

LOSS PREVENTION
STOWAWAY UPDATE SOUTH AFRICA
AUGUST 2014
P&I ASSOCIATES (PTY) LTD

We refer to our previous loss prevention notice regarding stowaways boarding vessels in South African ports. Despite issuing our notice, we have seen a continuous increase, rather than a decrease, in the number of stowaway cases.

You will recall that the South African Immigration Authorities issued a notice advising that if any illegal person is found on board a vessel the authorities deem that the person is not a trespasser but a stowaway. The onus therefore rests on the vessel to prove that the person boarded the vessel in Durban and has evidence to prove this. The immigration authorities will not take the word of the stowaways since they are habitual liars.

We therefore advised that it was essential that no unauthorised person should be permitted to board a vessel. Any visitor to a vessel must produce a Transnet National Ports Authority (TNPA) permit. We have had several meetings with ships agents, the port, terminals and stevedoring companies in association with the South African Association of Ships Agents to discuss the issue of access to the port and vessels. Many of these meetings have been very heated especially following our first loss prevention notice. The purpose of that notice was to help ship owners to stop illegal people boarding their vessels and then being held liable to repatriate those people. All Clubs and Owners are aware of the costs involved in repatriating stowaways.

It is therefore essential that crews maintain a proper deck watch so that stowaways are not climbing up gangways and mooring lines unseen.

All visitors to a ship should be in possession of a TNPA permit and if they do not have one of these permits, then, as a concession to the stevedoring companies who do use temporary labour then those individuals must produce a South African Green bar coded identity document or copy provided it has been certified as a copy by the South African police.

We are aware that if 30 or more stevedores board a vessel that the vessel will not have enough ISPS passes for each stevedore. Accordingly, the vessel should use an A4 book and record the ID number of each visitor in that book and that person should then be ticked on and off the vessel. If the visitor does not have a TNPA permit then they must surrender their South African Green bar coded identity document or a police certified copy of that document to the gangway watch and that individual can then collect the document on leaving the vessel.

If the person does not collect their document or certified copy of that document from the gangway watch then the crew will be aware that a person is still on board. When the person is found, and claims to be a stowaway, then the vessel will be able to produce evidence to local immigration that the person boarded the vessel in South Africa by showing the entry in the A4 record book and produce the document or certified copy. The person will then be arrested and charged as a trespasser and not declared a stowaway.

If the vessel berths at the Island View facility in Durban then they must produce a Cutler permit. This is a secure terminal and any daily visitor is issued with a receipt that they have entered the terminal and this receipt must be handed in at the gate when they leave.

Accordingly, the vessel should then take this permit from the visitor when they board the vessel and then return the permit to the visitor when the visitor leaves the vessel.

At the moment, no terminal in Durban is stowaway free and all the stowaways that have boarded vessels in South Africa have been Tanzanian nationals. The stowaways are seeking ingenious methods to get inside the ports. The ports are improving security with cameras, fencing, and regular patrols but despite these measures, stowaways are still gaining access. We always interview the stowaways to see how they managed to gain access to the port in order that we can pass on this information to port security.

The onus however remains with the vessel to protect itself and to prevent unlawful visitors getting on board. If a person does get on board without documentation then the ship will be responsible to repatriate that person and local immigration will not enter into any discussion whatsoever as they have advised us that their policy has been in operation for over a year and that the policy is clear, unambiguous and well publicised.

If the club or its members have any queries on the subject then please do not hesitate to contact me or any of the P&I Associates stowaway team.

Neil Chetty in Cape Town +27 83 250 3381

Garth Hansen in Saldanha Bay +27 83 283 3493

David Macdonald in Durban +27 83 253 0170

Vishal Pragraj in Durban +27 83 441 5685

P&I Associates 24 hour duty number +27 83 250 3398

Michael Heads
Managing Director
P&I Associates (Pty) Ltd
Durban
South Africa
Tel: +27 31 301 1102
Fax: +27 31 301 1290
Mobile: +27 83 4534899
E-Mail: headsm@pandi.co.za