



Office of
Deputy Commissioner
of Maritime Affairs

THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

Marine Notice

ISP-004
11/13

TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS

SUBJECT: STOWAWAYS

Reference: (a) Maritime Law Section 329
(b) Maritime Regulation 9.257

PURPOSE:

This Marine Notice provides guidance to Ship-owners, Operators, Masters, Officers and Crew concerning the ongoing problem of stowaways at ports; the risks this poses to vessels and crews and recommended measures to prevent stowaway incidents from occurring. Stowaways cause considerable difficulties for the Master and Owner if their presence is only detected after leaving the port of embarkation. It is essential to prevent their boarding initially or to find them before a ship leaves port.

APPLICABILITY:

This Notice applies to all vessels under the Liberian flag.

DESCRIPTION:

1.0 Background

- 1.1 The Convention on Facilitation of International Maritime Traffic, 1965, as amended, (The FAL Convention), define 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".
- 1.2 Certain regions have become high-risk because of dramatic events such as civil war or natural disaster. Economic downturn may also increase the number of stowaway attempts. The Master and the Shipowner must be aware of changes in the threat of stowaways and this means a continual monitoring of current events in the ships' trading areas. A stowaway can also be an individual associated with known terrorist organizations, trying to circumvent normal travel security in cruise-ports and air-ports.

The reasons for stowing away may vary, e.g. political, economic, and criminal or adventure seeking and it is therefore difficult to accurately predict which ports are considered particularly high risk at any given time. Never-the-less, there are certain geographical areas which generally are considered high risk. These include Africa, parts of Central America, Colombia, the Dominican Republic and Venezuela.

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.

- 1.3 The presence of stowaways on board ships may bring serious consequences for ships and, by extension, to the shipping industry as a whole; the ship could be delayed in port; the repatriation of stowaways can be a very complex and costly procedure involving Masters, Shipowners, Port Authorities and Agents; and the life of stowaways could be endangered as they may spend several days hidden, without any water / provisions and with the risk of suffocation.

2.0 Risk Assessment

- 2.1 One of the functional requirements of the International Ship and Port Facility Security (ISPS) Code is preventing unauthorized access to ships. The ISPS Code requires a ship security assessment to be conducted which should consider all possible threats of unauthorized access, including presence of stowaways.
- 2.2 When conducting a Risk Assessment, the Master/SSO and CSO should take into consideration 1.2 above in addition to the local environment such as port security, lighting, facility access, the ship's area of operation and to the extent possible input from the local Port Facility Security Officer.

3.0 Prevention

- 3.1 The core strategy is to ensure that no unauthorized personnel are able to gain access to the ship, and that all those who have been authorized to board disembark before sailing. Engaging guards and/or a maritime security officer may be necessary depending on the potential risk of stowaways in the particular port. If the threat is considerable, the costs involved could well be justified.

Prevention may be far less than the expenses and difficulties involved with repatriation of stowaways which usually involves moving reluctant people across different continents.

- 3.2 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 vessel's local agent, the Master and crew should be vigilant in assessing and preventing collision between the local watchman and visitor who is assisted in gaining access on board the vessel by circumvention of proper procedure.
- 3.3 Physical access control and 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 vessels 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.

3.4 The simple rule is: no unauthorized personnel come on board, and all authorized 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 harbors and ports have different access points that are commonly used. In general, some access point entries can be:

- a) Climbing the mooring ropes,
- b) Climbing from the sea using hooks,
- c) Climbing the anchor chain,
- d) Boarding the vessel as stevedores with fake dock identification papers,
- e) Hiding inside empty containers,
- f) Hiding in loaded containers, cars, break-bulk,
- g) Hiding in container lashing bins or container spreader

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. All should be questioned and asked to produce appropriate identifications.

4.0 Search.

4.1 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 and Port Authorities should be notified immediately in order that the stowaways can be removed from the ship.

4.2 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. When possible, the ship's rudder trunk should be checked for stowaways. The rudder trunk is a typical access point for stowaways and is very often used as hideout. 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.

