



Gard Guidance on Stowaways

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1 INTRODUCTION

1.1 THE STOWAWAY PROBLEM

Stowaways seem to be an ever-present problem for the shipping industry, in particular to those trading on the coast of West Africa, in Central America, Colombia, Venezuela and on the Dominican Republic. In addition to vessels' trade patterns, this problem is also closely linked to vessel and/or cargo type, as well as to the security training and awareness of the crew. The lion share of stowaways is found on board bulk, container and general cargo vessels. Car carriers are also over-represented compared to other vessel types. The costs involved in looking after and repatriating stowaways can be substantial. The repatriation of stowaways generally involves moving reluctant people across several continents and problems can easily occur. In 2002 the average cost to Gard of each stowaway case was approximately USD 7,000. By 2008 this figure had increased significantly, to just over USD 18,000. These numbers do not include the applicable deductibles paid by the Member and the actual costs are therefore significantly higher. If more than one stowaway gain access to the vessel, the costs have been known to escalate to USD 100,000 or more, simply because repatriation is usually only permitted with two security guards escorting each stowaway.

1.2 THE PURPOSE OF THIS GUIDANCE

The purpose of this Guidance is to act as a practical reference guide and to assist the Master in avoiding pitfalls and problems when it comes to stowaways. It is hoped that readers other than the Master will also find this Guidance useful. This Guidance is not intended as a comprehensive reference work or to replace any company specific guidance.

This Guidance is based on articles previously published in Gard News, and is to be used for guidance purposes only. The Guidance to Masters, 2nd edition, provides a list of actions to be taken and evidence to be collected, as well as a questionnaire to assist the crew, when a stowaway is discovered on board the vessel. The stowaway questionnaire is available in English in this publication and is also available in Portuguese, Spanish, French and Swahili upon request. The section dealing with stowaways in the Guidance to Masters is reproduced in Appendix B – Guidance to Masters, see page 1. The Guidance to Masters can also be found on our website; www.gard.no.

We hope users will find this Guidance to be both practical and solution oriented, and that our Members and clients as well as their Masters find this information useful.

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. Crew members are advised to be patient and co-operative and, by working as a team, the crew, shipowners, correspondents and the Club can together resolve each stowaway incident.

2 RISK ASSESSMENT AND PREVENTIVE MEASURES

2.1 INTRODUCTION

Shipowners and Masters face the problem of identifying the presence of stowaways before a ship leaves port or preventing their boarding the vessel in the first place. However, most stowaways are only discovered once a vessel has sailed. Dealing with an incident involves the Master and owner in time-consuming negotiations with club, agents and authorities. The cost alone from disruptions to the ship's schedule alone can be considerable.

There are a number of preventive measures the Master and crew can take before the ship enters port, during the stay in port and after departure. Therefore a thorough risk assessment should be considered, identifying the potential hazards present in the ship's area of operation (chapter 2.2), the physical surroundings of the ship upon loading/ discharging (chapter 2.3) and potential hazards present onboard the ship (chapter 2.4).

2.2 GEOGRAPHICAL AREA OF OPERATION

The following can serve as a reminder to the Master when trading in areas where stowaways are a common problem:

- Gather information from all available sources, e.g. the shipowner, agents, maritime journals and newspapers, concerning the current status of the stowaway problem in the area. Is this a regional hotspot for stowaways? What are the statistics for this area of operation when it comes to stowaways?
- Ascertain the techniques used by stowaways to gain access to the vessel, e.g. bribery, in containers, use boats or swim to hide in rudder trunks, or by posing as stevedores. Discuss the procedures with other Masters to determine effective countermeasures and to gather more intelligence.

2.2.1 Regional hot spots

The Master should always be aware of regional hot spots for stowaways and put in place measures to prevent stowaways gaining access to the ship when operating in high risk areas. Their reasons for stowing away may vary, e.g. political, economic, criminal or adventure seeking and it is therefore difficult to

Number of stowaways by nationality

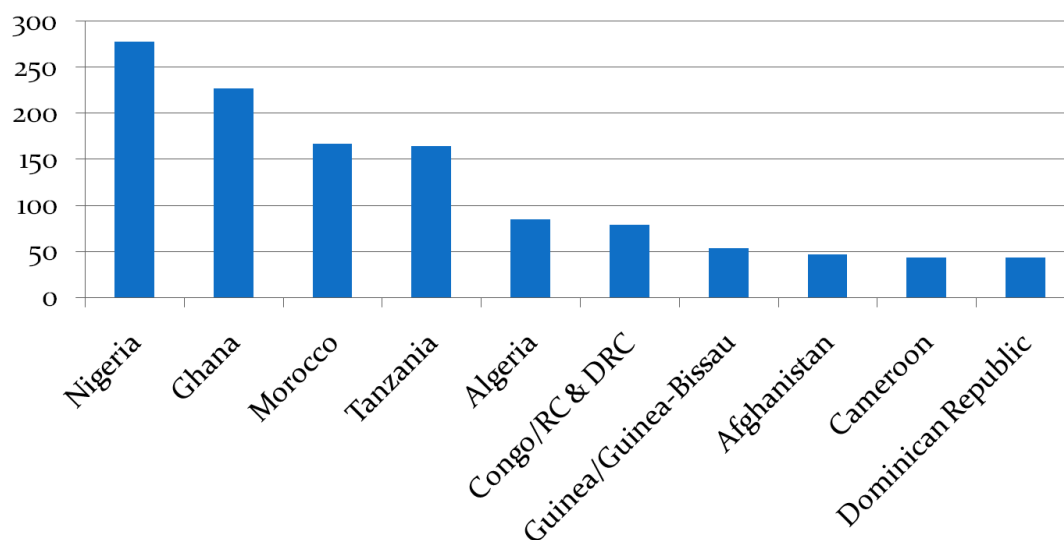


Figure 1 Number of stowaways per nationality, top ten (2007) Figures from the International Group Personal Injury Sub-Committee 2008

