

## INTERROGATING MARITIME SECURITY– A DISCOURSE FROM BELOW

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The expanding volume of sea trade between South Africa and other parts of the global world places pressure on increased maritime security particularly because maritime security affects both communities living close to the sea as well as bi- and multilateral relations on the larger international scale. While most research studies focus on threats of piracy and the economic impacts of maritime security on international trade this paper seeks to critically explore maritime challenges at a more local level namely the voices of actors directly with first hand experiences of maritime matters. Using in depth semi structured face to face interviews with six participants within a qualitative framework the study concluded that maritime challenges are indeed larger than the traditional security challenges. Challenges included seafarers' working conditions, stowaways, human and drug trafficking and piracy. The study makes recommendations for future large scale research on maritime challenges.

**Keywords:** Maritime, Seafarers, Piracy, Trafficking, Stowaways

### Introduction

The concept of Maritime Shipping is misconstrued in many cases in South Africa and around the world. Many individuals perceive Maritime to be nothing more than the import and export of goods. Others perceive it as the only and foremost form of Transport on the sea. And numerous individuals do not know the definition of Maritime or what Maritime is responsible for. Maritime, is in fact, anything connected with the sea or in relation to the sea, for example, navigation and shipping. It is not a company; it is much greater than that, it pertains to anything in association with the sea. In a similar vein Anchustegui (2011) argues that focus of maritime has always been on maritime safety measures, international maritime security standards and development of domestic shipping, ship building, ship repair and ship breaking. He also maintains available data is on the shipping industry, as an economic aspect, but not on the human element of it- the domestic shipping workforce little is known on the conditions of seafarers on board domestic vessels. Working conditions of seafarers has not been examined in detail.

This paper agrees and argues that maritime is indeed everything connected with the sea or in relation to the sea inter alia stowaways, sea-farers, human trafficking, drug trafficking and piracy. Since the early 15th century the sea has been an arena of geopolitical conflicts and maritime has been an important human activity throughout history, particularly where prosperity depended primarily on international and interregional trade. In fact, transportation has been called one of

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the four cornerstones of globalization, along with communications, international standardization, and trade liberalization (Kumar and Hoffmann, 2002). The 1996 White Paper on Transport recognizes that “Maritime transport is the silent element of South Africa’s transportation system but is the jugular vein of our trading system. It is thus critical that it develops and grows in parallel with our steady growth in trade, (Department of Transport; Draft of Maritime transport Policy, 2005). In South Africa, Maritime shipping is the largest trade of the country and should be understood as a whole in order for it to develop prudently. As a result of transportation via the sea being more accessible and the fact that there is a greater use of transportation via the sea, an administration to govern transport is crucial. With a growing global market the sea is endangered to again become a battlefield of rivaling global actors. Sea rights and borders, piracy, pollution, migration, illegal trafficking of resources, persons, weapons, and drugs are threats perceived by many African states (Sekhomo, 2011). According to Potgieter (2012) Africa is probably the continent that suffers most from maritime insecurity. Though maritime piracy along the Indian Ocean coast of Africa (East Africa), has received much scrutiny, problems are much more complex and other important factors that impacts on maritime security include maritime terrorism, fishing infringements, illegal smuggling and trafficking (drugs, arms and humans), an inadequate regulatory systems and law enforcement capacity, insufficient security infrastructure, technology, operational capability and reach, lacking security cooperation, and last but not least, unsuitable ships and port. Hence the literature in this study examines Maritime security and the challenges that Maritime faces in terms of globalization, piracy, illegal weapons, stowaways, human trafficking and the possibility of drug smuggling and other illegal substances aboard shipments.

Speaking at the “African Approaches to Maritime Security” in Johannesburg, in May 2013, University of the Witwatersrand Prof van Nieuwkerk, Director of the Centre for Defence and Security Management pointed out that it has become apparent that very often, the story of African maritime security has been infiltrated and in some cases captured by powerful commercial and/or external voices, in such a manner that one could hardly tell whose agenda the actors and institutions represented (Corbett and Winebrake, 2008). Hofmann, (2013) adds that the key trends in African maritime security have been summarized as sea related threats (such as ecological and environmental degradation, illegal fishing exploitation, human and drugs trafficking, piracy and criminal activities).

