



REPUBLIC OF THE MARSHALL ISLANDS

MARITIME ADMINISTRATOR

Marine Guideline

No. 7-41-5

Rev. May/2021

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

SUBJECT: Stowaways: Prevention of Unauthorized Access and Case Resolution

- References:**
- (a) RMI Maritime Regulations ([MI-108](#))
 - (b) IMO Resolution [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
 - (c) IMO Resolution [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
 - (d) RMI Marine Notice [2-011-16](#), *International Ship and Port Facility Security (ISPS) Code*

PURPOSE:

Preventing stowaway access and properly handling them upon discovery remains a challenge even though the International Ship and Port Security (ISPS) Code entered into force on 1 July 2004. The Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”) has developed this Guideline to assist ship operators when developing a Ship Security Plan (SSP). It is meant to be read in conjunction with RMI Marine Notice 2-011-16.

This document supersedes Rev. 02/16. It has been updated to reflect amended IMO guidance about what information should be included when stowaway incidents are reported.¹

APPLICABILITY:

RMI-flagged vessels to which the ISPS Code applies should take this guidance into consideration. All other RMI vessels should refer to this guidance as appropriate.

¹ The Administrator’s [MI-109-3](#), *Report of Stowaways* has been updated to reflect these changes.

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.²
- 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 Means of Gaining Vessel Access

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

- 2.1 climbing anchor chain and hawse pipe;
- 2.2 using mooring lines or poles to climb over the side of a vessel;
- 2.3 entering soft cover containers through the top so that the customs or security seals on the doors remain intact before the unit is loaded on the ship;
- 2.4 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)
ventilation trunks (especially in ro-ro car carriers)
the ceiling of the tally office

² These instruments include the United Nations Universal Declaration of Human Rights (UNDHR) (General Assembly Resolution 217A (III)) and the FAL Convention.

- 2.5 disguising themselves as stevedores; and
- 2.6 acts of impropriety or malfeasance, or both, on the part of the port agent or port facility security officer.

3.0 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 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 ([MI-108](#), §7.41.2). 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 particular gangway checks with the crew in advance;
- 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

- 5.1 Initial notification of a stowaway incident should be submitted via email to the Administrator at:
 - shipsecurity@register-iri.com within 24 hours of when the stowaway(s) are discovered on board.
 - Contact: dutyofficer@register-iri.com in cases of emergencies.

- 5.2 [MI-109-3](#), *Report of Stowaways*³ should be provided as soon as the requested information becomes available.
- 5.3 The Administrator should also be notified by email at: shipsecurity@register-iri.com:
- .1 once the stowaways are disembarked so they can be repatriated; or
 - .2 if port officials refuse to allow stowaways to be disembarked.
- 5.4 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 aboard.

8.0 Additional Resources

Additional guidance that owners or operators may find helpful includes:

IMO Facilitation Committee Stowaway Guidance
Steamship Mutual - Stowaway Prevention Guidance
UK P&I Club Stowaways Checklist
Skuld Stowaway Insight
Dryad Global: Stowaways

³ *Unified Interpretation of Appendix 3 to the FAL Convention* (see IMO Circular [FAL.7/Circ.1](#)) clarifies that when stowaway incidents are reported, information about their “place of boarding” should include the IMO port facility code, berth, and terminal information. The [MI-109-3](#) reflects this change.