

## Kenyan and South African port authorities sign agreement

A Memorandum of Understanding (MoU) was signed between Transnet National Ports Authority (TNPA) and the Kenya Ports Authority (KPA) in October that aims to pave the way for co-operation between the two port authorities. This is the fourth in a number of memoranda that TNPA intends to sign with ports in Southern and Eastern Africa in an effort to champion maritime regional integration.

To date MoU's have been signed with the Maputo Port Development Company, Namibian Port Authority and the Ghana Ports and Harbours Authority. Later this year MoU's will be signed with the ports of Angola, Tanzania and Sudan.

Tau Morwe, Chief Executive Transnet National Ports Authority, said: "There are a number of obstacles hindering the progress of African ports. These include the lack of deep water berths, poor equipment and lack of maintenance and infrastructure, limited or no training, limited capital to develop and port infrastructure that is lacking."

This MoU, along with the others signed previously, is a step towards co-operation and port regional integration that will see ports authorities work towards solving many of these problems.

Alluding to the first MoU signed with the Maputo Port Development Company Morwe said: "We are working closely with our Maputo colleagues to share the learning and to resolve some of the issues."

Justus Nyarandi KPA GM Corporate Services, representing the KPA Managing Director Gichiri Ndua, said the MoU was the formalisation of a long-standing relationship between themselves and TNPA. The MoU ensures that the beneficial relationship is sealed for the benefit of KPA now and into the future.

"We will enhance our efficiency by sending junior employees to South Africa to see the benchmarks that have been set and borrow similar practices for the Port of Mombasa.

"In addition KPA, which is both the landlord and operator, will look to TNPA for support with its going out to tender, for the first time, for a private terminal operator for the 550 000 TEU first phase of a new container terminal that is under construction," said Nyarandi.

## Ports need to strengthen surveillance and access control capacities to reduce stowaway incidences

*The International Maritime Organisation's Regional Seminar on Stowaways in East and South Africa was held in Durban during October. This seminar is second of its kind and brought together different stakeholders of the shipping and port industry with respective government and international agencies in order to assess the current stowaway situation in the worst affected ports as well as to deliberate on possible solutions to curb the number of stowaways boarding vessels.*

In 1965 the IMO passed a convention on the Facilitation of International Maritime Traffic (the FAL Convention). The main objective of the FAL Convention is to prevent unnecessary delays to maritime traffic, aid co-operation between governments and to seek uniformity of rules pertaining to this area of maritime law.

Several incidents involving stowaways, asylum seekers and refugees prompted the IMO in November 2001 to adopt a resolution on the review of safety measures and procedures for the treatment of persons rescued at sea, including stowaways discovered on board. The aim is to ensure that the well-being of persons on board ships is safeguarded at all times, pending their delivery to a safe port.

The IMO partnered with the regional Ports Management Association of East and South Africa (PMAESA) and Department of Transport to prepare the Durban seminar. Representatives from Interpol, United Nations High Commissioner for Refugees (UNHCR), United States Coast Guard and the International Groups of P and I Clubs – as well as security and immigration officials from the most frequent ports of embarkation of stowaways from Kenya, Mozambique, South Africa and United Republic of Tanzania attended.

They acknowledged the severity of the problem of stowaways on board ships and its negative repercussions for the health and safety of the stowaways as well as of the crew and the risk to the safe navigation of the ships concerned. They agreed

to submit to the appropriate IMO body the main findings resulting from the seminar with a view to working towards their inclusion in the IMO guidelines on stowaways such as the Explanatory Manual to the Convention on Facilitation or resolution FAL. 11(37).

The role of the various stakeholders in the prevention of stowaway incidents was discussed.

### The shipowner

Shipowners and Masters face the problem of identifying the presence of stowaways before a ship leaves port or preventing their boarding the vessel in the first place. Most stowaways, however, are only discovered once a vessel has sailed. Dealing with an incident involves the Master and owner engaging in time-consuming negotiations with the P&I Club, agents and authorities. The cost alone from disruptions to the ships schedule can be considerable.

Normally a shipowner has little or no influence on port security and has to concentrate on preventing stowaways from gaining access on the ship.

Stowaways are typically able to gain access to the ship due to inadequate security and/or watch keeping. The techniques used by stowaways to gain access to the vessel include bribery, hiding in containers, use of boats or swimming to hide in rudder trunks or by posing as stevedores.

Stowaways have been known to hide in

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the most unusual places. Besides cargo holds and containers, they have been found inside funnel casing, chain lockers, store rooms, cabins, crane grabs, mast houses, engine room bilges and even the rudder shaft space.

Given the myriad of people who often surge on board when a ship arrives in port, a pass system can be of valuable assistance. Passes should be retrieved when visitors leave the vessel so that, provided control at access points is thorough, it will become immediately apparent if someone has not disembarked.

#### **Port security**

The reasons for stowing away may vary making it difficult to accurately predict which ports are considered high risk at any given time. Many ports have adequate security: whilst at others the security is non-existent. The presence of stowaways on board ships creates a negative image for the countries concerned.

The highest risk is from ports and terminals where the ISPS code is not being implemented in a thorough manner.

The port or terminal authorities should patrol areas: establish secure storage areas for cargo which may serve as hiding places for stowaways; monitor persons and cargo entering the port area, and make arrangements for stevedore companies to authorise personnel.

#### **Dealing with stowaways**

Stowaways frequently appear or are discovered by the crew two or three days after the ship has left port. The vessel's flag state, according to the amended Convention, requires the shipowner to ensure that the health, welfare and safety of the stowaways is properly maintained. The stowaway is entitled to food, lodging and proper medical as well as sanitary facilities. Stowaways should not be put to work.

In a well-publicised case some years ago a Master and Chief Officer were both given life sentences by a French court for murdering eight African stowaways. Other members of the crew were jailed for up to 20 years. The stowaways had been discovered during a voyage from Africa to Europe and secured in a store room before being murdered by the crew. The incident came to light because one stowaway managed to escape and survived by hiding on board until the ship arrived in port.

Stowaways without travel documents will not be allowed to disembark in most jurisdictions. The exception to this rule is those seeking political asylum and those in need of medical attention. The foreign embassies play an essential role in identifying and issuing temporary emergency travel documents in order for the stowaway to be escorted to the country of his birth.

Governments need to facilitate the disembarkation and repatriation, and their understanding and cooperation is crucial when disembarking and repatriating a stowaway.