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Bordering the Sea: Shipping Industries and the Policing of Stowaways [1]

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Despite the keen interest that critical scholarship has shown in migration as a form of border transgression, the itinerant figure of the stowaway has received surprisingly little critical scrutiny. This paper suggests that the policing of stowaways by sea merits greater attention. Following a brief discussion of the changing problematic of the stowaway, it focuses on one particular aspect of the governance of stowaways: the role of maritime insurance companies and shipping consultants who have made the prevention and resolution of stowaway incidents into a normal part of their business. A focus on the activities of these agents is merited because it allows for a fuller account of the policing of transgressive migratory practices and identities at maritime borders. But this focus also allows for a rethinking of certain key concepts within migration and border studies more broadly. First, it prompts us to revise what we understand by 'securitization'. To this end the paper highlights the extent to which the securitization of the stowaway involves banal and technical practices much more than it does than the dramatic acts of threat construction usually associated with the term. Second, this case challenges us to rethink how we understand deportation. For it brings to light the way in which insurers and shipping experts constitute a private industry which specializes in the disembarkation and repatriation of migrants. A fascinating feature of this stowaway removal industry is that it must negotiate the return of its subjects not just into the political space of the world of states, but the terrestrial space of terra firma. Little theoretical attention has been paid to relationships of land and sea within migration governance. The policing of stowaways offers one site where this important theme might usefully be explored in future research.

As there is a great deal of dirty work that must be done on ship-board, the stowaways are pressed into service, and compelled to make themselves useful, if not agreeable. They are forced, in fact, to work their passage out, and the most unpleasant jobs are imposed upon them (Illustrated London News 1860).

There may be a temptation to put stowaways to work, and avoid the additional inconvenience of the crew guarding them, but this is strongly discouraged. Claims for wages and associated crew benefits are often reported to the authorities when the vessel next arrives in port. This can aggravate the problem and cause delays to the ship, including suspicion about how the stowaways originally entered the vessel (NEPIA 2001: 11).

The Problem of the Stowaway [2]

The Oxford English Dictionary (OED) defines the stowaway as ‘a person who hides in a ship in order to escape payment of passage-money, to get to sea unobserved, or to escape by stealth from a country. Hence also, one who steals a passage by aeroplane’. The OED is no doubt reluctant to bend its definitional activity to sudden and perhaps fleeting changes in language use, but there may be a strong case for amendment in this instance. True, this particular definition does reflect the fact that the world’s air routes have become a space of clandestine mobility in recent years, often with the most deadly consequences for the clandestine traveller (Back 2003). But the OED definition does appear dated in a different respect. It fails to register the fact that the figure of the stowaway has undergone a significant transformation: if it was once about escape – the flight from a country, and an intolerable situation – today it is equally, if not more about the transgression of state borders. Stowing away has become a matter not just of escape but unannounced entry.

The longstanding association of the stowaway with the act of exit and the possibility of flight perhaps explains in part why the stowaway is a recurring figure in literature where ‘he’ (typically) appears as a heroic or roguish figure venturing forth into an limitless and unknown sea (von Zharen 2000). The recurrence of this particular image of the stowaway in popular fiction can certainly be profitably read alongside Foucault’s suggestion that the sailing vessel has been to the modern West its ‘heterotopia par excellence’ (Foucault 1998: 185), ‘a space of illusion that denounces all real space, all real emplacements within which human life is partitioned off, as being even more illusory’ (Foucault 1998: 184). We might even speculate that in this itinerant figure there remains a trace of that most ancient conception of the sea: an open space beyond the terrestrial power of states, a place where ‘there were no limits, no boundaries, no consecrated sites, no sacred orientations, no law, and no property’ (Schmitt 2003: 42).

Certainly stowing away remains closely connected with the determination to escape from domination, poverty, boredom and much else. However, the fact is that sometime in the last 30 years or so – corresponding with the growing emphasis which western governments have placed on immigration restriction and border control (Cornelius, et al. 1994; Guiraudon and Joppke 2001) – stowing away has acquired an additional social function. Perhaps more than ever before it serves not just as a mechanism of emergency exit but a means of unannounced arrival. As many state borders become much harder to cross for those lacking the requisite documents, socioeconomic status, or simply possessing the ‘wrong’ nationality, and asylum becomes a scarce resource to be jealously guarded by governments, stowing away has emerged as a significant element within the autonomous migration strategies of those subjects who seek, for whatever reasons, to gain physical access to the heavily protected territories and socioeconomic privileges of the West.

Stowing away was previously seen as combining an act of trespass and an act of theft. The theft in question was, to rephrase the OED, the theft of passage. It involves a certain kind of crime perpetrated against private property. This may well have been the core of the offense as perceived by ship owners and other maritime authorities in the nineteenth century. This perception no doubt informed the forms of treatment accorded to those stowaways that were discovered not in port but only once a ship had set to sea, most notably the punitive ritual of ‘work[ing] their passage out’ which the *Illustrated London News* describes in my opening quotation.

But we are presently in the midst of another phase in the sovereign ‘enclosure’ of the earth’s territory (Schmitt 2003: 42), an enclosure which takes the form of the worldwide spread of immigration and border control (Duvell 2003). What makes the stowaway a problem figure today is not so much the theft of passage but the way in which stowing away now becomes entangled within modern regimes of immigration control, and the ramifications of this entanglement for the commercial operations of ship owners and their clients. Where once the stowaway could be easily disembarked at some future port of call, the nearly global spread of immigration restriction and border control, coupled with the more general public apprehension generated by the spectre of ‘immigration’, all mean that the stowaway has come to pose a different kind of problem for shipping industries.