Africa’s maritime security challenges are most often comprised of threats such as illegal fishing, narco-trafficking, and maritime disaster response—threats. Africa’s maritime security also has direct implications for the rest of the world. This is understandable given that the Indian Ocean is an increasingly important channel for global trade and thus global security is of crucial importance, because merchandise is shipped from all over the world to all over the world. Despite the

fact that Piracy has generated the greatest amount of reports and news broadcasts with regard to security threats on the Indian Ocean, there are other equally threatening issues concerning security namely; the smuggling of illegal narcotics (drugs) and substances, armed robbery, smuggling weapons and even human trafficking within and by means of the Indian Ocean transport system, such as, the containers used to ship merchandise. The enormous quantities of merchandise in countless containers transported daily poses a huge challenge and perhaps even a daunting task for the maritime industry to keep track of each one. Dealers and/or smugglers are able to hide undetected illegal goods inside bulk merchandise such as automobile tyres, furniture, automobile engines and doors. This in essence implies an increased need for Governments to ensure that sea operations and transportation is policed effectively, efficiently and thoroughly with regards to illegal transportation of goods. Vogel (2009) asserts that in 2007, an estimated 60 percent of the cocaine in the European market (valued at \$1.8 billion) had passed through West Africa. Many of these drugs arrive in Africa in cargo ships, are landed in small boats and fishing vessels, and often shipped abroad in the same (Vogel, 2009). The 2013 report of the United Nations Office for Drugs and Crime (UNODC) indicates that East Africa is a major target for traffickers wishing to enter African markets because of its unprotected coastline, major seaports and airports and porous land borders, which provide multiple entry and exit points. Also attractive to the drug syndicates are inadequate customs controls and cross-border co-operation, as well as weak criminal justice systems. Heroin is imported to East Africa directly from Afghanistan, Pakistan and Burma through Thailand. Much of it finds its way to South Africa, but there is also a reverse movement of drugs from South Africa to Tanzania and Kenya (Mail and Guardian, 30 August 2013).

A further maritime challenge that this paper has alluded to are those experienced by the seafarers (more than 1.2 million) who are employed in various capacities to transport the estimated 90% of world trade that makes use of maritime transport. Many seafarers ply waters distant from their home. Seafarers and ship owners are often of different nationalities, and ships often operate under a flag different from their origin or ownership. Seafarers are also frequently exposed to difficult working conditions and particular occupational risks. Distance from loved ones, long voyages and a lack of access to communications can make seafarers especially vulnerable to mental health conditions such as anxiety disorders, stress and depression. They can face loneliness, homesickness and 'burn-out', yet with work, rest and play taking place in the same environment, it's not surprising that these feelings are often bottled up, leading to more serious outcomes. "Quite apart from their exposure to natural perils posed by dangerous seas, and health and safety issues onboard ship, seafarers today face extraordinary risks brought on by the threat of piracy, kidnapping for ransom and real prospects of being criminalised," said Deirdre Fitzpatrick, SRI Executive Director. "Our recent survey on seafarer criminalisation

indicated seafarers expressing real concern and fears about criminal charges that would be daunting to anyone in any setting, let alone to a seafarer many miles from home.” (Seafarers Rights International, 2013). Working far from home, they are vulnerable to exploitation and abuse, non-payment of wages, non-compliance with contracts, exposure to poor diet and living conditions, and even abandonment in foreign ports. On 23 February 2006, the 94th International Labour Conference (Maritime) adopted the Maritime Labour Convention, 2006, which categorically sets out the conditions for decent work in the increasingly globalized maritimesector.

The Convention sets minimum requirements for seafarers to work on a ship and contains provisions on conditions of employment, hours of work and rest, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection. Compliance and enforcement are secured through onboard and onshore complaint procedures for seafarers, and through provisions regarding shipowners’ and shipmasters’ supervision of conditions on their ships, flag States’ jurisdiction and control over their ships, and port state inspection of foreign ships. The Convention also provides for a maritime labour certificate, which can be issued to ships once the flag State has verified that labour conditions on board a ship comply with national laws and regulations implementing the Convention. The International Labour Convention argues that if all seafaring nations observed the Convention standards there can be guarantee of adequate protection for workers in the world’s first genuinely global industry. Nevertheless the dearth of research on working conditions of seafarers necessitates the need for data on the working conditions of seafarers’ on-board domestic ships posits that, with the importance given to the maritime industry, it is but proper and just to also give value to the work life of the seafarers on-board local ships or vessels. Data needs would include training and education background, recruitment and placement, terms and conditions of employment, working conditions, social protection including safety and health, unionism and collective bargaining, and social dialogue mechanisms. Knowing these will aid government agencies involved in maritime affairs in formulating the necessary policies or programs to ensure that local seafarers’ rights are protected and advanced. Research could help in facilitating setting minimum standards on working conditions of seafarers such as the minimum age for work onboard ships, hours of work, occupational safety and health protection, accommodation and catering, access to medical care, repatriation, labor inspections, and social security in terms of the Convention.

