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THE PORT AS A TERRITORY: AN EXCEPTIONAL SPACE OR A COMMON GOOD? DISCUSSING DEFICIENCY IN PORT GOVERNANCE

El puerto como territorio:
¿un espacio excepcional o un bien común?
Discutiendo la deficiencia en el gobierno del puerto

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ABSTRACT

For the past twenty years or so, the global harbour space has undergone a real transition. The management model of the "Landlord port" has gradually stood out as the dominant model of harbour management in the world. In many countries, the State grants terminals to private operators and transforms the status of Harbour Authorities. They still pilot the port development strategy but lose their functions in port operation. This backward move of the State places the harbour space in a paradoxical situation, between missions of general interest and the defense of private interests. Can we still consider the port as a common good? Two visions on this community can be expressed: an economic vision and a civic vision.

PALABRAS CLAVE: Harbour management, harbour governance, public policies, common good.

RESUMEN

Durante los últimos veinte años, el espacio portuario ha sufrido una verdadera transición. Poco a poco, el modelo de gestión conocido como «Landlord port» se impone como modelo dominante de gestión portuaria en el mundo. En varios países, el Estado concede los terminales a operadores privados y transforma el estatuto de las Autoridades Portuarias. Estas siguen siendo los pilotos de la estrategia de desarrollo portuario, pero pierden toda prerrogativa en materia de explotación. Este retroceso del Estado coloca el espacio portuario en una situación paradójica, entre misión de interés general y defensa de intereses privados. ¿Todavía podemos considerar el puerto como un bien común? Dos visiones de esta comunidad pueden ser enunciadas: una visión económica, una visión cívica.

PALABRAS CLAVE: Gestión portuaria, gobernanza portuaria, políticas públicas, bien común.

INTRODUCTION

For the last twenty years, the global port industry, like many other sectors, has dealt with an in-depth reform movement largely inspired by liberalism. It aims at changing a governance model based on the omnipresence of the State at all decisional levels. The port as an entity, but also a space and a territory, was conceived on two principles (Abbes & Guillaume, 2008):

- The inalienable character of the maritime public domain¹
- The search for general interest through the exercise of public service.

The course to competitiveness led many countries to overlook the second principle and promote the implication of private enterprises in port exploitation. However, this liberalisation is not privatisation. The reform did not erase all the monopolistic practices against which it pretended to set up. Finally, this new model of port management, also called “Landlord port”, establishes in many cases a hybrid organisation, not to say confuse (Guillaume, 2012), in which institutional and private spheres coexist with more or less success. We suggest in this paper that this process has created tension in many port spaces. If the concurrence imposed by liberalisation can correspond to the imperative of competitiveness ruling the first rank ports at a global scale, we point another reality for the medium ports, where there is often only one terminal to concede per type of traffic. In many cases, the reform has transformed a public monopole into a private one. Indeed, the model of the “Landlord port”, adopted by most of the ports in the world, presents the risk of new “levels of conflicts”, of multiple natures and origins. To apply a universal model of port management denies both the local specificities and the nodal complexities. We argue that the port as a territory is a particular common good that requires adapted

¹ Domaine Public Maritime (coastal state-owned lands).

governance. This paper does not offer a synthesis of the impacts of port reforms at a global scale but aims to enlighten some of the problems raised by this new “universality” in port management. Whilst reviewing literature, we base our analysis on a series of interviews conducted in several medium European ports: Nantes-St Nazaire in France, Genoa and Naples in Italy and Vigo and Bilbao in Spain.

We will briefly present the “Landlord port” model. We will then analyse the three dimensions characterising the exceptionality of the port; exceptionality that is, according to us, the source of the problems of governance. We will finally reflect on the difficulty to define and delimitate the perimeter of the port community, which is a localised relational system upon which rely the efficiency and the performance of these logistics interfaces.

I. CHARACTERISING THE “LANDLORD PORT”

The model of the “Landlord port” was first described and promoted by the World Bank in 1992. It was then defended by all the major international institutions and influenced slowly most of the port reforms in the world in the 90s and 2000s. This model of management creates a port in which land and regulations are public with infrastructural investments depending of the State, while equipment investments and operations management are led by the private sector. This organisation corresponds to the movements of liberalisation, deregulation and privatisation of economic activities and corresponds to the evolution of western economies for the last thirty years.

