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ECONOMIC GLOBALIZATION, NEO-LIBERAL REFORMS, AND COSTA RICAN BANANA UNIONS' STRUGGLES - IN A CONTEXT OF REGULATION*

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I. INTRODUCTION

A Worldwide Tendency

According to the contemporary discourse, the political and economic processes of neo-liberal policy implementation and economic globalization have characterized the 1980s and the 1990s. Following Jonsson (1998), this trend involve two major elements, namely the *unrestricted mobility of capital* and a *political wave of reawakened market liberalism*. One view is that the trade union movement now risks being eliminated as a social institution in large parts of the world, particularly in Asia, Africa, and Latin America (Thomas 1995). One may naturally dispute the claim that there is a need to be alarmed by a development of this nature. My assumption is, however, that a key element of democracy is the relative equilibrium of class forces (Rueschemeyer, Stephens and Stephens 1995) and that trade unions remain the basic working class-institution (Southall 1988). In this article, I approach the issue by focussing on a particular case, namely the Costa Rican banana union.

A Problematic Development for Costa Rican Banana Unions

It is a common observation that Costa Rica has had a regionally exceptional political and economic development after its civil war in 1948, resulting in a comparatively stable and democratic[1] society. There are however "flaws" in this picture: Since 1949, loopholes in the country's labor law have permitted private-sector employers to repress unionized workers (Espinoza 1985, Blanco Vado 1994). Although Costa Rica *has* ratified the ILO articles no. 87 and 98 and included them in its constitution

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workers in the country's private sector have lacked the fundamental rights to *organize collectively, negotiate collective agreements*, and to *freely choose the association* of their own liking[2]. The country's banana unions managed however, during the 1950s, -60s, and –70s, to increase their levels of organization and striking ability and to celebrate an unprecedented number of collective agreements with their employers (Cruz, de la.1997). As we can see in figure 1, the tide turned drastically in the 1980s threatening the existence of the banana unions (Lara et al. 1995).

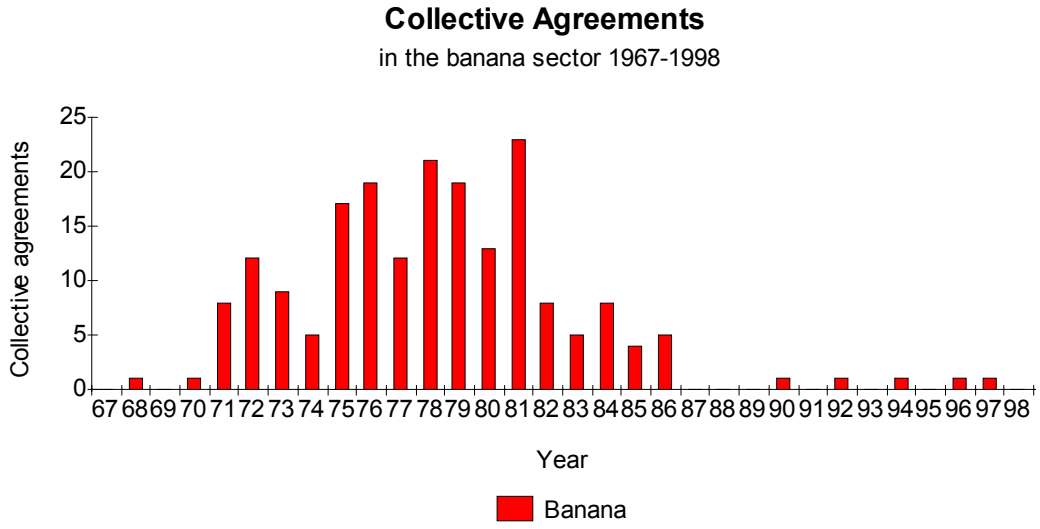

Figure 1 - Collective Agreements

Source: Estudio de Convenciones Colectivas Entre 1967-1999, Ministerio de Trabajo y Seguridad Social-Dirección General de Planificación (San José, Costa Rica, Enero 1999)

Could this rather drastic change of scenery in the 1980s be related to economic globalization and neo-liberal reforms? And if so, how then do banana unions cope with the new political and economic scenario? It is my view that when approaching the two questions above, "modes of regulation", concept elaborated by the *French school of regulation*, could prove to be a fruitful intermediate notion between political development and political struggle, furthermore I believe that "modes of accumulation", another regulationist concept, could be useful in understanding the link between economic and political development. As Lindström (1993) points out:

"The nature of workers struggles, in terms of forms and objectives, are set within the context of the openings and blockages that the modes of regulation provide by defining the field upon which struggles may be waged".

But before going into more detail I would like to point out two factors that complicate any effort to answer "Yes" to the former of the questions above. First, there were loopholes in the Costa Rican labor law

that facilitated union repression prior to the 1980s, and second, the banana industry could perhaps be described as **a** globalized industry already by the end of the 19th century. The multinational corporation, United Fruit Company (UFCO) which was the predecessor of Chiquita and headquartered in the United States, and possessed enormous financial resources and political clout in both the US and Central America had divisions throughout Central America (Chomsky 1996). Its Costa Rican division represented only a small fraction of its operations.

In this paper my goal is to examine how economic globalization and neo-liberal reforms can be related to the virtual demise of the Costa Rican banana unions as well as to alterations in the forms and objectives of their struggles, in the period between 1980 and 1999. Again, my approach will be guided by a set of concepts emanating from the "Regulation School" as they are elaborated with the aim to understand "*how economic and social dynamics vary over space and time* (Boyer 1990).