### **Piracy, Human Trafficking and Smuggling Illegal Narcotics**

Organized crime, trafficking and smuggling are increasingly linked to global patterns of violence. Drugs and arms smuggling is rife in much of the Indian Ocean. The sea provides an easy way for international crime syndicates, unscrupulous traders and non-state actors to distribute their wares, or to provide belligerents

with highly sophisticated weapons. Because of the prevalence of conflicts and insurgencies, arms smugglers find a ready market in areas such as the Horn of Africa, Afghanistan, Sri Lanka and Indonesia (Potgieter, 2012). The Institute of Loss Adjustors (quoted in Fouche, 2013) define piracy as “*an act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act.*”

In recent times Piracy has become the main concern for Maritime security because it has probably generated the majority of reports and publicity with regard to security threats on the Indian Ocean. These acts of Piracy include specifically, the hijacking of merchant ships by armed Somalian (Somalia is located on the Eastern part of Africa) pirates. According to Herbert-Burns (2012), “by the end of 2011, 214 vessels had been attacked, 31 hijacked, while eight vessels remained under capture awaiting release and of payment of ransoms, 497 seafarers had been held captive, and 10 seafarers had died.” He adds “The truth is, ocean transport is threatened because of the merchandise these ships carry, they are an easy target and the pirates make use of the “element of surprise” as the ocean territory is vast and ‘deserted’ as you might say. Even if help is summoned on the radio, this help may take a while to come, within that space of time the ship has already been hijacked and the crew harmed. Unfortunately, the security of these Maritime routes and locale can never be assured, even with the presence of numerous warships. “Nevertheless, the 35-45 warships collectively provided by many states that are routinely deployed in the IRTC (Internationally Recognized Transit Corridor) and in parts of the Somali Basin are woefully inadequate,” (Herbert-Burns, 2012). Statistics of the International Maritime Bureau (IMB) indicate that of the 406 reported pirate attacks around the world in 2009, 297 occurred in the Indian Ocean region. In 2010, piracy attacks in the same area increased to 311. The large number of pirate attacks and hijackings off the Horn of Africa occurred specifically around Somalia and in the Gulf of Aden (International Maritime Bureau (IMB), Annual Report 1 January to 31 December 2009). According to Fouché (2009) piracy around the Horn of Africa has increased alarmingly since the late 1990s. By 2005 Somalia was a piracy hotspot with 35 recorded attacks and 15 hijackings, a figure that increased to 45 attempted and 19 successful hijackings by April 2006.

### **Human Trafficking**

Human trafficking, kidnapping, illegal (unregulated and unreported) fishing, poaching and trade in endangered species, as well as toxic waste dumping also plague the African maritime security landscape. 33 In West Africa – Nigeria in particular – illegal human transportation by sea is a favorite method. Human trafficking also takes place across the Mediterranean and further west between Africa and Cape Verde (Brenthurst Foundation). There are many concerns for the illegally and criminally trafficking of human beings via ocean transport, firstly the

associated dangers of death of the human being, and secondly, the maltreatment of human beings by these organized criminals, For example, the abuse of Human Beings being trafficked by these criminals for the sex trade and forced labor. There are those select instances and cases where humans stowaway on vessels to escape violence, abuse and terrorism within their country of nationality. However, when discovered by Maritime security these individuals are deported immediately given they survive the journey in the first place. According to Herbert-Burns (2012), “Two main maritime flows stand out: from the southern Red Sea and Horn of Africa to the southern Arabian Peninsula and from the Asian subcontinent to the eastern Arabian Peninsula and Persian Gulf. The sea area of greatest concern remains the Gulf of Aden and southern Red Sea, where High-volume trafficking persists.” It is sad to say for those individuals who survive the journey they are sold into the sex trade or forced labor also known as domestic servitude.

### **Smuggling Illegal Narcotics**

The volume of drugs entering Africa via the sea is alarming, but the disturbing feature is the drug trade dovetailing with criminal statecraft, terrorist groups and oil bunkering syndicates (Ellis, 2009). There are three types of drugs that are smuggled frequently these drugs dominate smuggling in the Indian Ocean, they are namely; cannabis or marijuana, heroin/opiates and amphetamine-type-stimulus (ATS). The war on drugs is an ongoing struggle that affects the whole world, and the trafficking of drugs is increasing daily by all means possible. It seems plausible to use shipments because of the type of merchandise shipped; it’s easier to conceal these illegal substances as opposed to air freight for the reason that there is too much security at airports. There is a greater chance of concealing it and trafficking it via shipments as the chances of being detained for smuggling via the Ocean transport are more minimal than any other method of transport. The prohibition and seizure of drugs smuggled by sea depends on three aspects;

- Appropriate and accurate planning of conducting security measures.
- efficient security checks and dependable and trustworthy security officials at points of export, import and destinations of shipments.
- facility for the receiving of merchandise before it reaches its destination at sea, for example, marine police, naval vessels and coast guards receiving the merchandise to check it before allowing the shipment to continue on its voyage.

