

Justice in the Offing? Trade Union Politics in the Shipping Industry

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Abstract: In this article, ‘the offing’ is used as a metaphor to think about demands for justice. The offing literally refers to the most distant part of the sea in view, while the phrase ‘in the offing’ means that something that is about to happen, or about to appear on the horizon, but is not there yet. The perpetual movement of commercial vessels sailing the oceans and cutting across multiple legal jurisdictions generates risk and profit at the same time. Discussions and struggles to bring about norms of social justice for seafarers working aboard ocean-going commercial vessels thus provide a prime example with which to consider the disembedding of workers’ rights from their national contexts along international supply chains. Oil tankers, container ships and freight carriers of all kinds that form part of the world’s fleet constitute moving working environments where labour-rights violations are everyday occurrences and ethnographic fieldwork often remains off limits. When, where and how is workers’ justice achieved in the liminal setting between shore and the distant offing? Based on ethnographic material, the article situates the anthropology of justice being advocated in this special issue in debates over labour rights in the global economy by questioning the aspirational, technocratic and transnational nature of maritime labour politics.

[justice, trade unions, maritime labour rights, labour internationalism]

Introduction: ‘Workers of the Sea, Unite!’

In March 2019, in the middle of her PowerPoint presentation at the headquarters of the International Transport Workers’ Federation (ITF) in London, Anna, the shipowners’ representative, looks at her audience and briefly pauses before saying tauntingly:

Well, the MLC [Maritime Labour Convention] is a dream come true for shipowners; now that seafarers’ rights to decent working conditions are secured, the ITF and its transnational system of collective-bargaining agreements is no longer needed. It is only a question of time before it fades!

About ten union members listen to her as she dismisses the relevance of their organization in the conference room on the top floor of the ITF building. They are taken aback by the critical tone of her remarks. Anna, the speaker, is a member of the Labour Affairs Department at the International Chamber of Shipping (ICS), whose headquarters are also located in London, just across the bridge over the Thames from where we are sitting in Southwark. Anna’s presentation is part of the induction training for an inter-

national group of maritime trade unionists who will start working as ship inspectors on behalf of the ITF, the largest international federation of trade unions for seafarers.

After a brief moment of silence, Ali, an experienced ITF inspector who has organized the training, gives life to the sense of disbelief as he fights back. He asserts that the ITF is an international labour organization. The Maritime Labour Convention of 2006 that Anna mentioned establishes minimum working and living standards for seafarers, but the ITF actually works to raise such standards and to ensure just and decent working conditions for all seafarers, regardless of nationality, gender, or religion: 'The ITF and its affiliates are not about technicalities and minimum standards, it is about making a difference and improving things for seafarers'.

The ITF and the ICS are the two most important international institutions representing seafarers' and shipowners' interests. Unlike most other global industries operating transnationally, in the shipping industry, capital and labour representatives are accustomed to discussing with one another and agreeing on measures that have important social and economic outcomes for seafarers. They often sit at the same table in several international organizations, such as the International Labour Organization (ILO) in Geneva and the International Maritime Organization (IMO) in London.

The adoption of the Maritime Labour Convention (MLC) in 2006 at the ILO was the result of several years of tripartite discussions between representatives of governments, the ICS and the ITF. The MLC became binding international law in 2013 (ILO 2020). Why would the ITF become redundant and lose its role with the implementation of a legal instrument that its members actively contributed to negotiating? Is class struggle over once labour rights have been secured, or is this assertion simply another expression of corporate aspirations to self-regulate that reflects the fragmentation of the working class? Are demands for justice fulfilled once global measures of harmonization and standardization are achieved? When, where, and how is justice achieved for workers in the liminal setting between shore and the distant offing?

