

Legal Assessment of the Present Status and Effects of Illicit Trade of Drug Substances in Maritime Transport

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ABSTRACT: The aim of this research is to assess the present status and effects of the illicit trade of drug substances in maritime transport. Initially, the concept of lawful cargo is explored, followed by the analysis of illegal cargo. Finally, it is concluded that the cargo's legality is subject to each jurisdiction's laws and regulations along with the fulfilment of required processes, such as paying the required taxes, maintaining proper licenses, or keeping the necessary documentation.

The analysis continues with the assessment of the effects of drug substances when found on board a ship. Drug substances may be deemed legal under certain circumstances but, on most occasions, are the common cargo for illicit trafficking. The outcome of locating such unlawful transportation is the vessel's arrest in most cases. The ship-owning company is deemed liable unless proven innocent or due diligence while operating the ship. The crew is also liable and faces both civil and criminal charges.

The arrest leads to the ship's layoff under the supervision of competent authorities until the vessel is released by court order after the proof of the innocence of the shipping company and crew, the insurance coverage of claims or the ship's acquisition by a new owner.

The methodology utilised for this research is based on the legal doctrine assessing legislation and relevant case law, such as the case of *Atlasnavios*, as the primary source of data and exploring the legal intricacies and gaps of the issue in question.

1 INTRODUCTION

The global economy is based on the movement and transport of goods by sea, air, railway stations, and highways. The constant flow of materials and products is often not taken into consideration. The domestic and international construction and the trade of goods through their transportation are relied upon and facilitated by the shipping industry. At the same time, it provides for the delivery of the products directly to the consumer. It is a fact that with the dominion of the shipping industry in the transport market, various methods of transportation of goods have emerged, some of which allow for the

transportation of illegal goods along with commercial goods [1].

Over the years, the trade in illegal goods, apart from those considered generally unlawful goods, has been included in legal trade with some specifications. The phrase "legal trade" refers explicitly to cargoes and, more generally, goods transported by the laws of the country concerned and with the international regulations related to the transport of cargoes. A typical example of the legal transport of cargoes considered illegal is the transportation of drugs for pharmaceutical reasons. Legalising drug shipments

depends on the means of use and the documents necessary to be on board while transporting them [2].

It is understood that over the last decade, there has been a rapid increase in the trafficking of illegal goods, which vexes the international community and the port authorities, the world governments of the countries and, at the same time, the police. In the global shipping industry, there is a robust phenomenon of the transfer of illegal trade, which is happening. There is a risk of the necessary tax duties being imposed, respectively, because most jurisdictions prohibit the trade, in addition to a license, of many types of drugs through drug-ban laws [3]. More specifically, the illegal drug trade belongs to the international black market, which includes the cultivation of substances, distribution, and the prohibited sales of drug substances. Their use and the ways of trafficking are constantly changing because complex organisation and techniques are necessary due to their illegal use. Every year the citizens of the European Union waste billions of euros buying drugs. It is estimated by the departments of the United Nations offices, specialised in the disappearance of the drug trade, that in the year 2019, the amount of the international drug trafficking concerns approached three hundred and twenty-one billion U.S. dollars with a global GDP of thirty-six trillion dollars that year. In addition, it is estimated that 6% of world trade belongs to the transport of illegal cargoes [4].

It is a fact that the transport of illegal shipments of drugs has increased rapidly in recent years with the risk that the authorities will not be able to control it because a large percentage of people use them. Therefore, inspections and port state controls are carried out more often on every type of ship to detect the legality of cargo. However, if the competent authorities find illegal cargo, the ship and the crew will be detained until judicial intervention clarifies the situation. Then, when the ship is released from the competent authorities, there is the possibility that the ship will no longer be used [5].

2 MATERIALS AND METHODS

This paper aims to evaluate the concept of lawful trade, specifically the case of the transport of legal drugs by sea. In addition, the processes of a ship's arrest and the point where the illegal cargo is found on board the vessel are assessed. The methodology utilised is based on the legal doctrine, the predominant method in most legal research, aiming to provide a systematic presentation of the legal framework and expose every legal issue and legal gaps between the present legal framework and shipping practice [6].