Ports of embarkation

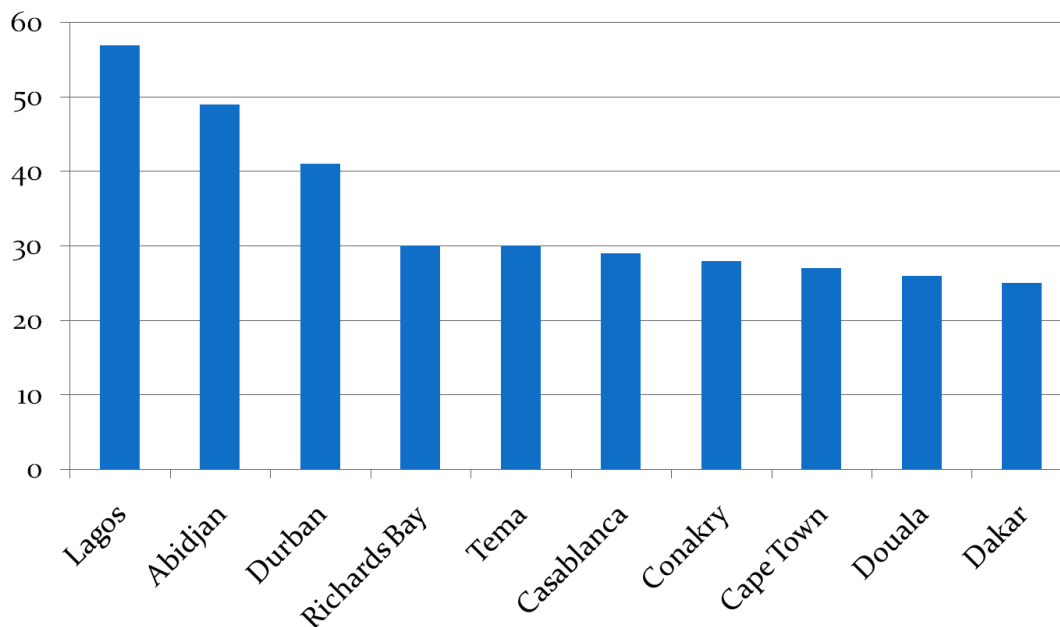


Figure 2 Ports of embarkation, top ten (2007)
 Figures from the International Group Personal Injury Sub-Committee 2008

accurately predict which ports are considered particularly high risk at any given time. There are certain geographical areas which generally are high risk. These include all of Africa, parts of Central America, Venezuela, Colombia and the Dominican Republic. These areas will probably continue to be high-risk for the near future. Gard can be contacted for more detailed information on high risk areas.

Masters and crew should be particularly vigilant and focus on measures to prevent stowaways when calling at ports in these areas.

2.2.2 Area statistics

Gard has recently seen an increase in the number of reported stowaway incidents. In general the numbers of stowaways are shown in Figure 1 below which sets out the top ten nationalities of stowaways. As can be noted the table is dominated by African countries together with Afghanistan and the Dominican Republic.

The ports of embarkation are shown in Figure 2. Please note that many stowaways migrate to other countries before boarding vessels, e.g. on the west coast of Africa, Nigerian and Ghanaian stowaways often leave their homelands before boarding vessels. This is a result of weather conditions, human migration and an ongoing relationship with the drug trade.

2.3 VESSELS SURROUNDINGS AND PORT AREA

Normally the shipowner has little or no influence on port security and has to concentrate on preventing stowaways from gaining access to the ship.

Stowaways are typically able to gain access to the ship due to inadequate security and/or watch keeping, or are hidden in containers which are subsequently loaded on board, while these are at the terminal. As far as security and watch keeping inadequacy are concerned, a number of measures can be taken depending on the potential risk of stowaways in the particular port. 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. Given the pressure often put on watchmen, the best solution is to have

two watch keepers at each entrance. However, with the small numbers of crew serving on modern ships this is usually not a feasible alternative, the choice being either to recruit local guards, or to arrange for the temporary attachment to the ship of a professional maritime security officer.

Engaging guards and/or a maritime security officer may seem extravagant. However, if the threat is considerable the costs involved could well be justified. Repatriation of stowaways generally involves moving reluctant people across different continents and problems can easily arise.

As mentioned above, stowaways also gain access to ships by hiding in containers, cars or other types of cargo units subsequently loaded on board. If the voyage is short the unit will probably be unloaded undisturbed, but more frequently the stowaways are discovered and ways have to be found to provide them with food and of releasing them.

The chances of discovering stowaways secreted away in cargo stored at the terminal will depend on the time available to undertake a thorough search and the amount of money the owner is prepared to spend. Obviously not every container or car can be checked. Whilst soft top containers can be inspected quite easily, this is not the case with standard steel top containers. Sophisticated equipment is available to search for stowaways in containers; however, these gadgets are expensive and will normally be used by the port security authorities as opposed to shipowners and operators.

2.3.1 Port security

Many ports have adequate security; whilst at others security is non-existent. Whatever the circumstances, it is not recommended to rely solely on port security. The stowaway business is so financially attractive that to rely on local security staff merely offers an easy path for a potential stowaway. It is sensible, however, to ensure that the agent knows of your full intention not to sail with stowaways onboard, and that he is repeatedly asked to ensure that all safety measures available at the port are made to work in the interest of the ship.

The crew has little or no influence on port security and has to focus on preventing stowaways from gaining access to the ship.

The high risk threat is from ports and terminals where the ISPS Code is not being implemented in a thorough manner. The task of preventing the stowaways in these ports from coming on board is more difficult and it is here that Masters and shipowners must focus their efforts. Shipowners should train their crews, issue the correct instructions and procedures to enable the ship to provide a determined deterrent, stopping stowaways from boarding.

2.3.2 Reducing the risk – port area

- Given the myriad of people who often surge on board when a ship arrives in port, a pass system can be of valuable assistance. At its most simple this can involve the use of passes which are numbered, coloured or otherwise marked so to avoid repetition of use. Passes should be retrieved when visitors leave the vessel so that, provided control at the access points is thorough, it will become immediately apparent if someone has not disembarked. If the Master feels he can expand on this simple system, the name of the visitor can be noted against the number of the pass before it is issued and proof of identity obtained and stored at the gangway.
- Ask the agent if the port is capable of providing adequate security. If not, the agent can be asked to arrange additional protection. Explore with the agents the possibility of including specific terms in the contract with the security company whereby the security company would be held liable for all costs of disembarkation and repatriation should it later be discovered that stowaway(s) have managed to board the vessel in that particular port.

- If there are doubts as to the efficiency of locally supplied guards in ports where a large number of stowaways are known to board vessels, the short-term employment of a professional maritime security officer should be considered.
- Consider rewarding the agents for stowaway free sailings.

2.4 ON BOARD OWN VESSEL

In addition to measures preventing access to the ship, additional measures can be implemented on board during cargo operations and prior to departure to minimise the risk of leaving with stowaways onboard. Brief the crew on the risks of stowaways gaining access to the vessel and the need for their co-operation in reporting anything abnormal and/or suspicious.