During my thirteen-month multi-sited fieldwork conducted in London, Hamburg and Panama City on the topic of seafarers' rights, several of my interlocutors in the shipping industry were convinced, as Anna was, that the ITF was ultimately doomed to disappear because of (or, more accurately for those interlocutors, 'thanks to') new legal instruments such as the MLC. Starting from this assertion, this article is a reflection on the nature of current maritime labour politics and the role of the ITF in it. Because it stretches over multiple jurisdictions, the setting of the shipping industry creates major challenges in upholding seafarers' labour rights. The transnational collective agreements that the ITF negotiates with shipowners reconfigures labour rights beyond states' responsibilities.

Justice in the Offing

Based on ethnographic and archival material, the article contributes to the anthropology of justice being advocated in this special issue by questioning the aspirational, technocratic and transnational nature of the politics of maritime labour.¹ Its focus is on the International Transport Workers' Federation (ITF), which has its headquarters in London and a worldwide network of 120 ship inspectors. I argue that this organization enacts global solidarity across the world's oceans and provides an example of *reinvigorated unionism*. After positioning the progressive action of the ITF within the broader movement of labour internationalism and empirical research on trade unions, the article investigates the complex system of collective-bargaining agreements that the ITF and its affiliated maritime trade unions have developed as part of their ongoing campaign against flags of convenience. In order to contextualize what is specific about ITF transnational agreements, I introduce the national German collective bargaining agreements for the shipping industry. Finally, I scrutinize the responsibilities of ITF inspectors as agents enforcing justice on behalf of seafarers between industrial action and the mobilization of labour rights in relation to the new legal standards introduced with the implementation of the MLC from 2006.

1. Labour Internationalism: Trade Union Politics and Its Maritime Other?

Notwithstanding a considerable amount of diversity between and within countries, regulations at work and the density of collective-bargaining agreements negotiated by trade unions on behalf of workers have dropped sharply across the world since the 1970s (Adaman et al. 2009; Boltanski and Chiapello 2018; Lazar and Sanchez 2019; Mollona 2009). In the process, labour unions lost their power and legitimacy to such an extent that 'popular disaffection with formal trade unionism' has been identified as a 'widespread feature of contemporary labour politics' in the Global North and South (Kesküla and Sanchez 2019:110). Where does the ITF as a federation of national trade

1 The empirical evidence for the article was gathered from June 2018 until September 2022, through participant observation during the induction training of inspectors at the ITF London headquarters in March 2019 and during on-board ship inspections with German ITF inspectors, as well as through interviews with different current and former ITF officials, and archival research at the German ITF affiliated union Verdi. Research for this article has been made possible thanks to the generous funding of the Martin Luther University Halle-Wittenberg (Institute for Social and Cultural Anthropology), the Max Planck Institute for Social Anthropology, as well as the Volkswagen Foundation (funding 9B343). I am grateful to George Baca, the two anonymous reviewers, the editors of the special issue and of the *Zeitschrift für Ethnologie* | *Journal for Social Anthropology* for helpful comments made on the draft.

unions fit into this picture? Arguably it has asserted itself as one of the most successful federations of the global trade-union movement and a ‘substantial player in the global labour market for seafarers’ (Lillie 2004:63). It rose to prominence in the 1990s and reached its most significant achievements through its campaign against flags of convenience at a time when de-unionization was spreading. The ITF illustrates an innovative form of unionism that has not been adequately scrutinized in order to understand the transnational seesaw movements of capital and labour movements. While capitalism is a global phenomenon, and while the left calls for workers of the world to unite, the global labour historian Marcel van der Linden (2008:261) rightly emphasizes that ‘cross-border [workers’] solidarity may seem logical, but in practice it is not’. In her famous research drawing on an extensive database of worker protests, Beverly Silver (2003) points to the challenges related to the spatial mobility of capital by showing that labour unrest in one country or in one industry often prompts corporations to relocate their activities elsewhere.