### **Challenges of Maritime**

Marine transportation is an integral, if sometimes less publicly visible, part of the global economy. The marine transportation system is a network of specialized vessels, the ports they visit, and transportation infrastructure from factories to

terminals to distribution centers to markets. Maritime transportation is a necessary complement to and occasional substitute for other modes of freight transportation (Corbett and Winebrake, 2007). Maritime transportation is being required, like other global industries, to better protect the resources and services our environment provides for future generations, and to mitigate the impacts on ecosystems, global climate and ocean processes, and human health. These demands oblige the maritime sector to consider the policy instruments for setting standards, including international treaty, national regulation, industry-based standards, requirements negotiated through third-party agreements (non-governmental organizations or NGOs), and industry associations (Angel *et al.*, 2007). Firm-based and third-party standards exist for other industry sectors, with examples including the U.S. Energy Star ratings, ISO 9000, ISO 14000, etc. For shipping, the classification societies have acted to provide third-party standards for environmental management that some maritime firms are adopting (American Bureau of Shipping, 2005). The challenges that the Maritime Transport sector has to address is in accord with the South African White Paper's aims, which is, first and foremost more employment, safety, growth and security of all shipments on the Indian ocean. The policy of Maritime is to ensure service to everyone, whether they are crew members on a ship, customers, seafarers or passengers. If these challenges are executed effectively the quality of Maritime will increase, however, challenges such as, piracy, human trafficking and smuggling of drugs will always be a concern. The biggest challenge for Maritime is to employ honest, trustworthy officials who are able to search ships and cease illegal merchandise. These officials should be level headed and strong in character in order to not be bribed into allowing illegal cargo into ports. And this, will always be the biggest challenge for Maritime management since it is the honest decisions these officials make as to what merchandise enters a country.

### **Methodology**

This study is based on face-to-face interviews conducted with 6 participants with maritime knowledge and or experience in KwaZulu-Natal. Participants were selected through purposive sampling. There were 4 males and two females who participated in the study. Their ages ranged between 26 and 65 +. Two of the participants reside in Durban and the other four in Richards Bay. Both these areas are port areas in Kwa Zulu Natal. All participants were in formal employment. The interviews were conducted in a mutually agreed to place and lasted about an hour each. Participants were ensured confidentiality hence they are referred to by a pseudonym in the analysis section.

All interviews were conducted in English. Since participation in the study was dependent on availability and willingness, the study may exclude unintentionally those with divergent approaches or experiences. Utilising a working model of thematic analysis, the data were analysed through a step-by-step procedure which

began by searching through the transcripts of the interviews for repeated patterns of meaning (Braun & Clarke, 2006, quoted in Gopal, 2013). Data was analyzed firstly using primary analysis in which each of the responses of the questions was examined and the implications thereof presented where they indicated some trend or fact that was of interest.

### **Data Analysis and Discussions**

As indicated in Appendix one, two females and four males participated in the study. Their ages ranged between 26 and 65 +. Their area of residence was either Richards Bay or Durban. These are the two port cities in Kwa Zulu Natal. All participants were in formal employment. Each respondent is given a pseudonym to ensure confidentiality.

The analysis that follows is thematically organized across five broad themes. It begins with an analysis of stowaways, moves to sea farers, then to human trafficking and finally to drug trafficking.

### **Stowaways**

**In response to how stowaways are managed by the maritime industry K1 commented** 'I'm assuming that the shipping agents take care of the deportation and placing these people because international law does not allow the captain to just throw them overboard. They must go back to the port that they come as soon as they are caught. If they are caught while at sea or on arrival in South Africa they will be treated like criminals and they get locked up in a cell with the murderers, rapists and robbers because there is no facility for stow-aways. Also exactly, as I said to you we can have the best security on our side of things but we can't tell you what's the security like in the smaller places that buy coal. Small places that you won't even think uses coal we have a ship that docks there. So we don't know what their security measures are like. But we are following the American standard.

As far as gender is concerned I have not heard of any female stowaways. They are all men and they come from African countries. You may think that stowaway is a bad person but he is only coming here to look for a better life.

