



Date: 02<sup>nd</sup> October 2023

Circular no.: 0063C/TG/10/23

To: Ship owners/ Ship-operators & Ship-managers/ Masters/ Officers/ CSOs / SSOs/ Recognized Organizations/ Recognized Security Organizations/ Deputy Registrars.

Subject: Stowaways: Prevention of Unauthorized Access and Case Resolution

**References:**

- A) **IMO Resolution MSC.448(99)**, [MSC.448\(99\)](#), Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases, adopted 24 May 2018
- B) **IMO Resolution FAL.13(42)**, [FAL.13\(42\)](#), Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases, adopted 8 June 2018

**PURPOSE:**

Preventing stowaway access and properly handling them upon discovery remains a challenge. On the occasion of recent incidents of stowaways on Togo-flagged ships the Director of Maritime Affairs and the International Ship Registrar of Togo have developed these Guidelines to provide guidance and assist Ship owners/ Ship-operators & Ship-managers / Masters, officers and Crew to prevent such incidents from occurring and handle them appropriately.

**APPLICABILITY:**

This circular applies to Togo-flagged vessels registered in the international ship registry.

**BACKGROUND**

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".
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 airports.

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, some ports in Europe.

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.



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.

### **Risk Assessment**

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. When conducting a Risk Assessment, the Master/SSO and CSO should take into consideration the above high-risk areas 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.

### **GUIDELINES:**

#### **1.0 Basic Principles**

- 1.1 Stowaways arriving at or entering a coastal State without the required documents are generally considered illegal entrants. Decisions about handling these situations are governed by the State where arrival or entry occurs.
- 1.2 Stowaways seeking asylum should be treated in accordance with the relevant international instruments.<sup>1</sup>
- 1.3 Every effort should be made to avoid situations where stowaways must be detained aboard a ship indefinitely. In this regard, States should cooperate with the Company in arranging the disembarkation of stowaways to an appropriate State.
- 1.4 Where the nationality, citizenship, or right of residence cannot be established, the port State of stowaway embarkation should accept the return of the stowaway for examination, pending final case disposition. However, this may not always be the case.

#### **2.0 Vessel Access from stowaways**

Based on reports, stowaways have boarded vessels and avoided discovery in several ways. They include:

- 2.1 Climbing the anchor chain,
- 2.2 using mooring lines,
- 2.3 entering soft cover containers through the top,
- 2.4 Climbing from the sea using hooks,
- 2.5 hiding in, for example:

An unsecured locker or void space, an empty drum, a lifeboat, under containers stowed on deck, other empty containers, rudder trunk spaces (especially when in ballast)



### Preventive Measures for the Company and Master

- 3.1 Companies and Masters should ensure that adequate security arrangements are in place to prevent illegal boarding of the vessel. All stowaway preventive measures should be documented in the Ship Security Plan (SSP).
- 3.2 Based on the evaluation of risk, security arrangements should contain, at a minimum, the following preventive measures, as appropriate:
- .1 all hawse pipe covers, doors, hatches, and access means to holds or stores not used during the ship's stay in port should be locked;
  - .2 shoreside and waterside access areas to the ship should be kept to a minimum and be adequately secured;
  - .3 adequate deck watch should be kept;
  - .4 all persons coming aboard the vessel should be required to present a valid permit (no permit equals no access);
  - .5 if cargo operations require several stevedores, the Stevedore Supervisor should provide the Ship Security Officer (SSO) with a detailed count of stevedores before cargo handling and final confirmation once they are all ashore;
  - .6 all embarkations and disembarkations should be strictly tallied by the SSO or a designated crew member;
  - .7 adequate means of communication should be maintained; and
  - .8 adequate night lighting should be maintained both inside and along the hull.
- 3.3 When departing from a port, a ship is required to undergo a thorough search. The search procedure for the prevention of stowaways should be documented in the SSP with priority given to places where stowaways are most likely to hide. Search methods that could harm secreted stowaways should not be used.
- 3.4 To ensure that no stowaways are present, areas to be fumigated or sealed should be thoroughly searched before proceeding.
- 3.5 Companies should seek advice from their P&I Club regarding stowaways and smuggling. In many cases the P&I Clubs have informative material, suggestions for preventative procedures, and experience in risk assessment for these occurrences.