Table 1. Four models of port management

Port Models	Infrastructures	Superstructures	Operations	Other Services
Service Port	Public	Public	Public	Public majority
Tool Port	Public	Public	Private	Public/Private
Landlord Port	Public	Private	Private	Public/Private
Private Port	Public	Private	Private	Private majority

Source: World Bank 1992

In the “Landlord port” model, private operators invest port management and governance as their representatives are now part of the port authorities. Such a mutation in favour of the liberalisation of market services is recommended to mainly try to solve one of the major problems of the development of the port: the investment of capital, colossal, especially when it seems that the State cannot assume it alone in this period of public finance crisis. By leasing to private companies the management of superstructures and workers, the State “externalises” a consequent financial charge. At the same time, it avoids complex problems inherent to the definition of economic strategy of the port and the social questions associated to it.

With nuances between ports and countries, the “Landlord port” seems to globally impose its main characteristics in the world. This model has been applied in the countries we have investigated. The idea behind the diffusion of this model is to encourage the State to pull out of all direct participation in operations to concentrate on regulation. The State keeps its prerogatives in terms of planning. In Italy, the Ports General Direction, referring to the Department of Infrastructure and Transport, is the inevitable organ for planning, decision-making and development of the port, but all the operations are now private. In Spain, the public agency *Puerto del Estado* controls and arbitrates the funding of the ports but does not intervene in operations and planning. France does not have such a decentralised agency. However, the energy sector stays a public domain of intervention. In many cases, the planning and operations of new terminals stay under public control, through participations in companies that are concessionaires, such as Total or GDF Suez in France, Petrobras in Brazil or Repsol in Spain, etc.

In Europe, this movement is heterogeneous and marked by national specificities. However, a few key reforms have transformed the State, manager of port infrastructures, into a State manager of a space on which operations are transferred to private operators, *via* different forms of concession or delegation. This is a movement conform to the process of liberalisation of services, in particular of transport, the European Commission wanted.

We suggest that this type of organisation presents several limits. This is demonstrated by the difficulties and the recurring conflicts marking the performance of ports in the countries we have studied (Foulquier, 2008). We see three main reasons to explain the deficiency of the present port governance and its decisional system.

II. THE THREE DEFICIENCIES IN PORT GOVERNANCE

1. When “port authorities” lack authority

One of the general consequences of the port reform in Europe has been the redefinition of the role and operational modalities of the port authority (PA). This public organism is created by the State to regulate the port. The port authorities claim a “democratic” organisation with a chairperson named by the institutions in charge of the site, which is often the State, but can also be the regions when the port is decentralised (France), or the Autonomous Communities for the ports of general interest in Spain. To make strategic decisions concerning the development of the port, the chairperson leans upon a joint “administrative council” made up of representatives of the institutions in charge (State, Regions), of other local authorities, of professional categories working in the port and of employees and dockers. It is a joint organ that claims to be democratic: each representative has a voice and decisions are made by the majority. The chairman of the PA has the role of piloting port governance, *i.e.* facilitating debates between all parts of the port administrative council in order to elaborate a consensus towards the adoption of rules and procedures in favour of the development of the port.

However, the efficiency of this organisation is very uncertain. Indeed, port democracy faces quite a difficulty: if the PA is in charge of elaborating the guidelines for the development of the port based on a consensus, it does not have the financial means to implement these deliberative decisions. They require funding from the State or from a national funding agency to be concretised. In other terms, the Port Authority does not have financial autonomy and therefore has no decisional autonomy. Several interviewees even

feel that the authority of the Port Authority stops at its name. In reality, this entity cannot implement the decisions about the investments considered to be necessary for the good operation and development of the port. The port has its administration decentralised but the decision body (and the strategic running) stays centralised.

