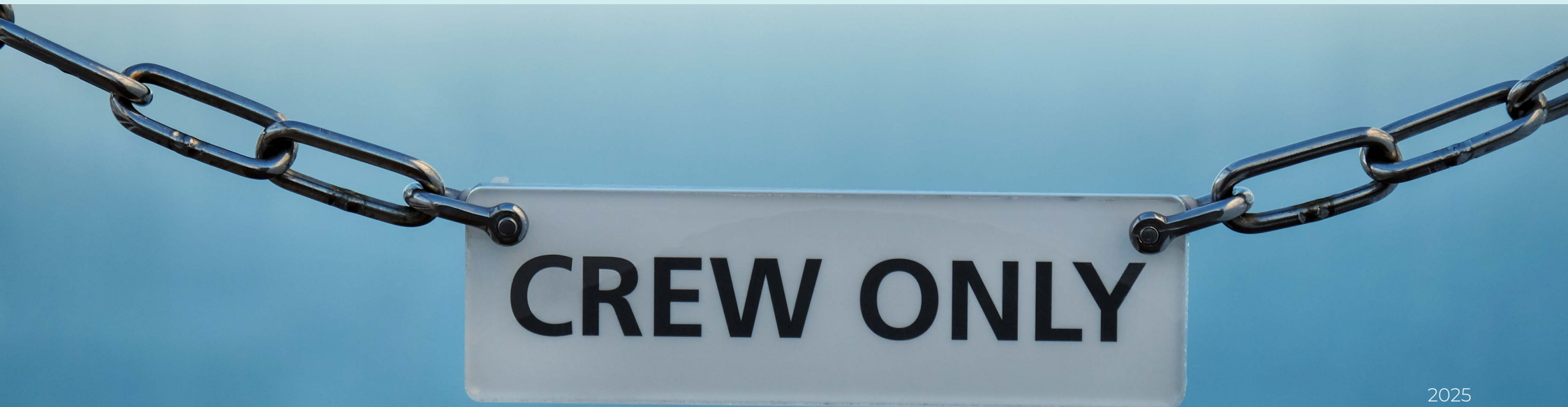


Guidance on
Stowaways



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Guidance on stowaways

The stowaway problem

Stowaways seem to be an ever-present problem for the shipping industry. Migrants in search of a better life continue to risk their lives by 'stowing away' on board private and commercial ships. Unnoticed by master, crews, port and customs authorities, stowaways may gain access to ships with or without the assistance of port personnel.

People stow away on ships for many reasons. Some flee their own country because they are at risk of serious human rights violations and persecution there. Others leave their country because they want to work, study, or join family, for example. Others feel they must leave because of poverty, political unrest, gang violence, natural disasters or other serious circumstances that exist there. A stowaway can also be an individual associated with known terrorist organizations, trying to circumvent travel security in cruise ports and airports.

It may be difficult to accurately predict which ports are considered high risk for stowaways at any given time. There are certain geographical areas which historically have been, and still are, considered high risk. Among these are ports in Africa, particularly in South Africa and many West African countries. However, there has also been an increase in the number of stowaways embarking in Southern Europe and Turkey, as well as in the Maghreb region of North Africa, and in some of these cases, evidence seems to point to actively operated networks of human traffickers. The grim reality today is that many people around the world feel compelled to leave their home country, and that stowing away on ships is worth chancing. The importance of properly assessing the stowaway risks should therefore never be underestimated, regardless of the ships' trading areas.

Despite available regulations, guidelines, and awareness material on the topic, preventing stowaways' access to ships is challenging and once onboard, their presence may bring serious consequences, for the specific ships and for the industry as a whole. The ship could be delayed in port, the safety of a ship's crew may be threatened should stowaways get violent or outnumber the crew, and last but not least, the life of stowaways could be endangered as they may spend several days hidden, with the risk of suffocation and without any food and water. Stowaways are also expensive to process and repatriate. It can be difficult to find countries willing to allow stowaways to disembark, particularly if they have no identification documents, and ships may be delayed in port or have to deviate from their planned voyage. Moreover, it is often necessary to employ escorts to accompany stowaways in transit when they are finally sent home.

Purpose of this Guidance

This guidance is intended to assist shipowners and ships crews in avoiding some of the common pitfalls and problems related to stowaways. It shares some of the important lessons we have learned over the years in terms of handling stowaways, including measures that can prevent stowaways from accessing the ship in the first place, what to do if stowaways are found onboard, and some of the insurance implications.

The IMO FAL Convention defines a stowaway as: "a person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the Master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the Master to the appropriate authorities"

This guidance is intended to assist shipowners and crews in avoiding some of the common pitfalls and problems related to stowaways. It shares some of the important lessons we have learned over the years in terms of handling stowaways, including measures that can prevent stowaways from accessing the ship, what to do if stowaways are found onboard, and some of the insurance implications.

Whereas this guidance offers practical advice and outlines some of the legal responsibilities of a crew and master on discovering stowaways on board, it is not intended to replace any regulatory requirements or company specific procedures. Should a master find that there is a contradiction or significant difference between this guidance and that of the ship's flag administration or company, the master is advised to resolve such issues with the company before taking action. However, we do hope that the information and recommendations provided will encourage crews and companies to review and improve their own procedures on how to deal with the stowaway problem.

Please also bear in mind that Gard should be contacted immediately upon the discovery of stowaways on board. All stowaways can be successfully disembarked eventually. Crews are advised to be patient and co-operative and, by working as a team, the crews, shipowners, local correspondents, and Gard can together resolve each stowaway incident.

We also take this opportunity to extend our thanks to all our local correspondents and service providers that have contributed, and continue to contribute, with knowledge and expertise of local conditions enabling stowaway cases to be resolved in the best possible manner for all parties involved. In particular, we would like to thank the following companies for their assistance in the preparation of this version of the Guidance:

- **Van Ameyde Marine**, (www.ameydemarine.com)
- **Eltvedt & O'Sullivan**, (www.eltvedtosullivan.com)
- **Scandinavian Underwriters Agency, SCUA** (www.scua.com)
- **Bull Marine Surveyors** (www.bullsurveyors.com)

IMO regulations and guidance

The FAL Convention – a binding regulation on stowaways

The Convention on Facilitation of International Maritime Traffic (FAL Convention) has been in force since 1967. Its main objectives are to prevent unnecessary delays in maritime traffic, aid co-operation between governments, and secure the highest practicable degree of uniformity in formalities and other procedures.

FAL provisions specifically addressing delays in maritime traffic caused by stowaways were adopted in 2002. A separate section in the annex to the FAL Convention now prescribes standards and recommended practices on matters relating to stowaways. The standards assign responsibilities to all parties involved in stowaway incidents, including public authorities, port authorities, shipowners, and masters, and are based on the following basic principles:

Ship/port preventive measures:

- All parties involved shall cooperate to the fullest extent possible in order to prevent stowaway incidents.
- Ports and ships shall have adequate security arrangements in place which, as far as practicable, prevent intending stowaways from getting onboard a ship or, if this fails, detect them before the ship leaves port or, at the latest, before it arrives at the next port of call.
- Adequate, frequent and well-timed searches minimize the risk of having to deal with a stowaway case and may also save the life of stowaways who may, for example, be hiding in a place which is subsequently sealed and/or fumigated.