As part of their campaign to tighten control over the crossborder movement of unwanted people and things, and as a way to provoke commercial actors into taking greater responsibility in the policing of migrants, states now impose considerable fines and penalties on commercial carriers deemed responsible for transporting undocumented persons into their territories (Guiraudon 2003a; 2003b). These ‘carrier sanctions’ are a source of considerable irritation to train operators, road hauliers, and airlines who protest that such measures make them shoulder undue social and financial

responsibility for a worldwide migration and refugee crisis that is not of their making, nor within their control (IRU 2001). Not surprisingly, the legality of carrier sanctions has sometimes come under challenge. For example, the road haulage industry mounted one such challenge in the courts, and successfully reversed the UK government's decision to fine lorry drivers who unknowingly carry unauthorized migrants from France and Belgium into UK ports like Dover (Guardian 2002).

Quite often a state will simply refuse to allow the disembarkation of stowaways. But in those instances when they are allowed to disembark, considerable fines are imposed on the ship owner. The USA, Canada and Australia can charge up to \$5000 for having a stowaway on board. Spain is considered top of the 'penalty league' in threatening fines up to \$160,000 for stowaways who escape their ships whilst in Spanish ports (NEPIA 2001: 2). But it is not just the regime of fines which renders the stowaway an economic risk for merchant shipping. There is also the fact that international norms and conventions hold that it is ship owners who are to be responsible for arranging and financing the repatriation of unwanted migrants. Connected to this responsibility to repatriate the stowaway, and potentially much more costly, is the loss of revenue which occurs whenever a ship is 'deviated' from its scheduled route in order to disembark a stowaway, or delayed in a port while a stowaway controversy is played out with the local immigration officials and port authorities.

While only sporadically an issue within national politics, the stowaway has therefore long been an irritant to the commercial world of shipping. For this reason, but also because the case of stowaways at sea is widely understood to pose significant humanitarian problems, a number of conventions and frameworks concerning the international governance of stowaways have been proposed. The most notable of these was an International Convention relating to Stowaways which was adopted by the Diplomatic Conference on Maritime Law at its session in Brussels in 1957 (UNHCR 1988). However, this remains unratified by the international community with the consequence that an international legal regime governing stowaways still does not exist. Nevertheless, certain principles concerning the responsibility for resolving stowaway cases do exist, and these are set out in various guidelines published by the International Maritime Organization, the division of the UN responsible for issues of maritime governance. These have sought to establish some basic rules determining a division of responsibility for resolving stowaway cases between ship owners, port states and flag states. They dictate, for example, that 'Every effort should be made to avoid situations where a stowaway has to be detained on board a ship indefinitely. In this regard countries should cooperate with the shipowner in arranging the return of a stowaway to an appropriate country' (IMO 1997: 4.1).

But while the principle exists that stowaways, once discovered, should be disembarked at the ship's next port of call, stowaways are

frequently shunned by port states. This gives rise to what one UNHCR spokesperson calls 'orbit cases' – where asylum seekers 'can spend months or even years being bounced from country to country with no one prepared to hear their claim' (UNHCR 2002). The case of two men, believed to be from Iraq, who stowed on board a Panamanian-registered ship in Limassol, Cyprus is quite typical. It would take more than two weeks to resolve this 'stowaway saga' – in Gothenburg, but not before they had been denied a landing in Spain, Ireland, the UK and the Netherlands (UNHCR 2002).

The most scandalous fact is, of course, that not all stowaway cases end with the disembarkation of the migrant. The least fortunate are simply thrown overboard or set adrift in small rafts. Such practices only come to light in situations where the migrants survive to tell the tale. For instance, there is the case of nine men from Cameroon, Gabon and Nigeria. In November 2003 they were put overboard on two small drum rafts by the crew of a cargo ship they had boarded in Libreville. They were fortunate in that they made it safely to the Namibian coast. But as the shipping newsletter *Fairplay* (2004) observes, 'unknown numbers of stowaways are not so lucky and simply disappear, and it is only those on board the ship who are any the wiser'. I mentioned above the old idea of the sea where it represented a space of unpredictability and violence located beyond the territorial power of states and outside their regime of law. The routine killing of stowaways, coupled with the rarity with which Masters and crews have been brought to justice, suggests that however much the ocean may have been striated by the modern forces of commerce, geopolitics and international law, however much it has been rendered predictable, navigable, exploitable, etc. by these interventions, there exist circumstances under which the ancient idea of the high sea as a lawless space beyond sovereignty and justice is capable of being reactivated.

Stowaways at the Margins of Migration Studies

While various issues raised by the treatment of the shipboard stowaway have been addressed within studies of international law (Steglich 2000), refugee law and humanitarian practice (Goodwin-Gill 1996), this itinerant figure has yet to be properly identified as a subject in its own right, worthy of concerted attention and theorization by the social sciences. [3] It is as though the stowaway, like whaling or shipwrecks, is regarded as a quintessentially maritime phenomenon which belongs to the world of the sea, and possesses little relevance to the (land-based) world of the social sciences. Hence, for example, although there is a great deal of interest within critical migration studies in such matters as the social construction of the asylum seeker, one finds very little written concerning the identity, politics and governance of the stowaway. If the figure of the pirate has come to be seen as a site worthy of critical investigation for what it reveals about historical practices of sovereignty, territoriality, and the limits of the social (Beasley-Murray 2005; Thomson 1994), the same cannot be

said of the stowaway. As things stand, it is the fate of the stowaway to inhabit not only the shadowlands of the world of shipping, but the margins of migration studies.