By relying on a unique system of transnational collective-bargaining agreements, the ITF found innovative ways of getting shipowners to show responsibility towards crew members working on board their ocean-going vessels. ITF inspectors are union officials who are engaged full time in working on the objectives of the Flags of Convenience (FOC) campaign. In each of their ports, ITF inspectors are able to fight for national and non-national seafarers sailing their way. Through its action, I argue that the ITF therefore illustrates a new instance of labour internationalism, defined as a

collective action of a group of workers in one country who set aside their short-term interests as a national group, on behalf of a group of workers *in [or from]* another country, in order to promote their long-term interests as members of a transnational class. (van der Linden 2008:259, emphasis added)

The ITF as an international federation stands out because the dominant type of trade union ‘evolved in symbiosis with the nation-state, which first contested and later protected their right to organize’ (Streeck and Hassel 2003:337). This is reflected in the literature on trade unions that overwhelmingly focuses on national trade unions (see for instance Lazar 2017). The ITF was created in London in 1896 at a time when the international trade-union movement was on the rise (ITF 1996; van der Linden 2008). Prior to 1945, labour internationalism was strongly associated with the Communist International and did not recognize the primacy of the liberal state and of parliamentary democracy. Seafarers and dockworkers were particularly active in revolutionary international trade unionism, notably through the transport workers’ section of the Industrial Workers of the World, founded in the United States in 1909 (Cole et al. 2017). While the ITF includes both left-wing and right-wing trade unions today, during the Cold War it had a clear anti-communist stance (Rübner 1997:82-87).² In

² After 1945, the ITF’s main political rival organization was the Red International of Labour Unions (founded in 1921 in Moscow), which became an instrument of Soviet foreign policy. The ITF became

western liberal democracies, progressive trade unions no longer aim to overthrow and replace governments through strikes. In return, states afford unions the right to strike 'in the context of disputes with employers and in pursuit of collective agreements on wages and working conditions' (Streeck and Hassel 2003:335).

Following the same pragmatic line, the ITF and its affiliated trade unions do not expect a radical change in the balance of power between seafarers and shipowners, nor the abolition of capitalism. Instead, the union leadership strives to establish legal and bureaucratic solutions to secure workers' rights. Similar to formal trade unions that emerged with the rise of Keynesianism and the welfare state, the ITF 'shares much with the progressive logics of capitalism itself' (Kesküla and Sanchez 2019:115). Following anthropologists, sociologists and legal scholars (Simitis 1987; Michel 2017; Kesküla and Sanchez 2019), who analyse the increasing mobilization of law to achieve justice by trade unions in the Global South and Global North, this article considers the successful political action of the ITF that is ingrained in its progressive orientation and bureaucratic work.

Responding to the rise of global supply chains, the growing importance of transnational companies and deregulation, workers and labour organizers have created new types of social movement and political activism based upon new practices and strategies for protecting labour rights in contradistinction to the emergent organization of capital in the form of global value chains during the late twentieth century.³ Anti-sweatshop activism, alter-globalization movements and corporate social responsibility strategies promoting the industry's self-regulation essentially bypass the traditional labour unions (Bair and Palpacuer 2012; Boltanski and Chiapello 2018, Chapter 7; Maeckelbergh 2009). These new forms of advocacy for workers are premised on the assumption that state regulation has given way to corporate self-regulation and that this therefore requires new types of collective political action to hold corporations accountable for their actions. Echoing these critiques, Richard Appelbaum and Nelson Lichtenstein (2016:4-5) argue that 'industrial tripartism is in decay', and that the three points of the triangle are no longer states, employer representatives and worker representatives, but rather 'the brands, their contract factories, and a set of largely Western NGOs that prod the corporations to improve labour standards and monitor the firms hired by the brands to inspect their factories and report back (to the brands) their findings'. Illustrating these understandings of labour politics, this article explores maritime labour politics with a focus on the ITF's most famous campaign against Flags of Convenience (FOC). The anti-FOC campaign of the ITF has been described as 'one of the most original, far-reaching and sustained ... in all world history' (Fink 2011:178). In

an affiliate of the International Confederation of Free Trade Unions (ICFTU) upon its foundation in 1949. The ICFTU was created to outflank the communist organization of labour movements across the world during the Cold War (Carew 1996).

