

PRACTICES

# The Importance of Autonomy in the Port City

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ABSTRACT

The port cities of Costa Rica face strong challenges on their path to be sustainable, in addition to those common to all port cities in the world such as: climate change, demands derived from globalization, access to technology and adjustments to innovation. This article addresses specific governance situations, specifically the issue of autonomy in fundamental institutions for the development and sustainability of port cities: local governments, port authorities and state universities. Costa Rica is taking a political turn away from a long democratic tradition and respect for what is established in the political constitution. At this juncture it is essential to alert to citizens, so that they can defend some nation basic principles and to promote inherit a better future for the next generations.

KEYWORDS

*Costa Rica; Port Cities; Autonomy; Governance; Democracy*

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FIG. 1 Young man in front of a cruise ship, ©Johnny Aguilar.

## The Importance of Autonomy in the Port City

A port city requires, for its development, institutions that meet the objectives for which they were created. Municipalities or local governments, port authorities and even universities are part of them.

Each of these institutions was conferred, from the Costa Rica Republic Political Constitution, the fulfillment of community obligations, each choosing the appropriate form and procedure, in accordance with the national legal system. However, today we find out in Costa Rica a strong threat to the autonomy exercise of these institutions, and at the same time, a tendency towards state authoritarianism that, ultimately, puts at risk the proper functioning and achievement of the objectives of these institutions, to the detriment of the services they provide to citizens.

The transformation in the exercise of political power that we see today in Costa Rica, precisely in the year of celebration of the Bicentennial of the Spain Independence, does not seem to be only a product of the decisions of the current president. Some theorists agree that this type of authoritarianism could have been enhanced by the COVID-19 pandemic. For example, Slavoj Žižek<sup>1</sup> argues that this state authoritarianism stems from the strong blow that COVID-19 has given to capitalism, meanwhile

<sup>1</sup> Slavoj Žižek, *Pandemia: La covid-19 estremece al mundo*, trans. Damián Alou (Argentina: Editorial Anagrama, 2020).

Byung-Chul Han<sup>2</sup> supposes that, due to the pandemic, the Democrat states will mutate towards one digital authoritarianism.

It is likely that these authors are correct in some points of the problem, and I am not going to delve into that. But what happens here seems very particular.

In this short article, we will see three examples of a political nature that have affected, are affecting and will affect, the development of the port cities of Costa Rica, and the country in general.

## A port authority violated

We summarize what has happened in the last three years with JAPDEVA (Port Administration Board of the Atlantic Slope) as the port authority in Costa Rica Caribbean ports.

As a background, we can point out that the creation of JAPDEVA, in 1963, was made to decentralize functions of Transportation Ministry. Decentralization implies transfer of ownership and the exercise of specific and exclusive powers from the Greater Public Entity (State or Central Public Administration) to the Lesser Public Entity (Decentralized Public Administration).

Law JAPDEVA No. 3091 establishes in its first article, the following:

The Board of Port Administration and Economic Development of the Atlantic Slope, hereinafter called JAPDEVA, is created as *an autonomous entity of the State*, with the character of a public utility company, which will assume the prerogatives and functions of the Port Authority. It will be in charge of building, managing, conserving and operating the current port of Limón and its extension to Cieneguita, as well as other maritime and river ports of the Atlantic slope [...].<sup>3</sup> (italic is not from the original)

The Political Constitution of Costa Rica establishes in its Article 188 that, "The autonomous institutions of the State enjoy administrative independence and are subject to the Law in matters of government. Its directors are responsible for its management."

From the above, all the powers of the State, in more than fifty years, were clear of the competences that the law grants to JAPDEVA as Port Authority, and of its powers of empire. However, at the beginning of 2019, Transportation Minister on duty, was unaware of the Political Constitution and, with the backing of the executive branch, it was assumed as the

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<sup>2</sup> "Byung-Chul Han: Viviremos como en un estado de guerra permanente," *La Vanguardia*, May 12, 2020, sec. Cultura, <https://www.lavanguardia.com/cultura/20200512/481122883308/byung-chul-han-viviremos-como-en-un-estado-de-guerra-permanente.html>.

<sup>3</sup> "Ley Orgánica de la Junta de Administración Portuaria y de Desarrollo Económico de la Vertiente Atlántica," No. 3091, (1963).

National Port Authority.

This intervention caused the closure of JAPDEVA's port operations, the dismissal of more than 60% of the employees, the technical failure of the institution, and great damage to the socioeconomic stability of the port city of Limón.

"Limón is drowning in unemployment and insecurity" says the headline of one of the newspapers with the highest circulation in the country.<sup>4</sup> And it does not seem to be an exaggeration, because in addition to the aforementioned social situation, the problems related to drug trafficking, a shortage of basic services and the deterioration of infrastructure have worsened. In addition, with the arrival of COVID-19, a large number of companies of all kinds were closed: hotels, logistics services and more.