We can associate this issue with one of the strangeness present in the institution of the PA. It is quite remarkable that the State has kept everywhere the property of the land... Why was this not transferred to the PA? We suggest that in this period of fiscal drought, the State sees it as a way of securing resources it will use for something else. When it keeps the ownership of the maritime public domain, it seems that the State wants not only to avoid the difficulties linked to the management of port activities, but also make the most of the maritime public domain – this is surely the reason it conserves it. The State, when it keeps the control of the land – this is the case nearly everywhere, except in England –, seems to conceive the territory and the space of the port not anymore as a **public good** which planning should reflect the **general interest**, but as an **annuity** to be maximised, that would result in large funds used outside the port sector. It would be necessary to confirm this hypothesis by comparing term by term and port by port, all the receipts generated by the ports and the operation and investment budgets allocated to them. In Italy, a port like Genoa estimates the receipts generated around 70 millions euros while its budget varies with the years and depends on the good will of the State².

This level of discretionary funding explains quite well the difficulties the “Latin” ports encounter to improve their port infrastructures [...]

2 In 2008, Genoa Port has received a budget of 68 millions euros, coming from a) the income of its assets (concessions lease: 33 millions) and b) from State subventions (35 millions coming from the transfer of taxes perceived by the port). This way, most of the taxes perceived by the port (several billions) are seized by the State... On the Port Authority side, they estimate that a budget of 220 to 300 millions would be necessary to develop proper planning.

2. The perimeter of the Port Authorities: the port interface and the problems of territorial and institutional scales

Besides the financial question, the PA has another difficulty linked to the reticular nature of the space that is insufficiently thought and taken into consideration when composing the governance bodies. We will discuss here the maritime and terrestrial accesses – we will concentrate mostly on the second – and the function of interface the port has. The port is always in between, a hyphen between several worlds (maritime and terrestrial) and transport systems (maritime, road, rail). The port (like the airport) constitutes the nodal point in a system of connections that links continents together. More than any other economic entity, it creates value, torn between its territorial anchorage, fatally local, and its national, or even continental, connections. A port cannot be thought as a point. It is a node connecting the multiple threads of a connecting network. A good operation of the whole logistic system depends on the port, but the contrary is also true. This is why we should talk about a **port-and-logistics system**. This system must be conceived at the regional, and even trans-regional, scale, especially in the countries that have a strong regional autonomy, and under the support of the central State that must contribute to both regulation and funding of the infrastructures connecting the port. Indeed, no matter how efficient the port is, if goods cannot quickly get in or out of the port, the whole system will collapse. One of the conditions of success for the mission of economic regulation given to PA leans upon the quality of the connections between the sea, the port and its hinterland. We question here the importance of the port and terrestrial services, the modernisation of the “inter-modal corridors” serving the ports and the construction of infrastructures outside the port, such as retro-port or advance port, that are at the core of the fluidisation of exchanges.

If we leave apart the maritime side, the corridors raise large problems on the terrestrial side, as the Port Authority has no legitimacy to step in the regions next to the port where are **located** the

corridors connecting the port to the rest of the country and to the continent. This is looked after by other institutional actors such as the States, local authorities or other actors in transport (road, rail or fluvial). Also, in many cases, ports close to each other are managed by different port authorities that do not coordinate their decisions, even if the idea of “coopetition” (inter-port cooperation in a context of competitiveness) slowly emerges within the institutional debate (Lacoste & Gallais, 2012). It is worst when they try to think together about port services: there is no entity that joins all the parties engaged in the trans-regional port-and-logistics system. The Port Authorities function in a vacuum, within their state-owned perimeter while we know that inter-modal corridors can concern several ports of a same coast, and should be adapted and financed by several local and regional authorities in the same trans-regional level. They should participate to the deliberation led by the Port Authority about operation and accesses. This is not the case and it needs to change...

Without mentioning the financial autonomy, this explains why several changes are required. First, while still conducting an integrated management of its maritime coasts³, the State should transfer certain prerogatives to the regions, or even better, to some **federation of regions** that are concerned by the traffic in ports. It is the logic pursued by the French port reform when it institutionalises inter-port cooperation (Lacoste, 2009). However, can a system based on relationships be imposed? It will surely take many years before such a culture of cooperation works. In some ports, people evoked the examples of Bremen or Hamburg where ports depend on both the cities and the *Länder*. Others mentioned Antwerp or Rotterdam where the local authorities decide the future of the ports. But we argue that the specificities of these ports should be first taken into consideration. They are implanted in smaller countries than the ones we studied and where the maritime space and the number of international ports is less important while the place

³ Such as the French Atlantic coast or the Spanish Atlantic Coast.

of the port economy in the national GDP is higher in Netherlands or in Belgium than in France, Italy or Spain... We can conclude that if there are divergent opinions concerning the optimal level of governance – the representatives of the local authorities promote local governance –, it clearly seems that port management must be extended beyond the port domain.