3 On the relation between labour unions and social movements, see Lazar and Sanchez 2019, especially pp. 7-9.

the following sections, I consider how the ITF as a federation of national trade unions brings about global justice on the world oceans and whether their ingenious politics can be transferred to other industries on shore or are bound to stay in the offing.

2. ITF Politics Between Industrial Action and Legal Expertise

Topics in which new ITF inspectors are inducted ranged from wage calculations to the MLC, but also included tips and tricks for ship inspections and the use of the digital management system that allows ITF inspectors to upload their reports on their ship inspections. While there was an atmosphere of intense concentration in the classroom during the sessions, the organizers of the induction training also emphasized that ‘law is one thing’ but ‘trust and solidarity are the backbone of your work as ITF inspectors’; moreover, ‘you need connections in order to be able to efficiently conduct an inspection on board in your port’. The goal of the training at the London headquarters was for participants not only to improve their legal expertise, but also to get to know other ITF inspectors, as well as the support team at the ITF’s headquarters. Their future cooperation and communication would be critical in tracking ships moving from one port to another and in succeeding in their collective action, which necessarily takes place across borders. Although ocean-going vessels sail between and beyond different national jurisdictions, they are subject to the laws and regulations of the state whose flag they fly. Flag states confer their nationality upon ships by registration. The law governing labour and employment on board is therefore primarily the law of the flag state. When in a non-German port, a German-flagged ship is thus in an extra-territorial situation.

While an important part of the induction training is about international maritime labour law, this legal expertise was not presented as the only necessary skill: ‘Twenty lawyers speaking different languages could not replace us’, said one of the trainers. In order to transmit this know-how and practical skills best among ITF inspectors of different countries, induction training also includes a so-called ‘field training’, where new inspectors leave the London headquarters to accompany experienced ITF inspectors in their everyday work in a European port for one or two weeks. While the campaign against Flags of Convenience started in 1948, the first ITF inspectors were appointed in 1972 (Johnsson 1996:49). The formalization of the induction training and the tightening of the supervision of ITF inspectors occurred with time after their numbers and geographical spread increased. In 1989, there were 42 ITF inspectors based in 18 countries (Koch-Baumgarten 1997:283). In 2000, they were 120 in 40 different countries (ITF 2011). The number of ITF inspectors has remained relatively stable since then, as they are now spread in 54 countries (see Figure 1). At the same time, the legal team of the ITF seafarers’ department in London expanded as the number of legal cases involving the ITF increased.



Fig. 1 Locations of ITF inspectors. Source: *ITF Seafarers' Bulletin* 2021:4–5

Even though strikes organized by ITF affiliates are much rarer occurrences today, the success of the ITF campaign against Flags of Convenience was established first and foremost through major industrial action and labour stoppages in the 1980s and 1990s. Strikes took place not only in European ports where the ITF originates, but also in Canada, Australia or Israel. Given that strikes as a form of labour unrest that causes disruption to work are not legal everywhere, the ITF and its affiliated unions came under attack. Yet, ports are work settings where ‘a relatively minor malfunction, mistiming or interruption introduced at the right place and moment’ can bring entire operations to a standstill (Mitchell 2013:22-23). Given the growing importance of maintaining supply chains, strikes in a port thus have powerful effects akin to sabotage.