2.4.1 Reducing the risk – Physical access

Random patrols, with particular focus on people located in unusual areas, should supplement the access watches. The value of random patrols can be significantly increased if all crew members report any abnormal activity. A conscientious approach to locking and securing access points does restrict stowaways' access to potential hiding places. It is therefore prudent to lock all doors, rooms and holds without hampering cargo operations. Locking the vessel's access points should be a matter of routine. 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.

In order to avoid detection, stowaways often hide away shortly before the vessel leaves port. An extensive search of the ship should therefore be undertaken shortly before the vessel sails. Owing to the vast number of potential hiding places, a practical solution would be to divide the vessel into separate search areas, e.g., accommodation, engine room, main deck, cargo compartments, and assign crew members with the responsibility of searching each area.

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 shaft space.

If stowaways are discovered during the search, the immigration authorities should be notified immediately in order that the stowaways can be removed from the ship.

2.4.2 Reducing the risk – Access points

Review procedures to ensure that there is a watchman on duty at every access point which have to remain unlocked whilst the vessel is in port and that this watchman is familiar with the procedures when visitors, repairmen, stevedores etc., wish to come on board. The simple rule is: "no unauthorised personnel come on board, and all authorised personnel disembark before sailing". Check to ensure that all locks are locked and that places which cannot be locked are sealed with tamper-proof or wire seals.

Different harbours and ports have different access points that are commonly used. In general; some access point entries can be:

- Climbing the mooring ropes,
- Climbing from the sea using hooks,
- Boarding the vessel as stevedores with fake dock identification papers. At some ports stevedores are supposed to wear special clothing with branded overalls and helmets. Bear in mind that stowaways may have access to these overalls and helmets too.

- Cargo. Inside empty containers, e.g. behind false panels. Empty containers can remain in storage at warehouses or the quayside for a number of days before being loaded on board. This period can be used by stowaways to install a false wall at the rear end of the container, stretching from side to side and from top to bottom. The false wall will be painted in colours that match the rear wall of the container.
- Cargo. In loaded containers. There have been some cases where stowaways were found inside loaded containers. However, these are very few in number.

Prior to departure the crew should conduct a thorough search of all compartments and the result should be recorded in the logbook. The ship's rudder trunk should be checked for stowaways by using one of the ship's small boats. The rudder trunk is a typical access point for stowaways and is very often used as hide-out.

Once the vessel has sailed and the outbound pilot is still on board, again; a search of all compartments should be considered. If stowaways are found at this stage they can be repatriated using the pilot boat.

2.4.3 Reducing the risk – Misinformation

A variety of psychological ploys have been used by Masters with varying degrees of success in the past.

Examples of such measures are:

- Misinformation about destination of the ship. False destination notices exhibited outside the ship – virtually all stowaways aim to get to Western Europe/US/Canada, making anywhere outside these areas less attractive.
- Announcement that there is a "fire" or "emergency" on the ship followed by the sound of alarm bells and shouts in the appropriate languages.
- Stating that sniffer dogs are going to be released on the ship and/or a full security search carried out.
- Stating that fumigation will be carried out prior to departure.

2.4.4 Degree of readiness

Stowaways may enjoy extensive shore backup and assistance from individuals who are part of various organisations related to port operations when boarding vessels. They will have inside knowledge of the ship's destination, departure date, at which pier it is going to berth etc. Especially in North Africa, stowaways bribe their way into port facilities and other restricted areas. Once inside the port area they look for an opportunity to board the ship. From the port area different methods can be used to gain access to vessels and then hide in stores, accommodation area, holds, engine room, void spaces, cranes, chain locks etc.

Recent stowaway interviews have revealed that crew on board has also been involved in the safe passage of stowaways. On some ships stowaways have had to pay a "ticket" to one of the crew on board as well, i.e. bribing both port officials and crew on board. Consider offering financial rewards to those crew members who discover and prevent stowaway incidents and ensure that all crew members are aware of the advantages of preventing stowaways sailing with the ship. Check security equipment, close-circuit television, alarms and locks.

2.4.5 Equipment for discovering stowaways

X-ray machines - At one time it was thought that using x-ray machines was an efficient method of detection. However, it turned out that the x-ray intensity needed to penetrate the walls of a steel box would have been so great that it could prove fatal to anyone inside.

Stethoscopic microphones - Stethoscopic microphone testing seemed quite promising until it became clear that the background noises produced by day to day port operations were difficult to filter out.

Alarm system and/or closed circuit television - An alarm system with infrared detectors, door contacts, motion sensors, surveillance cameras etc., as in an ordinary surveillance system could be mounted on board to ease the monitoring of critical access points. The surveillance should be monitored from the bridge.

Heat seeking cameras - The purpose of a heat seeking camera is to detect temperature variations of as little as two degrees inside a container. However, it turns out that this tool also has its deficiencies, as many materials, including certain types of cargo, can generate heat. Moreover, some stowaways have learned to beat the cameras by putting up layers of cardboard along the inside walls of the container.

Carbon dioxide detectors - Carbon dioxide detectors are probably the most successful technology available at the moment and are used in a number of ports. The detector is inserted into the container's air vent in order to detect breathing inside. Although these detectors are very useful, it is possible for stowaways to remain inside a container without detection. In one case, the container initially passed the test, but when tested again at a later stage, it gave readings that were sky-high. When inspectors opened the container doors, 14 people were found inside. They had rigged temporary pipes from one air vent to the other so that only outside air was registered in the first reading.

3 WHEN STOWAWAYS ARE FOUND ON BOARD

Stowaways frequently appear or are discovered by the crew two or three days after the ship has left port.

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 regulations in Appendix GE – IMO resolution A. 871 (20) – IMO guidelines of this publication.

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 have be lodged. The quarters should be furnished quite simply, and any items that can be used to harm the stowaway should be removed.

The ship should also carry handcuffs that could be used should a difficult situation arise and/or if the stowaway is a danger to him-/herself or others.

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.

In a well publicised case some years ago a Master and a Chief Officer were both given life sentences by a French court for murdering eight African stowaways. Other members of the crew were jailed for up to 20 years. The stowaways had been discovered during a voyage from Africa to Europe and secured in a store room before being murdered by the crew. The incident came to light because one stowaway managed to escape and survived in hiding on board until the ship arrived in port. The court carefully investigated the actions of the shipowner in order to consider whether he could be held vicariously liable for the behaviour of the Master and crew. Had there been any proof that the shipowner had encouraged or authorised such treatment, the court may have taken action against him as well.

Some guidelines on what to do when stowaways are discovered onboard are mentioned in Gard's Guidance to Masters. An extract can be found in Appendix B – Guidance to Masters.

4 **REPATRIATION**

Gard would like to emphasize that any disembarkation must be carried out officially in the presence of the vessel'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 vessel can enter into extreme difficulties

4.1 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 A – Repatriation.