Unfortunately, the illegitimate action carried out by the MOPT damaged JAPDEVA's autonomy and caused it damages that could not be repaired. In addition, it also created damages to the port community. For example, the fact that companies such as Dole and Chiquita have stated that they have been forced by the Government to transfer their operations to a private terminal, whose services have higher costs. It seems that they do not measure the impact of such actions on international trade.

The socioeconomic situation in Puntarenas, on the Pacific coast, is similar in several respects. In both cases we find monopolies of private port operators, quite concentrated in the development of their business, but without high standards of service to foreign trade.

## **The struggle of local governments**

In the first days of this year, the Executive Power presented project No. 21336, of the Public Employment Framework Law, to the Legislative Assembly. Since then, there have been academic and political debates about the possible effects of its application. Legal experts consider that among the greatest evils it could bring is the elimination of democracy, as we have known it for more than 60 years. This project aims to eliminate the distribution of power given by the Political Constitution to autonomous institutions (local governments and universities, among others), and centralize it only in the Executive branch.

Municipal autonomy has its origin in the representative character of being a local government, in charge of managing local interests and, therefore, municipalities can define their development policies, plan and agree on action programs, independently and with the exclusion of any other State institution; power that also entails being able to dictate its own budget.

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4 Greivin Granados, "Limón se ahoga en desempleo e inseguridad," *Diario Extra*, August 31, 2020, <https://www.diarioextra.com/Noticia/detalle/427587/lim-n-se-ahoga-en-desempleo-e-inseguridad>.



FIG. 2 Municipal Building of Limón, ©Johnny Aguilar.

This municipal autonomy implies:

- Free choice of their own authorities.
- Free management in matters within its competence.
- The creation, collection and investment of their own income.

Port cities, both in Costa Rica and throughout the world, require freedom in their fundamental decisions; in investment policies, setting plans and programs, because in all of them, the will of the community is expressed, and this can diverge from that of the Government of the Republic and even contradict it.

In recent weeks, local government workers have held protests onto the streets and mayors have met with deputies, to prevent municipalities from being included in said bill. However, political pressure from the Executive branch seems to be giving less and less hope to local governments.

Limón, Puntarenas, Quepos and other port cities yearn to preserve their autonomy, and I have no doubt that they will fight to defend it.

## University struggle

Law Proposal No. 21336 Public Employment Framework threatens universities and their autonomy, because it conflicts with the democratizing conceptions of the public university. This project has a line of extreme capitalism that seeks to reduce the universities to the training of professionals useful to their objectives, considering the training of critical thinking and social mobility as something that exceeds its conception.

Today, a small group that holds economic power and directly administers the State has modified the notion of what is public, only representing the interests of this new oligarchy, and the interests of the vast majority have



FIG. 3 Hands with flags<sup>5</sup>

been expelled from the public sphere; among them, the conquests of labor and social rights.

Public universities, with a strong presence in the port cities and coastal areas of Costa Rica, express great concern for the future of their social outreach projects, researches and, even to be sustained, their academic offerings.

Universities in Latin America have known how to defend their autonomy. Countries like Uruguay, Chile and Argentina are good examples of how critical thinking does not generate crossed arms.

### Single actor governance?

When we speak of governance, we speak of a concept that refers to changes in socio-political systems; particularly to democratization and decentralization processes.

The authoritarianism of the State that is emerging in Costa Rica is completely contrary to the Sustainable Development Goals -ODS that, with very challenging goals, commits local and national governments to open a path of opportunities for port cities; expand their development models

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5 Silhouettes of People Holding Flag of Costa Rica. Image digitally intervened by UNED from the work of Raw Pixels. Original extracted from <https://www.shutterstock.com/es/image-photo/silhouettes-people-holding-flag-costa-rica-250811686>

to achieve inclusion, sustainability, diversity; transform cultural enclaves and; achieve the economic well-being of their populations.

Port cities are at the forefront of many processes of global change: in trade, innovation, technologies and education; so they can become attractive investment centers and regional leadership.

Port authorities, local governments and universities are important actors in the governance processes of port cities, but if the public employment bill were to be approved, these actors would disappear from the scheme, and a two-actor governance model would probably emerge: The centralized state and transnational companies.

In the three years of the current government administration, we have seen Costa Rica's democracy fade, but in the last year that includes the COVID-19 pandemic, the acceleration of phenomena, which had already been occurring, has been remarkable: on the political level, shaping of a democratic dictatorship; in the economic plane, neoliberal authoritarianism and; on a social level, strong mobilizations and the formation of resistance groups.

The current scenario does not promote best practices for the sustainable development of port cities, but hope is not so easily lost. The project has not yet been approved and something could happen, through dialogue and protest, that enlightens and sensitizes the deputies of the Republic, to act for the good of the nation.

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