The ITF’s industrial action for seafarers mainly takes the form of ship boycotts in the port. By standing in solidarity with seafarers, port workers boycott ships at berth by preventing them from being loaded or unloaded, or from leaving. While seafarers certainly have the ability to go on strike, dockworkers in ports are much more numerous than the seafarers on board one ship. That makes it easier for them to coordinate and organize industrial action than seafarers, whose labour is atomized, fragmented and mobile. Ship boycotts thus exploit interdependencies in transportation production chains, applying leverage in one port to further the interest workers have in another part of the chain, or aboard ships at sea. Ship boycotts as a form of industrial action for ITF affiliates existed prior to the ITF campaign against flags of convenience (anti-FOC campaign). Looking at early boycotts instigated by the ITF-affiliated union in

Germany provides interesting insights into understanding ITF politics and the shifting demands for justice in the shipping industry. Until 1993, the German ITF affiliate was one of the big four ITF trade unions in terms of union members (Koch-Baumgarten 1999:507). The German trade union called Gewerkschaft Öffentliche Dienste, Transport und Verkehr, the Public Services, Transport, and Traffic Union (thereafter ÖTV), with its headquarters in Stuttgart, was the German ITF affiliate throughout its entire existence from 1948 until 2001. In 2001, the ÖTV was dissolved and a new trade union called Verdi (Vereinte Dienstleistungsgewerkschaft, the United Services Trade Union), which is still the only ITF German affiliate today, took its place.

Up until the 1980s, the ÖTV's main political goal for its seafaring members was to force their employers to apply the sectoral collective-bargaining agreements of the German shipping industry on board German-flagged ships. The two collective-bargaining agreements of the German shipping industry are the Manteltarifvertrag See (MTV See) and the Heuertarifvertrag See (HTV See). The first provides the recognized framework for the working conditions of seafarers in German shipping. The second addresses wage levels and is renegotiated at shorter intervals to make wage adjustments. While collective-bargaining agreements have been part of the German state's welfare tradition since the late nineteenth century, German labour law does not require employers to apply collective bargaining agreements (Kott 2014). Industrial action is therefore an important means to force employers to enter into collective-bargaining agreements (Hachtmann 1998:52). Once signed, these become legally binding for both employers and employees who are members of the institutions that negotiated them. In German shipping, this means the German Shipowners Association (VDR) and the ÖTV (later Verdi) respectively (Bubenzer et. al. 2015).

Until 1976, strikes on board German-flagged ships were repeatedly declared illegal. While freedom of association in the German Federal Republic is established by the Basic Law of 1949, for seafarers on board German-flagged vessels the right to strike was restricted when in non-German territorial waters. In order to bypass these restrictions and advance their political agenda, the ÖTV negotiated the boycott of German-flagged ships with no collective-bargaining agreement by non-German ITF affiliated dockworkers in foreign ports. From 1969 until 2003, the ÖTV (and then Verdi from 2001 until 2003) had a foreign office in Rotterdam which was instrumental in arranging such actions in the port there (personal interview). If their ship was boycotted in a non-German port, seafarers on board German-flagged vessels were technically not on strike. The right to strike was finally recognized as an acceptable form of industrial action on board German-flagged ships in non-German territorial waters in a judgement of the German Federal Labour Court in 1976 (ÖTV 1999:101).

Before flags of convenience spread across the shipping industry, ship boycotts among ITF affiliates were conducted by foreign dockworkers at the request of national trade unions (such as the ÖTV) on behalf of their members. To use the vocabulary of this special issue's editors, in that case the subjects of justice are seafarers and trade-union members. The agents of justice responsible for implementing a specific justice

regime and improving working conditions are the shipowners. And foreign dockworkers arranging a ship boycott could best be described as actors of justice concerned about their fellow workers. During this early phase, the normative touchstone of solidarity within the ITF was the protection of seafarers' existing national labour markets. By including seafarers employed on board German-flagged ships in German collective-bargaining agreements, the goal for the ÖTV was to strengthen the German labour jurisdiction and thus bring justice closer to the German shore. Coming back to the definition of labour internationalism by Marcel van der Linden cited in the first section of the article, in that case, dockworkers in a non-German port set aside their short-term interests on behalf of German seafarers. For ITF affiliates, ship boycotts abroad were another mean to pursue their own national labour politics.

