

The Impact of Stowaways and Illegal Migrants by Sea - a case study in Taiwan

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Abstract

The development of stowaway and illegal migrant problems worldwide is believed to induce public resentments because of its negative impact on social order and the financial burden it imposes on the public and private sectors. In addition, stowaways and illegal migration have become part of an organised crime because organised criminal trans-national groups are involved in the smuggling and trafficking of migrants by sea. Taiwan has been confronting a rising number of stowaways and illegal migrants coming from Mainland China by sea since 1987, when the interactions between both sides (Taiwan and Mainland China) of the Taiwan Strait at social level was allowed. Such phenomenon has induced significant impacts on Taiwan's society. In context of the worldwide phenomenon of stowaways and illegal migrants, this paper aims to investigate economic and social impacts concretely and practically. It especially focuses on investigating the current phenomenon and major impacts of stowaways and illegal migration by sea to Taiwan and aims to suggest appropriate measures for tackling this problem.

Keywords: stowaways, illegal migrant, smuggling of migrants, human trafficking, maritime security

1 Introduction

The International Maritime Organisation (IMO) [1] defines a stowaway as “A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the ship-owner or the master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the master to the appropriate authorities.” An alternative definition for attempted stowaway as “A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the ship-owner or the master or any other responsible person, and who is detected on board the ship before it has departed from the port.”

However, the IMO’s definition of “stowaway” does not cover all aspects of illegal entry to a country by sea, because migrants may be transported by a known responsible person. For example, the practice of Chinese people migrating illegally by sea to Taiwan, which will be discussed later, do not entirely follow the given definition of “stowaway” since, instead of being secreted on a ship, migrants presence is always known to those Taiwanese or Chinese fishing vessels transporting them, which are usually bought or hired by snakeheads. In practice, stowaways entering a country without the required documents are illegal migrants. Therefore, this study will use the term “stowaways and illegal migrants” to discuss the issue of illegal entry to a country by sea.

For the past decade, many countries have encountered a serious problem with respect to the entry of stowaways and illegal migrants, caused mainly by external factors and mainly due to political, social and economic changes that occurred worldwide, especially in Asian and African countries. NEP&I [2] categorised types of stowaways as refugees, economic migrants, asylum seekers, illegal migrants and criminals. According to United Nations High Commissioner for Refugees (UNHCR) figures [3], the number of people giving "cause for concern" worldwide had risen from about 15million in 1990 to 19.8 million in 1997 and keeping at this range though in 2004 stood at 19.2million, causing a corresponding rise in the number of stowaways.

Table 1: Maritime Security Incident

	Africa	Asia	Europe	South America	North America	Near East	Oceania
Attack		2					
Drugs		4	13	29	11	1	10
Hi-Jacking	6	14		3			
Sabotage		3		1			
Smuggling		5	3		1	1	
Stowaway	1	5	5	2	10		

In addition, security incidents recorded at the gateway to maritime security by Class NK [4] categorised maritime security into attack, drugs, hi-jacking,

sabotage, smuggling and stowaway (Table 1). These records show a total of 23 stowaway cases involving 279 stowaways, 34 resulting deaths, 4 murders and 3 cases of drowning.

While IMO [5] annual statistical data on stowaways suggested an annual decline in the number of stowaway incidents as well as in the number of persons during the 1999-2004 period (Figure 1&2), the IMO Maritime Safety Committee (MSC) [6] reported a trend of increased number of incidents of trafficking or transportation of illegal migrants between 2000 and 2004 (Figure 3 & 4). These data were obtained on the basis of a reporting procedure since December 2000 on a biannual basis, to keep track of incidents related to unsafe practices associated with the trafficking or transport of illegal migrants by sea.