4.2 IDENTIFICATION PAPERS – TRAVEL DOCUMENTS

The correct travel documents are essential in order 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.

However, before the P&I club and/or the correspondents can approach the embassy or consulate for travel documents, the identity of the stowaway must be established and documented. 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. Nevertheless, it is recommended that ships carry digital cameras and have the ability to forward documents and/or photographs by email. It is 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 vessel's itinerary in order to put on notice the correspondents 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 for some reason or other 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. Hong Kong 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.

Stowaways without documents will not be allowed to disembark in most jurisdictions, except perhaps South Africa, some West African countries and Brazil. The exceptions to this rule are those seeking political asylum and those in need of medical attention. If, on the other hand, the stowaways are in possession of travel documents, repatriation is possible from most countries. However, Japan, Taiwan, Korea and Singapore are among the countries which will usually not allow disembarkation of stowaways even if they carry passports.

4.3 POLITICAL ASYLUM

A stowaway may seek political asylum when the vessel 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 (UNHCR) 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.

4.4 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 vessel 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.

4.5 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 section 5.30 below. Please also note that IMO regulations recommends that "...the shipowner should instruct the Master to stick to the planned voyage after the vessel has left the territorial waters of the country of embarkation, except where permission to disembark the stowaway is given by the port to which the ship intends to deviate or repatriation has been arranged elsewhere with sufficient documentation and permission for disembarkation, or if there are extenuating security, health or compassionate reasons". See section 6 below.

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 again. 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 vessel is under way.

4.6 THE ROLE OF THE P&I CORRESPONDENT

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 vessel's Master, agent, P&I club or owner, the correspondent contacts the relevant authorities (harbour, immigration etc.) in order to obtain their agreement to repatriate the stowaways.

The correspondent will assist the Master on board the vessel in completing the disembarkation formalities with the authorities and interview the stowaways in order 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.

Part 4 - Repatriation

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

Once the stowaways has been escorted to and interviewed at the relevant embassy or consulate in order to obtain confirmation of their nationality, the correspondent applies for emergency travel documents and make the necessary repatriation arrangements, i.e. booking escorts and plane tickets as required, purchasing a appropriate clothing if needed, etc.

The correspondents should accompany the stowaways to the airport, complete the boarding formalities and ensure that the stowaways board the plane.

5 THE P&I COVER

Gard Rules 2010 – Rule 32 Stowaways, refugees and persons saved at sea

"The Association shall cover costs and expenses directly and reasonably incurred in consequence of the Ship having stowaways, refugees or persons saved at sea on board, but only to the extent that the Member is legally liable for the costs and expenses or they are incurred with the approval of the Association. The cover does not include consequential loss of profit or depreciation."

5.1 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.

The Member may also be liable for fines incurred where stowaways have escaped from the ship, e.g. in Spain. 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 vessel 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 vessel are considered operational matters and are therefore not covered under P&I.

Shipowners can also be liable for medical treatment or medical examination of stowaways.

5.2 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.

Owners should ensure they are familiar with the stowaway clauses in their respective charterparties before commencement of the voyage. Once a stowaway has been found, it is important to establish how the stowaway gained access to the vessel.

Gard recommends that owners include a stowaway clause in any the charterparty entered into.

5.3 DIVERSION

If the vessel 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 to him. 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 notice of the deviation and before any damage or loss to the cargo has occurred. Accordingly, Members should always contact Gard in advance to discuss any proposed diversion and the steps to be taken. In some cases additional insurance may have to be arranged.

However, there are times when the best option for disembarkation is for the ship to return to the port of embarkation or call another convenient port en route. Rule 31 provides cover for some diversion expenses where 'these are incurred solely for the purpose of securing treatment for an injured or sick person on board'. Any 'diversion' for disembarkation of a stowaway is not covered under Gard's Rule 31.

Under Rule 32 Gard covers costs and expenses 'directly and reasonably incurred in consequence of the ship having stowaways on board'. Such costs and expenses are only covered 'to the extent that the Member is

legally liable for the costs and expenses, or they are incurred with the approval of the Association'.
Notwithstanding the above, cover for diversion expenses may be available under Rule 32. It is a proviso that the diversion to the embarkation port or other convenient port is approved by the Association and the costs and expenses must be considered by the Association to be 'directly and reasonably incurred'.

6 IMO REGULATIONS ON STOWAWAYS

6.1 AN IMO INITIATIVE

In 1965 the IMO passed the Convention on the Facilitation of International Maritime Traffic (the FAL Convention). The main objective of the FAL Convention is to prevent unnecessary delays to maritime traffic, aid co-operation between governments and to seek uniformity of rules pertaining to this area of maritime law.

Several incidents involving stowaways, asylum seekers and refugees prompted the IMO in November 2001 to adopt a resolution on the review of safety measures and procedures for the treatment of persons rescued at sea, including stowaways discovered on board. Further amendments have been made in recent years, adding new standards and recommended practices for dealing with stowaways.

The aim is to ensure that the well-being of persons on board ships is safeguarded at all times, pending their delivery to a safe port. The regulations also require the IMO to review all of its instruments ensuring that any existing gaps, inconsistencies, ambiguities, vagueness or other inadequacies can be reviewed over time. These efforts are also to be considered in conjunction with the 1997 IMO Guidelines on Allocation of Responsibilities to Seek the Successful Resolution of Stowaway Cases. The IMO has incorporated these principles in the FAL Convention, thereby making them legally binding. The practical impact of these regulations on the stowaway problem, however, remains to be seen.

The above amendments were adopted on 10 January 2001 and entered into force on 1 May 2003.

6.2 PREVENTION OF STOWAWAYS INCIDENTS

According to the amended FAL Convention, the list of minimum security arrangements to be put in place is as follows (not exhaustive):

The shipowner

The shipowner must ensure that each vessel has formal plans for preventing stowaways boarding the vessel and a stowaway search must be undertaken upon departure from ports where there is a high risk of stowaways. These requirements do not apply to passenger vessels.

- Lock all doors, hatches and means of access to the vessel whilst in port.
- Keep the number of access points to a minimum and ensure they are secure.
- Secure areas seawards.
- Keep adequate deck watch.
- Maintain adequate lighting at night; both inside and along the hull.
- Tally embarkations and disembarkations sheets.
- Maintain adequate means of communication.

The port/terminal authorities

- Patrol port areas.
- Establish a secure storage area for types of cargo which may serve as hiding places for stowaways.
- Monitor persons and cargo entering the above area.
- Make arrangements with the stevedoring company concerning authorised personnel.