3. Transnational Collective Bargaining Agreements for Seafarers

Once the possibility of conducting industrial action on German-flagged vessels eased after the legal decision of the German Federal Labour Court in 1976, flags of convenience spread throughout the German shipping industry and led to the massive layoffs of German seafarers in the 1980s and 1990s. During that period, German shipowners 'flagged out' their ships from the German registry to the 'open registries' of developing countries such as Liberia, Panama and the Marshall Islands. These 'open registries' are called flags of convenience because they allow shipowners to flag their ship in their flag registry without living in or being citizens of these countries themselves, which is not the case for the German flag registry. With one stroke of a pen, German seafarers were no longer working under German labour law, but under a different jurisdiction which made it possible to replace German seafarers with seafarers from the Global South at much lower wages. The number of German seafarers shrank from 50,000 in 1970 to 25,000 in the mid-1980s and 9,000 in 1999, while the number of ships in the German flag registry dropped from 2,342 to 535 throughout the same period, making up respectively 82% and then 13% of the German-owned commercial fleet's tonnage (ÖTV 1999:104). This type of massive unemployment typically led to the weakening of trade unions in the industries of the Global North: this is not what happened in the shipping industry.

By using flags of convenience, shipowners can sidestep the labour regulations of their own countries. The rise of FOCs in the shipping industry unleashed a race to the bottom in terms of wages and working conditions. Most of the 1.9 million seafarers sailing in the world's merchant fleet come from a handful of countries: the Philippines, China, Ukraine, the Russian Federation and Indonesia are the five largest supply countries for seafarers, which does not match the largest ship-owning countries (i.e. where shipowners are located) (BIMCO/ICS 2021). Most seafarers are now employed on a contingent basis by shipowners or crewing agencies. They suffer from major labour-

rights abuses ranging from delayed wages, or a lack of payment, a lack of shore leave, poor safety standards and abandonment. Fighting flags of convenience through ‘the establishment of a regulatory framework for the shipping industry’ has been the main target of industrial action by the ITF in recent decades (ITF 2011:10). If a ship is flying a flag of convenience, the ITF pursues industrial action by warning shipowners that if they do not agree to a collective-bargaining agreement with the ITF, they risk a ship boycott at any port in the world by any ITF-affiliated union.

ITF agreements apply to ships flying flags of convenience and are an integral part of the anti-FOC campaign. The effective recognition of the right to collective bargaining as a mechanism for setting labour standards, wages and working conditions is a fundamental workers’ right acknowledged by liberal democracies across the world (Appelbaum and Lichtenstein 2016). Collective bargaining agreements result from sectoral negotiations between employers and employee representatives. The organization of collective bargaining is in state hands and has binding effects on workers through the law governing their employment contracts. In comparison, ITF collective-bargaining agreements signed by ITF maritime affiliates and shipowners for FOC ships have no clear state patronage. With its system of collective-bargaining agreements, the ITF is using the language of formal trade unions, but ITF agreements are unilateral and therefore akin to private regulation (Charbonneau 2016:264). Their existence has been established through ship boycotts. In German ports, the massive layoffs of German seafarers during the 1980s and 1990s prompted solidarity from dockworkers and helped the ÖTV sign additional ITF agreements with ships flying flags of convenience (ÖTV 1999:105). ITF collective-bargaining agreements have been increasingly attacked in the courts since the start of the anti-FOC campaign (see Carballo Pineiro 2015, Chapter 5).