II. BRIEF OVERVIEW OF REGULATIONIST CONCEPTS

State, Capital and Labor

From a regulationist point of view, capitalism survives and evolves through a series of structural crisis because of its capacity to qualitatively transform through a system of regulation (Aglietta 1979). Regulationists share the marxists' view on the inherent conflictive nature of the relationship between the different social classes, primarily between Capital (owners of the means and output of production) and Labor (those whose only resource is their ability to labor, which in turned is purchased by Capital) (Cuff and Payne 1992). However, they do not see the state simply as an instrument of the bourgeoisie, but rather underline how a particular constellation of alliances, within and between classes, can achieve a hegemonic position in society and form a "power-bloc", whose interests and ideology will leave its mark on the modes of regulation of the state which in turn will condition the class struggle. The state, then, is seen as the (often contradictory) totality of a set of institutional compromizes that result in specific modes of regulation, thus becoming both an *agent* and an *object* of regulation. Orthodox economic theories are criticized for neglecting the role of the state in the economy and the social and historical context of capital accumulation, which, they declare take different forms depending on the nature of the particular accumulation regime that is reining in a given country within a specific time-frame (Aglietta 1979).

Accumulation Regime

An accumulation regime is defined as a particular combination of production and consumption that can be reproduced over time despite conflictive tendencies by containing a set of regularities that ensure the general and coherent progress of capital accumulation (Boyer 1990). In their view, it would be stable as long as it succeeded in "mobilizing counter-tendencies to the various generic and specific crisis-tendencies of a given stage of capitalism (Jessop 1990). This regime, in turn, consists of a particular accumulation model and certain modes of regulation by which it is supported.

Accumulation model

The accumulation model is to be seen as "the general orientation of public and private investment strategies as supported by state development planning and economic policies" (Lindström 1993). At the national level, one can ideally distinguish between, for instance, import substitution and export-oriented models, and at the level of economic sectors and individual enterprises, one may perceive of labor-intensive, capital-intensive and technology/knowledge intensive models, or mass production and flexible production models.

Modes of Regulation

Boyer (1990) views modes of regulation as any set of procedures and individual and collective behaviour that serve to reproduce the fundamental social relations and support the prevailing regime of). Examples of modes of regulation are the *forms of representation and intervention* which "have repercussions for the extent to which the state is accessible to various political forces and for the manner in which the latter is constituted" (Lindström 1993). These define the general field of political struggle, and the *labor regime* which regulates the capital-labor relationship including workers' rights, hence specifically defining the field upon which workers' struggles may be waged. Clientelism, corporatism, bureaucratic authoritarianism, and democracy can all be seen as ideal forms of representation and intervention. The labor regime, in turn, is functionally geared to ensure the subordination of labor to the capitalist mode of production and it can be found at different levels of abstraction: state-level and plant-level (depending on whether control is imposed by the state or management at the particular firm). At state-level it involves the legal framework, the coercive forces and government agencies, and at the level of the individual firm it concerns the specific modes of production and

management strategies that aim to secure control of the workforce, examples being fordism, taylorism, and bloody taylorism etc.

III. ECONOMIC GLOBALIZATION AND NEO-LIBERAL REFORMS. THE LATIN AMERICAN SHIFT OF DEVELOPMENT MODEL

Economic Globalization

In the words of the sociologist M. Waters, globalization is " a key idea by which we understand the transition of human society into the third millenium" (Kiely and Marfleet 1998). Globalization consists of a set of processes occurring on a cultural, political, economic, as well as ecological level (Kiely and Marfleet 1998). When focusing on the world economy, scholars agree that something is obviously happening "out there" but its precise nature and whether it really represents something "new" is a subject of enormous controversy amongst academics, politicians and journalists alike. While some observers, like the former US Secretary of Labor, Robert Reich, argued that a new, fundamental and irreversible change has taken place in the world economy (Reich 1991). Opponents to this view hold that the change is not new and that the world economy, in fact, was more integrated and open at the end of the 19th century (Glyn and Sutcliff 1992). Drawing on Dicken (1998), "the truth […] lies in neither of these two polarized positions. Instead, he asserts that, although the world economy was perhaps at least as integrated at the end of the 19th century as it is today, the nature of that integration was qualitatively very different as that process was more a question of internationalization i.e. a simple extension of economic activities across national boundaries. Today, Dicken asserts, we live in a world in which deep integration, organized primarily by transnational corporations (TNCs), is becoming increasingly pervasive. This "deep" integration extends also to the level of production of goods and services and, in addition, increases visible and invisible trade.

The origins of today's globalization[3] lay, as Knox and Agnew (1998) point out, in the immediate post Second World-War era when the world economy was characterized by a Fordist regime. It was built on the durable relationship between big business, big government and big labor, focusing on mass-production and stimulating mass-consumption, under the hegemony of the United States (Knox and Agnew 1998). This regime also fostered the emergence of TNCs and international investment flows. However, in the 1980s, the process of globalization, including the integration of the world's financial markets, reached a point where the Fordist regime lost out to a "post-Fordist regime", which would heavily emphasize the deregulation of market activities and radically change the relationship between state, labor, and capital. At the level of national

economic policy-making, the state still has a regulatory capacity in the new model. But as TNCs and international finance capital has broken free from national loyalties and constraints, the states' economic regulation will be functionally oriented to attract capital flows and investments (Beck 1998; Dicken 1998). Trade unions become an obstacle to both the states' macro-economic ambitions and the profitability of capital, particularly when cheap labor is the paramount resource in the competition for international investments (Thomas 1995). Moreover, the fact that TNCs have "globalized" their commodity chains is not good news for workers bargaining power as the companies are no longer dependent upon one site of production (Knox and Agnew 1998). The flexibilization of production through outsourcing and subcontracting, as derived from economic and technological development, also complicates trade union action (Ramalho 1999).

Regulating Economic Change, Conditioning political Struggle in Latin America

Now, how does economic globalization relate to neo-liberal reforms and vice-versa? Kiely and Marfleet 1998) argue that the neo-liberal paradigm was strengthened by the way in which the neo-liberal ideas "effectively articulated the interests and aspirations of transnational capital"[4]. If we look at the state as an "object" for regulation, a legitimate view might be that economic globalization and liberalization of trade and finance capital could be seen as having strengthened certain segments of international and domestic capital, benefiting from an open and market-friendly, export-oriented model, so that they have come into a position where they have been able to define national-economic projects on their terms, hence neo-liberalism. And, following the logic of a state of dual nature, as "agents" of regulation we might believe that states have adhered to a neo-liberal recipe as a strategy to find a successful platform in the new world economy and to attract international capital.