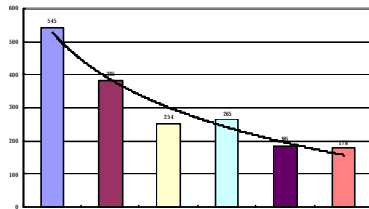


Figure.1 IMO Statistics of Stowaway Incidents - No. of Incidents

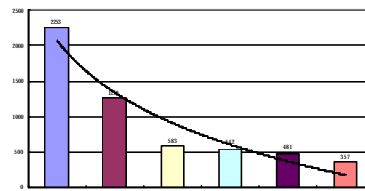


Figure.2 IMO Statistics of Stowaway Incidents - No. of Persons

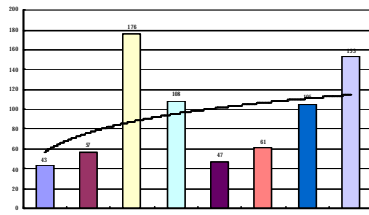


Figure.3 IMO Statistics of Illegal Migrants by Sea - No. of Incidents

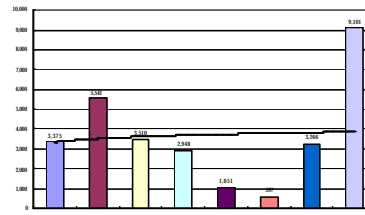


Figure.4 IMO Statistics of Illegal Migrants by Sea - No. of Persons

Stowaways and illegal migrants not only impact on the society of the receiving countries but also become a major burden, resulting in huge financial losses to both the public and private sectors. In the context of worldwide phenomenon in respect of stowaways and illegal migrant, this paper will aim to investigate its economic and social impacts concretely and practically.

Taiwan has been confronting a rising number of stowaways and illegal migrants coming from Mainland China by sea since 1987, the year in which interactions at social level between both sides of the Taiwan Strait (Taiwan and Mainland China) were allowed. Such a phenomenon has induced significant impacts on Taiwan's society. Therefore, this paper will focus on Taiwan area and investigate the current situation concerning the problem of stowaways and illegal migration and its major impacts, including economic and social impacts and will to suggest appropriate measures for tackling this problem.

2 Some Facts from Taiwan

On 26 August 2003, the crew of two Taiwan-registered fast-moving boats, discovered to be involved in smuggling Chinese women to Taiwan. They tossed 26 women overboard in an effort to escape a Taiwanese coast guard's interdiction. Six women drowned and twelve were rescued, while eight others who swam ashore were arrested. The incident indeed shook Taiwan's public and attracted much attention in the media.

In Taiwan, almost all stowaways and illegal migrants come from Mainland China. Such stowaways and illegal migrants increased after the government allowed the interactions between both sides of the Strait at social level in 1987. The number of stowaways reached 5,944 in 1993. Statistical data reported by the Mainland Affairs Council, the Immigration Office National Police Agency and Taiwan's Coast Guard [7,8,9] show an average of 2,053 Chinese stowaways or illegal migrants were detained between 2000 and 2004, however, only 1,651 were repatriated (Table 2). The average detention time of 188 days for every illegal migrant was more than the 20 days specified by the Kimmen Agreement reached by Red Cross Chapters of both Taiwan and China in 1990 to serve as a benchmark for the repatriation of illegal Chinese migrants. In fact, it seems many stowaways and illegal migrants had successfully evaded arrest or detention and remained hidden in the community for some time. The total number of illegal migrants arrested by Taiwan's Coast Guard between 2000 and 2004 was 1,394, which only accounted for 31.50% of the number of illegal migrants reported by the Mainland Affairs Council over the same period.

Table 2 Number of Illegal Migrants from the Mainland China

Year	Number of Illegal Migrants from the Mainland China		Illegal Migrants by arrested by Taiwan's Coast Guard	
	Number of illegal migrants	Number of repatriations	No. of Incidents	No. of Persons
2000	1,527	1,230	74	74
2001	1,469	1,948	124	124
2002	2,032	1,402	244	876
2003	3,458	2,237	526	1,385
2004	1,783	1,440	426	776
Total	10,269	8,257	1,394	3,235
Average	2053.8	1651.4	278.8	647