Through these agreements, the ITF forces shipowners to enter into collective bargaining with them and to agree seafarers’ wage scales and onboard working conditions. Signatory unions often negotiate ITF agreements on behalf of seafarers who are not their union members and who are most usually not residing in their countries. While the frame of reference for the HTV See to periodically negotiate the wage scales of German seafarers was other German workers, the wage scales in ITF agreements are minimum wage scales imposed unilaterally by the ITF. When signing ITF agreements, shipowners pay membership fees to the signatory union, as well as social contributions to the ITF welfare fund. In exchange they are issued with an ITF certificate, which counts as a guarantee that the ship will not be boycotted. As one ITF inspector put it: ‘We are not collecting membership fees from seafarers, we are collecting fees from companies.’ In the ITF agreements I could see, the yearly contribution paid by the shipowner ranged from USD 1000 to 5000 per ship. These contributions finance the anti-FOC campaign and the positions of the 120 ITF inspectors.⁴ The ITF is the only

⁴ The allocation and redistribution of financial resources from ITF agreements have generated important controversy and competition among ITF-affiliated unions (Koch-Baumgarten 1999).

trade-union federation funded by both membership fees and employers' contributions (Koch-Baumgarten 1998:388).

Today more than 72 per cent of the ships are registered under flags of convenience, one third is covered by ITF agreements (UNCTAD 2021:35, ITF 2011). Since 2010, ITF agreements have relied on the concept of the beneficial ownership of the vessel, with the assumption that the country where the beneficial shipowner is located is also the country where the trade union will be most effective in negotiating an agreement (ITF 2011). This means that ITF affiliates in large ship-owning countries are the ones signing most ITF agreements, even though these are not the countries where most seafarers are from (as I explained above). Out of the 13,400 ITF agreements currently in force, around 1,500 have been signed by Verdi, according to my interview partners. This makes Verdi one of the ITF affiliates with the most ITF agreements, but it is no longer one of the ITF affiliates with the most members, as used to be the case until the 1990s. Verdi representatives are also present in the strategic ITF Fair Practice Committee, deciding on a yearly basis which flag state registries are Flags of Convenience and should be targeted by the ITF anti-FOC campaign.

Since 2003, the main global collective-bargaining institution for shipowners and seafarers has been the International Bargaining Forum (IBF). Prior to that date, ITF unions negotiated collective bargaining agreements unilaterally with individual shipowners. Every two years, the ITF now negotiates an IBF Framework Agreement with the International Maritime Employers' Council (IMEC). This Framework Agreement is then used by affiliated unions to sign ITF agreements with shipowners who are IMEC members. Upon signing IBF-ITF agreements, shipowners are issued with a green certificate, while for other standard ITF agreements shipowners are issued with blue certificates. In 2024 the IBF wage is USD 1,700 a month for an able-bodied seafarer, who is fully trained but also the lowest ranking seafarer on board. According to Nathan Lillie, the IBF is the 'only well-developed example of union-driven transnational wage bargaining coordination covering large numbers of workers' (Lillie 2006:39). At the moment, 308,000 seafarers are covered by ITF agreements (ITF 2011). Three-quarters of these ITF agreements are IBF-ITF agreements. Yet, the ITF anti-FOC campaign is a rare instance of labour internationalism where employers have accepted engagement in serious transnational collective bargaining.

With the entry into force of the MLC in 2013, the work of ITF inspectors and their legal scope for action improved dramatically. When an ILO Convention enters into force, it becomes binding international law for the countries that have ratified it. The legal requirements for the entry into force of the MLC were described as particularly stringent compared to other ILO Conventions (McConnell et al. 2011:3-4):

This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent. (Article VIII of the MLC)

