

CHAPTER 4

SECURITY MEASURES AT SEA PORTS OF ENTRY: DURBAN AND RICHARDS BAY

Security at Portnet Durban¹¹⁸

The US Assessment Report of 1997 found that at Durban Harbour:¹¹⁹

There appeared to be little or no control over gaining access to the port inspectional area. The general public has access to cargo areas, vessels and warehouses. The security personnel assigned to control access appeared ill trained to maintain the high security level that is necessary for control and deterrence. The lack of physical barriers, signage and lighting compound the challenge

The report recommended that security at seaports in South Africa, and in particular Durban Harbour, should be so organized as to cover all areas of operation. These would comprise landside operations, cargo areas, anchorages and waterways. Eliminating easy public access would create a semi-sterile inspection area and so increase the ability of port authorities to recognise illegal activities. This would reduce the threat of smuggling, theft and vandalism. It argued that “port security operations [should be] encouraged to establish a secure zone in and around the docks. ...[with] the checking of identification of arriving workers [being] paramount”.¹²⁰

At Durban Harbour the responsibility for asset and perimeter security rests primarily on the National Ports Authority (NPA). Previously there was no uniform system: security was provided on a piecemeal basis, and consisted largely of access control in the form of guards at the gates. At that time security was a sub-function of the port risk manager, and was largely concerned with safety control (that is, occupational and health hazards). However, the NPA are currently in the process of implementing a new security system that falls within an approved Port Security Framework for all seven South African harbours handling international traffic. This is being integrated with the Asset Protection Risk Management system which was established by the NPA in 1996–97.

On the prompting of NIDS in 2000, the NPA re-assessed security measures at ports. In June 2001 a National Security Manager was appointed, and a new security management structure for ports was implemented in December of that year. Depending on the size of the port, six security structures have been established, each headed by a manager reporting directly to the National Security Manager. The Security Management Team consists of the Security Manager and under him a Head of Investigations and Information (Intelligence), a Security Operations Manager and a Business Liaison section. At Durban Harbour there are currently four investigating officers, who focus primarily on fraud and the theft of NPA assets or clients' cargo.

At Durban a hotline has been set up, and rewards have been offered for information on illegal activities. This information collection system is backed up by an informal network of informers. While the main focus of any investigation is the resulting internal disciplinary hearing (if the perpetrator is an NPA employee), the investigators also pursue any case as a criminal investigation and work closely with both the SAPS and NIA in doing so. The NPA currently has 110 internal security officers and another 97 contracted private security guards for NPA asset protection. These security officers work two 12-hour shifts with a three-shift pattern, to provide 24-hour coverage. There is also a patrol unit linked to a control room. The vehicle terminal and the Point Road pilot project at the entrance gate are the only sites currently under CCTV surveillance.

At present the Security Manager is in the process of establishing a Port Security Information System for the collection of any information pertaining to breaches of security, theft or fraud at Durban Harbour. The system is an information-driven system (as opposed to a physical one based on patrolling perimeter fences and the harbour area). The Security Manager aims to integrate this with other information systems, both internal (such as that run by the NPA) and external (for example, those of the SAPS and Customs), so as to gain access to such networks as NATIS and the SAPS Stolen Vehicle Recovery systems.

The main purpose of the NPA's Port Security Framework Plan (PSFP) is to integrate security operations with business cargo handling. For example, in the past a boom operator often did not know what vehicles should be permitted to leave the restricted port area. If the information system is linked with other information databases, an operator can check the number on the bill of lading and use the system to find out whether the container or consignment of cargo has been properly cleared for removal or entry.

A second purpose of the PSFP is to ensure that any new building or structure erected at a port includes a security plan. For instance, if a new passenger or container terminal is to be designed, the planners, builders and operators will consult the security department to determine what security infrastructure is needed for the building.

The PSFP makes provision for the full implementation of the IMO security regulations at the port of Durban. In addition, it requires that all security procedures and required permits be standardised. Finally, the PSFP makes provision for the sharing of global security overviews (as issued by the IMO), so that the authorities can determine what security threats might have an impact on Durban.

Implementing these structures and plans effectively is complicated by a number of issues. Durban Harbour is the busiest port in Africa in terms of traffic (although not in volume of tonnage handled). Sixty-five per cent of the cargo moved through the port is containerised, and approximately 1.3 million containers were handled during the 2001 financial year. The facilities at the port consist of container terminals, a multi-purpose terminal, a general-purpose cargo terminal, a motor vehicle terminal and a bulk liquids terminal. The perimeter of the harbour has ten entrance or exit gates and 29 rail crossings entering the cargo area. There is an obvious need to remodel the area in order to either reduce the number of rail crossings or to install security access and exit control over every rail crossing.

The NPA have embarked on three major projects to upgrade the security at Durban. These are based on a security threat analysis which identified the following problems:

- cargo theft;
- illegal or undocumented immigrants and stowaways;
- vehicle theft;
- drug smuggling;
- trade fraud (such as under-valuations and sale of counterfeit goods); and
- firearms smuggling.

The first of the three projects is the perimeter fence. The second is improving the security of access to the entrance and exit gates, and the installation of CCTV cameras at these points. The third is the establishment of an information centre.

Problem areas

Currently Durban Harbour does not use uniform access permits, and there is no sole permit-issuing authority. There should be one issuing office which manufactures, issues and monitors the use of access permits. Again, there are no regulations or procedures governing activities that take place in the port area but are not port-related. For example, metered taxis can enter the port area and drive to the passenger terminal to pick up passengers. The only security clearance they require is to sign the entry register at the boom gate. Control measures that differentiate between the recreational and controlled areas in the harbour are needed.

The customs and immigration process for foreign yachts has not been integrated with the security information system because of the low volume of traffic. Security control over the movement of passengers, baggage and goods from such foreign yachts should be improved.

Containers and Customs & Excise at Durban Harbour¹²¹

The import and export of goods (and in particular container loads) at Durban Harbour follows the same customs inspection system as at the JIA. This rests on the assumption that the SARS (Customs and Excise) assists in the control of imported and exported goods to fulfil the function of looking for revenue (the payment of duties and dues and the levying of fines).¹²² The SAPS are part of the inspection and monitoring process, and check for contraband and smuggled goods.

No goods or containers are accepted or released by Customs unless all the documentation is completed. Any importer or exporter (most usually work through an agent) follows a basic step-by-step process. The first step is to obtain an invoice (for goods to be imported) for submission to the Reserve Bank and to organise a Letter of Credit or other method of payment. (These are all Section 39 requirements.) An exporter might need to obtain an export permit from the Department of Trade and Industry (DTI) in terms of the Import &

Export Control Act. Then a Bill of Lading, the transport document specifying how the cargo will be transported, which ship it will be loaded on and the port of destination, is completed. When this has been passed by Customs, the shipping agent pays the customs dues and completes the clearing instructions by drawing up a DA 500 form.¹²³ Customs and Excise will check this and put a release stamp or a detention (hold) order on the consignment.

All firearm and ammunition consignments have a 'stop for examination' stamp affixed to the DA 500. Customs inform the Border Police unit at Durban of any firearm shipments, since the SAPS have to record the serial numbers of any firearms exiting or incoming through the port.¹²⁴ The physical inspection is carried out by customs officials in the presence of Border Police officers and the agent (as a representative of the importer or exporter). Currently the inspection system at Durban allows for the importer's agent to select the location where the examination takes place. This might be at the importer's own premises, which is a more secure environment than an open warehouse or the fenced offloading area on the wharfside.

In terms of the clearance of incoming goods, Customs are supposed to receive any ship's goods manifest (DA 1) 72 hours before the arrival of the ship, in order to identify which containers will be offloaded at Durban. The goods manifests are also used to draw up risk profiles of the containers coming in. A selection is made from containers with contents in the highest risk categories, and these containers are searched. Since only approximately 100–120 containers can be selected for inspection searches per day, the profiling must be very accurate if contraband and other goods are to be detected.

Searching containers

There are various levels of container search. The first is a 'full unpack'. This is time-consuming, labour-intensive and has to be done in a secured facility. If the contents are refrigerated, they will also have to be temporarily transferred to a bulk cooling facility. For these reasons a first level search is done only on high risk or suspicious consignments. However it is the most effective means of detection of contraband. With the full unpack comes the physical examination of the entire contents of a container, the second level. Alternatively the container can be sent for screening to the container x-ray scanner. This is the preferred method for loads such as second-hand clothing or 'rags', which are compressed into bales to save space.¹²⁵ If the bales are physically opened and unpacked, the contents of the bales expand and are almost impossible to

repack without pressing equipment. The scanner can easily pick up items other than clothing in these bales. Moreover, the scanned containers can also be physically opened for inspection if required. The fourth level of inspection is the so-called 'tailboard' inspection, in which the container doors are opened for an examination of only the first one or two rows of goods. The contents of the rest of the container are not unloaded. At Durban Harbour it is estimated that only three per cent of goods are physically inspected after being screened by tailboard inspections or random spot checks.