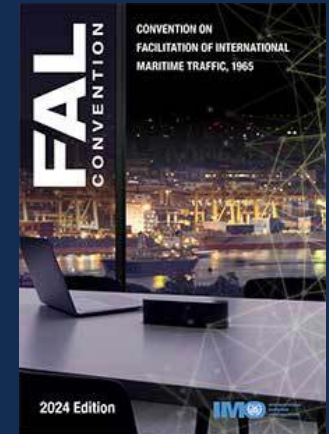
Treatment of stowaways while onboard:

- Stowaway incidents shall be dealt with in a manner consistent with humanitarian principles. Due consideration must always be given to the operational safety of the ship and to the safety and well-being of the stowaways.

The FAL Convention is kept continually amended and updated and new standards and recommended practices for dealing with stowaways have been added over the years. Recommended practices on preventive measures have also been revised to make sure they do not duplicate the existing provisions of the International Ship and Port Facility Security (ISPS) Code but rather augment and supplement them in the context of preventing stowaways.

Disembarkation and return of stowaways:

- All parties involved shall cooperate to the fullest extent possible in order to resolve stowaway cases expeditiously and ensure that an early return or repatriation of stowaways will take place.
- Stowaways arriving at or entering a country without the required documents are, in general, illegal entrants. Decisions on dealing with such situations are the privilege of the country where such arrival or entry occurs.
- Stowaway asylum seekers shall be treated in accordance with international protection principles as set out in international instruments, such as the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and relevant national legislation.
- Every effort should be made to avoid situations where a stowaway has to be detained on board a ship indefinitely.
- Countries shall allow return of stowaways who have full nationality/citizenship status in that country or have a right of residence in that country.
- Where the nationality or citizenship or right of residence cannot be established, the country of the original port of embarkation of a stowaway should accept the return of such a stowaway for examination pending final case disposition.



The Convention on Facilitation of International Maritime Traffic (the FAL Convention)

The ISPS Code – a framework for assessing security threats

The ISPS Code entered into force in 2004 and forms the basis for a comprehensive mandatory security regime for international shipping. The Code is implemented through SOLAS Chapter XI-2 “Special measures to enhance maritime security” and has two parts. Part A contains the mandatory requirements and Part B provides guidelines on how to meet them.

In essence, the ISPS Code takes the approach that ensuring the security of ships and port facilities is a risk management activity and that, to determine what security measures are appropriate, an assessment of the risks must be made in each particular case. It establishes a standardised consistent framework through which governments, ports authorities and shipowners can cooperate to:

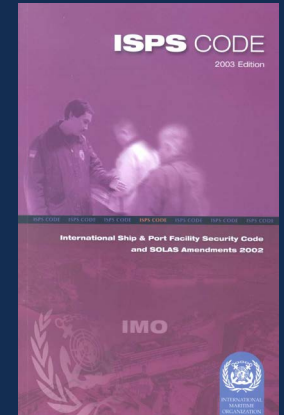
- monitor the activity of cargo and people,
- detect security threats and implement corresponding preventive measures,
- establish roles and responsibilities concerning maritime security,
- collect and share security-related information, and
- conduct security assessments so as to have in place plans and procedures to react to changing security levels.

Shipowners have a general responsibility to provide adequate security protection for their crew, passengers, and cargo. This responsibility is embodied in the ISPS Code through a set of functional security requirements. Shipowners are required to appoint a Company Security Officer (CSO) and a Ship Security Officer (SSO) for each of its ships, ensure that each ship undergoes a ship security assessment (SSA), develop a ship security plan (SSP) for each ship, and manage onboard procedures and equipment. The ISPS Code also requires that all personnel involved with security are given proper training and that drills are carried out at appropriate intervals.

The content of each SSP will vary depending on the ship it covers and the identified security threats for that ship. However, in terms of operational and physical security arrangements, the SSP should, as a minimum, detail measures that will allow the ship to:

- control access to the ship,
- control the embarkation of persons and their effects,
- monitor restricted areas to ensure that only authorized persons have access,
- monitor deck areas and areas surrounding the ship,
- monitor and supervise the handling of cargo and ship’s stores; and
- ensure that security communication is readily available.

Preventing stowaways from getting onboard is therefore an important part of fulfilling obligations under the ISPS Code and the relevant procedures and measures to do so, including access control and searches, should be clearly stated within the SSP. Having stowaways on board is likely to be seen as evidence of a breach in the ship’s security arrangements and may be considered by port authorities as “clear grounds” that the ship is not in compliance with the ISPS Code. When a ship issues a declaration of security/notice to the port authorities advising them of the presence of stowaways onboard, the ship may not be allowed into the port, be detained or be subjected to additional security control measures, all of which would inevitably lead to further difficulties in disembarking any stowaways and would incur additional costs to operators and delay of the ship. Some countries may also impose fines on the ship for breaching immigration laws.



The International Ship and Port Facility (ISPS) Code

IMO Guidelines on Stowaways

Effective prevention and handling of stowaways is a global problem and requires shared responsibility in decision making and commitment by all the involved parties. The IMO recognises that no matter how effective port and ship security measures are, there will still be occasions when stowaways gain access to ships. It also recognises that the resolution of stowaway cases is difficult. Several countries may be involved, each with its own national legislation. These could include the country of embarkation, country of disembarkation, the ship's flag state, the stowaway's country of origin, and countries of transit during repatriation.

In 2018 the IMO adopted **Resolution FAL.13 (42)** on "Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases". The guidelines provide more clarity on the complex issue of stowaways and is considered particularly useful for those countries that have not signed the FAL Convention or find it impracticable to comply with its recommended practices. The guidelines' approach on how to prevent stowaway incidents is also aligned with the security approach of the ISPS Code. A copy of the IMO guidelines is included in Appendix A, however, the recommendations that are of particular relevance for shipowners and masters are included below.

It is also worth noting that the IMO recommends authorities of the countries involved to keep the costs of detention, maintenance and return to a minimum when these are borne by the shipowner. Furthermore, the authorities are encouraged to mitigate penalties or other charges, if the master and shipowner have properly declared the presence of stowaways, substantiated that all practicable measures have been taken to prevent stowaways from boarding the ship in the first place, and otherwise co-operated fully with the authorities.



In order to prevent stowaway incidents, the shipowner and master should:

- Make sure the ship security assessment considers all possible threats, including unauthorized access or use, such as the presence of stowaways.
- Ensure that sufficient security arrangements are in place to prevent stowaways from getting onboard, or detect them before the ship leaves port, and that these arrangements are adequately detailed in the ship's formal security plan as required under the ISPS Code.
- Where there is a risk of stowaway embarkation, consider implementing the following security arrangements:
 - Locking of all doors, hatches and means of access to holds or stores, which are not used during the ship's stay in port.
 - Keeping the number of access points to the ship to a minimum and ensure they are adequately secured.
 - Securing areas seaward of the ship.
 - Keeping adequate deck watch.
 - Recording all persons boarding and disembarking the ship.
 - Maintaining adequate lighting at night, both inside and along the hull.
 - Carrying out a thorough search of the ship prior to departure. Focusing on places where stowaways might hide and use methods that are not likely to harm secreted stowaways.
 - Not carrying out fumigation or sealing of an area until the search for stowaways has been completed for that area.
 - Maintaining adequate means of communication between ship and others, including port facilities.