This research method is considered qualitative and is carried out by evaluating current and past case laws and regulations. Essentially, qualitative research is used to a greater extent in the social sciences and aims to explore and interpret in-depth social phenomena. It is considered suitable for studies based on analysing a specific subject while exploring the etiology of the phenomenon's existence [7].

Moreover, a key objective in qualitative research such as this is a holistic understanding of the issue. Finally, the present research is carried out to provide valuable and reflective solutions to the stated legal issues and justify why the proposed solutions are considered more sequential [8].

3 EVALUATION OF THE CONCEPT OF LAWFUL CARGO

In the era of globalisation, transport is understood to have been an important sector for developing globalisation. In the economic and commercial spheres, transportation is often referred to as any movement of passengers and cargo from one location to another. Transportation is therefore considered a commercial operation with an economic benefit. Lawful trade is the execution of transport, following the country's regulations where the trade is conducted, the cargo it carries, and the commercial alignment that justifies the expectation that they will be respected in relation to the transactions it carries out [9].

Legal trade of cargoes or passengers is considered the trade that operates and complies with the laws imposed by the respective state to which it belongs and by the Unified Commercial Code. In addition, trade must follow international rules regarding the conditions and regulations they impose on cargoes. International trade law contains relevant regulations and terms related to handling trade between countries worldwide [10]. In addition, international trade law refers to the body of rules and regulations governing the relations of states to regulate their domestic markets with regard to international trade. The General Agreement on Tariffs and Trade (GATT), a multilateral treaty on the trade of goods, contains several rules on international trade. Trade regulations are laws issued by the state concerned to ensure a free and competitive economy. The U.S. Constitution approves trade clauses to give Congress exclusive powers over trade activities between the country and foreign countries. These regulations promote free trade and fair competition and prohibit business practices related to fair Competition [11].

The essential rules in any system, specifically in the transport sector, define, distribute, and enforce property rights, regulations and contracts that define permissible and unauthorised forms of trade and competition (standards, contract rules, fair trades, etc.) [12]. Increasingly, consumer and commercial operators such as the E.U. are forcing the disclosure of more and more information about the cargo carried by ships. In particular, these efforts revolve around packaging, labelling and information. In addition, there are bodies responsible for cargo inspection on a vessel and carried out frequently to ensure the legality of the shipment. [13].

4 UNLAWFUL TRADE AND THE CASE OF ILLEGAL CARGO TRANSPORTS

The transport or handling of cargoes regarded as medical products is essential in integrating supply chain management. Nowadays, the network concerning the transportation of medical products or products requiring special conditions has become quite complex, and the controls carried out are numerous. Drugs are included in the loads of cargo that require special requirements. It is a fact that there are goods considered illegal in most countries worldwide but also have a different use under certain conditions deemed legal, suggesting that they can be transported legally. A case such as this is considered to be drugs which, even though their use and trade are illegal and prosecuted, their pharmaceutical use is deemed legal. Thus, the cargo owners must be taxed and controlled by the competent authorities for their legal transfer or use. In addition, drugs can be used as a therapeutic for any disease against the psychotic. [10]

Essentially, certain drugs help fight either psychotic diseases or neurological diseases. Also, drugs involving therapeutic use are produced on request from pharmacies or hospitals to distribute these products to their customers or for pharmaceutical research. In addition, the drug shipments require special conditions to be transferred. Therefore, the distributor must maintain a constant supply chain of the consignments concerned based on the requirements established by each country involved. In addition, during their transportation, they need to be in safe, dedicated containers inside the ship because these cargoes are regarded as dangerous goods. In addition, when transported by ship, it is necessary to move them in containers that do not negatively affect the quality of the cargo and provide the essential protection from any external influence, including contamination [14, 15].

Complying with the storage conditions indicated on each consignment containing drugs is necessary. In particular, the distributor must ensure the equipment and conditions the cargoes will have during transport and be available to allow for control and inspections whenever needed. In addition, storage areas when the goods are on board a ship must be separated and accessible only by authorised personnel. The legality of a cargo that includes drugs usually depends on how it is used and on the particular papers held on-board the ship during its transportation. Based on the governments of each country and the laws issued by the competent authorities regarding the transport of legal drugs, it is necessary that during the transport of the cargo, the name and address of the sender, the quantity and quality of the shipments involved in the transit of the shipment of drugs should be stated [16].