Reforming the juridical status of the Port Authorities is also a solution mentioned, especially in Italy. The idea is to convert the public status of the PA into a private one like a corporate company. Such a reform would free the PA from the heavy decision-making procedures linked to the public guardianship. PA has to be more flexible, reactive and able to answer the needs of their operators and their market... PA must be more in phase with them. Administrative times do not correspond to business times.

These propositions elude the superposition of guardianships on the port which is one of the problems and source of many conflicts often evoked by the people we met. Between PA, Maritime Law, Business Law, Health and Safety Authorities, customs, etc... the management of a port deals with multiple micro-regulations. The creation of a private Port Authority, integrating new actors such as the representatives of the local authorities concerned by the port-and-logistics system mentioned earlier, may not erase this complexity. With the questions of fiefdoms, the power relationships between local and national authorities, always contaminated by electoral issues, the conflicts of interest between regulating actors and companies' representatives who have an interest in both sides, one understands that port governance is a challenge, complicated again by another difficulty...

3. The democratic illusion?

We have presented earlier the composition of the bodies of port governance. We mentioned that they should be extended to other territorial authorities and other ports concerned by the same inter-modal corridors in order to consider the port-and-logistics system at

a right scale. Doing so, we question the perimeter of the port community. Who plays a part in the port operations and development? By analysing the composition of the regulation bodies of the PA in the countries we studied, we realise that the law-makers wanted to give a place to public authorities, to enterprises' representatives, and to employees' representatives via trade unions. We can question if this implicit definition of the "port community" is a good one. We suggest that it is not. Beyond problems of representations of all the sectors of activities involved in the port directly or indirectly, one actor, the civil society, is missing. It is yet the entity that embodies the **general interest**. We discuss here the "acceptability" of port infrastructures, a more and more recurring subject in the public debate, especially when the coastal space is sought-after by many other activities.

Under the pressure of environmental demands by the civil society, the tasks of the port authorities must now take into consideration environmental constraints. Since the signature of the Aarhus Convention in 1998, a public consultation must be organised before any planning operation in most of the European countries (Mercadal, 2009). The ports have to deal with this new form of democracy. They are caught between a search for economic development and the industrialisation of port activities and the necessary respect of the environment. A new mission is therefore attributed to the Port Authorities: they must privilege "sustainability" in their development plans, and integrate the ecological and environmental constraints in their discussions in order to develop projects acceptable for most. We can then wonder if the exclusively "managing" culture of the PA allows them to assume the double challenge of sustainability and acceptability.

We can doubt it. We saw that the PA must first optimise the land annuity of the State, i.e. maximise the use of the port zone, first through the lease of concessions and then by guarantying high tax revenue by selecting the "best operator" for each concession. Creating and securing jobs is another implicit mission given to the ports, in order to fulfil the presumed needs of the local population.

The PA, via tenders, will have to prefer the operator that offers the best “company plan” concerning the engaged investments, the provisional turnover and the number and durability of jobs. The indicator of “sustainability” is never mentioned as a criterion to select the offers... This is probably because there is no actor within the decision board of the PA to explicitly defend the territory or the space itself, with no other objective than the preservation of its intrinsic value as a natural space, outside its utilitarian use... The opening of the administrative board to representatives of national or local authorities did not change to doctrine of the PA on governance. Employment and economy are the only interests defended. Sustainability is rarely present in the discussions. It is still only a rhetorical and vague idea. Implicitly, we question here the notions of “port community”, general interest or “common good”, and as a consequence, we interrogate the democratic process in port governance. Two visions of the notion of “port community” can be confronted and they will determine the future of this democracy.