In a single paper I cannot, of course, hope to redress to any significant degree this marginality of the stowaway within critical migration studies. Instead, I shall confine my discussion to one particular aspect of the world of stowaways. I shall be exploring the stowaway issue from a definite vantage point: in terms of its place within the routine calculations and operations of a particular form of mutual insurance practice, the Protection and Indemnity (P&I) Clubs. P&I Clubs are by no means a recent invention. Originating in nineteenth century Britain, the P&I Clubs served as a way for ship owners to address rising levels of third party liability arising from the rapid expansion of their commercial operations. Whereas hull insurance covers damage to the ship, P&I deals with collateral risks associated with shipping, such as the contamination of waters by spillage, damage to cargo, or to fixed or floating objects. Since the presence of stowaways exposes ship owners to various kinds of risk, ranging from the threat of financial penalties to the costs of rerouting the ship to disembark the clandestine migrant, then P&I Clubs have a stake in their prevention and administration. Indeed, they have more than a stake: they have emerged as a leading source of expertise, data, and authority in the prevention, handling and governance of stowaways. As we have noted already, there may be no firm, international legal regime covering the governance of stowaways, but this is not to say there is no governance at all. Concerning the activities of P&I Clubs, the network of independent 'correspondents' in all the major ports with whom they liaise, and the various service providers they contract, it is possible to say that there does exist a decentred governance of stowaways. It is a governance that is animated by logics of commercial insurance and technologies of risk.

The remainder of this paper will focus on the P&I Clubs and this dispersed regime of governing stowaways which they institutionalize. There are two themes that I explore. First, I am interested in how the governance of stowaways through insurance might speak to a much debated question within migration politics, namely the securitization of migration. Specifically, I argue that the shipping industries govern stowaways primarily as a question of economic loss. Whereas securitization is often assumed to involve rhetorics of danger, and political tactics of cultural othering, securitization in this context takes a very mundane form. Furthermore, there is a particular form of normalization connected to the constitution of migration as a question of profit and loss. But this normalization process has a flip-side: it is not without its own forms of micropolitics in which those categorized as stowaway are sometimes able to negotiate a certain room for manoeuvre, however cramped that may be.

Second, I shall suggest that the governance of stowaways offers insights about contemporary practices and regimes of deportation,

and more generally, the phenomenon that I have elsewhere called the international police of aliens and migrants (Walters 2002a). Deportation is usually understood as a practice of states, and a key element of modern immigration policy. But the study of the P&I Clubs reveals that the shipping industry operates its own, commercially mediated practices of compulsory population movement. This arises from the fact that ship owners have a responsibility for the 'repatriation' of those stowaways located on their vessels. One of the most interesting features of this repatriation practice is the fact that it involves not merely the attempt to secure the 'readmission' of its subjects into the *political* space of their 'home' states. The peculiarity of the case of the stowaway is that the resolution of their case involves their negotiated return onto dry land. They are suspended not only at the margins of the political space of the state, but the edge of terrestrial space. Nothing less than the complex relationship of land and sea, and the unchallenged terrestrial assumptions of the social sciences is brought into question in the governance of stowaways. [4]

Risk, Insurance, and the Everyday Securitization of Migration

There is now a large body of research exploring what it calls the 'securitization of migration' in western countries (Buonfino 2004; Ceyhan and Tsoukala 2002; Heisler and Layton Henry 1993; Huysmans 2000). Corresponding roughly with the rise of immigration control as a central issue within national politics, and central to the emergence of 'new' security issues following the end of the Cold War, the securitization of migration is generally understood to operate as a strategy which both transforms immigration into a domain of high politics, and legitimates tough and often anti-immigrationist public policies. Studies of the securitization of migration tend to focus on the space of public politics, and highlight the discursive strategies through which certain kinds of migrant are rhetorically constructed as a burden to society and economy, a threat to civil order, and a security risk. They draw particular attention to immigration discourse as a site of cultural othering, as manifest for instance in relentless talk of a clash of civilizations and the limits of cultural integration.

The banality of security

While there can be no doubting the power and pervasiveness of this language of security, when we look at the governance of stowaways at the level of the shipping industry, and especially within the operational field of the P&I clubs, it suggests that this analysis of the securitization of migration is certainly quite partial. It reveals there are other dimensions to securitization where the scene is somewhat different. [5] Far removed from the space of official politics, operating around the shipping industries we find a technocratic field where the kind of language and imagery familiar from public discourse about 'immigration' is, if not absent, then certainly minor. For here we find a much more banal if no less troubling depiction of migrants: they are cast first and foremost not as cultural others, or as dangerous

subversives, but as a routine economic cost and disruption to busy trading schedules. 'The stowaway represents a financial burden to both owner and charterer' (Mason 2004: 17). This risk is to be governed not according to the imagery of war but the same kinds of everyday precautions and logics of prevention that are used in the governance of crime and disorder in settings like the shopping mall and the middle-class neighbourhood. This is evident when we survey the discursive space of the P&I literature on 'loss prevention'. Here, in specialist bulletins, stowaway incidents are reported alongside problems of ballasting, or the pollution and contamination of cargo, or the illegal export of logs from Indonesia – they feature as one more eventuality which the responsible ship owner should be prepared for. Similarly, they are sometimes framed within an instructional literature addressing shipboard issues of 'safety'; here they occupy a space next to 'damage to fixed or floating objects' and managing the risk of 'drugs and alcohol' abuse amongst the crew. The point is, of course, that migrants have no particular or natural affinities with these things. It is when situated on the 'institutional territory' (Ericson, et al. 2003: 93) of shipping insurance that these seemingly arbitrary associations come to appear quite natural and obvious. As Skuld, a large Norwegian P&I, puts it: these are all forms of 'losses on board ships' (Skuld n.d.).