In Richards Bay we don't get stowaways because of the strict security like RBCT and the 'magingalans' at the gates and of course we've got sniffer dogs who move up and down. But Durban is where you get the stowaways. Just yesterday we had a client induction and they were showing us containers being scanned, and there were human beings in the scanners that were picked up, about four or five were in one container. These were stowaways. You can see with the scanner, there's this different shade, which look like coils and then in between you will see the human being person standing there. These are locked containers and these people have survived in these containers for a period of about 30 days. It is very frightening

just thinking about their journey. We don't normally get involved in, with the stowaways. We've got ship agencies that repatriate them.

**K4 had the following comments on stowaways:** Ja, you see people that try to go illegally onto the vessel, and to go to another country, that is called a stowaway. You see now what I've found out is, that is the main challenge here, for the Port of Richards Bay. Usually the stowaways are Tanzanians. We caught one who I interviewed. Usually when they are interviewed we look at the modus operandi, we got to know that to report it to SSA. Everything gets it's docketed. Although they don't know, which country the vessels are going to, they just want to get out of Africa, and they hope it's going to Europe and they plan to get off there. They are usually males because the conditions are really harsh and you want to survive. They will travel with a small ration of food and a small bottle of water. I suppose they risk their lives since there is nothing better for them. You normally find them in small spaces, confined spaces, where they will try to hide, say they will climb on board, say in the engine room where there are small hatches. You know they are so fascinating – they try to dress exactly like, the workers are dressing, right. So that you don't pick them up and they always try to get in at night if they know the vessel is going to sail, like three, four hours before the vessel sails then they try to make their way to the vessel.

Somehow they get the information from, people inside, but the people don't know what they giving out, it's like, you will ask me now, that vessel that is there, when is that vessel sailing? I will just say, no the vessel is sailing tomorrow morning I think at eight o'clock, then you tell your other friend, your friend tells someone else who asks, and then I give the information. So people don't know they give the information but it is, because once the stowaway knows when the vessel will be sailing, they are going to make that attempt to get onto the vessel.

**For K5 it was** "oh my word the stowaways there is a constant flow and a total headache. They come in containers, they come in barrels. For example one of them immersed himself in an oil barrel and when inspection was done he just had a breathing pipe. Now that is a little bit of desperation. A lot of them come on ships that are carrying logs and they creep in between the logs. Now what happens is that the ship moves and the logs move and squash them. Really it's so dangerous. One came in after sitting for weeks on a rudder of the vessel. How did he survive sitting there? This was a about a year or two ago and they took him to Westville prison. Those were the days when they catch the stowaway on board that they take them to prison. What are the prisons going to do with them and who is going to look after them? Then they get taken there and at the end of the day and they release them. And now who do you release them to? Whose custody do you put them in? you can't give them to the police because you can't book them into cells A lot of them are found, because we have got companies that use border collies and they teach them how to look for these people (stowaways). So they go all over

the ship and check them out before the ship leaves. Once stowaways are found on the ship they don't leave the ship- they go from the ship to the airport. But if nobody takes financial responsibility for example if the shipping company refuses to pay or the Embassy refuses to pay then they stay on the ship. They sail back on the ship. The concern with that is how you know that he is going to reach his destination and who will check that he reaches. I mean that water is ice cold down there for a starter and they are full of sharks. They could easily be thrown overboard. The thing is with the stowaways laws are now so strict that if a captain has a stowaway on board that he knows about he has got to declare that before he gets into the port. By the time he gets into the port the immigration and the customs and police are on board they open a case on the ship. That guy doesn't put his foot on South African soil. They will then decide whether this is a genuine case or not. And if it is a genuine case from there he gets put into a police vehicle and gets taken to the airport and then he gets sent home. That's why the shipping companies don't like stowaways because they must pay for the flights back home. His Embassy could also be responsible to send him back home. Very few women come as stowaways; the woman will come as part of human trafficking.

Usually the women come from the Indonesians and the Taiwanese. Very often what happens is that they get taken on as crew family. So then you will ask them so who are you, and they will say I'm his wife etc. in fact it is strange because 3 weeks ago they would say -when chaplains go on board to ask them just to check, ask a few questions- they were someone else's wife. Chaplains are told if you see a very pretty girl on that ship, don't just assume she's a wife or family member, and check her out.

The police will never find these women for sure, the immigration people won't find them either because they know when these people are coming on board so they go into hiding on the vessel. But when we walk in, they are not expecting people to walk into the cabins so we find them.