III. PORT COMMUNITY AND COMMON GOOD: ECONOMIC COMMUNITY VS. CIVIC COMMUNITY

1. Reference to the notion of port community

The notion of port community is often referenced in debates on ports. It refers to the human dimension and the sociological reality of maritime ports (Baudez, 1988; Baudoin & Collin, 2006; Zallio, 2007). This ‘port humanity’ is heterogeneous, composed by individuals who have different jobs and social status but are united around a common interest: the development of activities in the port they work for. The port community is not the port authority. It is neither a social class nor a corporation. Jacques Guillaume underlines how it inscribes itself within three fields of actions: **an operational field** that is technical and connected to workers’ jobs; **a relational field** that is tactical and associated to the control of

the logistic system; a **decisional field** that is strategic and linked to the development of the port (Guillaume, 1996). Referring to the notion of port community brings us to two types of analysis.

The first one presents the dynamic of relationships between port actors as a factor of performance. Port transit necessitates the coordination of agents around nautical, logistic, embarkation and disembarkation services. The efficiency of the passage through the port and the capacity to satisfy a demand depend on the fluidity of the transit and the quality of the different services. The proximity between very different jobs shapes an organisational reality that is more or less performing and able to produce more or less value, not only in terms of financial but also social capital. The port community is therefore a relational system localised and also productive (Fabbe-Costes, 1992; Guerin, 2000; Fredouet & Lemestre 2005; Fassio & Lemestre, 2009; Cezanne & Saglietto, 2011). This community inscribed itself in a place and a site: the port, and is declined into several decisional spheres whether they are formal or informal and institutional or not. Concerning the non-institutional forms of decisions, these spaces of negotiation, these “scenes” of governance can be associated to circles, clubs, associations, unions, in which sit initiated actors coming from the business world and where people try to influence the institutional decision. The most active members of these networks are often also members of the different boards of the “port authority”.

Without neglecting the economical benefits from the professional practices of a particular port community in a particular territory, the second type of analysis focuses on the cultural and social dimensions contained in this notion. The ecology of maritime ports shows the specificities in the relationships coastal people have with space (Vigarié, 1979). We refer her to places, to people who work and live in these places. This may be more about heritage than capital here. This approach aims to reveal all the influences that shape a “sense of place” we call “maritimisation” in the case of maritime ports. The perimeter of the community is then largely extended. It is inscribed in a space shaped by an alternation of

development and crisis cycles a port encounter while perpetually adapting to the global system. This community goes beyond the sphere or the club by including neighbours, residents and citizens. It is shaped or unshaped depending on the nature and intensity of the processes and the degree of mobilisation of the population concerned at a certain time. Because this community depends more on circumstances than structures, its identification is based on empirical data and leads to a monograph or a photograph. It is not about understanding a system to calibrate the model, but about evaluating the degree of influence maritime and port activities can have on coastal societies. This conception of the communitarian process mobilises others notions, such as the “sense of the sea” (Peron & Rieucan, 1996), acceptability, legitimacy or “levels of conflicts”. By replacing the social link at the heart of the territorial production, this acceptance of the term community aims to express both the complexity and the fragility of the port. It is complex because it is deeply marked by economical processes and fragile because largely determined by its human dimension.

The people we met during this study mentioned these two definitions of the notion of community. When we asked “*How would you define the term of port community?*” and “*What definition would you give of the port common good?*”, the interviewees vacillated between the two visions we described.

2. Economic community

In the first case, the community includes all the economic operators present in the port who preside over the port development in collaboration with the port and territorial authorities. Their concern is purely economic: it tends to concentrate on the improvement of port services, the increase of facility spaces, the development of turnover and employment. The common aim of these actors is to constantly increase the traffic, to host larger boats (14000 ETU as against a maximum of 6000 at present); to increase the depth of the docks; to internationalise terrestrial traffics in order to gain

some markets shares over ports in the North, the model being here Rotterdam, Antwerp or Hamburg.

The **common good** is then defined in terms of economic wealth generated by the port for the operators and also for the society in general *via* 1) taxes and 2) jobs, *i.e.* direct and indirect employment created by the port economy. Such an approach is shared by both employers' representatives and unions. In this approach, the actors outside the port, such as local inhabitants, are represented in the port exclusively *via* the representatives of the local authorities they elected. We assume that the political representatives do "represent" well their electors. It is the "institutional" community... The environmental issues, or to be more specific, the environmental damages inherent to the development of the port and its hinterland, are not evoked or considered as inevitable; they can be managed through procedures for compensation by mutual agreement, on the basis of ownership rights. The notion of public space and public good is ignored and denied.