Initially, stowaways or illegal migrants to Taiwan could be categorised as economic migrants looking for a better life as Taiwan was considered a prosperous country with a well-developed and growing economy. The majority of Chinese stowaways or illegal migrants were therefore male, seeking work opportunity in Taiwan to improve the living standard of their families in China. But such motivation had changed due to the economic recession from 2000 and the number of persons who stow away for such motivation has therefore decreased in recent years. Instead, because of the lure of Taiwan's lucrative sex trade, many Chinese women are attracted to migrate to Taiwan for prostitution purpose, and thus the number of illegal Chinese female migrants has increased

Chiang [10]. In 2003, Taiwan's police and Coast Guard Administration had arrested 1,299 illegal Chinese migrants, of which 1,031 were women. As a consequence, Mainland women have emerged as the main source of Taiwan's thriving but illegal sex industry. However, it is worth noting that the profitable sex industry has also attracted the attention of organised crime groups and encouraged them to engage in the criminal activities of smuggling or trafficking of Chinese women. Although the majority of Chinese female migrants, smuggled or trafficked to Taiwan by snakeheads, is unaware of the real reason for their illegal trafficking, not all the Chinese women smuggled into Taiwan for prostitution purposes are deceived by their smugglers. Many of them were prostitutes in China and get smuggled voluntarily for the hope of earning more money in Taiwan than they could at home. In addition, the deterioration of fishermen's livelihood as a result of decreased resources derived from the fishing grounds in Taiwan's sea area, difficulty of finding alternative jobs and the attraction of substantial profits to be gained from human smuggling have contributed to their involvement in transporting illegal Chinese migrants to Taiwan as and when requested by snakeheads. This has further promoted the development of human smuggling across the Taiwan Strait.

3 Impacts

Stowaways and illegal migrants not only impact on the society of the receiving countries but also become a major burden, resulting in huge financial losses to both the public and private sectors. In fact, the costs in time and manpower spent on sorting out the practical and administrative consequences of a stowaway or an illegal migrant incident, as well as the delays to ships can be out of all proportion to the initial problem. Increased stowaways and illegal migrants have induced public resentment, which will continue to act as a stimulus for governments to enact more and more preventative legislation. As a result, this legislation will impose further burdens on ship owners and masters and subject them to greater public accountability. In addition, there are expenses arising from the presence of stowaways on board a vessel, which are normally the responsibility of the owners/operators of that vessel. The UK P&I Club estimates that the stowaways cost the shipping industry in excess of USD 20 million per annum [11]. Subject to the vessel's terms of entry, these costs will normally be covered by the P&I Club. For the 1995-2000 policy years, the number of reported cases reached 2,091 and costs incurred by the Club to USD 11.6 million in detention, repatriation, deportation etc. By 1999 the costs had doubled in four years. A stowaway case reported by the club that occurred in the US showed that total expenses of around USD 45,000 were incurred for each stowaway by Charter P&I Club [12]. For example, according to the data obtained through interview from the largest Taiwanese shipping company [13] 14 stowaway cases were reported with a total of 28 stowaways during the period of 1997-2003. Exact costs incurred by the company were not known but if the amount of USD 45,000 were used for estimation, it would induce additional costs of USD 1.26 million for the company. While relevant costs for managing stowaways can be covered

by the P&I Club, all costs may not be covered and could be reduced or rejected if the Club's Directors consider that the member did not take adequate steps to prevent the stowaways from boarding.

In addition to the increased costs to owners, recently there has also been an increasingly worrying trend, that is, a threat to the security of ships' crews by hostile or large groups of stowaways or illegal migrants. The likelihood of violent behaviour arising amongst the stowaways themselves or being directed against the crew should be considered. The number of stowaways on board is also a consideration, especially if that number is high in proportion to the number of crew. In all cases, the ship's crew should try to take appropriate security precautions. The concern of maritime security associated with stowaway is also contained in the International Ship and Port Facility Security (ISPS) Code, which has come into effect on 1 July 2004. Shipping companies have to comply with the new rules to improve maritime security by installing security equipment, which is estimated to cost at least US\$1.3 billion a year although such expenditure is not for preventing stowaways only DFAT 2004 [14].