The case of stowaways should remind researchers in migration that cross-cutting the political field of migration, there exists a series of less visible, but certainly dense and institutionalized technocratic fields. These are located in areas like shipping and railways. Far removed from the official domain of immigration policy, and not explicitly designated as 'migration', they may be less visible but they operate as a significant element within the governance of migration. A better appreciation of the political logic and the effects of this less spectacular and less dramatic security field requires us to consider the central role played by technologies of commercial insurance since it is these which both institutionalize a perception of the migrant as a particular kind of risk, and contribute to the commodification of its management. Here it will be useful to draw on van Munster's work on what he calls the 'commodification and marketisation of immigration risk' (van Munster 2005; see also Verstraete 2001). Whereas a great deal of academic as well as media attention has focused on so-called 'underground' economies of migrant trafficking and smuggling (Koslowski 2000), it is quite surprising that the introduction of market assumptions and mechanisms into the official governance of unauthorized migration has received so little attention. Van Munster is one of the few researchers to pursue this matter in any theoretical depth. [6]

Focusing largely on the EU and its wider project, van Munster explains how the involvement of private insurance companies in the governance of stowaways might be understood in terms of an emerging 'advanced liberal' governance of unauthorized migration. The involvement of the insurance companies is interesting, he notes, not just because it reveals how legitimate businesses can make

money from unauthorized migration. 'It is also interesting because it turns insurance into a form of security governance beyond the state' (van Munster 2005: 18). Whether or not we want to go so far as calling private insurance 'the central institution of governance beyond the state' (Ericson, et al. 2003: 93), the fact is that the insurance relationship functions to give the insured both a stake as well as a set of responsibilities in the governance of insured risks. This makes the insurance relationship a powerful factor shaping the way in which formally commercial actors like ship owners, port authorities and other carriers take up security functions normally associated with public immigration authorities and police agencies. This becomes all the more clear if we follow van Munster's precedent and consider some of the ways in which private insurance implicates shipping companies within particular strategies of responsabilization with regard to the issue of stowaways.

The prevention of stowaways

Mindful of the complications which arise once a stowaway is discovered on board a ship at sea, the P&I Clubs place great emphasis on the need to anticipate and prevent stowaway incidents. To this end, one can speak of the existence of a discourse of prevention. An essential element of this discourse is risk communication. While studies of immigration control have begun to draw attention to the central role of intelligence databases in the policing of state borders (e.g., Europe's Schengen Information System and Visa Information System), far less attention has been paid to the operation of private risk communication systems in migration policing. Yet the study of stowaways reveals there are a number of ways in which shipping agents, P&I Clubs and commercial security agencies operate their own databases regarding the 'risk' of stowaways. To take one example, as one of its services, the UK-based shipping consultancy Robmarine produces annually updated maps showing stowaway 'hot spots', 'problem nations' and regions where the risk of stowaway incidents is shown to be elevated (van Munster 2005; www.robmarine.com). Specializing in the area of stowaway prevention and management, Robmarine compiles its data from casework, overseas offices, and its own database. The 'migratory patterns' of stowaways are also mapped, that is, the paths they take through particular countries before they (attempt to) board ships.

Another form taken by this system of risk communication is the loss prevention bulletin. These are circulated by email to the P&I Clubs to their members. For instance, UK P&I has been producing such reports since 1997. These bulletins report 'maritime incidents and their consequences, changes in shipping legislation and regulation, accounts of actions taken by official bodies and a plethora of dubious practices' (UK P&I 2008). They also include information about stowaway incidents. For instance, one bulletin is headed 'stowaway check requirements – New Orleans – USA' (UK P&I 2005). It is apparently prompted by a notice from the United States Coastguard at

New Orleans advising 'masters and operators to be alert to stowaways trying to gain access to and hiding in rudder trunks on deep draft vessels'. The bulletin includes photographs of a stowaway found hiding in this area of a ship, as well as of a crew member demonstrating how access to the rudder housing can be gained from the outside. Methods for searching and securing this space are suggested along with the warning for any ships heading for New Orleans that the port authorities will be paying special attention to the rudder trunks of ships entering the port.

I find this bulletin interesting for at least two reasons. First, it suggests that it would be mistaken to regard these risk communication systems as completely private. Since the bulletin relays intelligence gathered by the US coastguard, in this case it is clear that an imbrication of state and non-state intelligence and authority is occurring. Second, it shows that, understood as a set of practices, the discourse of stowaway prevention is a dynamic, agonistic and strategic affair. The port and the ship and their interface are constructed as a dynamic terrain which is to be secured against unauthorized entry. But this security is never assured or final. Rather, it is an ongoing enterprise. No sooner has one mode of entry been identified and countered before it transpires that the collective actor that is the stowaway – a collective actor that is patently not without its own forms of intelligence sharing, however informal these may be – has invented another, often even more perilous mode of ingress.

The last element within the discourse of prevention which I want to mention here is the stowaway search. If there is one thing which P&I Clubs seem to recommend without fail, it is the need to effectively search ships before departure. One thing to note here is that searching has become a site of commodification and expertise in its own right. For instance, it is possible to identify a small but notable service sector advertising the use of sniffer dogs for the purposes of detecting hidden stowaways. One of these is Seek & Bark Stowaway Detection Service which markets the deployment of its 'Jack Russell canines' to ship-owners in Durban and Richards Bay, South Africa (www.seekandbark.com). Likewise, based in the Netherlands, LISAR champions its 'new generation of tracker and sniffer dogs' as a 'solution to transport organizations who are confronted with smuggling people', as well as narcotics and explosives (<http://www.lisar.com/uk/dogs/sc.html>). Meanwhile, Trackerdogs, also based in the Netherlands, and specializing in road transport, pitches its canines as a more effective technology than carbon dioxide detection equipment ([http://www.trackerdogs.nl/immigration%20\(eng\).htm](http://www.trackerdogs.nl/immigration%20(eng).htm).)

