

# EF MARINE'S GUIDANCE ON STOWAWAYS

Vessel's crew are more than often faced with the difficult issue of discovering stowaways on board their vessel after her departure from her last port of call. Besides the multiple issues and possible tensions caused by having illegal passengers on board their vessels, the costs of trying to disembark stowaways are often significant. More than ever countries have become reluctant in allowing disembarking of illegal immigrants. As a matter of facts, it is not unusual to have to sail for weeks or months on with the additional unwanted passengers on board till the vessel calls in a "friendly" jurisdiction where disembarking of the stowaways is allowed. Disembarking a stowaway will involve time consuming negotiations between the Shipowner and the Authorities. The EF Marine claims professionals and their local correspondent will be helping in sorting out the situation however preventing the boarding of stowaways remains the best manner to avoid disruption in the vessels' schedule and life on board.



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To give an idea of the numbers involved; the below table presents data on the number of incidents, the number of stowaways and the total cost of incidents, and also shows average data for cost per incident, per stowaway and the number of stowaways per incident.

Item	2007	2011	2014	2017
<b>Number of incidents</b>	842	774	503	432
<b>Number of stowaways</b>	1,955	1,640	1,274	1,420
<b>Total cost (USD million)</b>	14.3	15.3	9.3	9.5
<b>Cost/incident (USD thousand)</b>	17.0	19.8	18.5	22.0
<b>Cost/stowaway (USD thousand)</b>	7.3	9.3	7.3	6.7
<b>Stowaways/incident</b>	2.3	2.1	2.5	3.3

(Source: International Maritime Organization)

At the time of writing this guidance the COVID-19 crisis is still largely spread around the World. This provided a temporary reduction in the number of stowaway cases worldwide due to border security controls being extended and tightened. Although in many parts of the world COVID-19 still has a large impact on free movement of persons and goods, in other areas the situation has improved or starts to improve leading to the easing of measures that were implemented to battle the spread of the virus. The pandemic and lockdown measures have imposed an increased stress on already tight local economics in many countries. This together with the lifting of the lockdown measures will unfortunately most probably result in an increased risk of people trying to board vessel illegally in the hope of a better future.

It is therefore the right moment to stress the importance of preventive actions and would like to provide you with below guidance on what practical steps can be taken to avoid stowaways boarding your ship. It further gives guidance on how to act should you find yourself in a situation with stowaways on board of your ship.

## RISK FACTORS AND PREVENTIVE MEASURES

Identifying the presence of stowaways before a ship leaves port is not an easy task considering the many hiding places one can find on a ship. The best prevention is therefore be to avoid stowaways boarding the ship all together. The vessels' trading pattern, the security awareness and training of crew, the vessel type and types of cargoes carried play an important role in preventing stowaways to access the vessel.

There are several preventive measures a Master and crew can take before the ship enters port, during the stay in port and after departure.

## TRADING PATTERN

Some areas of the world are more prone to the risk of stowaways than others. Ship-owners and Masters should familiarize themselves with the local situation. It is advised and important to gather the latest information from available sources such as the port authorities, agents, P&I correspondents, maritime journals and local newspapers.

It is further wise to understand the way stowaways gain access to the vessel in those areas to develop effective counter measures. How stowaways access a ship may vary from place to place and the methods used could be the use of boats, swimming to hide in rudder trunks, bribery, boarding in disguise as stevedores or climbing on board via mooring lines. Gaining access to the vessel via the cargo is also a common practice and the technics can be quite elaborated. There has for example been a situation where a false wall was installed inside an empty container elaborate in the same color as the inside of the container behind which stowaways were hiding.

## AROUND THE VESSEL

Preventive measures to avoid stowaways entering the vessel should always be taken, regardless of how secure a port is or not. The Master should familiarize himself prior to arrival with the security measures in place at a specific Port.

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Depending on how thorough the ISPS requirements are at a specific port, the Shipowners and Masters should put in place additional measures to prevent illegal boarding on their vessel.