Neo-liberal adjustment and restructuring swept through almost all countries on the Latin American continent from 1982 and onwards (Zapata 1995). This was a process which provoked a profound transformation of Latin American post-war systems of regulation of social, economic and political practices (Smith and Korzeniewicz 1997). Structural adjustment has been a condition for renewed credits from the World Bank, the IMF etc. which often used cross-conditionality to reinforce their case. Furthermore, during the 1980s and 1990s, many states moved away from some sort of *import-substitution industrialization model* (ISI) toward an *export-oriented model* (EOI) for development. How then, may we relate

this economic restructuring, caused by globalization and implemented through neo-liberal programmes, to the modes of regulation? As for *forms of representation and intervention*, scholars such as Enrique de la Garza Toledo, Portella Castro, and Achim Wachendorfer, indicate that the role of the state in Latin America has changed. He means that it has shifted from its role in the centre of capital accumulation to that of assisting private capital in this task by creating the conditions for investments, many times at the expense of workers' living conditions and wages (see for example (Garza Toledo 1993). According to Zapata (1995), the general Latin American trend is that the state not only turns its back against popular sectors, but it actively seeks to block popular mobilization so that it, under no circumstances, will jeopardize the confidence of foreign capital in the country. As the state defines its paramount task to be that of assisting capital, it turns its back on corporatist arrangements where it had maintained a dialogue with unions. Hence, as de la Garza Toledo (1993) explains, most unions, whether independent or corporatist, no longer consider the state as their central point of reference in their struggles but rather turn their focus to the employers.

As for *labor regimes*, the relatively recent works of scholars on Latin America referred to above point at changes in the regulation at state-level, as well as changes in the labor regime at the level of production (Wannöffel 1995; Garza Toledo 1993; Portella de Castro and Wachendorfer 1995). Oscar Ermida Uriarte (1995) claims that an important characteristic of the "neo-liberal" labor legislation is that it deregulates the relation between the individual worker and capital so as to let the labor market work free of state intervention. But it is different from "classical liberalism" in that it does however intervene and regulate restrictively in the collective labor relations in order to eliminate or weaken unions, their collective autonomy and strikes. At the level of production, as the new development model opens up the domestic industry and exposes it to mounting competitive pressures, it emphasizes the implementation of new management systems and new technologies, making production more mobile and flexible. There is also a move to greater flexibilization when it comes to practices of hiring and firing and wages. Managerial control is often secured through the fragmentation of the workforce, spreading workers out on different subcontracting firms and creating a division between those few who have permanent jobs and the others that are left in insecurity. There is more direct control in the workplace and refined social techniques that aspire for the seizure of the individual worker's identity are applied (Ibid). In addition, de la Garza Toledo, Bizberg, Montiel and Dombois and Pries, all refer to how management try to "push unions out", substituting collective

agreements with individual worker-employer negotiations (Bizberg, Montiel and Garza Toledo 1993).

IV. CHANGES IN COSTA RICAN MODES OF REGULATION AND BANANA UNIONS' STRUGGLES

Background

The present Costa Rican political constitution dates back to November the 7th, 1949 (Valverde 2000). The freedom of association, the right to organize, and the right to undertake collective bargaining and the promotion of this tool of conflict resolution between the parties on the labor market by the state, were all constitutional rights (ibid). As for the freedom of association, and the right to organize, article no. 60 stated: "*Employers and workers can freely form a union, with the sole objective of obtaining and conserving economic, social, and professional benefits*"(ibid, my translation). And regarding collective agreements, article no. 62 stated that: "*Collective agreements, legally signed between employers or, legally organized employer unions and worker unions, shall have legal status*"[1] (ibid.). But when the same labor code included the following article no. 63: "*Workers who are discharged without just cause shall be indemnified if they are not covered by an unemployment insurance*" (ibid, m.t.), it practically made union organizing impossible as it granted employers the tool for unjustified dismissal. Consequently, as employers in the private sector cleverly took advantage of this contradictory labor code, the period between 1948 and 1982 saw almost no union activities in this sector (Espinoza 1985). According to de la Cruz, professor in the History of Labor Sociology at the Universidad de Costa Rica, the prime exception was the banana unions who in fact constituted the stronghold of the nations union movement during this period (Cruz 1997). There were many different reasons for this; among them the strong traditions of worker mobilization dating back to the 1890s (See Chomsky 1996) and the labor-intensive, enclave type of economy that characterized the banana industry. The banana union grew stronger in the 1960s and –70s also due to the creation of two new leftist parties: Movimiento Revolucionario del Pueblo (MRP) and Partido Socialista Costarricense (PSC) which, together with Partido Vanguardia Popular, provided a direct link between the banana union movement and the legislative assembly (Rojas Bolaños 1992). The state adopted several different tactics during this period in trying to control the banana unions. It was not happy to see an autonomous banana union movement, largely devoted to communist ideals, gain strength. On some

[1] m.t.. = my translation

occasions, when it was opportune, the judicial authority would declare their strikes to be illegal, sending in armed forces, arresting and sometimes shooting to death union leaders and striking workers (Abarca 1981). On other occasions, banana union leaders would simply be accused of attempting a coup d'état, or conspiring with international communist forces, sometimes resulting in extraditions or arrests, or the declaration that the unions were illegal (ibid). This stance, shifting between repression to more subtle means of containment, was more or less abandoned in the 1970s when the state sought to co-opt the banana unions through a regime of tripartite arrangements and through its support for collective agreements (interview with de la Cruz 1999). This strategy apparently failed.