Apart from the environmental aspect, the governance of this community, even if limited to the economic concern, is still problematic for several reasons. First, as revealed spontaneously in the interviews, the "port community", even restricted to a group of economic operators ready to find a compromise around a solution, does not exist. It is quite a frequent opinion. Even for the representative of Confindustria in Italy for example, or for one of the operational director of Genoa PA, "the economic port community is a community of interests, not a social community". Its members sometimes have common interests and when that happens, it is always punctual and revocable. The role of the port authority is to build and implement common positions, through a repeated process based on **synthesis of synthesis** that allows a consensual point of view to emerge.

The creation of this consensus raises issues because of the composition of the port committee and the possible conflicts of interest between certain actors, such as the **operators** pulled between their memberships to 1) their company, 2) the port committee, 3)

their main professional lobby, and 4) the type of capital (local *vs* international) mobilised by their company. This last point deserves an analysis as it introduces a **division** between local operators, anchored in the territory and concerned about multidimensional development (economic, but also social and cultural) – would it be a cover for chauvinist and monopolistic claims – and “international” or “offshore” operators, concerned by economic results in order to satisfy their shareholders...

Such a division can concern one individual, for example Ligurian and Genovese employees who care for their territory and their environment but who are employed by multinationals that expect them to apply economic principles in the management of their activity. They might have to cancel stop-overs or close a terminal, etc. if the company accounts prove their necessity with no concern for their own professional and social future...

This shows how complex and frequent conflicts of interest between operators in the port committee⁴ are, and how they do not ease the decision making process... However, the presence of these operators seems essential to all, including the operators and the employees of the PA, in order to avoid that the port authorities make themselves “self-referential”, i.e., the sole expression of the administrative and political points of view in the debates concerning the port...

The large number of institutional representations in the PA explains the difficult governance, even when limited to the “economic community”. The representative of the Department sits besides the ones of the region, the province and the city. Even when these institutions are politically convergent, the consensus is not easy to find, but when they have divergent political orientations, one can imagine the difficulty to find an agreement, especially when coming to who pays what. If we add to this situation of potential disagreement the instability of governing structures, depending on the frequency of elections, and the long time involved for infras-

⁴ Italian version of the French Port Authorities

structural and economic development, we understand the difficulty first to define orientations and strategies and then to implement them.

So, even if restricted to economic and employment interests, port governance is not simple to conduct. Anyway, its pertinence does not resist the notion of “sustainability” and others present in the other approach of port community.

3. Civic community

There is another definition of port community, not as frequently mentioned in the interviews, except from representatives of public authorities and employees, born and raised in the region of the port and usually involved in the lower ends of leadership. This port “community” is largely inclusive and integrates people in the port management, beyond their political and institutional representations. This extends the space of the port outside its state-owned borders to integrate inhabitants and neighbourhood committees, associations and other more or less formal lobbies whose interests are not really taken into consideration by the institutions of political representation.

The **common good** tends to be less economically defined, and more in terms of quality of life, access to coastal space, non-utilitarian use of the space of the port and outside the port. To sacrifice the coast to the sole development of the port is then out of question. Moreover, people came to realise that, through the issues of inter-modal corridors and advance ports, operating the port affects many people’s lives that may have no economic, professional or personal connection with the port, well outside the port strict perimeter and the limits of the city.

It is impossible to determine for once who are the actors and the interests affected by port activities and it is necessary to redefine the notion of community according to each case. This community is an on-going social production and will always be polemical. It is an “occasional”, “political” and “opportunistic” community, more shifting than the precedent one.