Stowaways usually are successful to board those ships which have inadequate security and/or watch keeping. The very basis of good security and watch keeping is preventing unauthorized persons boarding your ship. But also, to ensure that all authorized persons to board have left the vessel before departure. Good watch keeping entails putting watchmen at every possible access point or entrances. If the number of crew members on board of your vessel render this impossible, local recruited/hired guards must be considered.

Should your vessel however sail frequently in areas where there is a high risk of stowaways, it may be wise to consider increasing crew numbers or attach a professional maritime security officer to the ship. Employing guards or a maritime security officer may sound costly but difficulties in disembarking stowaways causing operational delays to the vessel and stress on the life on board will easily justify the costs of these additional measures.

What helps to prevent unauthorized persons to board the ship is a pass system. The pass system can be quite simple, using uniquely numbered or colored passes or otherwise marked passes to avoid repetition of use. 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. Passes should be retrieved when visitors leave the vessel so that it will become immediately known if someone has not disembarked.

If you decide to arrange additional protection then it is wise to explore with your agents the possibility to insert 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 be later discovered that stowaways have managed to board your ship. You could also consider rewarding your agents for stowaway free sailings.

## YOUR OWN SHIP

Preventive measures to avoid unauthorized persons boarding your ship is a start, but taking of additional measures to avoid stowaways on board of your ship during port stay and pre-departure are also required:

- Briefing of the crew prior to entering the port on the risk of stowaways emphasizing the need of their co-operation in spotting and reporting anything suspicious.
- Conduct random inspections of the ship on a regular basis, in addition to watchkeepers and/or guards. Stowaways often will look for patterns when observing a ship before boarding them and random additional inspections may deter them from boarding your ship.
- Make sure that there is a thorough lockdown and securing procedure which is strictly followed by all crew. This will make it more difficult for stowaways to access the areas of your ship where they may want to hide.  
Lock all access points such as doors, rooms and holds (insofar practically possible and safe) and make sure that they are kept locked during the time the vessel is in port.

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- Prior to departure conduct an extensive and thorough search of your ship. This should be done shortly before the vessel departs. Split your crew up in teams and each team should search a specific area of the ship. Stowaways are known to hide in the most unusual spaces so try to think as a stowaway when conducting the search and especially search those spaces that are difficult to reach. If stowaways are discovered during the search, immediately notify the immigration authorities and do not let the vessel depart. The immigration authorities will assist in removing the stowaways from your ship. Record the search in the logbook.
- Stowaways may be tricked to stay away from your vessel by using misinformation. This could be using false destination notices outside the ship using a less attractive destination to deter stowaways, but also shortly before departing making the announcement over the vessels intercom system that there is an emergency or fire on board using the sound of alarm bells and conduct a fire drill with the crew. This may scare stowaways out of their hiding places. Other examples of announcements can be that search dogs are used to find stowaways or that fumigation will be carried out prior to departure.
- Bribery by stowaways or their handlers is something to take in consideration. There are situations known where crew members actively assisted stowaways with a safe passage in return for money. Considering offering a financial incentive to crew members who discover and prevent stowaways from boarding.

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## CHARTER PARTY CLAUSES

Shipowners should be aware of the stowaway clauses contained in the charter parties they enter into. A stowaway clause usually governs the liability and costs in respect of stowaways. There are clauses which render the charterer fully responsible for all costs incurred. Most commonly the liability is apportioned between Owners and Charterers depending on where the Stowaway was hiding and how they gained access to the vessel. We recommend Shipowners to insert a stowaway clause in the charter party to deal with these issues. EF Marine can provide you with guidance if desired.

