularly during the 1930s and then, after the 1970s). In Sweden, the space is shared by the Swedish Transport Workers Union (ITF affiliated) and the Swedish Dockworkers Union (non-ITF affiliated), a breakaway organisation created in the 1970s. They are both very strong in Swedish ports, and a considerable degree of inter-union rivalry is present, with certain ideological distinctions. This was not the first time that non-ITF affiliated unions had attempted to create a dockworkers' international organisation. In the 1980s, the Spanish dockers' *Coordinadora* attempted to create a European-wide dockers network (Coll Botella, Pérez Martín et al. 1988), which included

dockers in Liverpool and Sweden. The efforts at that time were short-lived and contacts were lost, only to be reignited with the Liverpool dispute of 1995-98 (Clua-Losada, 2010).

In the rest of the world, the divisions the Liverpool dockers encountered were not as deep as in Europe. In North America, two main unions represent dockworkers. The West Coast of America (including US and Canada) is represented by the ILWU (International Longshoremen's and Warehousemen's Union). The ILA (International Longshoremen's Association), on the East Coast (which also represents dockers in the US and Canada) has a rank-and-file rival in Montreal, Quebec. These two unions had originally been one organisation which split during the 1930s and "by the early 1950s, then, both longshore unions had been expelled from their respective labor federations: the ILWU for following the Communist Party; the ILA for collaborating with the shipowners. It would be difficult to imagine a sharper political contrast, particularly within the same industry, or one that more clearly demonstrates there is no necessary connection between the structural characteristics of certain industries and the political orientations of their workers" (Kimeldorf 1992, p. 15). Besides clear ideological differences, they also differ in the way they engage in trade union action and politics. While the ILWU is usually considered a more militant union, the ILA appears as a union slower to react (Erem and Durrenberger 2008). Partly, the difference lies in the way the employment relationship works in American ports. On the East Coast, the relationship between the ILA and employers is considered to be close (Erem and Durrenberger 2008). However, ports in North America, at least along each coast, are more united than dockworkers in Europe, or at least the divisive lines are more apparent.

Understanding the special relationship between the ITF and maritime and dockworkers is crucial to this case. The reason why such a relationship is 'special' is due to the differences between the ITF and other international federations. Generally, international trade union federations are removed from the daily concerns of the workplace, as they tend to operate at a more remote level. The ITF operates very differently in ports. It has a large group of Port Inspectors, paid for by local unions, but employed by the ITF. Their role is to ensure that work conditions in vessels are within established agreements between the ITF and the ship owners. In order to achieve this, port inspectors liaise regularly with port workers, as they are usually the ones who have first hand access to the inside of a vessel. Therefore, the ITF maintains a closer relationship with port workers in their workplace than other international trade union federations.

Port Inspectors are crucial to the international activities that the ITF may be involved in. For instance, they were central in initiating an unprecedented move from

within the ITF to support the Liverpool dockers at the port inspectors' autumn 1995 meeting. They knew that the ITF was organised in a way which meant the Liverpool dockers would not have had direct access, but they felt that they could force something from within by using other ITF structures, such as those of the port inspectors (Clua-Losada, 2010). The ITF is organised around affiliated unions. This means that the ITF works under the instructions given by their affiliates, in reality, the leadership of their affiliates. This pyramidal structure (interviewee from the ITF) needed a radical overhaul by the late 1990s, and it was precisely this change that allow the ITF to be far more reactive during the disputes against the Directives.

However, the ITF is not the only game in town. Or at least not after the Liverpool dispute of the mid-90s. One of the key outcomes of that dispute was the development of a parallel international structure to the ITF based around, not general transport unions, but dockworkers unions. Under the slogan "You'll never walk alone", in clear reference to Liverpool, the International Dockworkers Council was created in 2000. This was the formalisation of the network established by the Liverpool dockworkers international campaign (Clua-Losada 2009). In addition, the ITF has a sister organisation in Europe, the ETF (European Transport Workers' Federation). Being its sister organisation did not directly involve an agreement on how to react, as section four of this paper will consider.

As this section has shown, international trade unionism is not an automatic feature of trade union action. Even within groups of workers involved directly in industries where globalisation is felt in their workplaces on a daily basis, internationalism is not always the chosen strategy. The following section will briefly consider how the academic literature has attempted to conceptualise how workers organise in a neoliberal environment.