If stowaways are found onboard, the master should:

- Make every effort to determine the port of embarkation of the stowaways and establish their identity and nationality/citizenship.
- Prepare a statement containing all available information relevant to the stowaway for presentation to the appropriate authorities.
- Notify the existence of a stowaway and any relevant details to the shipowner and appropriate authorities at the port of embarkation, the next port of call and the flag state.
- Treat the matter as confidential as far as necessary for the security of stowaways if refugee status is declared.
- Not depart from the planned voyage to seek the disembarkation of a stowaway discovered on board the ship, unless the permission to do so has been duly granted by the authorities of the country in question, or unless there are extenuating safety, security, health or compassionate reasons.
- Ensure that the stowaway is presented to the appropriate authorities at the next port of call in accordance with their requirements.
- Take appropriate measures to ensure the security, general health, welfare and safety of the stowaway until disembarkation, including providing him or her with adequate provisioning, accommodation, proper medical attention and sanitary facilities.
- Ensure that stowaways are not permitted to work on board the ship, except in emergency situations or in relation to the stowaway's accommodation and provisioning on board.
- Ensure that stowaways are treated humanely, consistent with the basic principles.

In addition, the shipowner should:

- Ensure that all relevant information on stowaways has been notified to the appropriate authorities.
- Comply with any removal directions made by the relevant authorities at the port of disembarkation.
- Cover any applicable costs relating to the removal, detention, care and disembarkation of stowaways in accordance with the legislation of the countries which may be involved.

Assessing the stowaway risk

Risk assessment is a systematic procedure for measuring and managing the likelihood that harm from a particular threat, such as stowaways, will occur. It is an integral part of voyage planning within a safety management system and an important first step to identify potential threats for which appropriate preventive measures must be implemented.

Although international regulations and guidance documents outline a number of prescriptive security measures that shipowners, masters and crews may implement to prevent stowaway incidents from happening, or limit their consequences, an assessment of the risks must always be made in each particular case. Different ship types and sizes may need different security procedures and specific trading areas may need special measures to be implemented. It is therefore important that company risk assessments are subject to regular reviews, to identify if new risks have emerged, if existing risks have changed or could be removed, and if identified preventive measures are still relevant, practical, and realistic.

Information gathering

Reliable information on regional stowaway 'hot spots', and the stowaways' methods of operating in each port, is probably the most important input to a risk assessment. The information will enable shipowners and ships' crew to identify current threats and implement effective countermeasures when operating in high-risk areas.

It may be difficult to accurately predict in which ports the stowaway risk is high at any given time. Some geographical regions have become high-risk because of dramatic events such as civil war or natural disasters. Economic downturn may also increase the number of stowaway attempts. It is therefore important that shipowners and masters do their utmost to monitor current events in the countries to which their ships will be trading and identify changes that could impact the stowaway risk.

The stowaway risk may be higher in ports and terminals where the ISPS Code is not being properly implemented. The IMO does not issue a "blacklist" of countries and ports not in compliance with the ISPS Code. The ISPS Code database contains the information required by SOLAS Reg.XI-2/13 as supplied by each contracting government, e.g., if the port has an approved security plan or equivalent security arrangements. However, the IMO emphasises that lack of inclusion in the database should not be construed automatically as failure to comply with the requirements in SOLAS and the ISPS Code. Conversely, an ISPS statement of compliance from the port's government should not be regarded as a "security guarantee" that permits masters and shipowners to lower their guard. Instead, it may be in such ports that masters and shipowners must focus their anti-stowaway efforts based on intelligence and their own sources of information.

In order to gather as much information as possible, we recommend discussing the stowaway problem with local sources of information, such as ships' agents, port authorities and Gard's correspondents, as well as with other masters. Doing so could provide valuable and up to date information, not only on the current regional hot spots but also on the most common methods used by stowaways to gain access to ships in a specific port: is it by bribery, in containers, do they use boats or swim to hide in rudder trunks, or do they pose as stevedores? When trading to ports where stowaway embarkations is a known problem, the local environment and security arrangements in the port should be carefully considered and include a review of factors such as lighting, facility access, the ship's area of operation, and, to the extent possible, input from the local port facility security officer.

Incident trends and regional hot spots

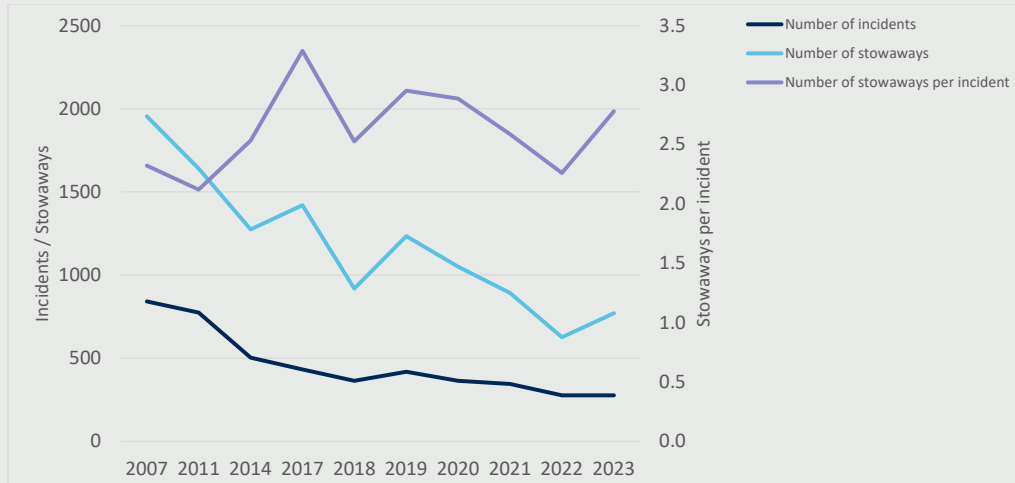
The International Group of P&I Clubs (IGP&I) carries out regular data collection exercises in respect of stowaways. Based on the claims experience within all the member Clubs, areas and ports where stowaways are a common problem are identified, along with the nationalities of persons stowing away and the average cost of stowaway incidents.

While the IGP&I data collection is primarily meant to compliment the stowaway cases reported to the IMO in its Global Integrated Shipping System (GISIS), it is worth noting that the number of incidents recorded by the IGP&I is generally higher than those submitted via the IMO system. In 2022 for example, 76 stowaway incidents were reported in GISIS compared to 277 incidents recorded by the IGP&I. However, even if the IMO GISIS data are more moderate in terms of the total number of incidents and stowaways, some of the observed trends concerning regional stowaway 'hot spots' are similar to those identified in the IGP&I data.