If you go Durban there is bridge that goes over Maydon wharf and under that bridge you will find two three hundred stowaways. They are all Nigerians and they are all over the place. Today they will be there and tomorrow you go there and there is nobody there. I think the security guards help them to get on the vessels. They do know where the ships are going. These are professional stowaways and they get paid to do it. So they will bring in 3 or 5 people who will want to move from one place to another and then get them there and they get paid for it. The ones that are desperate go with the 'professional' because they come from countries where there is no Hope, No food or home. The families are starving. So they try and get decent jobs in other places. But they have no travel documents.

**For K6** stowaways are mostly Tanzanians and as he responded further: "let's put it that way, they would get onto a vessel and would want to go to wherever the vessel is going – usually European countries. So you get ones that are coming in as

well as those going out, ja. But let's deal with the ones that are going out then they would generally go through...go through via the gates. Now what we got to understand about the area - here from gate one to fifteen in Durban harbor-, Let's say at gate one you've got the Police that are with private security that Transnet employ like, KZN security or Fidelity whoever it is ok. In gate one you got the Police with the security, so the chances with guys going through there would be two percent, they wouldn't do it, unless the police is not there. So let's go from gate two to fifteen, so from gate two to fifteen they are all operational areas which means you can't just get in there without a permit- a permit issued by Transnet. They will vet you, they will do everything and then you will get a permit, whether you're a truck driver, whether you a person working as a Stevedor whatever it is ok. Now the challenge lies there when these guys leave the gates open, they fall off to sleep, bribery, we arrested guys for bribery- these were private security. So they would get in, and automatically just get onto the vessel, getting onto the vessel sometimes through the gangway that is down, there's no security on board the vessel, and they will go...

So, so they will get down the gang, or go up the gangway or if they find that there is a security there then they, then, they will climb the ropes, you know those ropes that they throw over, to tie the vessel onto those big bollards' kind of thing. Then they will climb, through that as well. If they get in through the gate they can also swim, from one area to the next. You will notice them they will have bottles on them and they will swim to a vessel, they will be able to swim from Wilson's Wharf, to the fruit terminal, because the access through the other areas are very tight. They can swim for approximately 1 kilometer. They work out when the tides are high and when they are low and they go, at night so you won't be able to see them because it's pretty dark there or they would go... Since I've been here, we have never had any female stowaways. I say it's desperation that makes them do this. If they are in this country (South Africa) and we get them then they become un-documented then we will have to get immigration to deport them. Remember, the idea of trespassing is potential stowaways that's the way we look at it, sorry. Those, those, are potential stowaways. You will get guys that we will identify as trespassers, who might be found on the quay side- a Tanzanian for example, before he can get onto the vessel we arrest him but we still charge him as a trespasser. We interrogate them as to how they gained entrance? Where do they gain entrance? What is their intention? Where they were supposed to go? But if they leave our waters successfully, leave the Port, leave the harbor now and on the way then they become stowaways. If they are found on the vessel you've got to make every effort to make sure that they are comfortable. They cannot be thrown overboard. It's a lot of money to deport them, its dollars it's a lot of money, a lot of money to deport them ja, You can deport them in two ways you can do it, by vessel if the vessel is going in that direction or by plane. Most cases it's by plane, because

generally the vessel won't go back where it came from. Being a stowaway does not constitute a criminal activity. A stowaway is actually not the responsibility of SAPS- its immigration's responsibility but a trespasser becomes our responsibility you understand?

### **Drug Trafficking**

**For K1 stowaways** don't bring in drugs with them but he says "remember for a network to be a network you need a start point and an end point. So they will come in empty handed and they will become an end point and that's how the drug network establishes itself.

On the issue of drug smuggling **K1 maintained**, "I mean look at that incident that happened in Durban that guy was transporting stuff in the mirrors, bedroom mirrors. I remember that case clearly probably 3 or 4 years ago maybe. He was putting cocaine in the mirrors. Well, look it's never easy in my personal opinion it is inside jobs, there is no way that you going to bring a crate full of Heroin into a harbor where there is security control, shipping agents, sniffer dogs. As you can imagine in a place like Durban or Cape Town there will be a higher presence of drug police because of the high risk. But it can happen to anybody and it can happen anywhere.