Customs custody of drugs in transit is only permissible at specific customs offices of the country concerned that the government has decided. In addition, they are always kept in a particular area due to the danger of the cargo. Of course, it is necessary to present a certificate that must have been issued by the competent authorities of the country concerned. According to the European Commission, the parallel import and export of drugs is a legal, commercial

form in the free market. However, Member States may sometimes restrict parallel trade where the measures are justified, reasonable and proportionate to safeguard a legitimate public interest. For example, ensure an adequate and continuous supply of medicinal products to the population [17].

5 THE UNLAWFUL TRADE OF DRUG SUBSTANCES

Despite being an overwhelming success story, the "War on Drugs" conducted by governments over the last 40 years is everlasting. The drug trade and drug abuse are among the most significant social threats. Drug trafficking is a vast criminal enterprise with huge sums of money and a complex international network of often violent and highly organised cartels. Therefore, the shipping industry has a shared collective responsibility to assist in the fight against this illegal traffic [18]. Drug abuse is also a severe threat to ships' crews, exacerbated by the direct link between intravenous drug use and the associated health risks. In addition to the apparent impact of illegal drug use on the health of seafarers, it affects suitability for work and endangers the ship's safety. It also exposes crews to the broader implications of the association with serious criminal activity, a danger in those parts of the world where the strict rule of law cannot be taken into account or when the death penalty for drug trafficking is still in force [19].

Cooperation with customs authorities is essential to combat drug trafficking. To this end, the International Chamber of Shipping (ICS) and the World Customs Organisation (WCO) signed a Memorandum of Understanding 30 years ago on the principles of this cooperation. The International Conference on Drug Abuse and Illicit Trafficking, held under the auspices of the U.N. in 1987, welcomed the adoption of such agreements and called on organisations such as the ICS to prepare "standards or codes of conduct ... with a view to curbing drug trafficking". As a result, the guidelines describing how shipping companies and customs authorities can cooperate were developed in cooperation with the WCO. The current version of these Guidelines complements these essential tips with more practical information, updated to reflect recent developments [20].

In preparing the current and previous versions of these Directives, the ICS sought advice from various sources. Particular recognition is given to the U.N. Office on Drugs and Crime in Vienna, the WTO and customs authorities in the United Kingdom, the United States and Hong Kong, China, the United States and Hong Kong, China. The United States and Hong Kong, China. Attention is drawn to countries where the possession of cannabis for personal use has been legalised. This may conflict with the laws of the flag State of the ship, which prohibits the ship's possession on board; if so, the law of the flag State prevails [21].

6 THE EFFECTS OF UNLAWFUL TRADE ON A SHIP

Unfair commercial practices can be defined as any business practice or act that is misleading or fraudulent. In addition, these practices may include actions considered illegal, such as those that violate the laws of the country concerned. Therefore, an unfair trading practice is sometimes referred to as "misleading commercial practices" or "unfair business practices". The statute of unfair trading practices of most states was initially introduced between the 1960s and 1970s. Since then, many states have adopted laws to prevent unfair trading practices. More specifically, the increase in the transfer of illegal trade is taking place because those responsible are trying to avoid the imposition of the necessary tax fees, or in most countries, the transport of drugs is still considered illegal and is essentially not subject to the jurisprudence of the country concerned or in accordance with international regulations on transport by sea. In addition, of course, cargo holding the appropriate documents for specific uses is excluded [16, 17].

Illicit drug trafficking is still considered a global industry, closely related to and assisted by maritime trade. It is considered forbidden in most jurisdictions because it is deemed dangerous and endangers businesses. Its transport is carried out by sea with cargo ships specialising in transporting large volumes of cargoes, such as container ships, making hiding such substances easy. Of course, they are also transported by other means, but this is very difficult because the control of air transport is more stringent. In addition, the concealment of drugs on-board is either in the cargo with some other legal good or in a formed hideout of the goods [19].

6.1 *Ship's capture*

The issue of ship capture is of the utmost importance for the international maritime and commercial community. However, it is also an area that has traditionally been the subject of different approaches from different legal systems. For example, maritime law legislation allows arrest for any claim against the ship's owner, even if it was not maritime. In contrast, under common law, a vessel could only be arrested for a minimal number of maritime claims [22].