A somewhat different aspect of the technicalization of searching is illustrated by the case of the search checklist. One little innovation has seen the P&I Clubs encourage the use of standardized search 'checklists' on routes known to have a significant stowaway risk. Taking the form of small, laminated and therefore durable cards,

these little artifacts itemize in fine detail an inventory of on board spaces ranging from pump rooms to lifeboats, and from the linen lockers to the engine room space. All are to be searched prior to the ship's departure. No doubt mindful that for a ship facing imminent departure time is of the essence, NEPIA's checklist embodies its own microeconomy of government. On the checklist itself it is stated that the checklist 'divides the vessel into four areas allowing the search to be delegated and for all areas to be searched at the same time systematically'. Not only should every search be conducted methodically. In addition, the checked cards are to be returned to the appointed officer, and an entry made in the deck log. This is to include the time of the search and the names of the individuals who undertook it.

Nothing better captures what I have been calling the banality of security than the case of the checklist. It is one of those material artefacts, a Latourian 'immutable mobile' which facilitates the translation of big, complex things like the management of risk and the pursuit of security into a set of hard, tangible forms in the here and now. Adapting Rose and Miller's (1992) influential discussion of government at a distance, we might note that without the media of checklists, but also reporting devices, instruction manuals, training seminars, accounting procedures, log books and other ephemera, the kinds of commercial, political and ethical objectives agreed in spatially and temporally distant boardrooms and planning sessions would have little prospect of impressing themselves on the day to day life of a ship – a vessel, moreover, in more or less constant transoceanic motion. There is a crucial point here that is somewhat overlooked by all those studies which focus solely on the language and the rhetorics of security. To put it simply: to become actual, things like security and risk management must become banal. They must be translated, among other things, into readily communicable, enumerated, repeatable actions. In the case of the checklist: a set of boxes to be ticked.

Finally, the checklist is also notable because it illustrates a point made by theorists who study insurance as regime of calculation. A significant feature of the power of commercial insurance is its capacity to function as a form of 'private legislation', extending the regulatory intervention far inside the home or business, transporting regulatory practices into these domains in a way that the state cannot (Baker and Simon 2002: 13; O'Malley 1991). Something like this seems to happen with shipping as well. Motivated by commercial concerns, P&I companies have set out instructions for the surveillance of aspects of the world of shipping that appear far more meticulous than anything the state might ask of ship owners. [7]

In wrapping up this discussion of the discourse of stowaway prevention, there are two additional points I want to make. First, we can say that these examples of prevention do certainly illustrate what van Munster has identified as an 'advanced liberal' turn within the

governance of unauthorized migration such that commercial operators find themselves implicated in regimes and practices of migration control, and that migration control itself begins to emerge as a business opportunity and a site for capitalist enterprise. But they also point to a new form of bordering beyond the state. It is a capillary bordering that materializes in relation to the very contours of the ship, traced across its surface, and infiltrating its depth. It is, moreover, a form of bordering that is mobile, dynamic and agonistic, that moves with the ship, but also a bordering that is far from omnipotent. The growing literature on new forms of bordering and rebordering would do well to pay more heed to the way in which border control now plays itself out upon material surfaces and densities like the ship, but also the train, the truck and even the aeroplane (Walters 2006a).

Second, we might note that, in ways which parallel Foucault's discussion of repression within the history of sexuality (Foucault 1990), it would be mistaken to regard the prevention of stowaways as a straightforwardly repressive activity. Certainly, the various banal measures of security which we have reviewed will produce a series of coercive and even violent effects within the experience of the actual stowaway. However, in order to become repressive, prevention must function as a site where a whole range of new objects are actually conjured into existence – new knowledges, statistics, expertise, concepts, practices, artifacts, and so on. The prevention of stowaways is not adequately theorized as repression due to the fact that it has come to function as a power/knowledge regime in its own right.

The 'Repatriation' of Stowaways

Having discussed the prevention of stowaways, I want to now turn to a second area where P&I Clubs play a prominent role in the governance of stowaways: practices of disembarkation and repatriation. If a great deal of their energy is focused on prevention, it is also focused on the removal of unwanted persons from ships.

Deportation policy is usually thought of as an element of national immigration policy, and a practice conducted under the auspices of public authorities. However, it is also possible to view deportation from an international perspective, as an element within the overarching 'regime of dispersed governance' which Hindess (2000) has called the international management of population. To this end, as I have argued elsewhere, deportation can be understood as a crucial element in the international policing of migrants (Walters 2002a). For at this level it operates, often in conjunction with international 'readmission' and 'safe third country agreements', to effect the compulsory allocation of certain subjects to their respective sovereigns and territories or, in many instances of statelessness, to surrogate and proxy sovereigns. Here, deportation can be viewed alongside other practices of population division and allocation, both past and present. It exists within a continuum that ranges from the quasi-consensual to the

compulsory, and includes population transfer, extradition, voluntary return, exile and certain forms of extraordinary rendition.

It should be noted that in speaking of an international police, I am deliberately invoking its more archaic meaning whence it refers not to a uniformed body of officials but a particular rationality of governance generally concerned with the maintenance of civil and municipal order by means of the production of all manner of regulations. As Dean and Hindess have pointed out, although there were centralizing tendencies in seventeenth and eighteenth century Europe, the enterprise of police was not synonymous with centralized power. For police 'was expected to be taken up locally and by a variety of non-state agencies' (Dean and Hindess 1998: 3). Hence, it seems reasonable to consider the international police of aliens as an activity undertaken on a dispersed, and only loosely-coordinated basis – by states, but also by other organizations, such as the IOM, EU and ICMPD, as well as humanitarian agencies (Doty 2006).

