



**REPUBLIC OF
THE MARSHALL ISLANDS**
MARITIME ADMINISTRATOR

Marine Guideline

No. 7-41-5

Rev. 02/16

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

SUBJECT: Stowaways: Prevention of Access; Resolution of Cases

- References:**
- (a) RMI Maritime Regulations ([MI-108](#)), Regulation 7.41.2(f)(14)
 - (b) IMO Resolution [MSC.312\(88\)](#), *Revised Guidelines on the Prevention of Access by Stowaways and the Allocation of Responsibilities to Seek the Successful Resolution of Stowaway Cases*, adopted 02 December 2010
 - (c) IMO Resolution [FAL.11\(37\)](#), *Revised Guidelines on the Prevention of Access by Stowaways and the Allocation of Responsibilities to Seek the Successful Resolution of Stowaway Cases*, adopted 09 September 2011
 - (d) RMI Marine Notice [MN-2-011-16](#), *International Ship and Port Facility Security (ISPS) Code*

PURPOSE:

This document provides guidance on preventing stowaway access to ships.

This Guideline supersedes Rev. 09/11. It reflects the addition of a heading to §2.0 *Means of Gaining Access to a Vessel*, and the updating of §3.0 *Prevention Measures for the Company/Master*, and §4.0 *Risk Management and Liabilities*.

APPLICABILITY:

This guidance should be taken into consideration by all Republic of the Marshall Islands (RMI) flagged vessels to which the International Ship and Port Security Code (ISPS Code) applies. All other RMI-flagged vessels should be aware of the potential risk for stowaways and refer to this guidance as appropriate.

BACKGROUND:

1.0 Despite the implementation of the ISPS Code, preventing stowaway access and properly handling stowaways once they have been discovered is challenging. Stowaways continue to be discovered aboard RMI flagged vessels both at sea and upon arrival at port. Relevant requirements are as follows:

- Pursuant to RMI Regulation 7.41.2(f)(14), a search procedure for the prevention of stowaways is required to be conducted and entered in the ship's official log prior to

departure from each port.

- In accordance with the ISPS Code, as implemented by RMI Marine Notice [2-011-16](#), procedures for the prevention of stowaways must include those designed to prevent unauthorized access to the ship.
- Therefore, the Ship Security Plan (SSP) must include procedures for conducting searches to aid in preventing stowaways.

As a result, the RMI Maritime Administrator (the “Administrator”) has developed this guidance document which should be read in conjunction with RMI Marine Notice 2-011-16 and considered when developing a SSP.

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 on handling such situations are governed by the States where such arrival or entry occurs.
- 1.2 Stowaways seeking asylum should be treated in accordance with international instruments.¹
- 1.3 Every effort should be made to avoid situations where stowaways have to be detained aboard a ship indefinitely. In this regard, States should cooperate with the Company in arranging the disembarkation of stowaway(s) to an appropriate State.
- 1.4 Where the nationality, citizenship, or right of residence cannot be established, the port State of stowaway embarkation are to 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 Access to a Vessel

- 2.1 Based on reports received by the Administrator, stowaways have boarded vessels and avoided discovery in a number of ways, including:
 - climbing up over the side of a vessel, using mooring lines or poles and then hiding in an unlocked locker or void space, an empty drum, a lifeboat, or under containers stowed on deck;
 - entering soft top containers through the top so that the customs or security seals on the container doors remain intact before the container is loaded on the ship;

¹ Such instruments include the United Nations Universal Declaration of Human Rights (UNDHR) (General Assembly Resolution 217A (III)) and the Convention of Facilitation of International Maritime Traffic, as amended (FAL Convention).

- hiding in empty containers;
- hiding in rudder trunk spaces (especially when ship is in ballast condition);
- hiding in ventilation trunks (especially in Ro-Ro Car Carriers);
- hiding in the ceiling of the tally office;
- Disguising themselves as stevedores; and
- acts of impropriety and/or malfeasance on the part of the port agent or port facility security officer.

3.0 Preventive Measures for the Company/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 When calling at ports where there is a risk of stowaway embarkation, security arrangements should contain, at a minimum, the following preventive measures as deemed appropriate and on the evaluation of the risk assessment being implemented:

- all doors, hatches and means of access to holds or stores, which are not used during the ship's stay in port should be locked;
- shoreside access points to the ship should be kept to a minimum and be adequately secured;
- waterside access areas seaward of the ship should be adequately secured;
- adequate deck watch should be kept;
- all persons coming aboard the vessel should be required to present a valid permit (no permit = no access);
- if cargo operations require several stevedores, the Stevedore Supervisor should provide the Ship Security Officer (SSO) with a detailed count of the number of stevedores prior to cargo handling and final confirmation once they are all ashore.
- all embarkations and disembarkations should be strictly tallied by SSO or designated crew member;
- adequate means of communication should be maintained; and
- 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 in accordance with the RMI Maritime Regulations (MI-108). 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 incidents.

4.0 Risk Management and Liabilities

- 4.1 If a stowaway is found, the vessel may be held responsible for the cost and liabilities of disembarkation and repatriation.
- 4.2 Consider taking the following additional steps to mitigate risk:
- clearly state the responsibility for cargo operations, stevedores and stowaways in the charter party terms;
 - brief the vessel's officers and crew in advance about specific risks at impending ports of call;
 - demonstrate ISPS Code compliance, including proper recordation of security drills and exercises in the vessel's log;
 - seek the latest information about port conditions from local shipping agents;
 - ensure that the SSO is provided with the means to accurately assess the situation and prepares the vessel accordingly;
 - plan and discuss vessel access control, in particular gangway checks with the crew in advance;
 - anticipate and estimate the purpose for and volume of visitors/workers that may come aboard the vessel;
 - regularly check for the presence of unauthorized persons aboard during time at anchorage and at berth; and
 - 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 e-mail to the Administrator's Ship Security department (shipsecurity@register-iri.com) and **Duty Officer** (dutyofficer@register-iri.com) within 24 hours of when the stowaway(s) are discovered on board.
- 5.2 A follow-up report ([MI-109-3](#)) should be provided as soon as the requested information becomes available.
- 5.3 The Administrator's Ship Security department (shipsecurity@register-iri.com) should also be notified via email:
- (a) once the stowaways are disembarked so they can be repatriated; or
 - (b) in the event that port officials refuse to allow stowaways to be disembarked.
- 5.4 When 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* adopted by the International Maritime Organization (IMO) by Resolutions [MSC.312\(88\)](#) and [FAL.11\(37\)](#) for further guidance.

6.0 Investigation and Review of Stowaway Incidents

- 6.1 The discovery of a stowaway indicates a breach in ship security. As such, stowaway incidents should be reviewed to identify the root cause(s) 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

- 7.1 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 in order 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.