### 4.0 Risk Management and Liabilities

If a stowaway is found, the vessel may be held responsible for the cost and liabilities of disembarkation and repatriation. The following additional steps may help mitigate this risk:

- 4.1 clearly state the responsibility for cargo operations, stevedores, and stowaways in the charter party terms;



- 4.2 brief the vessel's officers and crew in advance about specific risks at impending ports of call;
- 4.3 demonstrate ISPS Code compliance, including keeping proper records of security drills and exercises in the vessel's log,
- 4.4 seek the latest information about port conditions from local shipping agents;
- 4.5 ensure that the SSO is provided with the means to accurately assess the situation and prepares the vessel accordingly;
- 4.6 plan and discuss vessel access control in advance, in particular gangway checks with the crew;
- 4.7 anticipate and estimate the purpose for and volume of visitors/workers that may come aboard the vessel;
- 4.8 regularly check for the presence of unauthorized persons aboard during time at anchorage and at berth; and
- 4.9 be sure to conduct a search for unauthorized persons prior to departure.

## 5.0 Reporting Stowaway Incidents

Owners, operators and Masters are reminded that in addition to the P&I insurer, the local P&I correspondent and relevant Authorities initial notification of a stowaway incident should be submitted via email to the Director of Maritime Affairs and the International Ship Registrar of Togo at:

- .1 [kpatcha.gnama@maritime.gouv.tg](mailto:kpatcha.gnama@maritime.gouv.tg)
- .2 [administration@togoregistrar.com](mailto:administration@togoregistrar.com) / [verazervos@gmail.com](mailto:verazervos@gmail.com)

within 24 hours of when the stowaway(s) are discovered on board.

**5.1** The above mentioned should also be notified by email:

- .1 once the stowaways are disembarked so they can be repatriated; or
- .2 if port officials refuse to allow stowaways to be disembarked.

**5.2** For further guidance on reporting stowaway cases see the *Revised Guidelines on the Prevention of Access by Stowaways and the Allocation of Responsibilities to Seek the Successful Resolution of Stowaway Cases* (IMO Resolutions [MSC.448\(99\)](#) and [FAL.13\(42\)](#)).

## 6.0 Investigation and Review of Stowaway Incidents

Discovery of a stowaway indicates a breach in ship security. Stowaway incidents should be reviewed to identify the root causes of the security breach and the actions necessary to prevent reoccurrence, such as amending the SSP and implementing additional security measures.



## 7.0 Handling of Stowaway Incidents by Port State Control

Port State authorities have detained vessels entering port with stowaways for being in violation of the ISPS Code. External audits of the SSP and other actions may be required to lift the detention. Some authorities have also imposed requirements that the Company hire private security guards for the duration of the vessel's port call when stowaways are found onboard.

## 8.0 Additional Resources

Additional guidance that owners or operators may find helpful includes:

IMO <a href="#">Guidance on Stowaways</a>
IMO Resolution <a href="#">MSC.448(99)</a>
IMO Resolution <a href="#">FAL.13(42)</a>
Gard - <a href="#">Guidance on Stowaways</a>

### Contact Information:

a) Registrar for Togo flagged vessels: Mrs. Vera Medawar: [administration@togoregistrar.com](mailto:administration@togoregistrar.com) / [verazervos@gmail.com](mailto:verazervos@gmail.com) or +961-1-883794.

For the International Ship Registry  
of Togo



Vera N. Medawar  
Ship Registrar

For the Togolese Maritime Authority



Mr. GNAMA K. Mawaiboyodou  
Technical Advisor to the Minister