Illegal migrants can have negative effects on a country's community. Morganelli [15] indicated that the majority of illegal migrants in the U.S. are engaged in criminal activities. Another concern has arisen because of increase in stowaway and illegal migrant activities. As a great deal of money can be made from smuggling people, there is growing evidence that international organised criminal groups are involved in smuggling people by sea. Stowaways and illegal migration has become part of organised crime, which consequently brings great harm to the migrants themselves. For example, since the late 1980s Chinese smugglers known as "snakeheads" have smuggled tens of thousands of illegal migrants into the US. Migrants looking for an escape from their economic and sometimes political hardship at home are willing to pay an increasingly high price for a one-way ticket out, causing the trade in human cargo to flourish. For instance, Friebe and Guriev [16] pointed out that China-US smuggling fees that reached USD 35,000 in mid 1990s continued to rise up to USD 40-50 thousand since then. The fee for passage from China to Europe, or from India to the US are lower but still above USD 20,000. China-Taiwan smuggling fees are about USD 9,000. Many of the illegal migrants debt-financed these fees and because of repayment burden they have been controlled and deprived of their rights by snakeheads or intermediaries ever since they arrived at the destination. This has caused severe human rights problem.

The illegal migration in Taiwan also has had several negative impacts as those stated above. Firstly, human smuggling activity has hampered public security both in Taiwan and Mainland China because traffickers or snakeheads are usually organised criminal groups, which often commit criminal activities, such as defrauding and abduction. In particular, the increasing number of illegal Chinese female migrants forced to become prostitutes in brothels in Taiwan has decreased public security and proved a very tough problem for Taiwanese law enforcement agencies to cope with. Secondly, illegal migrants pose a threat to Taiwan's disease control system. The tragedy of the Serious Acute Respiratory Syndrome (SARS), outbreak in China, is an example. Thirdly, the growing

number of detained Chinese migrants is a drain on Taiwanese taxpayers since money has to be spent to provide them with board and accommodation, health care and other essentials. Taipei Times [17] reported that with an average detention time of 188 days for every illegal migrant and considering more than 2,500 Chinese detainees are always awaiting repatriation, the cost of repatriating these migrants amounts to more than USD 4million a year. Besides, additional costs are incurred by the government as a result of purchasing advanced electronic equipment on patrol vessels and ashore for the detection of suspicious boats.

4 Prevention and Solutions

Smuggling by sea brings harm to migrants and since crime at sea falls under international law a highly complex legal area for the country authorities. Hence from legal aspects pertaining to prevention and handling procedures, measures for combating and related recommendations the UN, UNHCR and IMO [18] have carefully adopted provisions in the UN and IMO treaties and resolutions such as IMO's FAL and SOLAS Conventions, ISPS Code, Circulars and reports from MSC, FAL and COMSAR committees. In addition to above measures for preventing and dealing with smuggling of migrants, many other international organisations, different states, many public and private sector organisations have also been devoting themselves to dealing with problems of stowaways and illegal migrants. Concerning the Taiwan's maritime security, the Taiwanese government and all maritime stakeholders shall be taking up these matters concerning stowaways and illegal migrant by complying with all international requirements and establishing an inter-state cooperative scheme.

The problem of human trafficking in and through Taiwan has also raised international concern. In the third annual Trafficking in Persons Report [19], Taiwan was listed as a source, transit, and destination region for persons trafficked for sexual exploitation and forced labour. Victims of trafficking are brought to Taiwan from Mainland China, Thailand, Cambodia, Vietnam, Indonesia and the Philippines. Accordingly, the Taiwanese Government should make substantial efforts to prevent and eliminate these illegal activities. At present the Government has adopted some measures for dealing with such problems, including enforcement of laws that criminalise general trafficking activity and financial support to non-governmental organizations for promoting public awareness for in this area. These measures in fact comply with the requirement under international legislation relating to stowaways and human-smuggling issues.