3. Articulating solidarity between divided workers:

There are two themes running through the literature which attempt to understand the organisational capabilities of workers in the new hostile environment. First, there is a pessimistic interpretation represented by those who argue that workers' organisational fortunes are in terminal decline. The pessimistic accounts are well represented by those (such as Tilly 1995) that consider labour movements have entered an unstoppable downward spiral; a race to the bottom. Secondly, contrary to the pessimistic analysis, Kelly (1998), using Tilly's own mobilisation theoretical framework (Tilly 1978), and

Moody (1997) suggest an imminent resurgence of trade union power. For the optimists, the resurgence of trade union power can be realised in different arenas, with a juxtaposition of the national versus the international as spheres of action, in terms of which may be the more desirable for the development of effective organisational strategies. Some scholars argue that the resurgence should be based around national frameworks (e. g. Fairbrother 2000; Fairbrother and Yates 2003; Frege and Kelly 2004). This view is contested by those who argue that capital is global and, therefore, workers' organisations must become somewhat global, international or transnational (e. g. Munck and Waterman 1999; Waterman 2001).

The key issue at stake between all these approaches is a dichotomisation of workers' possibilities of action. Both approaches suffer from over-determinism of two different, but well-known kinds. On the one hand, there are many institutionalist approaches that place emphasis on structural factors when considering trade unionism. On the other hand, there are other approaches that fall too far on the other side, leaving us with a sense that workers agency is always emancipatory in character, and that is either there already, or to be developed soon. As the case considered in this case shows, the two approaches are found inadequate when trying to explain the empirical realities workers face and how they negotiate them. Instead, this paper follows a Marxist tradition in order to understand the struggle against the two EU Directives. This means, following Cox's (1987) attempt to use Gramscian concepts such as hegemony to understand the nature of capitalism, that in fact the *domestic* structures of capital do matter, inasmuch as they provide the frameworks from within which *material capabilities* are negotiated, challenged or changed.

This means developing a framework that is able to deal with material capabilities, structures (whether domestic as in the state, or regional as in the EU) and ideas. It is the constant interaction between these three factors that can help us disentangle how and why workers organisational capabilities develop in the way they do, and to what extent they are able to challenge the existing neoliberal order. For instance, the place social forces occupy in the production process is not a sufficient explanation, as "class-consciousness emerges out of particular historical contexts of struggle rather than mechanically deriving from objective determinations that have an automatic place in production relations" (Bieler 2006, p. 35). In other words, it is not just the industry in which a worker is employed that will determine his/her outlook in struggle, but rather a much more complicated set of factors, such as the historical contexts of struggle that

Bieler mentions. In Bieler's view, these historical contexts of struggle include the institutional arrangements embedded in the state.

Internationalism, therefore, does not have to be the automatic choice. Instead, the relationship between production sectors, in particular their level of internationalisation and the national institutional arrangements, are the key factors in deciding whether a national or an international union strategy should be pursued. This means that internationalism is not *the* natural stage towards which workers are being propelled to, but rather that "internationalization 'leads to' internationalism only through the self-creation of popular non-territorial identities and their combination into self-conscious, democratic and self-activating internationalist subjects" (Waterman 2001, p. 48). Nothing is assumed or determined, rather it must be built, "unity [peasants, labour, etc.] must be constructed politically and cannot be assumed" (Munck 2007, p. 135).

4. What happened and how was it done?

The starting point for European dockworkers facing the liberalisation of port services was not a particularly conducive point for the articulation of solidarity. A highly divisive recent history exacerbated by the type of internationalism developed in support of the Liverpool dockers' dispute (1995-98) had led to the formal development of a parallel international structure to the ITF, the International Dockworkers Council (IDC). This meant that by February 2001, when the European Commission put forward its proposal of a Directive on Market Access to Port Services, European dockworkers had just experienced a particular type of international trade union action. On the one hand, an experience that had formalised past ideological and organizational divisions. But, on the other hand, and not to be underestimated, the experience of failure, a failure brought about by this very division. This was all the more evident by the radically different outcome of the Australian waterfront dispute which ended positively for the Maritime Union of Australia (MUA) (Wiseman, 2002).

Dockworkers were, therefore, not just divided organisationally or ideologically, the European policy-making process also reinforced such division. Ports are the only transport mode without a Sector Social Dialogue Committee in the EU (Turnbull, 2010, p. 339, and ETF 2007), which has direct, and obvious, implications when trying to understand their possible access to policy-making processes. It also presents them with a

further challenge, that is, the inability to prepare an offensive before it is often too late. For example, some of my interviewees at all three international organisations involved (IDC, ETF and ITF) agreed that they were finding out what was happening via the press or rumours, rather than via communication channels established by the Commission (as they did not exist).