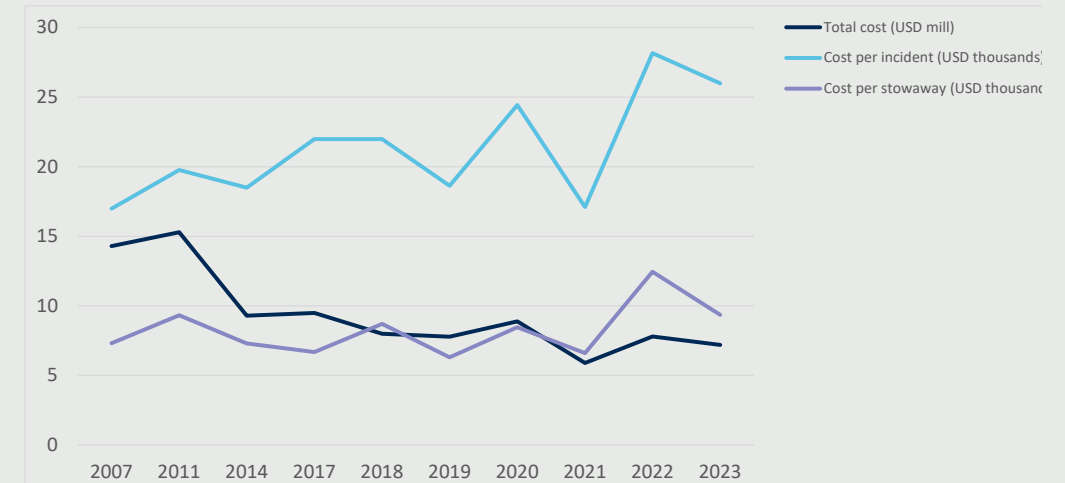
Looking at the available IGP&I dataset and comparing it with stowaway data reported in IMO GISIS for the period 2014 to 2023, the following observations can be made.

Overall incident trends, source International Group of P&I Clubs (IGP&I)

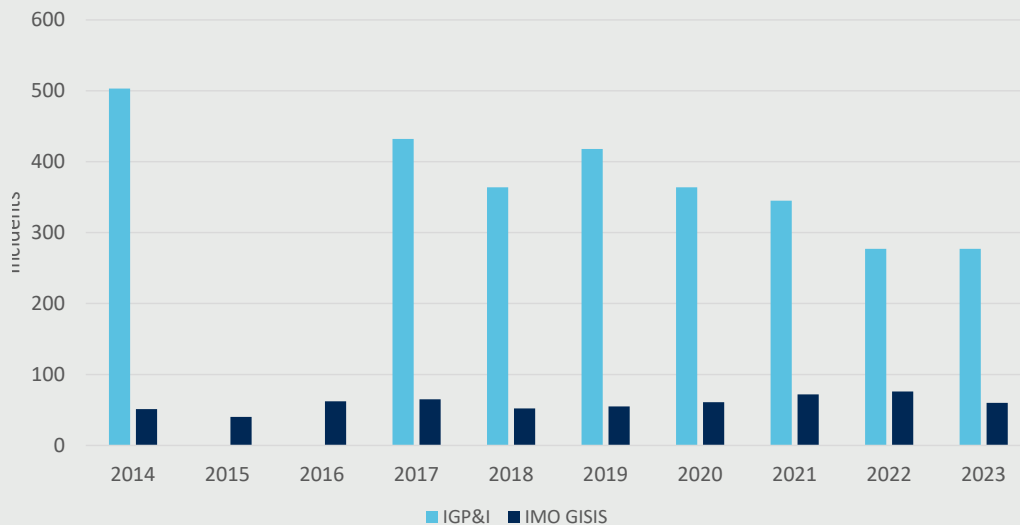
Number of incidents and stowaways



Cost of incidents and stowaways



Comparison of number of IGP&I incidents with the number of IMO GISIS reports



- The number of stowaway incidents reported by the IGP&I Clubs has decreased by more than two-thirds since IGP&I carried out its first data collection exercise for the 2007/8 policy year and shows a slight downward trend over the past five years.
- The total number of stowaways involved has also decreased, but not at the same rate as the incident figures. This means that the number of stowaways per incident has been growing, and the data would seem to suggest that the current average is close to three stowaways per incident.
- Whilst the total cost net of deductible to the IGP&I, including fines imposed on shipowners by states, has dropped since the highs in the 2000's and early 2010's, the cost per stowaway incident, as well as per stowaway, continues to show an upward trend. The cost now stands at nearly USD 30,000 per incident and USD 10,000 per stowaway. It is also important to note that the cost to shipowners is higher than that incurred by the Clubs as, in addition to their deductible, shipowners are likely to incur other costs, which are not insured.
- The IMO GISIS data on the other hand shows a slight upward trend for the number of stowaway incidents. This is likely to be caused by changes in reporting routines and increased focus on reporting from the authorities involved. It should also be noted that the two datasets are not directly comparable since IGP&I data refers to insurance policy years, which start at 20 February each year, and IMO GISIS data refers to calendar years.

Regional hot spots, source IMO GISIS

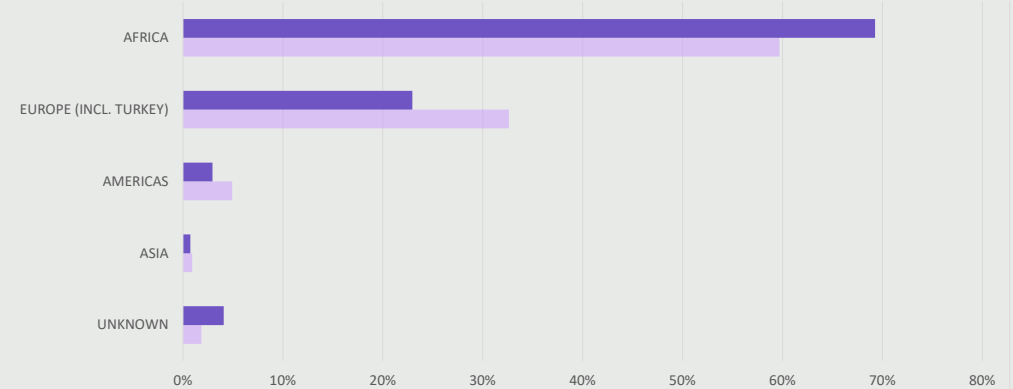
- Ports on the African continent continued to be the main hot spots for stowaway embarkations, even if the overall number of incidents reported from ports in Africa have decreased.
- European ports started to feature in the statistics in 2017 and the number of incidents reported from the European continent has remained high since.
- South African ports, which have traditionally been regarded as high-risk ports, have seen a decrease in the number of stowaway embarkations. This also applies to ports in some West African countries, such as Ghana and Nigeria. However, South and West African ports in general must continue to be viewed as having a high stowaway risk.
- It is well known that many North African countries have become major transit points for African and Arab migrants trying to reach Europe to escape war and poverty and there is a clear upward trend in the number of incidents reported from the Maghreb region of North Africa, particularly from the port of Casablanca in Morocco and Rades/Tunis and La Goulette Nord in Tunisia.
- The majority of stowaway embarkations in Europe were reported from ports in Greece and Turkey, but also ports in Belgium, Netherlands and France that are facing the English Channel were popular spots for persons attempting to stow away.