## STOWAWAYS FOUND ON BOARD, NOW WHAT?

Often stowaways will make themselves known to the crew within 2 or 3 days after departure. Once discovered stowaways should be confined to a secure place and preferably guarded. The space used for their detention should be stripped from loose items and only the essentials should be available to them. Loose items could be used by stowaways to escape or harm themselves. The safety of the crew and ship is most important, stowaways can be desperate and aggression against the crew can occur. Stowaways therefore should never be faced by a single crew member. If there is more than one stowaway, they preferably should be detained separately. The Master and crew should always act humanly, no matter how difficult the situation with the stowaways may be. Acts of violence or worse by the Master and/or crew towards stowaways will be severely punished by Authorities. The stowaways should be kept safe and should be provided with sufficient food and water, and with medical assistance if needed. *When a stowaway is aggressive or if it is likely that a stowaway would harm him-/herself preventive measures should be taken to avoid harm to the crew or that the stowaway harms him-/herself.*

Masters may be tempted to put stowaways to work when they are on board for quite some time. This should however not be done even if against financial compensation. The liability for the Shipowner increases because there will be an increased risk of injury. This may lead to significant costs as a result of required medical treatment, potential deviation costs, compensation claims. It is also against regulations to illegally employ additional unqualified crew.

#### CHECKLIST FOR WHEN STOWAWAYS ARE FOUND ON BOARD:

- Lock the stowaway a locked cabin. The stowaway should not be allowed to move around the vessel.
- if more than one stowaway is found, they should, when possible, be detained 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 a video should be 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.
- if there is more than one stowaway they should be questioned individually as to
  - a) whether they knew each other prior to boarding.
  - b) 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 cooperates repatriation may be impossible.
- immediately notify the Company and the P&I insurer, notify the correspondent and the vessel's agents at 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 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 voyage.

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It is further important to collect the following evidence:

- 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.
- Physical and mental 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.
- where 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 disembarked?
- records of the stowaway's treatment during the voyage, e.g. frequency and types of meals, accommodation, times allowed out and sanitary arrangements.

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Valuable guidance and information can be further found on the IMO's website at:  
<http://www.imo.org/en/OurWork/Facilitation/Stowaways/Pages/Default.aspx>

This information includes a stowaway questionnaire for onboard interrogation purposes.

## STOWAWAYS AND YOUR P&I COVER

Section 20 of our Shipowners' P&I policy wording mentions the following:

### 20. STOWAWAYS, DIVERSIONS AND RELATED COSTS

20. Cover provided:

20.1. Liability to pay additional port and other costs reasonably, necessarily, and solely incurred for landing or dealing with stowaways, refugees or persons saved at sea or for diverting to obtain necessary medical treatment for injured or sick persons or for assisting in the search for or rescue of persons in distress at sea, including the cost of extra fuel consumed as a result.

## EXCLUSIONS:

20.2. This Insurance shall not cover costs

20.2.1. which are recoverable from another party or insurer, or

20.2.2. which are incurred in respect of

20.2.2.1. the loss of freight or hire for the Insured Vessel, or

20.2.2.2. demurrage on, detention of or delay to the Insured Vessel.

Section 10 further excludes:

10.6.8. landing of a member of the Crew, stowaway, or refugee without permission of the necessary authorities.

The costs referred to in the above section of cover may be the following:

- Fines relating to stowaways onboard
- Victualling expenses (cost of food and other stores for the stowaway)
- Costs of guards employed to prevent stowaway from escaping
- Clothing, linen, and beddings for the stowaway
- Embassy fees
- Detention expenses
- Flights, accommodation, and other repatriation costs for stowaway
- Expenses incurred by agents associated with stowaways

To be entitled to cover, the Assured must have a legal liability for the costs or expenses related to the stowaways and must notify the EF Marine claims team immediately upon discovering the stowaways. EF Marine will also expect the Assured to have taken suitable preventive measures to avoid stowaways. It is important to immediately notify EF Marine if you are confronted with stowaways. Our claims team can immediately assist you with the matter and provide guidance.

## QUESTIONS?

Should you have any questions following this information, please do not hesitate to contact us.

## ABOUT EF MARINE

EF Marine provides Fixed Premium P&I solutions to Shipowners, Charterers and MultiModal operators.

EF Marine has a global client base and offices in Singapore and Rotterdam. EF Marine provides 'AA-' rated security from Swiss Re Corporate Solutions with limits up to USD 500m. Through our partnership with Swiss Re Corporate Solutions we provide our clients with first class security combined with EF Marine's extensive knowledge of the P&I market.

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