It goes without saying that the reaction of dockworkers' unions and general transport union with members in ports was not the same. The transposition of Directives into national legislation systems does not always follow a linear path. There is always some scope for interpretation, particularly as they will not be implemented in identical systems with national actors as ready (or as willing) to implement them. Hence, opposition from dockworkers was not readily available to the same degree everywhere. For example, Turnbull (2010) notes how German dockworkers were deeply divided between different types of dockworkers (particularly between permanent dockworkers and *pool workers*). This division was to prove quite deep during the organisation of the initial campaign against the first directive between an ITF that was quite reactive and an ETF that was lagging behind (see Turnbull 2006, 2007 and 2010 for an account).

Yet, in Spain, and to an extent in Sweden, opposition was clear and certainly far more decisive than in Germany, for example. This was due to a variety of factors that are worth considering. First, dockworkers trade unionism in Spain has some particularities, as it has been mentioned, around 98% of dockworkers are members of a *dockworkers union*, rather than a general or a transport union. The remaining 2% are members of large union confederations. Secondly, the Commissioner to propose the first directive was a member of the Spanish Conservative party (PP), at a time when they were the governing party in Spain. The first directive was pretty much translated into Spanish law with the Port law of 2003. So, for Spanish dockworkers this was both a fight at EU and national state levels. Finally, Barcelona has become in the 21st century a hub of dockworkers internationalism, with IDC's headquarters being placed there.

Therefore, the specific historical experience of dockworkers trade unionism in Europe, as it has been outlined, needs to be understood in relation to the institutional framework in which the directives (and dockworkers) operated. This means that the specific material constraints (and opportunities) this framework regulates will also have an impact on the effectiveness of trade union action. Within the European Union policy-making processes operate rather differently than at the state-level. And this was key to the success of the dockers. They combined industrial action, with demonstrations (for

example the ones in Brussels and Barcelona), but also with effective communication with sympathetic MEPs. This meant that the dockers were able to reverse the usual trend expressed by Eriksen and Fossum that “EP is weakly included in a range of policy fields means that numerous decisions are made without being subjected to rigorous trial by discussion in the EP” (2002, 412). In this case, the dockers were able to “educate” MEPs to ensure that there was a rigorous discussion in the EP (see for example the debate on Tuesday 17th January 2006). However, let me turn to unpack the process behind the directives.

The first directive, introduced by Ms Loyola de Palacio, was proposed in early 2001 and rejected during November 2003. Soon after, in October 2004, de Palacio’s successor, Mr Jacques Barrot proposed a re-packaged directive which had few differences from the previous one. This second proposal was also rejected by 532 votes to 120 (with 25 abstentions) in the European Parliament in January 2006. Following this second defeat, Mr Barrot has removed the directive from the political agenda. Instead, in 2007, the Commission has initiated a consultative process on the future of Port Policy for the European Union. The outcome of this consultation is still unknown, however recent interviews of this author with IDC members confirm that there are strong rumours that a third directive is well underway. What is clear is that the case presents an interesting puzzle as *both* business and labour are opposing the Directives, albeit for radically different reasons. The *problématique* is well set out in a maritime industry magazine by a partner at law firm Lawrence Graham:

“Where the Commission sees an untamed Wild West and so a need to regulate, port operators see the world’s most efficient ports. Europe has a massive port provision, due to its geography and maritime traditions, and competition between ports is very strong. All the evidence shows that goods move more efficiently and more cheaply through Europe’s ports than through comparative ports in North America and Asia.

So port operators and port service providers, along with a substantial sector of the shipowning community and also the Members of the European Parliament and politicians representing coastal regions, say there is no case for the Commission to interfere in what is already an efficient and highly competitive market sector. If it is not broken, they argue, do not fix it.

A third set of players comes into the picture when the question of labour relations arises. The Commission believes that it should regulate so that users of ports should be allowed to use their own labour, be it seafarers or shore-based labour, to handle their own cargos.

Many shipowners support that, but just as many do not, because they fear the labour unrest such a move would bring. The status quo protects, in some ports, entrenched labour supply systems and there is strong opposition to opening up port labour to open competition from social sectors, including unions and politicians with port constituencies.” (Tite 2005)

The first Directive and the way in which international and European labour unions managed to build a unitary platform which successfully lobbied the European Parliament has been well documented (Turnbull 2006 and 2007, his article in 2010 includes an analysis of the campaign against both directives). However, it was not just trade unions protesting against the Directives. In fact, it became common to see an unlikely agreement between trade unions, port authorities and ship owners. Yet, the agreement was often split according to national lines. For example, port authorities in Britain, which have a high degree of liberalised market access to port services, were at least agnostic about the Commission’s ambitions. Trade unions, on the other hand, remained fairly silent. In a sense, the Commission’s proposals were not that different from the type of market access British labour union members in ports already have. In sharp contrast, and as it has already been considered, the Spanish situation was radically different with both governments (both PP and PSOE) and certain interests within the municipally managed port authorities advocating clear moves towards liberalisation (with both the PP and the PSOE approving laws to that effect), and the trade unions radically opposing it.