In the remainder of this paper I want to explore how the activities of a particular class of non-state agencies – the P&I Clubs – can be understood as operating within this context of an international police of migrants. Thus far we have seen that they play a prominent role in advising, encouraging and even responsabilizing ship owners, masters and crews with regard to the prevention of stowaways. As such they might be seen as effecting a targeted and largely private form of exit control against unauthorized migrants. But one area where they seem to market themselves as possessing unrivalled expertise is in the 'disembarkation' and 'repatriation' of those stowaways who do manage to get on board. This means that the P&I are participants in the compulsory movement of certain classes of population. While the scale of these movements may be relatively minor, the manner in which they are conducted is certainly interesting.

The stowaway removal industry

Disembarking stowaways is a difficult but potentially profitable business (e.g., see Verstraete 2001; Peutz 2006). It is difficult because many ports and states simply refuse to allow the entry of stowaways, or impose complex and, for the ship, time-consuming legal and administrative requirements concerning the detention and repatriation of the stowaway, not to mention substantial fines. It is potentially profitable since ship owners and insurers have a financial stake in getting stowaways off the ship as expeditiously as possible. To this end, the P&I clubs liaise with a worldwide network of 'local correspondents'. These are local problem-solvers based in the ports who know the right people, who 'call in favours' from local embassy officials, harbormasters, immigration officials, etc. Their task is to acquire the necessary emergency travel papers for the migrant, get them off the vessel as quickly as possible, and ultimately on a flight back to their 'home' state. If a stowaway claims refugee status, all the better: the local correspondent will pressure the local authorities for a

refugee hearing which, if successful, will often relinquish the ship owners of their burden.

Drawing on the local knowledge of these correspondents, P&I clubs offer ship owners and masters an institutional *savoir-faire* about repatriation. One might even say they have perfected a certain art of disembarking unwanted people. It is as much cultural as geographical. Consider the following observation from one such South African correspondent, and self-promoting expert in removal. Not without a tinge of regret he observes how the once porous coastal borders of West Africa are now becoming hardened, complicating the trader's prospects.

The smooth disembarkation of stowaways in Africa is becoming more delicate and costly to achieve. Whilst, in countries such as Nigeria, Mozambique and Angola, fines of up to US\$2000 per stowaway are often imposed on vessels, other African countries demand that all stowaways be fully documented before being disembarked. It is the role of a P&I correspondent to deal with this increasingly more bureaucratic system in a way not to inconvenience or affect the trading schedule of the protected vessels, their crew and owners (Rodrigues 2001: 4).

Elsewhere, the same correspondent notes somewhat chillingly that it is not just the tightening of immigration regulations and controls that are making the management of stowaways more difficult and costly but also the fact that 'the human rights of stowaways [are] being protected and strengthened' (Rodrigues 2000).

In a recent edition of its newsletter, Skuld features a detailed discussion of the logistics of disembarking stowaways in different African ports. It is provided by two P&I correspondents from the Marseilles-based firm Eltvedt & O'Sullivan. For instance, the Democratic Republic of Congo is noted for the fact that 'There are no fixed codes available regarding the official attitude towards stowaways and repatriation – rather, much depends on the individual Immigration Officer' (Woodward et al 2002: 20). In contrast, at Abidjan, Ivory Coast, 'the authorities are extremely co-operative over stowaways' and with the 'large number of embassies in the city, documents can usually be obtained for most places' (Woodward et al 2002: 22). The same edition includes information on the possibility of 'disembarkation offshore' – a way to disembark stowaways without docking, by having a tug or heavy launch with police escort meet the ship – 'There will be additional costs involved ... but these are small when compared with the potential cost of carrying the stowaway to Europe or USA' (Woodward et al 2002: 19).

Exiting the maritime

One of the more evocative ways of framing and marketing this stowaway removal know-how comes from a Singapore-based shipping consultant called SEASIA which seems to have branded the

notion of 'repatriation corridors'. Its publication *Stowaways: Repatriation Corridors from Asia and the Far East* (2004/05) is now in its fifth edition, and constitutes a veritable manual on the subject, offering a country by country guide to 'the identification of what we have termed "stowaway exit corridors" i.e. coastal/port states in Asia who will permit the disembarkation and repatriation of stowaways without undue difficulty or officious and unpredictable behaviour' (2). Included in the manual is a map that geo-graphs Asian countries and their ports into regions of 'viable exit', 'potential exit' and 'no exit'. [8]

This discussion of corridors is notable for at least two reasons. First, is the curious fact that in certain ways it echoes the depiction of illegal immigration inscribed within official programmes of immigration control. For instance, if there is a particular geopolitical imagination embedded in the project which the European Union (EU) calls its 'combat' against illegal immigration, it is one where the security and immigration systems of the different member states as well as their neighbours are likened to a chain. 'The common security system is only as strong as its weakest point' (Official Journal 2002: 26). The EU's quasi-territory (its 'area of freedom, security and justice') is imagined as being under constant threat from the malicious forces of traffickers, smugglers, etc., which seek to infiltrate its external frontier. Unerringly, these elements seek out the weak points: the border with corrupt officials, the overgenerous asylum system, the unpatrolled coast. The rationality of international police in this area is to plug the gaps and ensure an elevated common standard of security across this space.

What is interesting is that the stowaway removal industry seems to express the same kind of mentality that the EU and others attribute to the criminal networks involved in illegal immigration. From the institutionalized point of view of these maritime agencies, regions appear as a space of entry points to be negotiated. Ports and territories appear within a grid of comparison and calculation. The message seems to be: 'Avoid trying to offload your stowaways in DR Congo: the officials are unpredictable and you could get stuck there for days or weeks. Head for Abidjan where we have a long-established working relationship with the police and the consular officials, and the local airport is co-operative'.

The possibility that the local correspondents actually use a variety of methods to negotiate the disembarkation and repatriation of their subjects, some of which may even shade into illegality, is one that certainly deserves further investigation. Repatriation/deportation and human smuggling are usually understood to be completely distinct acts, the former associated with the legal order and sovereign power of the state, the latter a symptom of the forces of disorder which states are supposed to stand against. If it were the case that, for example, bribery were a part of the art of disembarkation and repatriation, one might conclude that we are dealing not with two

completely distinct activities but a grey area where one might shade into the other.

Second, the notion of a repatriation corridor is interesting because it raises questions about both the territoriality but in addition what we might call *the terrestriality of governance*. By this term I mean the fact that the governance of the human population is conducted for the most part on land. The fact that returning certain persons to *terra firma* requires a considerable labour, and even a particular art of disembarkation suggests at the very least that the relationship of population to the terrestrial space of the earth is not assured or automatic. The fact that SEASIA refers to 'stowaway exit corridors' is interesting, moreover, because it implies that the passage back onto *terra firma* can be understood not only as an act of re-entry, but one of departure, a process of exit. This suggests, in turn, that the maritime/oceanic could be understood as a world in its own right. That the maritime might offer us a point of view from which the land-based order of things is not as obvious as it seems is a possibility that further research will surely want to explore.

'Stowaway professionals', 'chancers', and the normalization of illegal immigration

If it is possible to speak of a certain *art* of disembarking and repatriating stowaways due to the fact that this is something which requires certain skills, experience, know-how, etc., it would nevertheless be wrong to assume that this feat of removal is carried out without the recognition of a certain degree of subjectivity and agency on the part of the stowaway. Several interviews with P&I officials revealed a depiction of the stowaway not primarily as a criminal figure or a deadly foe. Instead, there were frequent references to particular kinds of stowaways who could be considered 'professionals' or 'chancers' because they 'get wise' about how 'the game' worked. That is, these subjects were aware that shipping authorities had a considerable stake in seeing them smoothly disembarked, and that this gave them a degree of leverage, however small, within the operations of the removal industry. To this end, P&I officials acknowledged the existence of certain inducements which might be offered so as to win the stowaway's cooperation. For instance, the prospect of a certain amount of 'pocket money' for the journey back home in the hope that the subject of repatriation would not draw upon the very few 'weapons of the weak' (Scott 1985) available to persons in such 'cramped' (Thoburn 2003: 18-20) circumstances – such as stripping naked in the airport, causing a scene, and disrupting the flight. In discussing the banality of security above I sought to draw attention to various micropractices which ground the securitization of shipping around the question of stowaways. But clearly there is also a *micro-politics* which animates the governance of stowaways.

This observation about the relatively pragmatic relationship which the P&I regime seems to establish with the stowaway leads me to a final point. This is to observe that the P&I clubs and their intervention in the governance of stowaways point in certain ways to a *normalization* of illegal immigration. One can speak of normalization here in two senses. First, in a relatively straightforward manner, it clearly introduces a set of procedural and technical norms into the governance of a particular class of itinerant persons. (Indeed, it contributes powerfully to the prior definition of particular persons as stowaways). This regime generates norms about where and how to search for stowaways, how to secure the gangplank, how to treat stowaways on board a ship, how to engage the relevant authorities, etc.

But there is here another, wider sense of normalization, one that returns us to our earlier discussion of securitization. In the main, scholars assume securitization to involve a highly dramatized form of politics. Securitization theory invokes the image of a Schmittian confrontation between friends and enemies. References to the securitization of migration usually highlight a spectacular and sovereign politics which is all about the 'fight' against illegal immigration, the 'combat' with traffickers, the call to defend the borders of the nation-state or even of western civilization. But it would be mistaken to see this as the only dynamic at work in migration politics. The case of the stowaways points to a strategy of normalization which, in certain respects, operates in the opposite direction. It is no coincidence that the technology of insurance plays a significant role here, just as it did, albeit in a somewhat different, social form, in 'de-dramatizing' social and class relations in the context of the welfare state (Donzelot 1988: 424). In the case of the stowaways, the technology of insurance fosters a more pragmatic approach. It makes possible a certain kind of tolerance of dangers by translating them into calculable risks (Ericson, et al. 2003: 55). For instance, the sovereigntist language of the 'fight' against illegal immigration implies that this is a foe to be vanquished. Rather like the political dream of the war on terror, it imagines an end state where the criminal networks will have been 'ripped out', and the problem ended. But interviews with P&I officials reveal a more practical attitude. They recognize that despite its sophisticated surveillance technology, a busy port like Durban can never be fully secured against stowaways and other intruders. Just as it does with other kinds of transgression, insurance makes this state of affairs tolerable. As long as there is a predictable system of compensation, the shipping industry can live with a certain flow of stowaways. Just as social insurance was able to institutionalize the idea that a certain level of unemployment was a normal feature of economic life in capitalist societies (Walters 2000), the P&I's form of mutual insurance treats stowing away as an inevitable feature of commerce on the open seas. As the emphasis on prevention suggests, one does not have to accept *any* level. The insurance view does not preclude interventions to modulate the object of insurance, but it does not refuse its right to exist.

Ultimately it is not a matter of juxtaposing a dramatized, spectacular public politics of 'immigration' with the more technocratic, and normalized realm of the P&Is, and other systems of everyday management as though they were alternatives to one another. Instead, it would be more accurate to speak of a dual movement. On the one hand, the dramatization of migration within politics which in turn accounts for the kinds of border regimes which shippers have to deal with. On the other, the recoding and management of the effects of this politics by socioeconomic actors who have no choice but to deal with its day to day consequences.