Shift of Accumulation Model and Changes in the Modes of Regulation in Costa Rica

At the end of the 1970s, Costa Rica experienced its worst economic crisis in recent history (Villasuso 1992). In Jorge Rovira's words, the crisis constituted "the watershed between two different eras in the evolution of Costa Rican society" (Rovira 1992, m.t.). Indeed he was right, the 1980s would see Costa Rica's political economy move away from a social democratic model of import substitution to a neo-liberal model of export promotion (Wilson 1998). The governments from the Monge administration (1982-1986) through to Figueres Ferrer (1994-1998) and onwards, together with the World Bank, the IMF and USAID, drafted an accumulation model that finds its doctrinal roots in the economics of comparative advantage of David Ricardo and that coincides with the general development of Latin American during the same period (Lara et al 1995). Exports in general, and Non-Traditional Agricultural Exports (NTAEs) in particular, are promoted, fiscal austerity is emphasized and social spending is drastically reduced. Moreover, Free Trade Zones are created where big TNCs mainly in the manufacturing sector enjoy exemption from tax and where workers' rights are not acknowledged, (Chinchilla 1992; Vega 1996). Furthermore, the process has seen a wave of privatization, targeting even the most lucrative of state enterprises, the share of foreign capital have aggressively, during the 1980s and –90s, penetrated both the industrial and agricultural sector as well as the tourism industry (Wilson 1998; Lara et al 1995).

Forms of Representation and Intervention

Has the shift of accumulation model changed the Costa Rican state's relation to domestic political forces? Certain groups are the model's winners: With the arrival of the "Banana Promotion Plan" in 1985, the

Costa Rican State proved it would continue to be attentive to the demands of the big banana producers (Lara et al. 1995). According to ASEPROLA (Asociación Servicios de Promoción Laboral), a research institute that focus on Central American issues of labor, the plan aimed at expanding the acreage of plantations, augmenting the industry's output and creating the economic conditions that would secure capital investments from potential financial risks and neutralize factors that could limit profits (ASEPROLA 1997). Small- and medium-scale producers were, as ASEPROLA maintains, threatened by the public institutions that if they did not sell off their plantations to large-scale, national or transnational producers, the state would announce a cessation of credits as well as revise the legality of their property rights (ibid).

What implications did the new model have for the state's relation to the union movement? According to Elisa Donato, the Costa Rican export-oriented state has turned its back against popular sectors and their demands (Donato 1987). Following Jorge Nowalski, the state has successfully continued to co-opt union leaders by offering special benefits in exchange for their loyalty with structural change (Nowalski in Nowalski 1997). The state negotiates with these "loyal" union confederations through institutions such as the National Wage Board and the Council of Occupational Health (ibid). Vladimir de la Cruz adds that the state has become much more aggressive, since 1982, in their meeting with these unions (Interview with de la Cruz, 1999). The state adopted new strategies in dealing with militant unions such as those in the banana industry. Manuel Rojas Bolaños believes that the revitalization of the "solidarismo" movement is an effort to form an alliance between the state and capital to directly repress and marginalize trade unions in that industry (Rojas Bolaños 1988). During the 1980s the number of *solidarista*[5] associations more than quintupled while the banana union movement stagnated (Bejarano 1992). A great number of the *solidarista* associations are trained and aided organizationally by the Escuela Social Juan XXIII, a conservative fraction of the country's catholic church which sees solidarismo as a "holy crusade against communist inspired unionism and class struggle" (ibid). The Monge administration (1982-1986) and that of Oscar Arias (1986-1990) gave economic contributions to Escuela Social Juan XXIII, approximately $US 66 000 in 1984 and a further $60 000 in 1986 (Informe de CINDE 1984 and Memoria Anual de MIDEPLAN 86/87). This active promotion of the *solidarista* movement is to be explained, according to Vladimir de la Cruz, by the Costa Rican state's devotion to the neo-liberal programme, in which the terms of employment was to be negotiated directly between the employer and individual worker, and its subsequent aim of disactivating the use of

collective agreements (interview with de la Cruz, 1999). The state played a fundamental part in the process where banana unions were "pushed out" of the plantations (ibid).

Labor Regimes

Legislative Framework

The 1984 promotion of law no. 6970 which heavily contributed to thriving *solidarista* associations, has been seen by many as a major reason for the near eradication of the banana unions in the second half of the eighties (Interview with de la Cruz 1999; Lara et al. 1995). Even though law no. 6970, in article 8, explicitly forbids *solidarista* associations from conducting any type of activity that would obstruct the formation or functioning of unions, it rendered them, in article 4, the possibility to "negotiate any type of contract […] that aspired to better the social-economic conditions of their members and raise their standards of living" (CNT, CATD, CCTD, and ASEPROLA 1989). Consequently it permitted *solidarista* associations to engage in *direct agreements* with employers. The direct agreement, indicated in article 497 of the Costa Rican labor code, is a type of collective bargaining for which workers are to appoint a "Comité Permanente de Trabajadores" (CPT, in English: a Permanent Workers' Committee) that will negotiate with the employer regarding collective work conditions (Arce Quesada 1994). The direct agreement does not possess the legal status of a collective agreement, but is rather a "gentleman's agreement" with which neither part is obliged to comply (Deutscher 1989). In their complaint to the ILO in 1989, the ICFTU claimed that the *solidarista* associations and their use of direct agreements purposely deteriorated trade unions' tool of conflict resolution i.e. the collective bargaining (Arce Quesada 1994). The ICFTU, referring primarily to the banana industry, stated that unions lost their role as prime representatives of workers for the benefit of *solidarista* associations which was a worrying fact as the executive boards of these associations were infiltrated and controlled by management[6]. This was hence seen as a direct violation of the ILO conventions 87 and 98 that state that workers and employers shall relate to (vis a vis each other through autonomous organizations (Arce Quesada 1994). The ILO investigators that visited the country in 1991 found that the *solidarista* associations *did* in fact continuously interfere in the sphere of action that were to be exclusive that of unions, and that the *solidarista* associations *were* in fact controlled by management and employers (ibid). The Costa Rican government's promise to offer unions effective protection against all anti-labor activities in response to the ILO' complaints gave no results. Consequently, the

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) formally petitioned, in 1993, to Washington to have Costa Rica's trade privileges revoked (Lara et al. 1995). Later, the General Assembly approved law no. 7360 in October of the same year. This law gave unionized workers' protection through guaranteeing work stability: Workers who joined a union in formation were guaranteed up to four months further employment, union leaders were guaranteed to keep their jobs as long as they were in that leadership position and up to six months afterwards. Even the jobs of workers who were candidates for union leadership were guaranteed for up to three months after handing in their application (Blanco Vado 1994). Furthermore, the law no. 7360, declared illegal discharges without a just cause (ibid). The law also established that, in workplaces where 50 percent or more of the workers are members in a particular union, any collective bargaining must include the participation of that union (ibid). Finally, this law introduced two other essential modifications. First, it explicitly forbade *solidarista* associations to engage in either direct or collective agreements with employers. Second, it reduced the number of persons required in order to form a union to the same number that corresponded to that required for the formation of a *solidarista* association, namely 12 (ibid).

A couple of days prior to the approval of law no. 7360, the Costa Rican Supreme Court emitted a judgement, No. 5000-93, in favour of three banana union leaders who had been dismissed, with severance pay, from the Compañia Bananera Cocobola S.A. The consequences of the judgement was the guarantee of the freedom of association and that dismissal without any just cause was declared illegal (Blanco Vado 1994). All workers were to enjoy legal protection from arbitrary dismissals (ibid). Blanco Vado believes there is no doubt that this law and the judgement 5000-93, jointly created a new and improved legal situation for unions, but he does however add that today's legal situation still provides openings for union repression:

If workers choose to strike and the strike is declared illegal by the judicial authority, the action by the workers will be regarded as a breach of the contract of employment thus enabling the employer to dismiss the workers, in accordance with article 81 of the labor code (ibid).

Law no. 7360 prohibiting *solidarista* associations from engaging in direct agreements proved ineffective as the Comités Permanentes de Trabajadores (CPT) that were controlled by the executive boards of *solidarista* associations could continue conducting these agreements (ibid).

Coercive Forces

The military has often been a highly political institution in Latin American affairs but in Costa Rica, the military was disbanded

immediately after the civil war, and was formally proscribed by the 1949 constitution. It was replaced by a civil guard and a rural guard which were kept small, and were poorly trained and poorly paid (Wilson 1998). During the Central American turmoil in the 1980s, Costa Rica received US military aid and the 'guardias' received better training, but remained, according to Wilson, "politically insignificant" (ibid). Rojas Bolaños interpreted the development of the 1980s differently. He drew a parallel between, on the one hand, the transformation of the coercive forces featuring the new militia training camp "Murciélago", the reorganization of the rural and the civil guard, and the refinement of the systems of intelligence, and on the other hand the public media portrayal of those opposing the destruction of the welfare state and the values of free enterprise as enemies of the nation (Rojas Bolaños 1988). This parallel is concretised by the testimony of the likes of ASEPROLA's that the police corps is often contracted by banana plantation owners to threaten and beat up workers suspected of sympathizing with the union (ASEPROLA 1997). This picture is further reinforced by the a report from the Spanish union confederation, CCOO, that the banana workers and union leaders, employed by TNCs such as Chiquita Brands, Dole, Del Monte, and Fyffes, regularly suffer from police repression[7]. Another factor of concern for unions is the development of the so-called "vigilante-groups", a form of private militia that has increased its presence since the 1980s (Wallin 1993). A vigilante-group can be set up by anyone who has been granted a simple permit from the local authorities concerned. According to Wallin, there were between ten and fifteen thousand vigilantes in Costa Rica by 1992 (this can be compared with the total of ten thousand police officers that were in service in 1992) (ibid).

Production-level Regimes

The Costa Rican banana industry has, since 1984, experienced two processes that affected its structures of production. First, was the partial withdrawal by the big TNCs from production leaving it in the hands of national producers. Second, there was the expansion of banana production as outlined in the Banana Promotion Plan. The big TNCs sold off more and more of their plantations to national producers, focusing instead on the commercialisation of the product (Pearce 1998; Lara et al. 1995). By 1995, national producers accounted for about 50 percent of production while the TNCs controlled around 90 percent of the total volume exported, of a product that in 1994 constituted the country's largest source of foreign earnings, 537 million $US (Lara et al. 1995). The national producers blamed the big TNCs such as Chiquita, Del Monte, Dole, Geest and Fyffes for oligopolistic practices and with a system that constantly press the prices

of the producers output (Loria 1993). On the other hand, the Banana Promotion Plan sparked the expansion of the banana production in the country, and between 1988 and 1993 land under banana cultivation more than doubled (Lara et al. 1995). Speculating freely, we could perceive that the juncture of these two processes is rather unfavourable to union organizing. An expanding industry (where 50 percent of the employers lack control over the international commercialisation and are subject to price-dumping) with an increasing demand for labor that might enhance workers market-place bargaining power, could implicate a greater incentive to repress union organizing as to prevent escalating labor costs. The question can thus be posed: have the banana companies adopted new measures to subordinate and control the banana workers? In a report, in 1997, by Foro Emaús[8], it was asserted that the expansion of the industry had brought with it a system of subcontracting where banana companies hire from "subcontratistas" large quantities of workers for only a limited period of time (Foro Emaús 1997). This system has proved efficient in evading legislative obstacles to getting rid of workers who are prone to union organizing. The system has also implied the introduction of adolescents into the workforce and a greater rotation of labor between different plantations, further complicating union organizing (ibid). COSIBA-CR, the national co-ordinating body of banana unions[9], maintains that law no. 7360 and judgement 5000-93 are not respected by the plantation owners who would rather use the loopholes they are permitted instead of following their principles thereby effectively undermining workers' rights.

First, the freedom of association and union organizing is blocked when workers, who are suspected of union activity or sympathy, do not see their short-term contracts renewed and are put on black lists that can even include their family members. These lists are then distributed to other banana companies (Arce Quesada 1994; Cosiba-CR 1999). Second, collective agreements and the respect of the ILO principle of independent worker organization are set aside as the current legal situation does not regulate the composition of the CPTs or hinder them from conducting direct agreements (ibid). This permits employers to have a counterpart at the bargaining table that is infiltrated by company representatives and poses no threat to *solidarista* associations who keeps their role as prime representatives of the workers (ibid). Consequently, the prospects for workers to reach collective agreements are bad, almost nil (ibid).