Yet, the case considered questions that there is a common European view within different industry sectors. Within the European port transport industry, there is a huge diversion of interests. On the one hand, there are different ownership patterns of ports, some privately owned and some municipally managed. Furthermore, not all ports are engaged in the everyday management of loading and unloading vessels, some port owners are only engaged in the industry as ‘landlords’. On the other hand, there are shipowners and trade unions, each pressuring regulatory authorities and port owners for a share of the pie. What was key, was how the unions were able to successfully utilise this division to their advantage and create short term, and often nationally specific alliances with port owners and/or regulatory authorities that may have had similar points of view on issues such as competition between ports, or the self-handling of cargo.

There is a further issue not to be underestimated, the role of the European Parliament. For the unions, it became clear that lobbying at the level of the European Commission was not going to be an easy task, particularly as no set channels had ever been established. But rather than forget the lobbying option, dockworkers wrote endless

letters to MEPs in each national state. For example, there were letters sent by the IDC to every British MEP, with successful correspondence ensuing between the IDC and some key British MEPs that took the matter seriously. This meant that the debates in the EP were rigorous and informed, and that by the time the second directive came to be voted on, MEPs were either well educated on the matter, or tired that they were asked to vote again on the same issue in a short space of time. Probably, the answer lies somewhere between the two. The ETF, for instance, understood this second directive as highlighting “a democratic deficit” at the heart of EU decision-making insofar as it was introduced less than a year after the European Parliament had rejected the first Port Package, indicating that the Commission had chosen confrontation with the industry instead of dialogue and compromise” (ETF 2007, p. 9).

It became clear that European dockworkers had not just been successful in mobilising thousands of dockworkers across Europe; but also they had managed to understand and utilise the material resources available to them. This was not a policy area that just concerned them vis-a-vis their employer. The matter was rather more complicated involving a large constellation of actors, and dockworkers were able to draw *their* constellation. Their achievement has not been a mean success. As Turnbull (2010) reminds us “the magnitude of these victories cannot be overstated, as only three or more than a thousand Directives voted by the European Parliament between 1999 and 2004 were rejected” (p. 334).

It has become evident that both EU Ports Packages have been failed policy initiatives. So much so, that the 2006 formal consultation round was no longer designed to find a third directive. Instead, it highlighted the need to initiate consultation at the problem definition stage of the policy process. This meant that the problem was no longer finding a solution to the free movement of port services, but rather it opens up the type of solutions that could be found for European ports. Whilst all the unions representing dockworkers in Europe interpreted this as a successful outcome, the consultation process is not seen by all of them as being fully democratic. Only the next outcome will tell whether European dockworkers won the battle (Turnbull 2007) or the war (Turnbull 2006).

Conclusion

This paper contributes to our understanding of how workers articulate solidarity in an era of neoliberal restructuring within different policy-making spheres (in this case

the European Union). It has done so by assessing the European dockworkers successful challenge of the European Commission's repeated attempts at liberalising port services. The first section has reflected on the idea of free trade and how it needs to be unpacked in order to let us understand it beyond the free trading of commodities (embodying labour power), to conceptualise it also as the increasing "free" trade of human beings (in the form of provision of services). Secondly, the paper has sketched dockworkers trade unionism in Europe historically in order to understand their organisational capabilities. The third section has provided a theoretical overview of how workers articulation of solidarity (or lack of) can be understood. Finally, the last section has considered how European dockworkers managed to successfully challenge the Commission twice.

This case shows that there are many factors that need to be considered when analysing workers struggles in the current era. On the one hand, the historical experience of particular groups of workers can help understand the organisational resources available to them, as well as the ideological lines that provide guidance on how to use them. On the other hand, the material resources, in terms of the institutional set up in which workers operate in particular moments, matter, insofar as it can provide them with both opportunities and constraints. The way in which European dockworkers navigated the institutional set up in which they were accounts, partly, for their success. It was not just that they were able to articulate solidarity, even if in an uneven manner, but it was also that they formed alliances with other actors (MEPs, port authorities, etc) in a manner that was effective. They did not *trade* solidarity, as the title of this paper suggests, they built the foundations for it.

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