**K3's** response on drug smuggling was: "We had err err my head office where they thought it was baby powder in the cosmetics, but there was cocaine. **K4** response was: Workers can have connections with the vessels they can smuggle drugs to the vessels. In Saldana we had one, once a big drug bust after a tip off... and then we took the Police with the dogs and we searched and we found it on the vessel. **K5 added**: "the drug story is more containerized stuff...the stuff that is actually imported and off loaded and then reclaimed by various methods. It's huge; the police will tell you it is so big that they are having difficulty to contain it. Very often the drugs are detected because the containers smell.....the big the big the big bust that we had here was in 2009, where we had a lot of blocks of cocaine that came in, Croatian ja, a vessel called "*senator*", in ornaments, and what have you. ...drugs coming through the vessels will be cocaine where you make a lot of money you understand? But Mandrax they not going to waste their time on that. When asked about firearms and piracy

### **Sea- Farers**

When asked to comment on the seafarers **K6** mentioned that the organization he volunteers for looks after the welfare of seafarers. He says "Our function is their wellbeing and their welfare because of all their issues that surround their life and what they go through. The fact is that when they come into a port they are not only strangers, they are isolated, nobody talks to them, and nobody deals with them. When they come in obviously the folks would do the customs, and the immigration

folks will clear them and so on, but that is another issue. Besides customs and immigration nobody works with the seafarer, there is no government or welfare organization. There is nothing for them. When they do have issues like the non-payment of wages, contractual disputes, contractual abuses, a ship that's not sea worthy you know. But you know, who do they tell? If they were to tell the captain, the captain is the boss of the ship and the one who can withhold wages. So who they appeal too? Nobody... There is nobody because he is the boss. **K5** adds that although seafarers are unionized, very often there is a threat that if they do go to the union that they would get black listed and repatriated. I have had experiences with many Indian crews that sometimes after 7 months they have not been paid. The thing is you know, if they don't get paid it's the same for them as it is for anybody else. The kids can't go to school anymore because there's no school fees being paid; they lights get turned off at home back in the Philippines or wherever they are. The wife at home has now got to cope with no income, and most often those are all extended families. **K3** believes that seafarers must have someone to negotiate for them, having someone to get the case heard and dealt with. There is now an outstanding union chap in Durban. The thing is because he is so good he now travels all over resolving disputes. **K6** clarifies that the unionist they have links with was an ex seafarer himself, now he works for the International Transport Federation, **K3** spoke of the isolation and separation and the cabin fever on the ship. "There are many occupational stresses on the ship. Of course when the 9/11 disaster hit security just tightened up around the world. In many cases it's been good but in many cases the jobs of sea farers have increased because they now got to stand watch as well. **K6** also mentioned the following, "There are crews on board that are multi-national and that's fine as far as not being racist is concerned. But a multi-national crew, amongst 23 people can have 5 different nationalities. What will happen is that for the first 6 weeks things will go fine, everybody is talking to each other, everybody is sharing their stories, they all learning about each other but then the conversation dries up and you find slowly but surely a sort of trend begins to develop where he will get up he will have breakfast and he will go and work. He will finish his watch he will come back and watch a bit of TV, perhaps have something to eat and then he will go to his cabin and get onto his computer. And as time goes on he will start working, eating, and going to his cabin and onto the computer. They don't talk to each other anymore; they don't share with each other anymore. Do those long enough and you going to become depressed?" So the vessels should cater for their emotional needs too. My organization provides this service when they dock in Durban."

### **Piracy**

On the issue of piracy **K5** responded: "Piracy is not a new thing. Piracy has been around since our captain hook's days. It is so lucrative and it is easy money. So in

2008 we saw this beginning to happen..... when they started taking whole ships at a time. The Somalian guys have sort of developed their own system of piracy. Originally the Somalian thing happened because of their fishing rights that were abused and the world fishing companies were fishing out their fishing grounds and they (fishermen) were seeking their quotas. So the Somalian's started saying if you don't do something about this we going to have to do what we have to stop this from going on and nobody took notice so they took a couple of ships and they said we are not going to let you guys go until we get a big ransom, equivalent to the fish you took from us. That's how it started out. They are now taking ships for profiteering. Now piracy means you armed, you've taken the ship and you stole the stuff and you have made off with their stuff. But all they did when the navies caught them they would throw all their weapons over board so they are no longer armed. But now the navies up there are Chinese, Indian and Russian navy. They don't stand for much nonsense.

The seafarers on the ship that had been captured were taken hostage by these guys and then they sank the ship. The company then says sorry about that, you shoot one of our guys and you don't get your ransom, you sink our ship you don't get a ransom because now you have nothing to negotiate with them anyway. So we wash our hands and they did. So a whole crew ended up in Somalia on land abandoned. Our main work at the moment is with piracy. Or with the seafarers who get released after the pirates have captured the ship and the money has been paid. Once the ransom has been paid they release the ship. But those guys could have been under capture for 11 months and to torture them and so forth. Our function is to get the counselling and trauma stuff sorted out for those seafarers. And to try and put the pieces back together again in those people I mean they have been dehumanised during that time. And that although piracy is down on the Somalian side or the east coast side it's gone up on the west side. It's like a see-saw when it goes down there, it goes up there. So piracy is very much alive.