In terms of stowaways' nationalities, the available data appear to indicate that most stowaways continued to be from African countries, primarily Nigeria, Guinea, Ghana, and more recently, Morocco and Tunisia. Stowaways from Syria and Iraq were also rather common. However, when comparing to the previous five-year period, 2013-2018, the highest percentage increase was observed for stowaways from Sudan, the Dominican Republic, Albania and Tunisia, even if the total number of stowaways from these countries remained modest.

Awareness and training

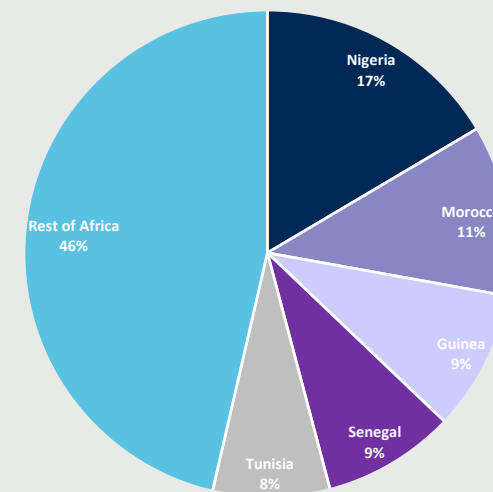
Protecting a ship against stowaways begins with a knowledgeable well-trained crew who understand the current security situation. It is therefore important that crew members are adequately briefed about how the ship's trading patterns affect the stowaway risk and trained to handle potential stowaway scenarios. The correct implementation of regular security drills and training for crew, especially those with specific security duties and responsibilities, in line with the ISPS Code's requirements is therefore critical if security measures are to be effective.

Stowaway incidents by region of embarkation

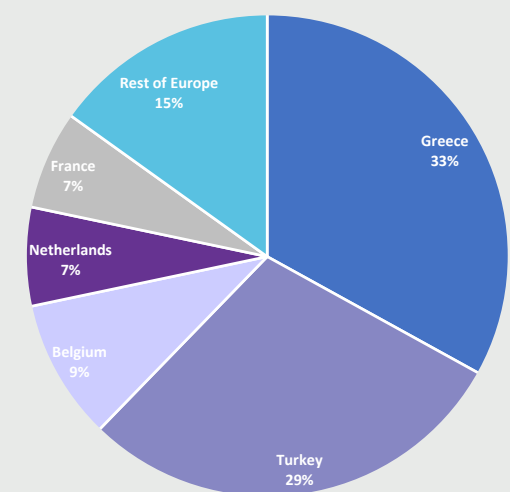


Top five countries of embarkation 2019 - 2023, Source IMO GISIS

African continent



European continent



Ship/port preventive measures

As highlighted in the previous chapter, assessing the stowaway risk is an important part of fulfilling obligations under the ISPS Code and the relevant procedures and measures to do so, including access control and searches, should be clearly stated within a ship's security plan. The IMO guidelines on stowaways (Resolution FAL.13 (42)) provide even more clarity on the complex issue of stowaways and highlight additional best practice and preventive measures to be considered by masters and shipowners.

In the chapters following below, we reflect on some of the lessons learned through years of handling stowaway incidents on behalf of our members and clients. Shipowners and masters must comply with statutory regulations and company procedures. We hope that some of the advice provided may be considered useful as supplementary measures.

Port security

Security at ports across the world can range from exceptional to inadequate and virtually non-existent. The stowaway risk may be higher in ports and terminals where the ISPS Code is not being properly implemented and the task of preventing the stowaways from coming onboard could also be more difficult. The ships' agents will be able to offer updated advice in advance of a ship's call, allowing the master and crew to plan and implement suitable preventive measures. It is also imperative to ensure that shipping agents clearly understand that the ship will not sail with stowaways onboard, and that all necessary safety measures available at the port should be implemented in the interest of the ship.

The many stowaway cases handled by P&I Clubs over time have clearly demonstrated that relying on port security alone will not always ensure the required level of security. In many parts of the world, the stowaway business is regarded as "financially attractive" and could therefore involve corrupt port workers and/or stevedores. Hence, solely relying on port security and local security staff has in some cases shown to merely offer an easy path for persons planning to stow away. Stowaways frequently hide in cargo units, such as containers and vehicles, waiting at the terminal before it is loaded onto the ship. In many of these cases, it turned out that the stowaways had had local help to get access to the cargo units in question, sometimes by persons linked to human trafficking organizations. There have also been cases where interviews of stowaways have revealed that ships' crew have been part of the arrangements. In cooperation with port officials, "tickets" had been collected from persons before allowing them to access and stow away on a ship.



The chances of discovering stowaways secreted away in cargo stored at the terminal will depend on the time available to undertake a thorough search of the cargo before loading and the amount of money the shipowner is prepared to spend. Obviously not every container or vehicle can be checked, however, masters and crew should pay special attention to containers with:

- broken seals, or seals that have been tampered with,
- noticeable weight misdeclarations,
- signs of recent repair or repainting, or
- small cut-outs or holes used for ventilation.

Reefer containers set at relatively high temperatures could also be a warning sign, as could containers collected from uncontrolled/insecure locations and those that arrive shortly before start of loading. The crew should also be alert to strange odours or noise from vehicles or containers during or after loading.

Shipowners, in cooperation with port operators, should also consider deployment of technology to detect stowaways hiding in cargo units, such as carbon dioxide (CO₂) detectors, infrared cameras, as well as heartbeat detectors. While methods of detection will vary from port to port, the type of technology available and procedures for use of the equipment should be discussed with the individual port operators. The use of sniffer-dogs should also be considered.

Access control and monitoring

In many parts of the world, shipowners and masters have little or no influence on the overall port security and have to concentrate on preventing stowaways from gaining access to the ship. As far as ship security and watch keeping are concerned, a number of measures can be taken depending on the potential risk of stowaways in the particular port.

Prevention is the best cure

The core strategy is to ensure that no unauthorised personnel are able to gain access to the ship, and that all those who have been authorised to board, disembark before sailing.

First and foremost, proper access control relies on crew members who are adequately briefed about how the ship's trading patterns affect the stowaway risk and the relevant security measures to be implemented. In order to best guard against unauthorised boardings, all crew members, especially those with specific security duties and responsibilities, must understand the threats facing them in a particular port. Onboard instructions must clearly specify when to control access to the ship and how to do it.

While the gangway is the easiest and most obvious point of access to the ship, the ISPS Code requires ships to identify and establish relevant security measures for all means of access, which could include:

- access ladders, gangways, and ramps,
- doors, side scuttles, windows, and ports,
- mooring lines and anchor chains,
- cranes and hoisting gear, and
- rudder trunks.

Access can be controlled in many different ways and the SSP should therefore identify the type of restriction or control measure to be applied at each access point, and the means of enforcing them. Depending on the individual port's security level, ships should typically apply a combination of

- watchkeepers,
- external signs directing visitors to the correct access point,
- physical barriers, such as gangway gates, doors and fences, and
- an access pass system, preferably an electronic gangway control system, for storing crew and visitor data.