6.3 WHILE ONBOARD

If, despite the above measures, a stowaway manages to hide himself on a vessel, the vessel's flag state, according to the amended Convention, requires the shipowner to ensure that the health, welfare and safety of the stowaway is properly maintained, and the stowaway is also entitled to food, lodging and proper medical and sanitary facilities.

The Convention also includes a standard form/questionnaire to be used in order to record the stowaway's details. In an effort to improve the statistics on stowaways, the amended Convention contains a requirement that the flag state reports all stowaway incidents to the IMO.

6.4 DISEMBARKATION

Do not deviate! This is one of the main features of the new Convention: the flag state should urge the shipowner to instruct the Master to stick to the planned voyage after the vessel has left the territorial waters of the country of embarkation. The exceptions are

- the required documentation is available and permission has been granted by the port to which the ship intends to deviate to disembark the stowaway, or
- repatriation has been arranged elsewhere again with the appropriate documentation and permission for disembarkation, or
- There are extenuating security, health or compassionate reasons for immediate disembarkation.

A stowaway found inadmissible in the country of disembarkation must be returned to the country of embarkation, which is not permitted to return the stowaway to the country of disembarkation.

If a country refuses permission to disembark the stowaway, it must immediately notify the flag state of the reasons for the refusal.

6.5 RETURN OF STOWAWAYS

Few problems exist in returning a stowaway who holds a valid passport or other proper identification. In most cases, however, the stowaway will not be in possession of any identification documents. The suggested way around this problem is by way of a covering letter. The amendments to the FAL Convention recommend that in the case of undocumented stowaways, the port state shall issue a so-called covering letter authorising his/her return and containing the relevant information and a picture of the stowaway. It should also include any information required by authorities at transit points. Not unexpectedly, however, the issue of such a document is conditional on compliance with relevant national legislation.

6.6 COSTS AND PENALTIES

The port state is recommended to keep the costs of detention, maintenance and return to a minimum when these are borne by the shipowner. Furthermore, the port state is encouraged to mitigate penalties or other charges, if the Master/shipowner has:

- 1) properly declared the presence of the stowaway,
- 2) substantiated that all practicable measures have been taken to prevent the stowaway from boarding the vessel in the first place, and/or
- 3) otherwise co-operated fully with the authorities.

6.7 THE ROLE OF THE FLAG STATE

The flag state must assist and co-operate with the Master/shipowner in identifying the stowaway and determining his/her nationality. It must also assist in contacting the relevant public authorities to assist with the removal of the stowaway. Finally, the flag state must also assist and co-operate with the Master/shipowner in making arrangements for the removal or repatriation of the stowaway.

7 ISPS CODE

7.1 GENERAL

Stowaway cases were increasing steadily prior to 2004. Following the introduction of the International Ship and Port Facility Security (ISPS) Code in 2004 there has been a drop in the number of reported stowaway cases. The trend, however, seems to be that the numbers are again on the increase.

The purpose of the ISPS Code was to establish an international framework of measures to enhance maritime security and by the means of which ships and port facilities can co-operate to detect and deter acts threatening the security of the maritime transport sector. The ISPS Code entered into force in July 2004. Since 1 July 2007, all passenger ships, cargo ships over 500 GT and mobile offshore units in international trade must comply with the ISPS Code. This means that as of this date, ships must carry an International Ship Security Certificate (ISSC) as their ticket to trade.

The Code requires shipowners and operators to designate a Company Security Officer (CSO) who is responsible for the development and oversight of the Ship Security Plan (SSP). Each ship must designate a Ship Security Officer (SSO) who is responsible for the implementation, maintenance and audit of the Plan for that particular ship. Furthermore, the Code requires installation of security and surveillance equipment in port and the ship is also required to check and control access to the ship, monitor the activities of people and cargo, and to ensure that security communications are available promptly.

7.2 CONSEQUENCES OF THE ISPS IMPLEMENTATION

Flag administrations and port authorities are taking any breaches of security very seriously. The presence of stowaways on board a vessel may be considered by port authorities as 'clear grounds' that the vessel is not complying with the ISPS Code. Thus, the vessel will have to issue a declaration of security/notice to the port authorities advising them of the presence of stowaways on board the vessel. In some locations this will have to be done up to 96 hours in advance. The vessel 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 owners and delay of the vessel.

8 CONCLUSION

It should not be forgotten that disembarkation and repatriation must necessarily be closely linked together. Indeed, before taking any steps such as disembarkation, we would recommend that the Master/Owners do not hesitate to request Gard's/their P&I correspondents' advice. Indeed, through their experience and their network of correspondents, Gard have generally a good understanding of which port is the most convenient and cost effective for disembarkation/ repatriation area, ie 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 vessel 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.

APPENDIX A – 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. 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. The report 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 vessel.
- 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 vessel.
- Are the stowaways co-operative.
- Has the hiding place been searched for possible documents.
- Full name of each stowaway.
- Sex.
- Date of birth.
- Place of birth.
- Name of both parents.
- Home address.
- Nationality.
- Next port of call, ETA and name of the local agent

APPENDIX B – GUIDANCE TO MASTERS

This appendix contains relevant extracts from Gard's Guidance to Masters.

The extract includes:

- Actions to be taken by crew onboard
- Types of evidence to be collected.

3.15 STOWAWAYS

When stowaways are discovered on board, the cover provided by the P&I insurers is involved. Contact should therefore be made with the Company, the P&I insurer or their local correspondent.

Any guidance provided below should by no means be in conflict with any regulatory requirement related to the ISPS Code.

When stowaways are discovered on board the vessel, the Master should refer to the procedure contained in the Emergency Contingency Plan under the vessel's SMS.