Offloading

Once the ship's goods manifest (DA 1) is stamped by Customs, the ship is authorised to start offloading. Although plans have been mooted for the privatisation of some terminals at Durban, currently containers at the harbour are offloaded only by Portnet as the official terminal operator, and deposited in a fenced-off area at the designated terminal. Because of current space constraints, containers are moved out of this fenced-off area after three days and taken to licensed depots or warehouses, even if they have not yet been customs cleared. Uncleared cargo can be moved only to licensed container depot warehouses, and then only after a Container Terminal Order (CTO) is passed. After the goods manifest has been submitted to Customs, the importer's agent has seven days in which to effect the customs clearance of the consignment and its removal from the port premises or licensed warehouse. If after 28 days the consignment has not been customs cleared, it will be taken to the state warehouse for storage.¹²⁶ If it still has not been cleared after a three-month period, the state will auction off the contents.

Potential problems

There are a number of opportunities to circumvent the customs inspection process at Durban Harbour. For example, people could be bribed at any link in the chain of container offloading, transportation to storage in a licensed warehouse, or its being moved into the state warehouse. The Customs officials stamping the release documents or doing the inspections could be suborned. However, any such effort would be defeated by the overlapping control checks that effectively prevent any such corruption. Also, there are too many different persons involved in the authorisation and security procedures to make it likely that the agent for a container coming in could exploit the customs clearance system in such a way.

Currently there are various offloading points for containers in Durban Harbour. Containers are not offloaded at one central terminal, but all over the harbour area. Container inspections take place at the depot unless a special application is made to have an inspection done at a packing warehouse (for example if it is a consignment of firearms). Inspections are also done on the basis of profiling. Different teams will do their profiling using different criteria. For example officials dealing with smuggling prevention focus on manifests; teams specialising in illegal imports scrutinise import and export documents; and officials looking for drug smuggling will make their own examination of documents and manifests.

Because of the relatively low level of physical checks on full container loads relative to the total number of containers going through Durban Harbour on a daily basis, officials suspect that contraband is being smuggled through the port. However, the extent of the smuggling is unknown. Some indications can be obtained by referring to the amount of contraband detected by the Durban container x-ray scanner unit. The SAPS estimate that in 2001 approximately R1.6 million worth of illegal drugs were confiscated, and counterfeit goods valued at about R22 million were seized.¹²⁷ However, most of the drugs found by the container x-ray scanner unit were in transit, and not destined for South African markets.

Although no firearms were detected at the x-ray unit in the last half of 2002, police believe that firearms are being smuggled through in containers. For instance Ak-47s could be packed in containers of second-hand clothes, since smugglers know these can only be picked up by the x-ray scanner or by a full unpack. Moreover, such containers need to be identified by means of risk profiling analysis. If the goods description given is false, containers in which firearms are hidden might not fall within the risk profiling net for further inspection.

Moreover, persons smuggling firearms for criminal purposes tend to do so for single firearms or small quantities of weapons. The likelihood of their being detected is very low. Under these circumstances, accurate and thorough profiling becomes crucial to successful detection. While profiling emphasises the movement of narcotics and the detection of drugs, firearms and counterfeit goods, Customs also do profiles on all goods that are handled in any unusual quantities, or frequently consist of one type of cargo, or are irregularly documented.

The whole inspection process and ancillary procedures related to violations that have been detected (such as the nature of the offence, admission of guilt,

finances paid, false invoicing, undervaluations and so on) should be entered into a central electronic database, which is integrated with the SAR system. This would allow the historical background of each shipper and importer or exporter to be checked, and enable customs officials to track trends in imports and consignments. However, for physical inspection purposes Customs still require the original copy of the DA 500 (so that they can pick up any changes such as the alteration of the information on it).