The relevant regulations for criminalising snakeheads and dealing with illegal migrants are specified in the Act Governing Relations between the Peoples of the Taiwan Area and the Mainland Area. In order to eliminate smuggling and human trafficking activities, the government in October 2003, revised some clauses of the legislation and increased penalties against smugglers and snakeheads. Additional penalty clauses have also been amended, for example, the ship owner, operator, or master of any vessel will be severely penalised for involvement in

transporting illegal migrants to Taiwan. These could lead to cancelling or revoking pertinent licenses or certificates; suspending or revoking the professional license or eligibility of the said master or seafarers; expropriation of the vessel by competent authority will if the owner uses it for transporting illegal Chinese migrants.

In addition to legislative measure, several other measures against the migrant smuggling activities by sea should be taken by the Government. Firstly, it is important for the Taiwanese government to reinforce cooperation and strengthen communication network among relevant domestic law enforcement agencies so that the movement of illegal migrants can be effectively detected and controlled and the smugglers and organised crime groups behind these activities may be traced. Secondly, as the tide of illegal Chinese migrants can possibly not be stemmed without cooperation between Taiwan and China, cooperation between law enforcement agencies across the Taiwan Strait should be promoted by establishing a two-way communication scheme so that effective combating of illegal migration activities can be achieved. However, because of the fact that political conflict has impeded bilateral cooperation for solving the illegal migrant problem, the measures of seeking cooperation with the Mainland are somewhat difficult to implement. Nevertheless, the Taiwan Government could attempt to seek international assistance to find solutions to the communication problem with the Mainland.

Thirdly, illegal migration can also be prevented through constant air and sea surveillance. Thus additional modern sea patrol vessels with capabilities to sail under difficult weather conditions are needed to meet the increasing duty demands of the Coast Guard to conduct patrols effectively. Also, advanced electronic equipment on patrol vessels and ashore is needed for detection of suspicious boats for possibility of faster and effective intervention. Adequate air patrol along the coastline and maritime area in conjunction with sea patrol should be planned to safeguard the sea border. Finally, with regards to involvement of Taiwan's fishermen in smuggling of illegal migrants, in addition to imposing serve penalties, the Taiwanese Government must make a serious effort to educate fishermen about the risks and costs of engaging in smuggling and transporting illegal migrants. Government should also provide assistance to improve their livelihood

5 Conclusions

The stowaway and illegal immigration problem will not be completely solved as long as worldwide political, economic and social inequalities exist. Nevertheless, efforts must still be made by countries to prevent and tackle the problem. Smuggling and trafficking illegal migrants by sea is of high international concern as it results in criminal, immigration, human rights and national security threats. Necessary measures, which have been taken worldwide to combat illegal migration by sea, include criminalisation of smugglers and snakeheads, compliance with international laws and guidelines and cooperation among States.

The different political and economic situations between Taiwan and China, the unique geographic position featuring an extensive and long coastline have contributed to the phenomenon of illegal Chinese migrants by sea into Taiwan. In particular, the lure of the profitable sex trade in Taiwan has contributed to more and more illegal migration incidents, which are usually organised and operated by smugglers and snakeheads. As a consequence, the influx of illegal Chinese migrants has induced public resentment because it has had negative effects on Taiwan's society. For example, it has led to an increase in criminal offences and loss of work opportunities for Taiwanese citizens. Human smuggling has also diminished public security in Taiwan as well as in Mainland China because traffickers or snakeheads usually have connection with organised criminal groups.

The illegal migration across Taiwan Strait is expected to continue unless China takes steps to improve its political situation, economic stability and equality among its citizens. Nevertheless, measures should still be taken by the Taiwanese Government in order to tackle the problem of illegal migration and human smuggling to secure stability of Taiwan's society. Defining migrant smuggling as a felony is expected to contribute substantially to such measures. More efforts should be made to promote cooperation and exchange information between law enforcement agencies across the Taiwan Strait by establishing a communication link. It is necessary to reinforce cooperation and strengthen communication networks among relevant domestic law enforcement agencies so as to detect and effectively control the movement of illegal migrants and for halting organised crime groups behind them. To safeguard the sea border, the Coast Guard's continuous sea patrolling, supplemented by air patrolling, should be conducted. Additionally, the Taiwanese Government should be deeply concerned about fishermen's livelihood. It should provide them moral advices to prevent them from being the middlemen for snakeheads in transportation of illegal migrants to Taiwan.

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