Conclusion

This paper has examined certain aspects of the policing of stowaways by sea. Noting that the stowaway is only very weakly inscribed in international law, and that it would be impossible to identify anything resembling an international regime which governs the stowaway, it has nevertheless argued that the stowaway is certainly not outside practices of governance. If we can speak of a policing of stowaways, as I think we can, then this is a regime of practices that is largely configured around non-state authorities, such as the P&I Clubs, their correspondents, and the maritime consultants and security experts who specialize in stowaway issues. An important point to note about this policing is the extent to which it is mediated by logics of risk, insurance and markets. While public politics and popular media certainly engage in the dramatization of illegal immigration, from the perspective of the ship owners and their insurers, the stowaway exists largely as a mundane problem of profit and loss. In the context of the policing of stowaways, I argue, it is possible to identify certain tendencies towards the normalization of illegal immigration. This practice of normalization, in turn, finds its technical correlate in a wide field of everyday and banal practices of security.

In conclusion, it should be stressed that this paper represents only an initial and therefore very partial exploration of the policing of stowaways. I have said nothing, for instance, about the perceived nexus of organized crime, people smuggling and stowaways, a theme which is becoming more central to the question of maritime policing. Nevertheless, it can be said that further research into the policing of stowaways will surely produce findings which will complicate and enrich current debates about borders and migration. Long confined to the margins of border and migration studies, it is time to give the theme of stowaways a more central place in investigations of emerging domains of global migration. As long as human mobility remains a struggle between forces and experiences of life and death, wealth and poverty, citizenship and abjection, and as long as the struggle *for* mobility continues to play itself out around the materialities and spaces of ports, shipping containers, trucks, goods trains and even aircraft, then it seems the stowaway needs to be more fully recognized as a figure of our times

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Notes

[1] This paper was published previously in German as 'Schiffahrtsindustrie und die gouvernementale Verwaltung des blinden Passagiers' (trans. Andreas Müller), *Comparativ: Zeitschrift für Global Geschichte und Vergleichende Gesellschaftsforschung*, 18(1), 2008: 69-90. I thank the editors of *Comparativ* for permission to reproduce this slightly amended version. Research funding for this project was generously provided by Canada's Social Sciences and Humanities Research Council. I am grateful to Mathew Nelson for editorial assistance. I owe a special debt to William Biebuyck for his excellent research assistance work, especially the series of interviews with P&I officials and other maritime authorities he conducted in the UK in 2007.

[2] The study of stowaways runs some of the same risks that have been identified with the predominant approach to illegal immigration and undocumented workers within the social sciences. To take a term like 'stowaway' at face value is to naturalize what is in effect a very particular cultural and administrative categorization of persons and acts, a categorization undertaken from the point of view of the shippers (and, in some instances, the state). There is also the risk that we lose sight of the fact of the highly contextual character of the stowaway identity. It is not as though there are 'stowaways' over here, and 'illegal immigrants' over there. More likely, 'stowaway' is that status conferred upon a subject in relationship to a particular aspect of their migratory experience; on land, the same subject often becomes an 'illegal immigrant' or 'asylum seeker'. Perhaps it would be better to keep stowaway in quotation marks. However, instead of encumbering the word with quotation marks, to paraphrase Black (2003) I simply ask the reader to recognize that I use stowaway as a shorthand for 'those persons known as stowaways'.

[3] But see the short video project by Ursula Biemann, *Contained Mobility* (2004) which deals with contemporary situations of mass itinerancy. This work provocatively uses the space of the shipping container to explore the dilemmas, individual experiences and cruel ironies of what it calls 'the world system of contained mobility'.

[4] See the OED (online), second edition, 1989. My use of terrestrialism here is based on definition §5 of the terrestrial which reads: 'Of, or pertaining to, the land of the world, as distinct from the waters'. If the social sciences can be accused of overlooking the terrestrial, this can be linked to a wider neglect of the place of the elemental, the geological and the geophysical within the study of political order. That said, the elemental has not been entirely ignored. See, for example, Schmitt's classic work *The Nomos of the Earth*, as well as Connery (1996; 2001) and Dean (2004) who explore some of its implications for thinking about the place of ideas, images and myths of the sea within the constitution of global imaginaries and governmental regimes. Steinberg (2001) explores the 'social construction of the ocean' in developing what he calls a 'territorial political economy'. In a slightly different vein, see Linebaugh and Rediker (2000) and Gilroy (1993) whose studies of particular ocean-centred worlds of modern slavery and commerce serve to decentre the nation-centred frames of social history and cultural studies.

[5] On the limitations of an approach to securitization confined to the analysis of linguistic processes, and on the need to complement the study of security discourse with a focus on the embedding of securitization in technocratic practices, bureaucratic processes, and institutional fields, see Bigo (2000), Huysmans (2006), van Munster (2005), Walters (2002b).

[6] The role of private actors like airlines and shippers within migration control is only now emerging as a research theme in political science. Pioneering work in this respect was done by Guiraudon and Lahav (see Guiraudon 2003a; 2003b; Guiraudon and Lahav 2000; Lahav 1998). They argue that we should understand state penalties against carriers (carrier sanctions/liability law) as one expression of a broader phenomenon – the 'remote control' of migration flows. European and North American states are delegating and offloading policing functions to distant consulates, commercial carriers, and neighbouring countries. A principal motive here is to prevent unwanted migrants accessing state territory where they might activate asylum claims. Furthermore, by preventing or deflecting migration flows long before they reach the border, states seek to keep borders open for other wanted and valued flows – tourism, business, etc. While this approach offers a

wealth of detail about carrier sanctions – albeit airlines much more than ships – it remains somewhat state-centric. These new control practices are examined largely from the perspective of why states utilize them, and with what political and ethical consequences. By contrast, I think it is important to study networks of shipping insurers and their subjects as a domain of governance in its own right.

[7] As mutual insurance companies that are in effect collectively owned by the ship owners, P&I Clubs have a less abstract relationship with the insured than might a strictly commercial insurer. It is far from being purely contractual and involves a good deal of cooperation. They operate in a more supportive and on-going role. This does not significantly diminish their regulatory influence.

[8] For a similar guide to parts of Africa see Woodward et al (2002).

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