It is produced by a negotiating game instigated between the political institutions and the port authority and the “opponents” to the projects defined by the port committee. These opponents can declare themselves at any time, even in unpredictable ways. There are always people who were not thought about and who would lose something out of the development of the port. How is **common good** defined in this approach? It disappears if no structured social categories claim the “ownership”. The interviewees show a great lucidity about the capacity or even the vocation of the central State to embody the “general interest”. We face a form of demystification of the State as an actor “above the other parties”, able and determined to defend a “common good” priority defined. The “common good” here is a social construction that directly depends on the democratic game and its possibility. It is not defined and defended by an overhanging, omniscient and omnipotent instance, but is the fragile production of social confrontations implying a large variety of actors with legitimate status and heterogeneous resources that must find a consensus. This precisely funds the specificity of the term “governance”, but also its great difficulty as a measure and a practice of institutional coordination that wishes to escape the imperative prescription of an external and central decider, which has been so far the State. Yet, it is not certain who will speak in the making-process of this governance, but the presence of the civil society in the governing bodies, *via* the neighbourhood committees, the associations of inhabitants, the associations for the preservation of the environment cannot be eluded any longer, first of all to answer the always larger rejection of certain ports following their insertion in the urban infrastructure and their nuisances on local populations.

The definition of a “good” decisional structure in charge of the elaboration and approval of the port development projects is far from being simple. It seems that the presence of port users in the committee cannot be questioned. For this reason, risks of conflicts of interest remain and will require new mechanisms to suppress or, at least, reduce them. Whatever answer is presented against this issue, it is clear that the development of the port cannot be done

at the expense of the city and the local populations. For the same reason, the port committee must integrate new categories and new stakeholders. So, the port democracy has to widen and integrate all the visions on its development. However, because of the diversity of conflict sources, the composition and the way of operating of this democratic decisional structure remain vague.

CONCLUSION

None of the forms of governance tested in the three countries we have studied seems to face the challenge presented to the European port organisation by the evolution of maritime transport and the requirements of the Landlord port model. We could even suggest that everywhere, there is an embellished port authority that can be characterised by:

- A deficit of true autonomy, because of the lack of funds and political legitimacy
- A material incapacity of the port authorities to develop the whole port-and-logistics system in order to improve their own performances
- A (cultural?) incapacity to conceive the port community (it is everywhere limited to institutional and economic actors and excludes the civil society).

To conclude, port reforms have not allowed the countries we have studied to face and solve the problems we have underlined. The French, Spanish or Italian legislators have not changed radically the port, but have perpetuated central regulation by the State and privileged strictly economic and technical concerns. This is because they gave too much place to the State and created a false autonomy, they abandoned the ports and the port-and-logistics systems to the politician struggles between local and/or national public institutions, or like in France, they gave too much place to the State bodies and this resulted in a purely technical rationality,

or they only privileged economic and employment concerns in the decision making process for the port. This governance is tuned with globalisation and always-shorter time scales and it did not succeed to integrate the impacts of the development of the port on local life, territory and environment with the ecological and hedonist demands of the urban population.

As an economic entity at the core of global flows, port development benefits all the economic sectors while its wealth seems to be confined by the central power. While calling for regionalising its governance to improve it and for a port authority that would be solid, autonomous, and able to make and implement strategic decisions, nothing is done to define decision-making mechanisms that 1) avoid conflicts of interest, and 2) give populations a place in the debates that concern globalisation, national economy, but whose spatial consequences are mostly local.

Only a revision of port governance, defining a “common good” supported by all and a port community “legitimate” to decide of the future of these spaces can give confidence back to the ports. The perimeter of this new “port community”, called by economic and social changes, must be characterised, even though the notion is vague. Fantasy in minds and discourses, it is never materialised by institutionalised figures. Community is still an idea. It must first become a concept and then a practice.

One question remains: it is necessary to give the local territory a voice, but up to what level can we leave purely local interests impact the operation of an entity – the port – whose results influence the national economy? This difficulty is typical of the management of the port that constantly faces a fundamental spatial paradox characterised by the interface and its in-betweenness.

This is why the State may remain an inevitable actor in port governance because it is always asked to make the final – unpopular – decisions. There is a paradox unveiled by the people we met in the research: we want the State to be less present in order to let the regional authorities define the best strategy for development but we want the State to be more present to arbitrate the conflicts and

provide the funds that will finance infrastructures when their cost is too high for the financial capacities of the territorial authorities. . . Democracy is a permanent search for balance.

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