11-20-2014

Planned Container Terminal in Costa Rican Port Brings Second Strike in Two Years

George RodrÃ­guez

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation
https://digitalrepository.unm.edu/noticen/10208

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Conflict around a new container terminal to be built in the Moín dock, next to Costa Rica’s major Atlantic (Caribbean) port of Limón, has been brewing for the past two years. And, for the second time in that period, a dockworkers’ strike was on, as the dockworkers’ union leaders said, for as long as it takes to renegotiate the contract to build and mange the new dock—specifically one clause.

The contract awarding the Dutch company APM Terminals the construction and exclusive operation for 34 years of the Terminal de Contenedores de Moín (TCM) was signed in 2011, the second year of the administration of former President Laura Chinchilla (2010-2014).

The ninth clause, giving APM the sole right to operate the new dock for more than three decades, immediately sparked opposition from the workers’ union (Sindicato de Trabajadores de Japdeva, SINTRAJAP). JAPDEVA is the Junta de Administración Portuaria y de Desarrollo Económico de la Vertiente Atlántica, the country’s Caribbean region port authority.

The union warns that the clause aims at creating a private monopoly, which could severely damage JAPDEVA, also a development authority for the eastern Caribbean province of Limón, an area with some of the most critical levels of poverty in this Central American nation.

During the signing ceremony, on Aug. 30, 2011, Chinchilla—the first woman president in Costa Rica’s history—said that building the TCM would help reactivate the country’s economy, strengthen social well-being, and improve competitiveness, since "besides the jobs it could create, this project … will be producing close to US$2.2 billion through taxes."

Chinchilla also underlined that close to 80% of Costa Rica’s trade goes through Limón.

Paul Gallie, APM’s director in Costa Rica, said the TCM "will turn costa Rica into a really competitive country."

**First strike at project in 2012**

Building the TCM was scheduled to start last year and be completed in 2016. But in 2012, SINTRAJAP went on strike, demanding the contract be renegotiated to remove the contentious clause from the text.

Street violence ensued, with SINTRAJAP stating it had nothing to do with the popular protest that went on for several days, with local demonstrators setting fire to barricades built with old tires and other flammable materials. Rioting was unleashed, the Fuerza Pública (FP) intervened, and after several days the strike was over.

After a 154-hour negotiation, the Chinchilla administration and SINTRAJAP signed an agreement to better equip JAPDEVA—including new machinery—which ended the dockworkers’ labor stoppage. But no agreement was then reached on the key issue: the contract’s ninth clause.
Thus, last month, déjà-vu happened. On Oct. 22, SINTRAJAP announced the start of a JAPDEVA dockworkers’ strike supporting the union’s demand that the contract be renegotiated and the clause eliminated. It is a "movement of struggle for dignity, to stop a monopoly, and prevent serious harm to the people of Limón," the union statement said. "We want modern ports but without monopoly, and competing in equity."

And union leader Leroy Pérez warned, "We’re going on an indefinite strike, there’s no moment to end it."

The same day, Costa Rican President Luis Guillermo Solís said, "In courts of justice it has been said ... there’s no obstacle for this contract to be implemented."

By nightfall, Security Minister Celso Gamboa told a press conference that, in a swift, nine-minute operation, without violence and with a minimum use of force, some 150 police officers had reopened and taken control of the port installations that had been locked by dockworkers at the start of the strike early that day. "We hope we won’t have to face the people on the streets. What Limón needs is peace, development, and, of course, to provide certainty to [foreign] investment made in Costa Rica," added Gamboa, a native Limonense.

Hours later, street violence did erupt in Limón and its outskirts, events that would be repeated during the following nights, and FP anti-riot officers were deployed.

The following morning, JAPDEVA president Ann McKinley told the Costa Rican Radio ADN that local personnel had been hired—later on, workers would be brought in from countries in the region —and that normal port activity was about to resume.

Hours later, Solís told journalists, "In the government, there’s a calm attitude to talk with SINTRAJAP to put an adequate end to this, and it goes through respect for the law, which is the line the government keeps up."