5.0 Requirement Action to be taken when Stowaways are discovered on board

- 5.1 The discovery of a stowaway indicates a breach of the Ship Security Plan (SSP). As such they should be investigated to analyze the cause of the security breach in order to identify the actions necessary to prevent future stowaway occurrences. A copy of the investigation report should be provided to the Liberia Administrations Security Department (security@liscr.com). Further, Port State Authorities have detained vessels entering port with stowaways as being in violation of the ISPS Code and have required external audits of the SSP and other actions in order to lift the detention. Port State control authorities have also imposed requirements that vessel operators hire private security guards for the duration of the vessel's port call when stowaways are found onboard.
- 5.2 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. The stowaway should be questioned as to whether he is alone in this venture or if there are others. Where there is more than one stowaway, they should preferably be detained separately.
- 5.3 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.
- 5.4 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 Ship-owners/Operators have faced claims for wages as a result of putting stowaways to work.¹ These claims have caused additional problems in the repatriation process.
- 5.5 If a stowaway should die during the voyage, the authorities at the next port of call, in cooperation 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 Masters and Shipowners are advised to seek the assistance of the vessel's local agent and to follow the instructions provided by the local authorities and the embassy in question.
- 5.6 Upon discovery of a stowaway, search should be made for
 - a) Identity documents, drugs and personal belongings in the vicinity of the area where the stowaway was found
 - b) Other stowaways especially in the vicinity of the area where the stowaway was found
 - c) Identity documents on the person of the stowaway

¹ Ref. (a) Maritime Law Section 329

- d) Knives or other objects that could be used as a weapon and drugs on the person of the stowaway If anything found, take photographs and,
- e) if found, identification card shall be safely kept until just before the time of the stowaway's disembarkation unless required otherwise by authorities (it is prudent for the Master of the vessel to keep a copy on board).
If the stowaway holds onto the identification, there is a fear that he will dispose or damage it to avoid repatriation. Since delivery of a stowaway is very difficult without identification, it shall be kept by the Master in the safe.
- f) Cash, knives and other possible weapons, narcotics and stimulant drugs etc. shall be confiscated and retained safely by the Master.
- g) Other personal effects of the stowaway shall be listed and put in a vinyl bag and kept on board until delivery of stowaway.

6.0 Reporting ²

6.1 Owners, operators and Masters of Liberian flagged ships are also reminded that in addition to the P&I insurer, the local P&I correspondent, the Shipowner/Operator and relevant Authorities, the Liberia Administration is to be informed whenever stowaways are found onboard A follow-up report should be provided (a) once the stowaways are disembarked so they can be repatriated or (b) in the event port officials refuse to allow stowaways to be disembarked.

6.2 The report should include at least the following information (if known):

Nationality of stowaway:

Name:

Date of Birth (age):

Place of Birth:

Religion:

Family relations:

Name of father -

Name of Mother -

Name of spouse -

Address:

Port of embarkation:

Date and time of discovery:

² Ref (b) Maritime Regulation 9.257

Place of discovery:

Conditions when discovered:

Food, sanitary facilities, exercise and humanitarian treatment during confinement:

Preventive measures that had been taken as per SSP (Ship Security Plan).

Record of port of calls after the discovery, date and time of arrival and departure, date of time of arrival in the disembarkation port, when the stowaway left the vessel under escort and date and time of deportation (from agent).

The Master shall prepare an Agreement of Disembarkation, which states that the stowaway has agreed voluntarily to the disembarkation and deportation, if necessary after consultation with the Company), taking the following matters into consideration:

- a) Countries that require the above-mentioned agreement e.g. Japan and Egypt.
- b) A country where the above-mentioned agreement is likely to disturb the procedures for disembarkation of stowaways.

The Master shall prepare a statement regarding the stowaway based on the interview held onboard which shall be accompanied by a copy of his identification card and photograph.

The requested information should be forwarded to:

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8619 Westwood Center Drive, Suite 300
Vienna, Virginia 22182 U.S.A.
Attention: Marine Security / Marine Investigations Departments
Tel: +1 703 790 3434,
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