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UK P&I Club advises on actions shipowners can take in the event of stowaways

Stowaways onboard ships can often be a cause of significant costs for shipowners. Amanda Hastings, UK P&I Club Claims Executive, reviews shipowners' liabilities and advises on the relevant actions to take to reduce incidents of stowaways:

“With the migrant crisis in the Mediterranean and the media attention this continues to receive, it is often easy to forget that the problem of stowaways is still a very real problem for shipowners. The majority of these stowaways are finding more creative ways in which to board ships.

“In addition to conducting thorough stowaway searches in accordance with the ship’s ISPS Code compliant security plan, and being vigilant whilst in port, additional precautions may need to be taken due to ship design:

- Ships with a design that leaves the rudder trunk exposed should consider retrofitting bars across the rudder trunk. This will help deter stowaways from entering the ship, as it will block the access route.
- When a stowaway is discovered, their presence must be made known to the owners, port agents and the UK Club. The stowaway and the area where he or she was discovered should be searched and findings noted/photographed. Stowaways should be questioned and a stowaway questionnaire filled out.
- The Master should also produce a statement of the incident, confirming whether or not preventative procedures were followed. Some jurisdictions, such as Brazil, will require a sworn translation of this document in advance of the ship’s arrival.

“Although there is currently no international regime dealing exclusively with stowaways, there are several international instruments that apply. These include the UN Declaration on Human Rights, the European Convention on Human Rights and the FAL Convention. Shipowners should take care to ensure that stowaways are not subject to degrading or inhumane treatment whilst on board, and should be provided with water, food, clothing, medical treatment (if required) and accommodation.

“Shipowners should also be aware of the potential costs of disembarking stowaways, for example in Brazil, a straightforward repatriation can cost upwards of US\$30,000 per stowaway. This figure can quickly increase if the stowaway is detained for any particular length of time. Costs for shipowners can also be incurred, depending on the jurisdiction, though immigration fines, medical testing, police escorts, cost of travel documents, detention costs and repatriation expenses such as flights and additional clothes.

“Stowaways can often result in unexpected expenses for shipowners and the issue is unlikely to go away. As ship security improves, stowaways will find more creative ways of boarding ships. If a stowaway is discovered once the ship has left port, dependent on location, shipowners may find it more cost effective to return to port and disembark the stowaway there, rather than risk higher costs in other jurisdictions, such as Brazil.”

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Notes to editors

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