The government’s "responsibility is to guarantee that the country is in peace, calm, and that the operation at the docks is guaranteed ... and that everything’s done according to the law," added the president, a political scientist, historian, and university professor.

**Solis calls for dialogue**

"I hope there’s an understanding by all organizations that the government maintains its fraternal attitude regarding social dialogue, including dialogue with SINTRAJAP," said Solís. "What happens is that a moment arrives when the rule of law must prevail, and that’s what we’ve done and will continue to do."

During the following days, Solís repeatedly told reporters that it was his belief that SINTRAJAP was not connected to street violence in the midst of the strike, and, regarding the union’s demand for renegotiating the contract, he reasserted the administration’s position that the document was signed by the past government and had been cleared by judicial authorities—including the Sala Constitucional of the Corte Suprema de Justicia (CSJ). The president also repeatedly stated his government’s will for talks.

Solis has also pointed out that a legal process is still open, referring to the environmental impact study underway by the Secretaría Técnica Nacional del Ambiente (SETENA), scheduled to be completed in March, according to local press reports.
As government-union talks eventually got underway, the complex dialogue led both parties to agree on a proposal—Plan de Fortalecimiento de JAPDEVA y Desarrollo de la Provincia de Limón—on Oct. 27, in San José, the nation’s capital.

Among other items, the text included earmarking just over 406 billion colones (some US$812 million) for projects seeking to strengthen JAPDEVA beginning next year, to implement development projects for the province, and to produce a study on "the real impact the eventual start of APM terminals operation could have on JAPDEVA."

The consensus reached on the proposal sparked hope in representatives of both sides that it could lead to an agreement to end the strike. But as negotiators were meeting in San José, demonstrators—including SINTRAJAP secretary-general Ronald Blear—were marching in Limón, 130 km east of the capital, and burning large photos of Solís and three of his ministers—Gamboa, Labor Minister Víctor Morales, and Presidency Minister Melvin Jiménez.

The following day, Morales told a press conference at Casa Presidencial that the meeting scheduled for Oct. 29, when SINTRAJAP was to reply to the proposal, had been suspended "until we receive from SINTRAJAP a clear expression … condemning those absolutely reproachable acts. We also believe that SINTRAJAP should publicly apologize to the country. The reply we received [on the proposal] from the streets of Limón is an unheard of act, reproachable, with the burning of a photograph of the person today holding the presidency."

In a brief letter addressed the same day to Solís and the three ministers, Blear apologized "so it may not be said that SINTRAJAP closes spaces for dialogue."

Both parties resumed talks on Oct. 30, at the Ministerio de Trabajo y Seguridad Social (MTSS) headquarters in San José. Before the meeting began, Blear warned that chances of reaching an agreement to end the strike were slim. However, government and union representatives hammered out, during a nine-hour session, a new proposal, similar to the previous one, which was to be put to SINTRAJAP’s rank and file in Limón later in the evening. Hopes were high, again.

But hours later, the following morning, SINTRAJAP announced that its members had rejected the text because it did not mention the core problem: renegotiating the contract’s ninth clause. And, on Nov. 1, Blear added more tension when he told a local electronic daily, "If I have to go out with a stick and hit, I’m going to do it, it’s my job."

Mediation shows progress

With no solution on sight, both sides agreed to call on newly elected Defensora de los Habitantes Monserrat Solano to mediate, a challenge she decided to take on. So far, Solano, a journalist and human rights lawyer, has managed to sit both sides around a table at Defensoría de los Habitantes headquarters and get them to agree on a dialogue agenda.

At the end of a 12-hour meeting, on the evening of Nov. 5, Solano announced a five-point agreement, signed by government and union representatives, which included the suspension of the strike—then in its second week—to facilitate the dialogue process. The agreement also included an item stating that no sanctions would be applied to workers who went on strike.

The mediating process continues, and, as a Defensoría source told NotiCen, progress is being made, however slowly, because Solano is strict on both sides showing mutual respect and keeps them "on a short leash."