### **Human Trafficking**

**In response to their knowledge on human trafficking K2 mentioned:** "Women are all over the sailors and the majority of those women are Philippians' and Chinese. The women are prostitutes but are a part of the staff there. For **K5:** "no more seafarers stuff cabins full of women illegally. Because every ship has 2 cabins that are specifically put aside for either the owner or for VIP's. So you got 2 cabins set aside that can be stacked with people. **K6 mentioned** "there is nothing to say that there's no human trafficking taking place there is a possibility there. The only women you will find are husband and wives of the captains or their children. ....you won't get females on navy vessels the ones that come visiting are mostly the Americans and the British..... Well the Indians don't carry females in their navy vessels. The Pakistanis' won't carry women.

### **Discussion of Findings**

The voices of the participants in this study reflect the non-traditional conceptual notions of maritime challenges. It is important to note that all participants understand and perceive maritime challenges as a burden to the maritime industry. It is also important to note that none of the mentioned challenges at the level of the institution- in fact all challenges mentioned related to the individual. The responses from participants provide an insight into the desperate lives of stowaways and the risks they undertake in the hope of a better future – most times to no avail. The plight of sea- farers is also worrying – based on the responses- especially since seafarers could be seen as critical to the economies of all countries given that ninety five percent of international trade is carried out via the ocean. One would expect that these workers would be appropriately catered for given the high risks inherent in their jobs. This study recommends a strict adherence to the International Labour Conventions and policies that govern maritime workers and the establishment of an ombudsman to challenge errant employers and to ensure that marine workers' rights are applied as they are enshrined in the International Labour Convention. Respondents' critically discussed the itinerant stowaway focusing on their governance, the role of shipping agents and SAPS in the deportation of stowaways. Arising from some responses it could be inferred that better surveillance of stowaways travelling back to their host countries on the ships they first travelled on is necessary. Respondents' discussions on human trafficking although thin raised possibilities of women being trafficked and disguised as partners or spouses of the crew with no stringent oversight by the maritime industry to detect their 'true' travelling status. The concern with this method of trafficking is that it adds to the pool of trafficked women that enter the country and become vulnerable to economic and sexual exploitation. Their lack of registration with the Home Affairs department denies them formal justice and protection from state institutions. Respondents' comments on the weak security controls in illegal drug detection leaves much to be desired in a country whose social fabric is in decay. Finally respondents seemed to have great concern for piracy which as per the responses began with wanting to avenge their economic rights but has escalated into an organised for of crime. Piracy has become an emotional burden to families while the spouses and children are taken hostage. While some waters (West coast of Africa) are being better policed, criminals will seek other less policed spaces to commit their pirate deeds.

### **Conclusion**

“Maritime is clearly a link in a bigger transport chain. In the contemporary world it functions in a highly competitive international environment. South Africa's foreign trade drives the economy and is critically dependant on Maritime transport. There is an urgent need to address the governance of South Africa's maritime sector in general in order to create an environment that draws this international

industry to our shores,” (Department of Transport, 2005). The effectiveness and growth of maritime is reliant on consistent maritime policies and well-structured maritime security and safety measures with respect to sea farers, stowaways, piracy human and drug trafficking. This study recommends future larger scale studies on all the themes identified in the study.

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## APPENDIX ONE: DEMOGRAPHIC PROFILE OF INTERVIEWEES

<i>Name of interviewee</i>	<i>Age</i>	<i>Gender</i>	<i>Industry</i>	<i>Area</i>	<i>Profession</i>
(AEB) AKA (K1)	32	Male	(RBCT) Richards Bay Coal Terminal	Richards Bay	Training Instructor
(JAB) AKA (K2)	26	Female	Student Teacher (UNISA)	Richards Bay	Educator/ Teacher
(CH) AKA (K3)	40	Female	Rennies Shipping Agency	Richards Bay/ Empangeni	Import Supervisor
(DF) AKA (K4)	(+ - ) 45	Male	(RBCT) Richards Bay Coal Terminal	Richards Bay	Security and Asset Manager
(JDVS) AKA (K5)	(+ - ) 65	Male	International Society of Seafarers South Africa	Durban	Minister/ Priest
CB (AKA) K6	47	Male	SAPS	Durban	Colonel