3.15.1 ACTIONS TO BE TAKEN

- The discovered stowaway should be placed in a locked cabin. The stowaway should not be allowed to roam freely about the vessel
- if more than one stowaway is found, they should – if possible be accommodated separately
- the place where the stowaway was found should be searched for further stowaways and any documents left behind
- the place the stowaway was found should be photographed or video taken
- the place the stowaway was found must be thoroughly searched for drugs, as stowaways can be used as drug couriers. If drugs are found, the place should be left untouched and sealed off. Photographs and/or video should be taken of the location where the drugs were found
- the stowaway should be searched for identity papers. These documents, if found, must be confiscated as stowaways often try to hide their identity or destroy their identity papers
- the stowaway should be thoroughly searched for drugs. If drugs are found on the stowaway, take photographs and/or video and make a note of the circumstances in which the drugs were found
- the stowaway should be questioned in detail as to when and where the boarding took place
- for interrogation purposes a detailed Stowaway Questionnaire can be found in Annex 8
- if there is more than one stowaway they should be questioned individually as to
 - whether they knew each other prior to boarding
 - how they came on board
- the stowaway should be questioned as to why he/she has stowed away and the circumstances under which his voluntary return may be possible
- if the stowaway agrees to return voluntarily it should be made clear that unless he/she co-operates repatriation may be impossible
- the person questioning the stowaway, preferably the Master, should explain that if economical reasons are behind stowing away, no other country will accept them and repatriation will be inevitable

- immediately notify the Company and the P&I insurer enabling the CSO to inform the appropriate authorities at the next port of call, such as the PSSO – for reporting please refer to Annex 8, Stowaway Questionnaire
- notify the correspondent and the vessel's agents in the next port of call or the port of embarkation, 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
- if it is impossible to communicate with the stowaway, an interpreter should be engaged ashore in order to gain an initial impression and obtain some basic information about the stowaway
- the stowaway should be treated humanely and not threatened with or exposed to any violence whatsoever as this will incur severe criminal penalties. There is no P&I cover for the defence of any person acting with violence
- video evidence of the treatment of the stowaway should be taken during the course of the voyage.

3.15.2 EVIDENCE TO BE COLLECTED

- Date, vessel's time, UTC (Co-ordinated Universal Time) and port where stowaway came on board
- date, vessel's time, UTC (Co-ordinated Universal Time) and location the stowaway was discovered on the vessel
- place/location where the stowaway hid
- duration the stowaway was concealed
- physical condition of the stowaway
- date, vessel's time, UTC (Co-ordinated Universal Time) and position of the vessel when the stowaway was discovered
- was there a gangway watch at the port where the stowaway embarked
- names and ranks of those on the watch when the stowaway boarded
- were guards employed at the port where the stowaway embarked and details of the company
- was any search carried out prior to departure, details of its extent, who was involved and the results thereof
- were any stowaways found during the search, how many, location where they were found and where delivered ashore
- records of the stowaway's treatment during the voyage, e.g. frequency and types of meals, accommodation, times allowed out and sanitary arrangements.

APPENDIX C – STOWAWAY QUESTIONNAIRE FOR ONBOARD INTERROGATION PURPOSES

This questionnaire consists of two pages. Both pages to be completed as accurately as possible once a stowaway is found. For each stowaway use a separate questionnaire.

Vessel:
Owners:
Managers:

PERSONAL INFORMATION

01	Surname:	19	Seaman's book no.:
02	First names:	20	When issued:
03	Other name:	21	Where issued:
04	Date of birth:	22	Issued by:
05	Place of birth:	23	Emergency passport no.:
06	Nationality:	24	When issued:
07	Religion:	25	Where issued:
08	Tribe:	26	Issued by:
09	Chief:	27.1	When embarked:
10	Sub-Chief:	27.2	Where embarked:
11	Passport no.:	28.1	When discovered:
12	When issued:	28.2	Where discovered:
13	Where issued:	29	When landed:
14	Issued by:	30	Where landed:
15	ID card no.:	31	Address (house no. street, city PO box, tel no.):
16	When issued:		
17	Where issued:		
18	Issued by:		

PHYSICAL MARKS AND CHARACTERISTICS

32	Height (cm):	37	Colour of skin:
33	Weight (kg):	38	Marks (scars, tattoos):
34	Complexion:	38.1	
35	Colour of eyes:	38.2	
36	Colour of hair:	38.3	

MARITAL STATUS

39	Married:	42	Place of birth:
40	Name of spouse:	43	Address:
41	Date of birth:		

CHILDREN

44	Name:	Date of birth:	Place of birth

PARENTS

45	Surname of father:	50	Surname of mother:
46	First names of father:	51	First names of mother
47	Date of birth (age):	52	Date of birth (age):
48	Place of birth:	53	Place of birth:
49	Address:	54	Address:

PERSONAL INFORMATION

55	Brothers: Name	Date of birth:	Place of birth
55.1			
55.2			
55.3			
55.4			
55.5			
56	Sisters: Name	Date of birth:	Place of birth:
56.1			
56.2			
56.3			
56.4			
56.5			

OTHER RELATIVES

57	Relationship, names, date of birth, place of birth, address:		
	Name	Date of birth:	Place of birth:
57.1			
57.2			
57.3			
57.4			
57.5			

PROFESSIONAL CAREER, EDUCATION

58	Profession/s:	62	School (name of school, address):
59	Languages spoken:	62.1	
60	Languages written:	62.2	
61	Employer:	63	Headmaster:
61.1		64	Teachers:
61.2			

OTHER INFORMATION

65	Reason for stowing away:
66	Intention (willing to be repatriated?):
67	Remark/history:

Date of completion of questionnaire:	Interviewer:
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Appendix D – First Notice – Stowaway Claim

APPENDIX D – FIRST NOTICE – STOWAWAY CLAIM

Member's ref.:			Gard's ref.:		
Vessel Name:			Vessel type:		
Number of			Number of crew:		
Port of Embarkation:			Date of embarkation:		
Vessel's Next Port of			Name and address of the vessel's local agents:		
Date/Time:	ETA	ETD			

Name of stowaway			Age		
Claimed nationality			ID-papers available		
Name of stowaway			Age		
Claimed nationality			ID-papers available		
Name of stowaway			Age		
Claimed nationality			ID-papers available		
Name of stowaway			Age		
Claimed nationality			ID-papers available		
Vessel carrying cargo	YES	NO			

Issued by

Date of notice

APPENDIX E – IMO STOWAWAY GUIDELINES



ASSEMBLY A 20/Res.871
20th session
Agenda item 13

5 December 1997
Original: ENGLISH

RESOLUTION A.871(20)
adopted on 27 November 1997

**GUIDELINES ON THE ALLOCATION OF RESPONSIBILITIES TO SEEK THE
SUCCESSFUL RESOLUTION OF STOWAWAY CASES**

THE ASSEMBLY,

HAVING CONSIDERED the general purposes of the Convention on Facilitation of International Maritime Traffic, 1965, as amended, and in particular article III thereof,

NOTING with concern the number of incidents involving stowaways, the consequent potential for disruption of maritime traffic, the impact such incidents may have on the safe operation of ships and the considerable risks faced by stowaways, including loss of life,

RECALLING that the International Convention Relating to Stowaways, 1957, which attempted to establish an internationally acceptable regime for dealing with stowaways, has not yet come into force,

AGREEING that, for the purposes of this resolution, a stowaway is defined 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 after the ship has departed from a port and reported as a stowaway by the master to the appropriate authorities,