V. CHANGES IN COSTA RICAN BANANA UNIONS' STRUGGLES

Background

During the 1970s, banana unions were successful in following a two-fold strategy of, on one hand, displaying a conflictive attitude by organizing a record number of strikes. On the other hand, negotiating with the state through tripartite arrangements and seeking to work through the parliamentary channel with the support of the major leftist parties (Mora 1992; interview with de la Cruz 1999). The situation**,** as demonstrated, changed in the 1980s and the former "successes" and "influence" that the banana unions had experienced could not be reproduced as their strategies became obsolete. Law no. 6970 was passed which, along with the state's discriminatory economic aid, directly contributed to the flourishing of *solidarista* associations in the banana industry. The state abandoned the tripartite arrangements where they maintained a dialogue with unions when, at the same time, police officers and vigilante groups where reported to increasingly exert violence and coercive force against unionized banana workers. Furthermore, the Partido Vanguardia Popular (PVP) a major parliamentary supporter of the banana union movement was dissolved in 1983. Lindström relate, in the case of South Korea, workers' resistance to subordination and control, either at the level of production or in relation to the state (Lindström 1993). However, in the Costa Rican context of the 1980s and –90s, the fruitfulness in looking at the state as an arena and object for struggle was diminishing for banana unions. Neither were the classic work-place measures, such as strikes and sit-ins, relevant as banana unions had effectively been "pushed out" of the plantations. Thus, the 1980s and –90s struggle, would instead be oriented toward the aim of taking back their role as prime representatives for banana workers by ensuring that workers' rights, as formulated by the ILO, were carried into effect (Interview with Bosquini 1999). The forms of this struggle are dealt with in the nest section.

Organizational change and alliance building, nationally and internationally

Working Secretly and in Isolation during the 1980s

According to Oscar Bosquini, counsellor for COSIBA-CR, the only banana unions to survive the 1980s were in essence Sindicato de Trabajadores Agrícolas de Plantaciones (SITRAP), Sindicato de Trabajadores de Chiriquí Land company (SITRACHIRI), Sindicato Industrial de Trabajadores Agrícolas y Ganaderos de Heredia (SITAGAH), Sindicato Unitario de Trabajadores Agrícolas Pococí (SUTAP), and Unión

de Trabajadores Agrícolas de Limón (UTRAL) (Interview with Bosquini, 1999). Jorge Barbosa, of SITRAP, holds that the only banana union which had kept valid collective agreements with their employer, throughout the 1980s was SITRACHIRI that traditionally had been regarded as a so-called "white", company friendly union, and had been supported by the AFL-CIO (Interview with Barbosa 1999). SITRAP, UTRAL and SITAGAH were eliminated when direct agreements substituted their collective agreements, in 1985, 1986 and 1987 respectively (CNT, CATD, CCTD, ASEPROLA 1989). Jorge Barbosa claimed, however, that these unions, although formally eliminated without any possibility to openly visit the plantations, maintained a core group of people who, under a constant threat to their very lives organized information campaigns by placing leaflets on workers doorsteps or by contacting them at bars or at the football grounds etc. The objective was to maintain a dialogue with the workers so as to stay update with the latest events on the plantations and to display that the union had survived and continued to fight, albeit under clandestine circumstances (Interview with Barbosa 1999). SUTAP had, according to Barbosa, also lost their collective agreements but had to maintain some sort of organized activity since it, together with SITRAP, had filed a complaint to the Department of Labor in august of 1987 denouncing the massive dismissals that had been undertaken in different banana companies. According to the two unions, these dismissals were a direct consequence of the workers union sympathies (CNT, CATD, CCTD, ASEPROLA 1989).

COSIBA-CR

In 1990, SITRAP, SITAGAH, and SITRACHIRI, formed COSIBA-CR, due to "the necessity to find a point of contact that the confederations did not offer"[2] (Interview with Bosquini 1999). COSIBA-CR would be a unifying forum for discussion and co-ordination of interests and was to represent these unions in contact with other sectors of the Costa Rican society (ASEPROLA 1997). A couple of years later, UTRAL and SUTAP joined and COSIBA-CR then became the representative for all of the banana unions in Costa Rica (Interview with Bosquini 1999; interview with Barbosa 1999)[10]. Bosquini asserted that COSIBA-CR was exclusively financed by the five banana unions whose resources came from their members.

Foro Emaús

An unexpected turn of events occurred when the church of Limón, emitted the pastoral letter "La expansión bananera incontrolada" (the

[2] m.t. = my translation

uncontrolled expansion of the banana industry, m.t.) which openly denounced the social and environmental effects of the banana industry (ASEPROLA 1997). The letter received fierce critique from the government, the media, and the banana industry but was, according to ASEPROLA, welcomed by the general public of the Limón province. The letter led to a series of meetings, organized by the church of Limón, which eventually would spark the 1992 creation of Foro Emaús, an organization where COSIBA-CR joined forces with student groups, environmental groups, indigenous groups, farmer groups, etc. (Foro Emaús 1997). The objectives of the organization was to co-ordinate the interests of the various popular sectors affected by the banana industry, conduct investigations into the industry and denounce its social and environmental mistreatments to the government, the media, the public, and to international NGOs (ibid). The Foro Emaús reached out internationally and initiated a collaboration with an agglomeration of European NGOs, comprised in EUROBAN, that lobby the European Union for implementing social and environmental clauses in the World Trade Organization, and also established contacts with NGOs in USA (ibid)[11]. Barbosa explains that the banana unions' involvement in Foro Emaús had revolved around a strategy that sought to build alliances within the Costa Rican civil society and to take advantage of the international structures that the church could provide with international NGOs (Interview with Barbosa 1999). Moreover, not mentioned by Barbosa himself, another advantage with this alliance may perhaps be that the church could represent a legitimizing ally for these unions that earlier had been stigmatized by their relations with the communist Partido Vanguardia Popular.