Use of CCTV camera systems, motion sensors, and lighting can also be strong deterrents to potential stowaways. In addition, procedures for access control should include clear rules for checking people, the type of ID that is acceptable and when to deny access and when to call a superior for assistance.

Changes in the tide may have an impact on the vulnerability or security of the ship, particularly for ships with low freeboard. Note also that the rudder trunk is not an uncommon access point for stowaways and is often used as a hideout, especially when a ship is in ballast condition. An aft-ship design with an open rudder trunk can be found on many ships and the following precautionary measures should be considered when such ships are trading to ports with a high risk of stowaways:

- Cover openings to the rudder compartment with grating or steel bars to prevent stowaways from gaining access to the area.
- Install an inspection hatch in the steering gear room that will enable inspection of the rudder trunk prior to departures.

Based on experience, and considering the pressure often put on watchkeepers, it should be considered if the best solution is to arrange for watchkeepers to work in teams/pairs. In addition to monitoring identified access points, it is also recommended that the watchkeepers patrol the immediate surroundings of a ship. As stowaways frequently seek access to the rudder trunk or try to climb onboard via ropes, the water around the ship should be checked regularly for small boats or swimmers. Hence, access control should apply to both landward access as well as seaward access.

Use of shore-based security personnel

Depending on the stowaway risk, the ship type, size, port schedule, and manning level, an alternative may be to recruit trusted professional shore-based security personnel for access control and patrolling. While this may seem like an extravagant solution, the cost involved could easily be justified when compared to the cost of repatriating stowaways, which often involves moving reluctant people across different continents. In some ports, ships are even routinely required to use shore-based security personnel.

In all instances where shore-based security personnel are involved, it is vital that roles and responsibilities between ship and shoreside personnel are clearly communicated and understood. Ask the ship's agent for assistance and explore the possibility of including specific terms in the contract with the shore-based security company whereby the security company would be held liable for all costs of disembarkation and repatriation should it later be discovered that stowaways have managed to board the ship in that particular port. Consider rewarding the agents for stowaway free sailings.

Shipboard searches

Security does not stop at the gangway, nor should ships' access control. In addition to measures preventing unauthorised access onto the ship itself, locking of all doors, hatches and means of access to holds or stores, which are not used during the ship's stay in port will limit potential stowaways' options of hiding places onboard. Stowaways have been known to hide in the most unusual places. Besides cargo holds and containers, they have been found inside funnel casings, chain lockers, storerooms, cabins, crane cabs, mast houses, engine room bilges and even in the rudder trunk. Where locks are not considered appropriate, tamper-proof or wire seals can be used, as any broken seals would indicate that an entry has been made. When briefing the crew on stowaway risks, highlight the importance of monitoring deck areas, restricted areas, and the handling of cargo and ship's stores. Encourage the crew to report any abnormal and/or suspicious activity. Consider offering financial rewards to those crew members who discover and prevent stowaways.

The shipowner should also consider the need for more systematic shipboard searches in order to locate stowaways if any have managed to get onboard. Random and visible searches of the ship while in port could also act as a deterrent to those considering stowing away. However, as stowaways often hide away shortly before the ship leaves port, a thorough search of the ship should always be carried out shortly before departure from a port where there is a risk of stowaway embarkation. Search plans should be available onboard as part of the SSP and the search should focus on places where stowaways might hide and use methods that are not likely to harm secreted stowaways. Owing to the vast number of potential hiding places, a practical solution would be to divide the ship into separate search areas, e.g., accommodation, engine room, main deck, cargo compartments, and designate competent crew members to be responsible for searching each area. An inspection of the rudder trunk from the outside should be carried out when in ballast condition, e.g., by use of the ship's rescue boat.

The master should make an entry in the logbook, recording every stowaway search and its results, with full details of the date, time, spaces searched, and names and ranks of designated searchers. If stowaways are discovered during a search, the immigration authorities should be notified immediately in order that the stowaways can be removed from the ship. The master should also consider the need for a final onboard search immediately after the ship has unberthed. It may be easier to land potential stowaways before the ship has left territorial waters and when the outbound pilot is still on board. If stowaways are found at this stage, they can be repatriated using the pilot boat.



When stowaways are found onboard

Stowaways frequently appear or are discovered by the crew two or three days after the ship has left port. When this happens, immediately notify the company and the P&I insurer as this will enable the CSO to inform the appropriate authorities at the next port of call. Please refer to Appendix B for details. The P&I correspondents and the ship's agent in the next port of call or the port of embarkation should also be notified, so that they can prepare for identification and repatriation of the stowaway. Generally, repatriation cannot be carried out if advance notice of the stowaway has not been provided.

We also take this opportunity to remind ship operators and their masters to be mindful of any **General Data Protection Regulation (GDPR)** or similar requirements that apply to collecting, saving, and distributing personal and sensitive information.

Treatment of stowaways

Any stowaways found should be placed in secure quarters, guarded if possible, and be provided with adequate food and water. They, as well as the place they were found, should be searched for any identification papers. Where there is more than one stowaway, they should preferably be detained separately. The master and crew should act firmly, but humanely. Regardless of how inconvenient or irritating the stowaways may be to the master, crew and shipowner, it is important that the stowaways are treated humanely. If needed, the master and crew must also provide the stowaways with medical assistance. See the IMO guidelines in Appendix A.

Stowaways should not be put to work. If working, they will be at an increased risk of injuries which may lead to significant medical and deviation expenses and even claims for compensation. Moreover, many stowaways are not only untrained, but can also be unpredictable and may represent a safety hazard if put to work. Some shipowners have also faced claims for wages as a result of putting stowaways to work. These claims have caused additional problems in the repatriation process.

Ships operating in areas where there is a high risk of encountering stowaways, should consider setting aside a dedicated area where any stowaways can be lodged. The quarters should be furnished quite simply, and any items that can be used to harm the stowaway should be removed.

The use of handcuffs and other types of restraints may be required in some situations. However, the general recommendation is to use such means only in extreme situations, e.g. if the stowaway is a danger to him-/herself or others, and preferably by external security personnel trained to use such restraints.

Should a stowaway die during the voyage, the authorities at the next port of call, in co-operation with the relevant embassy, will decide how to proceed, i.e., whether to arrange burial at the port in question or repatriate the body. The body of an unidentified stowaway will normally not be returned to the port of embarkation. However, this practice may vary from country to country and Members are advised to follow the instructions provided by the local authorities and the embassy in question.

Collecting evidence

It is important to have as much information and evidence as possible on how stowaways have boarded the ship and how the ship made every effort to prevent stowaways boarding and to find succeeding stowaways prior to leaving port. This includes details of access restrictions, watch arrangements, locked areas, etc.

As a means of obtaining as much information as possible for each stowaway, we recommend using the questionnaire included in Appendix C.