Some containers arriving at Durban Harbour are removed in bond (RIB), and transported either by rail or road to the internal port of City Deep in Johannesburg, where they are cleared by Customs. Shippers pay a small deposit (a percentage of the value of the goods) at Durban Harbour, but do not pay any dues. No customs docket is necessary to get these containers onto rail transport; all that is required is the manifest and Bill of Lading, showing City Deep as the destination. These containers can be (and have been) tampered with, stolen, or broken open to remove smuggled goods while in transit.¹²⁸ Technically any container seal can be broken or tampered with. Tampering, replacing and counterfeiting of both Customs and Border Police container seals appears to be a problem. Both Customs and Border Police use different types of seals, all of which can be tampered with and resealed without notice. The Customs wire seal can have its pin needle lifted, pulled out with a duplicate seal having the same number being reinserted after the container opened, goods removed or inserted (e.g. drugs from South Africa into consignments in transit destined for other countries). Alternatively the aluminium seal can be loosened. A replica seal is then put on with the same number. The plastic seal can be broken and resealed using superglue to fix the break. The bolt-type seal can be sawed through then two holes are drilled into both sides with a pin inserted in the holes and the bolt glued together with superglue. Containers can also be opened without breaking a seal merely by taking out the whole bolt leaving the seal. The bolt is later replaced and a nut welded on top. For this reason 20-foot containers are loaded door-to-door onto rail wagons thus preventing access to the doors, while the 40-foot containers are loaded onto so-called 'bathtub' (having a rim which prevents the 40-footer door being opened while in transit) rail wagons.

In Durban, Customs and Border Police can register a 'silent stop' on the computer to identify suspect containers. This flagging informs the operator of the City Deep goods movement computer of the date the container will arrive, and indicates that it must not be released until it has been inspected by Customs and the Border Police at City Deep.

Security at Richards Bay Harbour¹²⁹

Unlike Durban Harbour, Richards Bay already has a perimeter fence protecting the harbour area, and controlled access to the three entrances (one to the coal terminal, and two to the harbour itself). These are manned by Portnet security guards on a 24-hour basis.¹³⁰ Regular vehicle patrols are made of the perimeter.

Although there are plans to build a container terminal, Richards Bay currently lacks such a facility. Containers coming in by road, rail or ship are supposed to be offloaded at one of two designated spots on the wharfside. These areas are open and not secured. In other words, there is no specific control over, or guarding of, the containers. Also, because in practice containers tend to be stashed all over the harbour area, some disappear or are broken into.

The documentation system at Richards Bay is still manually based. The Border Police at Richards Bay¹³¹ have an arrangement with Customs that they will be phoned when a container ship comes in, so that the police can be present when each container is offloaded. Shippers of containers coming in by road or rail (which represent the majority of containers handled at Richards Bay) are requested to offload and stack these end-to-end, so that they cannot be broken into before they have been inspected. If Customs find that a seal has been tampered with or broken, the Border Police investigate.

At Richards Bay the profiling of containers is undertaken jointly by Customs and the Border Police. The system used at Richards Bay is similar to Durban Harbour's. The profiles identify the country of departure of containers (and give red flags to goods from 'hot' countries); the receiving agent; and the value of goods.¹³² On average five containers a day are put on hold at Richards Bay, opened and inspected. If necessary, the contents are unpacked and searched. The Border Police, Customs and importer/owner or agent are all required to be present at the inspection, as at the other ports of entry.

The Border Police are currently also doing profiles on the movement of yachts, boats and trawlers using Richards Bay harbour.

Problem areas

The following are some of the shortcomings identified at Richards Bay:

- There is no container terminal or designated secure area for the offloading

and storing of containers. The guarding of containers is inadequate, partly because containers are offloaded all over the wharveside. This security loop-hole could be exploited: containers could be opened without supervision, and the contents removed or substituted.

- There is a shortage of x-ray and screening equipment for cargo containers.
- Scrap metal containers are packed in the exporter's yard and transported without being inspected and sealed by Customs.
- Some containers destined for Richards Bay and Durban come by rail through the Gollel post on the Swaziland border. These containers, which have a seven-day clearance period after entering the country, are sometimes offloaded at Richards Bay before a goods manifest has been received. If electronic databases recording goods movement at ports of entry and border posts were linked, more effective control of the movement of such containers would be ensured. Such a system would also assist officials to do profiling and risk assessments in advance of inspections.