COLSIBA

After having successfully united the five national banana unions and initiated a fruitful collaboration with the church and other groups in the civil society[12] of the Limón province, COSIBA-CR, then took the initiative to reach out to other banana unions in Latin America. In 1993, COLSIBA was founded in San José, by representatives of banana unions from eight countries: Guatemala, Honduras, Belize, Ecuador, Colombia, Costa Rica, Panamá and Nicaragua (COLSIBA 1998). As of 1998, the organization claimed to represent 95 percent of all Latin American banana unions (ibid). According to Gilberth Bermúdez, Secretary General of SITRAP, and Deputy Secretary General of COLSIBA, ideological, cold-war cleavages within the banana union movement, both nationally and internationally, had facilitated managerial repression (Interview with Bermúdez 1999). The Costa Rican banana unions, prior to 1993, did not have any idea of what

was going on in the banana industry in other Latin American countries but as the respective Latin American banana unions met in COLSIBA's first meeting they realized that they shared the same employers and same problems. Consequently they needed to put together a "common platform for aspirations and struggles (ibid)".

Co-ordination and communication were to be the keys to a strong Latin American banana union movement (ibid). Every second year, two representatives from each member country would meet in a conference where the long term strategy was to be outlined. Every fourth month, a co-ordinating committee was to hold a session with two representatives, co-ordinators of each country, where the work on a tactical level, would be decided. In 1998, COLSIBA started distributing among its members a monthly bulletin where the current problems and events surrounding the unions in each country would be reported (ibid). And in 1999, COLSIBA initiated a project to equip each member union's office with computers and internet connection in order to facilitate swift and immediate communication (ibid).

The struggle of COLSIBA has understandably been situated on an international level and the struggle has been oriented towards putting enough pressure on the three big TNCs i.e. Del Monte, Chiquita, and Dole, so that they will meet with COLSIBA, and negotiate guarantees for union rights at all of their plantations (Interview with Bermúdez 1999; and COLSIBA 1998). First, pressure was applied on the goodwill associated with these TNCs' brands and second, on the network of grocery retail-chains in the US and Europe so that they will adopt social and environmental criteria when they purchase bananas for their supermarkets (ibid). This pressure has to a great extent been dependent on the resources mobilized by European and American NGOs, such as the EUROBAN coalition and The US Coalition for Banana Workers Co-ordinator (ibid)[13]. Among the methods used to reach the European and US public have been the creation of internet websites that inform on the matter, organise seminars, and the support public investigations into the conditions of the industry (ibid). The NGOs are also lobbying these TNCs directly to meet with COLSIBA to negotiate around its demands (World Development Movement 1999).

In 1997, the campaign targeted Del Monte and there was relative success when the TNC decided to negotiate with COLSIBA, which eventually resulted in a framework agreement between Del Monte and SITRAP (Interview with Bermúdez 1999). The agreement allowed SITRAP to freely operate at Del Monte's plantations and to receive equal treatment in relation to the *solidarista* association, guaranteeing that

workers affiliated with SITRAP would not suffer from any reprisals (Bandeco/Del Monte-SITRAP 1998). In return, all the international campaigns against Del Monte were to cease (ibid). Although Del Monte would not commit to any collective agreement, COLSIBA regarded the Del Monte campaign as successful as they were actually allowed to operate again freely on the plantations (COLSIBA No.1 1998). Currently, COLSIBA conducts a similar campaign, in collaboration with the same European and US NGOs, directed at Chiquita (interview with Bermúdes 1999; COLSIBA No.7 1998).

Towards a New Vision?

To Gilberth Bermúdez, Secretary General of SITRAP, and Deputy Secretary General of COLSIBA, the Costa Rican banana union movement and COLSIBA are implementing a new definition of trade unionism (interview with Bermúdez 1999). He says that this new definition distinguishes itself from the traditional, cold-war unionism leaving ideological confrontation behind and bridging the gap between formerly "white" unions, associated with the AFL-CIO and "red" unions, associated with communism. The new unionism operates independently of the government, and other political structures, international as well as national, and strengthens social justice and the rights of women, through proposals and denouncements. Bermúdez wants the union movement to study and to communicate with the rest of society, in the fight for democracy which Bermúdez claims shall allow individuals and organized groups to freely express themselves. The new unionism is about "dreaming about the possible, not the impossible" (ibid, m.t.).

VI. CONCLUSION

How can Economic Globalization and Neo-liberalism be Related to the Weakening of the Costa Rican Banana Unions?

The link between globalization and banana union demise was put in doubt by the fact that Costa Rican labor law facilitated union repression prior to the 1980s and that the banana industry could be described as having been a 'globalized' industry already in the 19th century. This paper argues that the structural economic change that make up the above mentioned definition of economic globalization, with its effects on Costa Rican political economy and the banana industry, differs from any previous socio-economic development. The view is that this process has qualitatively changed the relationship between state, capital and labor. Even though the United Fruit Company was a multinational corporation a hundred years ago, exerting strong influence on the Costa Rican state, and even though the Costa Rican

state tried to work against a strong independent banana union movement prior to the 1980s, this paper has argued that the reasons for, and the forms of repression, from both the state and the industry itself have changed as a consequence of economic globalization.

With the concepts of the 'French School of Regulation', the accumulation model hinted a way to understand the relation between economic globalization and political change. The modes of regulation outlined a link between political change and political struggle. On a global economic level, it has been argued here that the 1980s saw the birth of a post-Fordist regime, deregulating market activities and redefining the positions of strength between State, Capital and Labor. This effort to understand the link between economic globalization and neo-liberal reforms has led to the view that the state, as an object of regulation, was now to a greater extent pressured to define economic policies in line with the interests of the 'winners' in the new, globalized economic order. Moreover, when looking at the state as an agent of regulation, the adoption of a neo-liberal model has here been understood as a strategy for the particular state to fit in with the new economic world order. Inherent in this accumulation model, trade unions represented obstacles to 'modernization' and suffered by the switch of models as Latin American countries, when implementing an export-oriented model, were increasingly emphasizing cheap labor as their factor of comparative advantage. Moreover, the implications of economic globalization and the two last decades' technological development on the structures of production, including subcontracting, outsourcing, globalized commodity chains etc, severely diminish trade union's market- and workplace bargaining power.