In addition, and depending on the circumstances in each case, the following actions should be considered:

- Search the place the stowaways were found for drugs as stowaways can be used as drug couriers. If drugs are found, the place should be left untouched and sealed off. Photograph or video tape the place where the stowaways, and drugs if any, were found.
- Search the stowaways for identity papers. These documents, if found, must be confiscated as stowaways often try to hide their identity or destroy their identity papers.
- Search the stowaways for various items, including mobile telephones, drugs, and weapons. Document any positive findings and confiscate the items.
- Question each stowaway in detail about when and where the boarding took place as per the questionnaire in Appendix C. If there more than one stowaway, question each person separately.
- Establish the ship's security arrangements in place at the time of the boarding.
- Try to establish each person's reasons for stowing away and the circumstances under which his or her voluntary return may be possible. Explain that if economic reasons are behind stowing away, no other country will accept them, and repatriation will be inevitable.
- Make records of the stowaways' treatment during the voyage, e.g., frequency and types of meals, accommodation, times allowed out and sanitary arrangements, in logbooks and as far as practicable by taking photographs and video.



Disembarkation and return of stowaways

Gard would like to emphasize that any disembarkation must be carried out officially in the presence of the ship's local agents or Gard's P&I correspondents. Indeed, in some cases, whereas the master is of good faith, the stowaway has been known to have been handed over to people alleging to be local Authorities and the master had handed over money to people who have released the stowaway unofficially, causing dire consequences. When investigations are thereafter made by the Police, the ship can face extreme difficulties.

Steps to be taken

Once stowaways have been found, the focus should be on the possibility of arranging disembarkation and repatriation. Gard offers all necessary assistance in this respect. A report should be sent as soon as possible to the shipowner, the P&I Club and the agents at the last and next port of call. The master may also contact Gard's local correspondent directly for assistance. The report should preferably contain information as set out in Appendix B.

According to the IMO, stowaways should not receive any payments, or other benefits beyond the minimal requirements to ensure the security, general health, welfare and safety of the stowaways while on board or on shore, as that might act as an incentive to reoffend or as an encouragement to other persons attempting to stow away.

Identification papers - travel documents

The correct travel documents are essential for the stowaway to be granted permission to travel back to his or her homeland. These usually include temporary travel documents issued by the relevant country's embassy or consulate. It can take some time to arrange for these documents to be issued and it is therefore important that the master notifies Gard as early as possible, enabling the club to make the necessary travel arrangements before the ship arrives at the next port of call.

Ideally, the P&I club and/or the correspondents should establish and document the identity of the stowaway before approaching the relevant embassy or consulate for travel documents. However, this is not always easy, and it may take a number of interviews, as well as photographs and expert assistance to determine the nationality of the stowaway. Hence, it may be necessary to involve relevant government officials before the identity of stowaways is confirmed. It is also very important that the master or the crew search the stowaways for identification papers or personal belongings. The area where the stowaways were found should also be searched.

Repatriation is not always possible from the first port of call following the discovery of the stowaways, as the necessary travel documents may not have been received. The ship will then have to continue to her next scheduled port with the stowaways on board. Gard usually requests from the Member the ship's itinerary to put the correspondents on notice in the respective ports of call. The stowaways will then be repatriated at the first available opportunity, normally accompanied by a security guard.

Situations do arise when a ship is ready to sail, but the disembarked stowaway cannot depart the port of disembarkation until after the ship's scheduled departure. Immigration authorities usually only allow the repatriation to take place if the ship is still in port so that the stowaway can be put back on board should the repatriation fail. Some immigration authorities even require the ship to remain in port until such time as confirmation has been received from the country of origin that the stowaway has landed and has been accepted.

There are very few ports in the world where cooperation will be received by authorities in cases where stowaways are undocumented. The only exception to this rule applies to those seeking political asylum and those in need of medical attention. While most countries may allow repatriation of stowaways that are in possession of travel documents, we also see cases where stowaways remain onboard ships for extended periods of time, sometimes until a ship returns to the port where the stowaways embarked just because this is considered the "easier option". However, this is not an ideal situation as it may lead to confrontations and dangerous security situations onboard, putting both crews and stowaways at great risk.

Political asylum

A stowaway may seek political asylum when the ship arrives in port. In these circumstances, the immigration authorities will frequently take responsibility for the stowaway. It is possible to involve the United Nations High Commissioner for Refugees (UN HCR) should the authorities refuse to disembark a stowaway who it is felt has a genuine case for asylum. The local authorities may in some cases demand a guarantee or other form of security from the shipowner, to cover all or part of the costs of detention and repatriation. If the stowaway is not granted asylum, the immigration authorities will make the necessary arrangements for repatriation of the stowaway back to the country of origin. However, the shipowner will most likely be held liable for the repatriation expenses.

Alternative methods

Repatriation of a stowaway from a foreign port can be both time consuming and expensive. In the case of shipowners operating liner services there is an alternative way of returning the stowaways to their country of origin. A ship in liner service will usually at some point in the near future return to the port where the stowaway first boarded. Provided it is safe for the crew, the ship and the stowaway, the stowaway remains on board until the ship returns to that port, although it would be necessary to advise and obtain approval from the immigration authorities at all intermediate ports. However, it has proven difficult to keep stowaways on board in Brazil, as Brazilian authorities often disembark the stowaway in any case. It may also be possible for a shipowner to transfer a stowaway to another ship in the same ownership if that ship happens to be going to the port where the stowaway boarded or a more convenient destination than the initial ship.

Diverting to land stowaways

Diverting to land a stowaway might seem attractive, particularly where a stowaway is discovered shortly after leaving port. However, it is important to realise that there could be serious consequences of a deviation.

As for P&I cover issues, please see chapter below. It is also worth noting the IMO FAL Convention, as a general principle, recommends masters “not to deviate from the planned voyage to seek the disembarkation of stowaways discovered on board the ship after it has left the territorial waters of the country where the stowaways embarked, unless:

- permission to disembark the stowaway has been granted by the public authorities of the State to whose port the ship deviates; or
- repatriation has been arranged elsewhere with sufficient documentation and permission for disembarkation; or
- there are extenuating safety, security, health or compassionate reasons; or
- attempts to disembark in other ports on the planned voyage have failed and deviation is necessary in order to avoid that the stowaway remain on board for a significant period of time.”

To be able to provide the owner and master with the best service possible, it is important to receive early notification of the ship’s voyage plan or next port-of-call. Gard is then able to assist the owner and to try to identify the most suitable port for landing the stowaway. Another option is to keep the stowaways on board until the ship returns to the port of embarkation. The owner and insurer will then have reduced the cost of having the stowaways on board. To do so the stowaway must of course not interfere with the crew’s safe operation of the ship. In some cases, guards could be hired as watch keepers to take care of the stowaways while the ship is under way.

Role of the P&I correspondents

Gard has appointed correspondents worldwide. Our correspondents are an important part of the team when it comes to stowaway cases.

As soon as instructions are received from the ship’s master, agent, P&I club or owner, the correspondent contacts the relevant authorities (harbour, immigration etc.) to obtain their agreement to repatriate the stowaways.

The correspondent will assist the master on board the ship in completing the disembarkation formalities with the authorities and interview the stowaways to ascertain the nationality of the stowaway. The correspondent provides the P&I club and the owner with an estimate of the cost of repatriation.

With the assistance of the police, the correspondent then disembarks and escorts the stowaways to a police detention centre pending further investigations and ensure that meals will be provided.

