

## **SOUTH AFRICA TO INTRODUCE A FINE FOR SHIPS ARRIVING WITH STOWAWAYS**

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We have been advised by the South African Immigration Authority that planned changes in the South African Aliens Control Act, No. 96 of 1991 as amended, are likely to include a penalty in the form of a fine for vessels arriving at ports in South Africa with stowaways. The fine is likely to be R2,500 (about US \$300.00 at the current exchange rate) per stowaway and unlike the deposits that have in the past been requested by some ports in South Africa, to cover detention and repatriation costs, the money will be a pure fine and non refundable.

In addition to the above we are advised that should the master of a vessel fail to declare the presence of a stowaway a further R10,000 (about US \$1,200) non-refundable fine will be imposed.

Notwithstanding the above the South African Immigration Authorities appear not to have any immediate plans to change their present ruling on stowaways inasmuch as they will permit the majority of stowaways to land from vessels provided always that the ship owner pays all expenses of detention and subsequent repatriation to the stowaway's home country. We say the majority of stowaways, as on the rare occasion, where documentation and repatriation of a particular nationality of stowaway is known to be very difficult, the authorities may not grant the permission for the stowaway to be disembarked from the vessel.

We would take this opportunity of cautioning shipowners that they must advise their masters to be extremely vigilant for the presence of stowaways not only in South Africa but also in the whole sub-Saharan region. In our view all ports are high-risk areas and proper and effective gangway and deck watches need to be maintained together with a properly organised stowaway search prior to the vessel departing. In ports in South Africa the Immigration Authority deem the vessel to have departed once the harbour pilot is disembarked and any stowaways found after this time are the responsibility of the Shipowner.

The latest estimated number of illegal immigrants in South Africa is a staggering 8 million and represents about 17% of the populous. Unemployment in South Africa is very high so it is inevitable that many of the illegal immigrants, unable to find work and resented by the local people, will want to leave the country and stowing away is perceived as a way out of their predicament. Unfortunately security at the majority of ports in South Africa, at least for pedestrian traffic, is poor so it has to be up to the vessel's crews to put in place effective security on the gangway and any other point of access to the vessel.

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