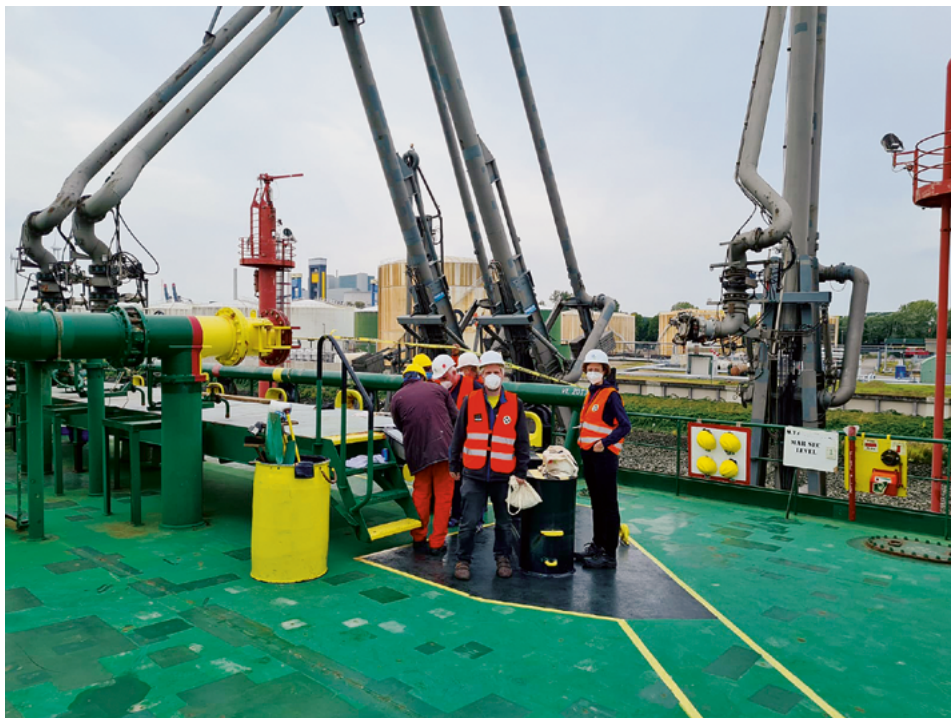


Fig. 2 On board an oil tanker during the ITF week of action in Hamburg in 2022. Photo: Luisa Piart, September 2022

The MLC has been widely ratified, an important exception being the United States of America. In cases where seafarers do not have an employment contract or have not been paid accordingly, during their on board visits (see Figure 2) ITF inspectors can now appeal to port state authorities in order to detain their ship. ITF agreements as such are not recognized by the MLC, but according to the MLC, seafarers should be paid according to their employment contracts, which may be included in ITF agreements. The MLC thus broadens the range of options available to ITF inspectors in their daily inspections more than it undermines it.

Conclusion

Workers' struggles for decent working conditions are often conducted against all the odds. This article considers the ITF and its affiliated trade unions to be progressive 'political bureaucracies' maintaining permanent tensions between industrial action and administrative work (Kesküla and Sanchez 2019). Seafarers aboard moving ocean-

going commercial vessels provide an interesting case through which to consider the transnational dimension of labour struggles and the possibilities of cross-border social dialogue along supply chains. National labour laws recognize the role of labour in the economy and seek at once to emancipate workers from their relations of subordination to their employer and to ensure that the economy functions for the common interest, as identified by representatives of capital and labour. In this sense, following the legal scholar Ruth Dukes (2019), I consider labour law to be a distinct body of law resting on the assumption that the straightforward application of private law rules in employment relations would result in inequalities.

Transnational companies increasingly operate across borders, and the global dimension of social justice is a keenly felt necessity (Appelbaum and Lichtenstein 2016). The ITF anti-FOC campaign illustrates the positive aspiration of trade unions to represent seafarers transnationally and mobilize the law to achieve justice amid political disillusionment. The spread of flags of convenience is a legal loophole that removes seafarers' rights from state protection. The anti-FOC campaign is an innovative strategy that generates new forms of labour rights that are not strictly under a single state's responsibility.

The metaphor of the *offing* has afforded me the means to consider these changes. In contrast to earlier forms of labour internationalism committed to utopian or radical politics, the ITF is not dismantling the FOC system, but engaging with it pragmatically. While the working environment of ocean-going vessels is highly racialized and dominated by large corporations, the ITF instantiates a hopeful interpretation of labour internationalism on the one hand and the power of maritime workers on the other.

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