Once the stowaways have been escorted to and interviewed at the relevant embassy or consulate and their nationality is confirmed, the correspondent applies for emergency travel documents and makes the necessary repatriation arrangements, for example, booking escorts and plane tickets purchasing appropriate clothing if needed. The correspondents, or other security escort services, should accompany the stowaways to the airport, complete the boarding formalities and ensure that the stowaways board the plane. Repatriating groups of stowaways is generally not recommended as this can be a safety hazard. If the group is big, consideration can be made to charter a flight.

The P&I cover

The latest version of the Gard Rules and Guidance to the Rules are available on our website under “**Publications**”: Stowaways are dealt with under Rule 32.

Legal liability

In order to be covered under the P&I policy, the Member must have a legal liability for the costs or expenses relating to the stowaways. The carrier will normally be liable for a person on board who is not in possession of valid identification papers. The carrier is also likely to be held liable for the cost of food/lodging, repatriation and the cost of any escorts hired for the repatriation. Shipowners can also be liable for medical treatment or medical examination of stowaways.

The Member may also be liable for fines incurred where stowaways have escaped from the ship. Furthermore, the owner may be liable for fines levied by the authorities for each person arriving on their ship who is unable to produce the necessary visa or other entry documentation. Such fines will be covered under the P&I policy.

Any damage to the ship and/or cargo as a result of the stowaway being on board is not covered under the P&I policy and neither are consequential losses. In addition, measures taken to prevent stowaways boarding the ship are considered operational matters and are therefore not covered under P&I.

Stowaway clause

In principle, the owners are responsible for all costs incurred as a result of having a stowaway on board. However, some charterparties contain a stowaway clause which states that the charterer is responsible for all costs incurred and other clauses allocate responsibility between the two parties. One example is the BIMCO Stowaway Clause for Time Charter Parties. The clause divides the responsibility for stowaways between owners and charterers based on the method of gaining access to the vessel. The clause and explanatory notes are available via BIMCO's website: www.bimco.org.

We recommend that owners and charterers ensure clarity around terms for stowaways in their contract before commencement of a voyage. Once a stowaway has been found, it is important to establish how the stowaway gained access to the ship.

Gard recommends that owners include a stowaway clause in all charterparties.

Diversion

There are times when the best option for disembarkation is to have the ship leave her planned voyage and return to the port of embarkation, or to call another convenient port enroute. If this is the case, the Member should immediately give notice to their responsible Gard underwriter about planned deviation, even if a claims handler is already involved. If the ship has cargo on board, a geographical deviation could deprive the Member of the right to rely on defences or rights of limitation which would otherwise have been available. Although Gard has arranged an open deviation cover for the benefit of its Members, it is a requirement of the insurance that the Member immediately gives the Club notice. In some cases, additional insurance may have to be arranged.

Rule 31 provides cover for diversion expenses where 'these are incurred solely for the purpose of securing treatment for an injured or sick person on board, or to transfer a deceased person on board to shore for repatriations'. 'Diversion' for disembarkation of a stowaway is not covered under Gard's Rule 31, unless the stowaway is in urgent need of medical care ashore, or it is to land a body.

However, cover for diversion expenses to land stowaways may be available under Rule 32, provided that the diversion to the embarkation port or other convenient port is approved by the Association and the costs and expenses are considered by the Association to be 'directly and reasonably incurred'. Please refer to the **Gard Guidance to the Rules** for details. For example, cover is available for the cost and expenses of diverting the ship to an unscheduled port to land stowaways if the Member can demonstrate that it was reasonable to do so and that it was in the best interests of the Association. Recoverable costs include those listed in Rule 31, i.e., extra costs of fuel, insurance, wages, stores, provisions and port charges – over and above what would have been incurred but for the diversion to disembark the stowaway(s). However, it is important to note the proviso in Rule 32 that the cover does not include consequential loss of profit or depreciation.



Concluding remarks

It should not be forgotten that the processes of disembarkation and repatriation of stowaways will always be closely linked. Indeed, before taking any steps such as disembarkation, we would recommend that the masters/shipowners do not hesitate to request Gard's or our P&I correspondents' advice. Indeed, through our experience and network of correspondents, we have generally a good understanding of which port is the most convenient and cost-effective area for disembarkation/repatriation, i.e., the availability of diplomatic representation for documentation, flight possibilities, penalties and escort obligations, the latter of which are necessarily to be avoided.

Prevention is always better than cure, and this is especially true in cases involving stowaways. Any master who has had to deal with a stowaway situation on board will agree that time and money invested in preventing stowaways from boarding a ship is time and money well spent. Therefore, it is hoped that the advice provided in this guidance will assist Members and clients to avoid the problem altogether, or to at least ensure a swift resolution to a situation which in many cases presents a challenge to owners/operators, the Club and its correspondents.

We also reiterate the importance of adhering to IMO standards and recommended practices when it comes to security arrangements and procedures to prevent and handle stowaways. The basic principles set out in the IMO guidelines on stowaways and supported by the security approach of the ISPS Code:

- Cooperation to prevent incidents
- Security measures to prevent stowaways from boarding
- Proper onboard searches prior to leaving port
- Humanitarian treatment of stowaways
- Cooperation to repatriate stowaways
- Disembarking countries' responsibilities and rights on dealing with illegal immigrants
- International protection principles for dealing with asylum seekers
- Cooperation to disembark stowaways
- Countries' acceptance of return of its nationals/citizens
- Embarking country's acceptance of return of stowaways when nationality and citizenship cannot be established.

Appendix A
IMO Stowaway Guidelines



Appendix B

Repatriation report to the owner/P&I club/agent

Once stowaways have been found, the focus should be on the possibility of disembarkation and repatriation. The P&I club offers all necessary assistance in this respect. In addition to filling in the stowaway questionnaire in Appendix C, a report should be sent as soon as possible to the shipowner, the P&I Club and the agents at the last and next port of call. The master may also contact the club's local correspondent directly for assistance. Furthermore, if the vessel is on a charterparty including a stowaway clause, it should be considered sending a Letter of Protest to the charterer.

However, ship operators and their masters must be mindful of any General Data Protection Regulation (GDPR) or similar requirements that apply to collecting, saving, and distributing personal and sensitive information.

The report to the owner / P&I Club / agent should preferably contain information on the following:

- The last port visited and likely port of embarkation
- Date and time of sailing from the last port
- How many stowaways have been found?
- When and where the stowaways were found
- How the stowaway gained access to the ship
- Do the stowaways have any travel documents
- Do the stowaways have any other form of identification papers
- Is it possible to communicate with the stowaways?
- State of health of the stowaways
- Where the stowaways are being kept on board
- Do the stowaways pose any particular threat to the safety of the crew or the ship
- Are the stowaways cooperative
- Has the hiding place been searched for possible documents
- Nationality
- Next port of call, ETA and name of the local agent
- Filled out stowaway questionnaire form(s)

Appendix C

Stowaway questionnaire for onboard interrogation purposes

Below is the English text version of the stowaway questionnaire. This questionnaire is also available in Arabic, French, Spanish and Swahili and can be downloaded directly from Gard's website:

<https://gard.no/forms>