Capturing a ship is based on civil law and essentially refers to the possibility of apprehending either a ship or a similar sea vessel with the appropriate court order. The procedure follows a standard process: initially, immobilisation and later, the vessel is detained by the competent state authority pending the determination of the vessel's maritime claim. While the ship is still immobilised, any claim can be resolved by communication by the owner to the state ports concerned by the incident or by the flag state flying the ship. Nevertheless, in the case of illegal drug trafficking, this is rarely the case. Usually, the ship is laid off after her immobilisation, with the only exception of having a small quantity of illicit cargo. Thus the shipowner could claim that the liability falls to certain crew members without the knowledge of the shipping company [23].

In 77 countries, the seizure of ships is based on the national laws implementing the 1952 Brussels Convention on the Capture of Sea Ships ('the 1952 Convention'), while in 10 other countries, the seizure of ships is based on the 1999 International Convention on the Seizure of Ships 1999 ('the 1999 Convention'). In particular, the capture process prevents ships from leaving port for any reason and is under the courts of competent judicial authority. Of course, it differs from the detention of a vessel under the MLC by the port State control authorities since this is not a procedure under the supervision of a court [24].

6.2 *Ship Arrest Process*

In recent years there has been an increase in ship capture cases for various reasons, but more so for transporting illegal cargo. This may be combined with the general rise in inspections at a port where ships are loading their merchandise. The authorities can arrest the vessel until it is established that the owner bears no responsibility and that the illegal merchandise was loaded on board before or during the voyage, possibly by the crew or other factors. Thus, the competent authorities have the right to stop its operation until the company's due diligence is proven [25].

The concept of arrest is defined in Article 1(2). It clarifies that the 1999 Arrest Convention concerns only pre-trial arrest to ensure security for executing a maritime claim. The 1999 Arrest Convention provides a slightly broader definition than the 1952 Convention. It covers not only the detention but also the "limitation to the removal" of a ship with a court order to secure a maritime claim, without including the seizure of a vessel in the execution or satisfaction of a decision of 'or other enforceable means' [26]. However, nowadays, arrests on criminal grounds have proved more common. The transfer of illegal trade has increased in recent years, so controls have become even more frequent and unexpected than in previous years. It is well known that transporting illegal cargo is prohibited and prosecuted. If they discover illicit substances on board, the authorities can stop its operation, and the ship is detained until appropriate claims are lodged with those responsible for the ship. In addition, there are cases when the ship's crew was aware of the transportation of illegal cargo. In all cases, the competent authorities have the right to detain the vessel and its entire crew [23, 27].

According to the United Kingdom, the ship was undoubtedly detained after the seizure of drugs in the United Kingdom to investigate the crime. The vessel can also be seized under the Proceeds of Crime Act 2002 (POCA). POCA provides for a civil regime under which the prosecutor can confiscate the proceeds of the crime if the shipowner is deemed liable. Until 2008, under international maritime law, the crew was also arrested, and if there was no evidence of offences, it was released. To address this issue, the U.S. Drug Trafficking Prohibition Act in September 2008 made it a "felony for those who operate knowingly or intentionally or start on a self-propelled semi-submarine (SPSS) without nationality and/or hand navigated international waters, with the aim of

avoiding detection." The sentence is a prison sentence of up to twenty years in the U.S [28].

6.3 Case of "Atlasnavios"

While no official statistics are collected on the extent to which the shipping industry is used to transport drugs illegally, empirical evidence shows that the number of incidents and the amount of drugs on board is increasing, the consequences of which will be of concern among shipowners and their creditors. A typical example is the case of the "Atlasnavios" case, which is related to the arrest for carrying cargo containing illegal substances (drugs). More specifically, on 13 August 2007, the ship was operating its regular voyage to Venezuela. However, when the ship was being loaded from Venezuela, a team of divers of the competent authorities carried out an unexpected inspection-control of the vessel. The underwater inspection from divers discovered three bags of cocaine weighing 132 kilograms tied to the boat's hull near the rudder, 10 meters below the waterline. This concealment regarding the cargo contents was a criminal offence, contrary to Venezuelan law, so it was necessary to detain the ship and the crew until either the claim was distributed to them or their innocence was proved [29].

One day before the commencement of the voyage, during an inspection, the divers noticed that an underwater mask on the hull was loose and various objects that did not belong to the boat were present. The inspector in charge warned those responsible that the company should make a more extensive inspection of the ship and alert the local authorities because there was a risk of drug trafficking, which took place. As a result, the next day, the inspection by the authorities was carried out, the cocaine was found, and the ship and the crew were automatically detained. (Moore, 2016) According to the insurance contract, after the detention of 6 months, the owner made a notice of abandonment to the insurance company, stating that the vessel was a constructive total loss. The court initially ruled that the concealment of the cocaine was a malicious act and entailed a restriction order for customs violations that occurred due to the malicious act [30].

Based on the Supreme Court's decision, the captain and the second officer were accused of complicity in drug trafficking. On 31 October 2007, a Venezuelan judge sent them to trial and ordered the continuation of the preventive detention of the vessel under Venezuelan law. The ship remained in custody until August 2010. After a jury trial, the two officers were sentenced to 9 years in prison. In addition, the court ordered the final confiscation of the vessel, which the owner had abandoned in September 2009. In addition, the owner filed a claim for the loss of the ship to the war risk insurers [31].

6.4 Ship release procedure

Article 4(1) of the 1999 Arrest Convention lays down mandatory rules for releasing the ship from capture by providing adequate security in an acceptable form. The question of "adequate safety" or "satisfactory

form" is left to the relevant parties to decide. If, however, there is no "agreement between the parties on the adequacy and form of the security, the Court shall determine its nature and amount, without exceeding the value of the captured ship" (Article 4(2)) [24].

A proposal was submitted to the UN/IMO Diplomatic Conference by the Greek delegation and supported by the International Chamber of Shipping (ICS) to include provisions specifying that the acceptable form could consist of a "guarantee, bank guarantee or security provided by a financial institution, P&I Associations or similar institutions. It was argued that the proposal would avoid courts considering cash as the only acceptable form of security in some jurisdictions. However, the Conference did not accept the proposal [25].

Discussions were also held on whether to limit the amount of security to the value of the ship. The Conference considered that, since security replaces the vessels, the value of the vessel was the maximum amount the plaintiff could receive in the event of a forced sale of the ship. Thus, Article 4(5) specifies that under no circumstances may the security exceed the value of the arrested vessel [23].

6.5 Re-operating the ship

The level of fines and the extent of the port's and criminal authorities' powers to detain ships where illegal substances have been found varies depending on the legislation of each jurisdiction, leaving shipowners vulnerable to loss of lease and, in extreme cases, high fines or resignations resulting in the loss of the ship. Seized property may be released temporarily before the commencement of arrest proceedings. Under arrest legislation, a court may issue a restraining order allowing the release of assets (including a ship) subject to disqualification before the commencement of judicial arrest proceedings [32].

According to USA laws, a ship may, under certain conditions, be able to return to commercial service before the sale process. These conditions usually include a guarantee such as consent to the court's continued jurisdiction over the ship and the agreement of the owners, charterers and ship managers to cooperate fully with the authorities. Moreover, according to the United Kingdom legislation, in the event that the court finds the captain and the commander guilty of possession and transport of drugs, the ship may be confiscated after a few months to be put up for sale at auction. So after its purchase, it can start operating normally [33].

In a 2015 case, the tug "MV Hamal" stopped on the high seas of Scotland and was found carrying 3.2 tonnes of cocaine. The captain and the second commander were convicted of drug smuggling, and the ship was lost and sold at auction. In the event that the court finds that those responsible for the ship did not know of the existence of illegal substances and that they bore no responsibility, then it is considered that it is not malicious damage and/or damage. The costs for coverage may be provided to them by the P&I Clubs. Thus, the owner must be covered through a P&I Club Association for loss of lease due to the

detention of a vessel resulting from an illicit drug case. In addition, discretionary coverage for fines (including the total value of the vessel if it has been seized) may be provided under the rules of the P&I Club. However, it is not ideal to rely on a specific law to recover the total value of a vessel because the insurer is not required to provide a reason for withholding the cover. Moreover, this cover is also available through Lloyds, but it could be prohibitively expensive for many owners, but after that, the reoperation of the vessel would be possible [34].

7 CONCLUSIONS

Maritime transport is vital for international trade, and the volume of transferred goods increases as the demand for commercial goods increases. Transport by sea allows the transport of large volumes of cargo, which enables traders to carry legal and illegal cargo, the so-called smuggling. At the same time, shipping laws and regulations have been enacted concerning the smooth operation of the shipping industry, safety in transport, the legality of cargo, and the seaworthiness of vessels. Legal trade is the only form of trade allowed because it complies with the provisions and laws of each country. There are cases, of course, that the so-called illegal cargoes can be considered legal for specific reasons.

Drugs belong to both categories since they are used for pharmaceutical or other activities permissible in most states. However, this does not detract from the fact that if there are no appropriate documents or permission to carry them, the criminal prosecution for the ship and the crew is unavoidable.

Cargo ships are responsible for transporting bulk cargo and are first on the list for transporting smuggled goods since it is a more straightforward process to hide illegal cargo.

Therefore, if it is found that there is illegal cargo on board the ship, the ship and the crew are automatically arrested until proven innocent. In most cases, the innocence of the crew and company is subject to each case's facts and the duty of care that the company showed during operational processes, such as inspections during cargo loading/unloading. In recent years, the authorities and competent bodies have been trying to mobilise continuously to prevent or at least reduce the transport of illegal cargo.

Of course, reducing the trade of illegal drugs is difficult for competent authorities because millions of citizens are using drugs worldwide, and the trend is ever rising. This is a danger to the world community, which is why arrests for drug trafficking are considered both a civil and criminal offence.

If the crew is found liable for the carriage of illegal cargo, it faces criminal charges from the competent authorities. However, the ship may, in any case, be operated again either through sale, through the proof of the innocence of the responsible stakeholders, or through the P&I Clubs' claim coverage.

REFERENCES

- [1] Tuerk, H.: Combating terrorism at sea: the suppression of unlawful acts against the safety of maritime navigation. In *Legal Challenges in maritime security from Brill Nijhoff*, pp. 41-78 (2008). ISBN: 978-90-474-4040-6
- [2] Szyliowicz, J. S., Zamparini L.: Maritime security: issues and challenges. *Maritime transport security*, pp. 13-23 (2014). ISBN: 978-1-78195-496-6.
- [3] Atkinson, M. P., Kress M., and Szechtman R.: Maritime transportation of illegal drugs from South America. *International Journal of Drug Policy*. 39, 43-51 (2017). <https://doi.org/10.1016/j.drugpo.2016.07.010>.
- [4] Bright, D., Koskinen, J. and Malm A.: Illicit network dynamics: The formation and evolution of a drug trafficking network. *Journal of Quantitative Criminology*. 35, 2, 237-258 (2019). <https://doi.org/10.1007/s10940-018-9379-8>.
- [5] Elaina, A.: Courts have gone overboard in applying the Maritime Drug Law Enforcement Act. *Fordham L. Rev.* 86, 6, 2965 (2017).
- [6] Hutchinson, T.: The doctrinal method: Incorporating interdisciplinary methods in reforming the law. *Erasmus L. Rev.* 8, 3, 130-138 (2015). 10.5553/ELR.000055.
- [7] Pradeep, M. D.: Legal Research-Descriptive Analysis on Doctrinal Methodology. *International Journal of Management, Technology, and Social Sciences (IJMTS)* 4, 2, 95-103 (2019). <http://doi.org/10.5281/zenodo.3564954>.
- [8] Smits, J. M.: What is legal doctrine? On the aims and methods of legal-dogmatic research. pp. 207-228 (2017).
- [9] Formela, K., Weintrit A. and Neumann T.: Overview of definitions of maritime safety, safety at sea, navigational safety and safety in general. *TransNav: International Journal on Marine Navigation and Safety of Sea Transportation*. 13, 2, 285-290 (2019). 10.12716/1001.13.02.03
- [10] Guy A.: *The International Drugs Trade*. Routledge, (2013). <https://doi.org/10.4324/9780203942802>
- [11] Costa III, M. E.: Extraterritorial Application of the Maritime Drug Law Enforcement Act in United States v. Suerte. *Temp. Int'l & Comp. L.J.* 18, 131 (2004).
- [12] Bethlehem, D., et al.: *The Oxford handbook of international trade law*. Oxford University Press, 2009.
- [13] Graves, D.: What are common maritime frauds and illegal activities on board ships?. *The Business & Management Review*. 10, 5, 163 (2019).
- [14] Weintrit, A., Neumann, T.: Marine navigation and safety of sea transportation: Maritime transport & shipping. (2013). 978-131588312-0.
- [15] Kolstad, J.: Alcohol, drugs and transportation. *Alcohol Drugs and Driving*. 8, 3-4, 177-184 (1992).
- [16] Maksen, S. T.: Transportation of stowaways, drugs and contraband by sea from the Maghreb region: legal and policy aspects. WMU (2007).
- [17] Magdalena, K.: Loss and Damage Analysis in International Transport of Pharmaceutical Products. *European Research Studies*. 24, 4B, 799-807 (2021).
- [18] Desroches, F.: Research on upper level drug trafficking: A review. *Journal of Drug Issues*. 37, 4, 827-844 (2007). <https://doi.org/10.1177/002204260703700405>.
- [19] Williams, P.: The nature of drug-trafficking networks. *Current history*. 97, 618, 154-159 (1998).
- [20] Jelsma, M.: Drugs in the U.N. system: the unwritten history of the 1998 United Nations General Assembly Special Session on drugs. *International Journal of Drug Policy*. 14, 2, 181-195 (2003). [https://doi.org/10.1016/S0955-3959\(03\)00006-9](https://doi.org/10.1016/S0955-3959(03)00006-9).
- [21] Sevilla, R.: Prevention of alcohol and drug abuse in the maritime sector: a behavioural approach towards maritime safety and environmental protection. WMU (1999).

- [22] Mohammed-Faraj, O.: *The Arrest of Ships: Comprehensive View on the English Law*. Lund University (2012).
- [23] Gilich, R.: Practical Issues arising from the Arrest of Ships. *Austl. & N.Z. Mar. L.J.* 23, 63-66 (2009).
- [24] Lynn, R.: A Comment on the New International Convention on Arrest of Ships, 1999. *U. Miami L. Rev.* 55, 3, 453-485 (2001).
- [25] Berlingieri, F.: *Berlingieri on Arrest of Ships: A commentary on the 1999 Arrest Convention*. Informa Law from Routledge, (2013). <https://doi.org/10.4324/9780203719237>.
- [26] Niklasson, A.: A comparison between the jurisdictional rules in the E.U. and the U.S. in the light of the Arrest Convention and the possibility to shop for forum. Göteborg University (2003).
- [27] Weintrit, A., and Neumann T.: *Advances in Marine Navigation and Safety of Sea Transportation, Introduction*. In *Advances in Marine Navigation and Safety of Sea Transportation*, pp. 1-1. CRC Press, (2019). ISBN: 978-0-429-34193-9.
- [28] Cram, F.: *Understanding the Proceeds of Crime Act 2002: Cash seizure and frontline policing*. The Howard Journal of Criminal Justice. 52, 2, 121-131 (2013). <https://doi.org/10.1111/hojo.12001>
- [29] Kao, M. B.: *Malice in Marine Insurance Law: Navigators Insurance Co Ltd v Atlasnavios-Navegacao LDA* [2018] UKSC 26. *Austl. & N.Z. Mar. L.J.* 33, 23-25 (2019).
- [30] Gee, S.: *Smuggling, Marine Insurance, Causation and Interpretation*. *Lloyd's maritime and commercial law quarterly.* 4, 482-489 (2018).
- [31] Sooksripaisarnkit, P.: *War Risk Insurance: 'infringement of any customs or trading regulations' exception under the Institute War and Strikes Clauses Hull 1/10/83-The 'B Atlantic'*. *Maritime Business Insight.* 5, 1, 4-5 (2016).
- [32] Eder, B.: *Arresting ships: The need for change 1. Ship Operations*. Informa Law from Routledge, 2020. 125-132. ISBN: 978-1-00-300075-4.
- [33] Nell, G.: *Ship arrest and undertaking as to damages: is it time for a change?. Australian and New Zealand Maritime Law Journal* (2019).
- [34] Bhuiyan, Z. R.: *Shipping and port security: Challenges and legal aspects*. *The Business & Management Review.* 10, 5, 4-15 (2019).