TAKING INTO ACCOUNT that some stowaways may be asylum-seekers and refugees, which should entitle them to such relevant procedures as those provided by international instruments and national legislation,

BEING AWARE that, in the absence of an internationally agreed procedure for dealing with stowaways, considerable difficulties are being encountered by shipmasters and shipping companies, shipowners and ship operators in disembarking stowaways from ships into the care of the appropriate authorities,

APPRECIATING Member Governments' difficulties in accepting stowaways for examination pending repatriation and then allowing the vessels concerned to sail,

RECOGNIZING, therefore, the need to establish practical and comprehensive guidance on procedures to be followed by all the authorities and persons concerned in order that the return or repatriation of a stowaway may be achieved in an acceptable and humane manner,

AGREEING that the existence of such guidance should in no way be regarded as condoning or encouraging the practice of stowing away and other illegal migration, and should not undermine efforts to combat the separate problems of alien smuggling or human trafficking,

BELIEVING that, at present, stowaway cases can best be resolved through close co-operation among all authorities and persons concerned,

BELIEVING FURTHER that, in normal circumstances, through such co-operation, stowaways should, as soon as practicable, be removed from the ship concerned and returned to the country of nationality/citizenship or to the port of embarkation, or to any other country which would accept them,

RECOGNIZING that stowaway incidents should be dealt with humanely by all Parties involved, giving due consideration to the operational safety of the ship and its crew,

WHILST URGING national authorities, port authorities, shipowners and masters to take all reasonable precautions to prevent stowaways gaining access to vessels,

HAVING CONSIDERED the recommendations made by the Facilitation Committee at its twenty-fifth session,

1. ADOPTS the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases, set out in the Annex to the present resolution;
2. URGES Governments to implement in their national policies and practices the procedures recommended in the annexed Guidelines;
3. URGES ALSO Governments to deal with stowaway cases in a spirit of co-operation with other parties concerned, on the basis of the allocation of responsibilities set out in the annexed Guidelines;
4. INVITES shipping companies, shipowners and ship operators to take on the relevant responsibilities set out in the annexed Guidelines and to guide their masters and crews as to their respective responsibilities in stowaway cases;
5. INVITES Governments to develop, in co-operation with the industry, comprehensive strategies to prevent intending stowaways from gaining access to ships;
6. REQUESTS the Facilitation Committee to continue to monitor the effectiveness of the annexed Guidelines on the basis of information provided by Governments and the industry, to keep them under review and to take such further action, including the development of a relevant binding instrument, as may be considered necessary in the light of developments;
7. REVOKES FAL.2/Circ.43.

ANNEX

**GUIDELINES ON THE ALLOCATION OF RESPONSIBILITIES TO SEEK
THE SUCCESSFUL RESOLUTION OF STOWAWAY CASES**

1 Masters, shipowners^{*}, port authorities, national administrations, and other bodies including security operators all have a responsibility to cooperate to prevent illegal access to a vessel while it is in port. However, no matter how effective routine port and ship security is, there will still be occasions when stowaways gain access to vessels, either secreted in the cargo or by surreptitious boarding.

2 For the purposes of the Guidelines a stowaway is defined 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 after the ship has departed from a port and reported as a stowaway by the master to the appropriate authorities.

3 The resolution of stowaway cases is difficult because of different national legislation in each of the potentially several countries involved: the country of embarkation, the country of disembarkation, the flag State of the vessel, the country of apparent, claimed or actual nationality/citizenship of the stowaway, and countries of transit during repatriation.

4 There are, however, some basic principles which can be applied generally. These are as follows:

- .1 A recognition that stowaways arriving at or entering a country without the required documents are, in general, illegal entrants. Decisions on dealing with such situations are the prerogative of the countries where such arrival or entry occurs.
- .2 Stowaway asylum-seekers should be treated in compliance with international protection principles as set out in international instruments^{**} and relevant national legislation.
- .3 The shipowner and his representative on the spot, the master, as well as port authorities and national administrations, should cooperate as far as possible in dealing with stowaway cases.
- .4 Shipowners and their representatives on the spot, masters, port authorities and national administrations should have security arrangements in place which, as far as practicable, will prevent intending stowaways from getting aboard a ship or, if this fails, will detect them before a ship arrives at port. Where national legislation permits, national authorities should consider prosecution of stowaways for trespassing upon or damaging the property of the shipping company, or the cargo.

^{*}Including any persons or party acting on behalf of the owner of the vessel.

^{**}Reference is made to the provisions of the United Nations Convention relating to the Status of Refugees of 28 July 1951 and of the United Nations Protocol relating to the Status of Refugees of 31 January 1967.

- .5 All Parties should be aware that an adequate search may minimize the risk of having to deal with a stowaway case and may also save the life of a stowaway who may, for example, be hiding in a place which is subsequently sealed and/or chemically treated.
- .6 Countries should admit returned stowaways with full nationality/citizenship status of that country or a right of residence.
- .7 The country of the original port of embarkation of a stowaway should normally accept the return of such a stowaway for examination pending final case disposition.
- .8 Every effort should be made to avoid situations where a stowaway has to be detained on board a ship indefinitely. In this regard countries should co-operate with the shipowner in arranging the return of a stowaway to an appropriate country.
- .9 Stowaway incidents should be dealt with humanely by all parties involved. Due consideration must always be given to the operational safety of the ship and to the well-being of the stowaway.

5 As a first step in addressing the issue, a framework of the various responsibilities, rights and liabilities of the parties involved needs to be identified and agreed. The following allocation of responsibility is suggested:

.1 The master

- .1.1 to make every effort to determine immediately the port of embarkation of the stowaway;
- .1.2 to make every effort to establish the identity, including the nationality/citizenship of the stowaway;
- .1.3 to prepare a statement containing all information relevant to the stowaway, in accordance with information specified in the standard document annexed to these Guidelines, for presentation to the appropriate authorities;
- .1.4 to notify the existence of a stowaway and any relevant details to his shipowner and appropriate authorities at the port of embarkation, the next port of call and the flag State;
- .1.5 not to depart from his planned voyage to seek the disembarkation of a stowaway to any country unless repatriation has been arranged with sufficient documentation and permission given for disembarkation, or unless there are extenuating security or compassionate reasons;
- .1.6 to ensure that the stowaway is presented to the appropriate authorities at the next port of call in accordance with their requirements;
- .1.7 to take appropriate measures to ensure the security, general health, welfare and safety of the stowaway until disembarkation;