Costa Rica, as shown, was no exception to this Latin American pattern and the switch from an ISI-model to an EOI-model had affected the modes of regulation that were studied: The forms of representation and intervention seemed to have drawn on certain features of bureaucratic authoritarianism; abandoning dialogue for repression. This observation is supported by the state's discriminatory economic support for the *solidarista* movement in combination with its loss of interest for tripartite arrangements with unions and collective agreements. Hence the general field of political struggle had left little room of manoeuvre for banana unions. As for Labor regimes we observed that the legal framework had gone from bad to worse with the passage of law no. 6970 as it, together with the economic donations, directly contributed to the thrive of *solidarista* associations. Law no.7360 and judgement 5000-93, passed when the country's trade privileges with the US were threatened, did not remove, in practice, repression exerted against banana unions. The coercive

capacities of the state improved during the 1980s and 1990s and the state even facilitated the formation of private vigilante-groups. There were reports of both private militias and the regular police force exerting violence on workers' sympathizing with banana unions. The labor regime at the level of production had experienced a transformation. The big TNCs were increasingly withdrawing from actual production, focusing on controlling the international commercialisation of bananas. Meanwhile, the output expanded with the state-run Banana Promotion Plan, but the actual production was to a greater extent in the hands of national producers with little control of the international pricing of the product. This, of course serves as a background to understand the increased pressure on trade unions as potential labor-cost elevators. The introduction of a subcontracting system for hiring temporary workers, greater rotation of the workforce between plantations, the introduction of adolescents in the workforce, and the black-listing of unionized workers together with the systematic support of *solidarista* workers, were all efficient management measures employed to push the unions out of the plantations.

How Can These Changes in the Modes of Regulation be Related to the Struggle of the Banana Unions?

The implementation of a new development model in Costa Rica prompted, as shown, a qualitative change in the country's modes of regulation. Hence, when state action and legislation promoted the thrive of *solidarista* associations and strengthened coercive forces, and when the new, more flexible and repressive management systems were put in place, the struggle undertaken by the banana unions also altered. As unions were pushed out of the plantations, the objective of their struggle changed from that of aspiring to evade subordination and to improve the terms of employment to that of, defensively, aiming at taking back their role as banana workers' prime representative by ensuring workers' rights were actually carried into effect. This, thus meant that their struggle had to take on new forms: When the state no longer could prove an ally, unions' had to look for a new arena of struggle. That arena was to be 'civil society' that strengthened their political case and raised public awareness for their cause through strategic alliance building. On an international level, alliance-building with European and US NGOs, aided in reaching the consumers with the unions' version of events in the markets where the key big TNC's operate. This could be interpreted as a new way of putting pressure on the industry. When classical workplace measures such as sabotage or blocking production became obsolete, unions targeted the revenue and goodwill of the TNCs through their consumer awareness campaigns.

In "Labour Worldwide in the Era of Globalization-Alternative union models in the new world order", Eric Lee, Vic Thorpe, and Peter Waterman (1999) point at different methods to be undertaken by a trade union movement that wants to adapt to the new globalized world: The need for labor internationalism and creation of global networks between workers organized within the far-flung subsidiaries of multinational companies; the need to develop the capacity of computer-based communication; and the need to address civil society as a whole, recognizing new terrains and levels of the struggle[14]. Given the above, it would seem as the Costa Rican banana union movement has taken the advice by these authors.

Notes

1 In a liberal and representative sense of the concept, with free and fair elections.

2 In the ILO conventions of 1948 and 1949 (No. 87 and 98) it was stated that *the right to organize* is to be granted to workers and employers without distinction whatsoever. These organizations must be able to be established without any previous authorization and workers and employers shall be guaranteed *the freedom to associate* themselves with the organizations of their own liking. Furthermore, workers shall enjoy adequate protection against acts of anti-union discrimination i.e. the employment must not be subjected to the condition that the worker shall not join a union, and trade union membership or participation must never be the cause for dismissal. Moreover, workers' and employers' organizations shall be protected against interference by each other's agents or members. Member states (of the ILO) are obliged to promote full development and utilization of machinery for voluntary negotiation between workers' and employers' organizations, with a view to the regulation of terms and conditions of employment by means of *collective agreements*(http://www.ilo.org/public/english/standards/norm/whatare/fundam/foa.htm, 2000-02-10)

3 In the following, the term globalization will refer only to its economic dimension

4 My emphasis

5 Solidarismo is a philosophy of worker-employer co-operation formulated by Alberto Marten in Costa Rica 1947, designed as an alternative to class confrontation, unionism and collective bargaining. In practice, solidarismo takes the form of associations in which companies and workers jointly contribute to the formation of credit and investment projects, the funds coming from workers' savings and investments by the company owner of the employee's future severance pay (Lara et al. 1995).

6 In a study conducted by ASEPROLA in 1989, the composition in the executive boards of the solidarista associations was in favour of management as it, in average terms, held 60 percent of the seats whereas workers and administrators together held only 40 percent of the seats: CNT, CCTD, CATD, and ASEPROLA., 1989. op. cit. p. 16

7 Inter Press Service, op. cit. at http://www.dagensarbete.se/home/da/home, 1999-06-13

8 A national NGO which unites banana unions with popular-, religious-,campesino-,and feminist groups

9 La Coordinadora de Sindicatos Bananeros-de Costa Rica, formed in 1990, will be further studied in the next section of this paper

10 According to Barbosa, a sixth banana union was in the process of forming at the Costa Rican westcoast, as of the summer of 1999, but COSIBA-CR did not have any contact with the persons involved.

11 See for example *EUROBAN Policy Paper* at http://www.webserver.comlink.org/ked-bayern/Bananen/euroban.htm, 2000-06-05

12 I here refer to Diamond's definition of civil society: "..the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state and bound by a legal order or set of shared rules" in Diamond, L. "Rethinking Civil Society-Toward Democratic Consolidation", *Journal of Democracy*, Vol.5, No.3, John Hopkins University Press (Bologna, 1994) p. 5

13 See for example World Development Movement, *Everything about the Chiquita campaign*, at http://bananas.agoranet.be/ChiquitaCampaign.htm, 1999-09-01

14 Munck, R. and Waterman, P. (eds) op. cit. p. 218-264

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