.2 The shipowner or operator

- .2.1 to ensure that the existence of, and any relevant information on, the stowaway has been notified to the appropriate authorities at the port of embarkation, the next port of call and the flag State;
- .2.2 to comply with any removal directions made by the competent national authorities at the port of disembarkation;
- .3 Country of first scheduled port of call after discovery of the stowaway (port of disembarkation)**
 - .3.1 to accept the stowaway for examination in accordance with the national laws of that country and, where the competent national authority considers that it would facilitate matters, to allow the shipowner and his named representative and the competent or appointed P&I Club correspondent to have access to the stowaway;
 - .3.2 to consider allowing disembarkation and provide, as necessary and in accordance with national law, secure accommodation which may be at the expense of the shipowner or agents, where:
 - .3.2.1 a case under .3.1 is unresolved at the time of sailing, or
 - .3.2.2 national authorities are satisfied that arrangements have been made and will be effected for the early return or repatriation of the stowaway by other means (which may be at the expense of the shipowner or agents), or
 - .3.2.3 a stowaway's presence on board would endanger the safe operation of the vessel;
 - .3.3 to assist, as necessary, in the identification of the stowaway and the establishment of his or her nationality/citizenship;
 - .3.4 to assist, as necessary, in establishing the validity and authenticity of a stowaway's documents;
 - .3.5 to give directions for the removal of the stowaway to the port of embarkation, country of nationality/citizenship or to some other country to which lawful directions may be made, in co-operation with the shipowner and his nominated representative;
 - .3.6 in co-operation with the shipowner and his and his nominated representatives to discuss repatriation or removal arrangements or directions with the master/shipowner or their appointed representatives, keeping them informed, as far as practicable, of the level of detention costs, while keeping these to a minimum;
 - .3.7 to consider mitigation of charges that might otherwise be applicable when shipowners have cooperated with the control authorities to the satisfaction of those authorities in measures designed to prevent the transportation of stowaways;

- .3.8 to issue, if necessary, in the event that the stowaway has no identification and/or travel documents, a document attesting to the circumstances of embarkation and arrival to enable the return of the stowaway either to his country of origin, to the country of the port of embarkation, or to any other country to which lawful directions can be made, by any means of transport;
- .3.9 to hand over the document to the transport operator effecting the removal of the stowaway;
- .3.10 to take proper account of the interests of, and implications for, the shipowner or agent when directing detention and setting removal directions, so far as is consistent with the maintenance of control, their duties or obligations to the stowaway under the law, and the cost to public funds.
- .4 The country of the original port of embarkation of the stowaway (i.e. the country where the stowaway first boarded the ship)**
- .4.1 to accept any returned stowaway having nationality/citizenship or right of residence;
- .4.2 to accept, in normal circumstances, a stowaway back for examination where the port of embarkation is identified to the satisfaction of the authorities of the receiving country;
- .4.3 to apprehend and detain the stowaway, where permitted by national legislation, if the stowaway is discovered before sailing either on the vessel or in cargo due to be loaded; to refer the intended stowaway to local authorities for prosecution, and/or, where applicable, to the immigration authorities for examination and possible removal: no charge to be imposed on the shipowner in respect of detention or removal costs, and no penalty to be imposed;
- .4.4 to apprehend and detain the stowaway, where permitted by national legislation, if the stowaway is discovered while the vessel is still in the territorial waters of the country of the port of his embarkation, or in another port in the same country (not having called at a port in another country in the meantime) no charge to be imposed on the shipowner in respect of detention or removal costs, and no penalty to be imposed.
- .5 The apparent or claimed country of nationality/citizenship of the stowaway**
- .5.1 to make every effort to assist in determining the identity and nationality/citizenship of the stowaway and to document the stowaway, accordingly once satisfied that he or she holds the nationality/citizenship claimed;
- .5.2 to accept the stowaway where nationality/citizenship is established.
- .6 The flag State of the vessel**
- .6.1 to be willing, if practicable, to assist the master/shipowner or the appropriate authority at the port of disembarkation in identifying the stowaway and

determining his or her nationality/citizenship;

- .6.2 to be prepared to make representations to the relevant authority to assist in the removal of the stowaway from the vessel at the first available opportunity;
- .6.3 to be prepared to assist the master/shipowner or the authority at the port of disembarkation in making arrangements for the removal or repatriation of the stowaway.

.7 Any countries of transit during repatriation

to allow, subject to normal visa requirements, the transit through their ports and airports of stowaways travelling under the removal instructions or directions of the country of the port of disembarkation.

APPENDIX

STOWAWAY DETAILS

SHIP DETAILS

Name of Ship:
 IMO Number:
 Flag:
 Company:
 Company address:
 Agent in next port:
 Agent address:
 IRCS:
 Inmarsat Number:
 Port of registry:
 Name of master:

Photograph of stowaway

STOWAWAY DETAILS

Date/time found on board:
 Place of boarding:
 Country of boarding:
 Time spent in country of boarding:
 Date/time of boarding:
 Intended port of destination:
 Intended final destination (if different):
 Stated reasons for boarding the ship:

Emergency passport No:
 When issued:
 Where issued:
 Date of expiry:
 Issued by:

Home address:

Surname:
 Given name:
 Name by which known:
 Religion:
 Gender:
 Date of birth:
 Place of birth:
 Claimed nationality:
 ID document type:

Home town:
 Country of domicile:
 Profession(s):
 Employer(s): [names and addresses]

Address in country of boarding:

Passport No:
 When issued:
 Where issued:
 Date of expiry:
 Issued by:

Height (cm):
 Weight (kg):
 Complexion:
 Colour of eyes:
 Colour of hair:
 Form of head/face:
 Marks/characteristics: [e.g. scars, tattoos, etc.]

First language:
 Spoken Read Written

ID Card No:
 When issued:
 Where issued:
 Date of expiry:
 Issued by:

Other languages:
 Spoken Read Written

Seaman's Book No:
 When issued:
 Where issued:
 Date of expiry:
 Issued by:

Marital status:
 Name of spouse:
 Nationality of spouse:
 Address of spouse:

Names of parents:
 Nationality of parents:
 Address of parents:

OTHER DETAILS

Method of boarding, including other persons involved (e.g. crew, port workers, etc.), and whether they were secreted in cargo/container or hidden in the vessel:

Inventory of stowaway's possessions:

Was the stowaway assisted in boarding the vessel, or assisted by any member of the crew? If so, was any payment made for this assistance?

Other information (e.g. names and addresses of colleagues, community leader, e.g. mayor, tribal chief, contacts in other parts of the world):

Statement made by stowaway:

Statement made by master (including any observations on the credibility of the information provided by the stowaway):

Date(s) of interview(s):

Stowaway's signature

Master's signature

Date:

Date:
