

FACILITATION COMMITTEE
42nd session
Agenda item 10

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**CONSIDERATION AND ANALYSIS OF REPORTS AND INFORMATION ON PERSONS
RESCUED AT SEA AND STOWAWAYS**

Findings from the seminar on stowaways

**Submitted by Cameroon, Ghana, Kenya, Nigeria, South Africa,
ISCOS, PMAESA and PMAWCA**

SUMMARY

Executive summary: This document provides information on the outcome of the seminar on stowaways held in Yaoundé, Cameroon, from 20 to 22 March 2018. It includes the conclusions and recommendations adopted by the participants for the consideration of the Committee.

Strategic direction, if any: 6

Output: 6.6

Action to be taken: Paragraph 8

Related documents: FAL 39/6; FAL 39/6/1 and FAL 39/16

Background

1 FAL 39 considered document FAL 39/6, with the outcome of the Regional Seminar on Stowaways in West and Central Africa, hosted by the Ministry of Transport of Côte d'Ivoire on the premises of the Port of Abidjan from 25 to 27 March 2014, and organized by IMO in close cooperation with the Port Management Association of West and Central Africa (PMAWCA). The Seminar was attended by 68 participants, including port facility security officers (PFSO), immigration officials and harbour masters of the top 12 ports of embarkation of stowaways in the region (Cotonou, Douala, Abidjan, Matadi, Tema, Takoradi, Conakry, Lagos, Dakar, Freetown, Lomé and Casablanca). Other interested member ports of the regions also participated in the seminar.

2 FAL 39 also considered document FAL 39/6/1 (Côte d'Ivoire, Ghana and Nigeria), providing supplementary information on the outcome of the Regional Seminar on Stowaways in West and Central Africa, as elaborated by PMAWCA. The document included a detailed list of agreed proposals to be taken by port and maritime authorities to promote port security

effectiveness. PMAWCA informed the Committee that the conclusions of the Seminar held in Abidjan had been distributed to ports of the region, and the status of implementation of these recommendations would be under revision in future meetings of that Association.

3 FAL 39 recognized the value of the information provided, but agreed that at the current stage it would be premature to introduce the discussion of the conclusions of the Seminar in Abidjan under the current process of general review of the annex to the FAL Convention.

4 The Regional Seminar on Stowaways in East and South Africa organized jointly by IMO and the Department of Transport of South Africa, was held in Durban from 21 to 23 October 2014. The Seminar was attended by 66 participants, including port facility security officers (PFSO), immigration officials and harbour masters of the top seven ports of embarkation of stowaways in the region (Dar Es Salaam, Mombasa, Durban, Port Elisabeth, Cape Town, Richard's Bay, and Nacala). Representatives of the following Member States and international organizations were also present in the seminar: INTERPOL, UNHCR, the US Coast Guard, the International Group of P&I Clubs and PMAESA. The participants agreed unanimously on a draft Seminar Resolution that contained a number of best practices not addressed or not sufficiently addressed in any of the related IMO instruments.

Seminar on Stowaways in Yaounde, Cameroon

5 IMO organized with the National Port Authority of Cameroon and the Ministry of Transport of Cameroon a Seminar on Stowaways with the intention to measure the impact of the Seminars held in 2014 in the top ports of embarkation of stowaways. The Seminar was held in Yaoundé, Cameroon, from 20 to 22 March 2018.

6 IMO invited the nine most frequent ports of embarkation of stowaways in Africa as identified by the International Group of P&I Clubs in the period 2014-2015, namely Lagos, Durban, Cape Town, Abidjan, Dakar, Mombasa, Tema, Takoradi and Djibouti. The following Member States and international organizations also participated in the Seminar: UNOCA, IOM, UNHCR, INTERPOL, the US Coast Guard, BIMCO, the International Group of P&I Clubs, PMAESA, PMAWCA, ICC, ISCOS and CSO.

7 The participants in the Seminar, noting the slight decrease in the number of incidents of stowaways, were aware that the cost to the maritime industry was similar to previous years. The participants agreed that further actions should be adopted to improve the situation, including amendments to IMO instruments, due to the negative impact on shipping and to the image of their ports and countries. At the end of the Seminar, the participants adopted the conclusions and recommendations as set out in the annex.

Action requested of the Committee

8 The Committee is invited to consider the outcome of the seminar on stowaways held in Yaoundé and to take action as appropriate.

ANNEX

IMO SEMINAR ON STOWAWAYS: ANALYSIS OF THE CURRENT SITUATION AND MEASURES TO REDUCE THEIR NUMBER

Yaoundé, 20-22 March 2018

Conclusions and Recommendations

Participants from Cameroon and from the ports of Lagos, Durban, Cape Town, Abidjan, Dakar, Mombasa, Tema, Takoradi and Djibouti, took part in the *IMO Seminar on Stowaways: Assessment of the current situation in the light of improvement measures* held in Yaoundé, Cameroon, from 20 to 22 March 2018, as part of the ongoing efforts of the International Maritime Organization (IMO) to enhance maritime security through technical cooperation. They reiterated the severity of the problem of stowaways on board ships and its negative repercussions for the image of the ports, and their respective countries, the health and safety of the stowaways, as well as of the crew, and the risk to the safe navigation of the ships concerned. They agreed to address to the FAL Committee about the main findings resulting from the seminar, for its consideration and action as appropriate.

The participants recalled that the IMO Regional Seminars on Stowaways in West and Central Africa and in East and Southern Africa, held in 2014 in Abidjan and Durban, respectively, had adopted the following conclusions and recommendations:

- .1 the presence of stowaways on board ships creates a negative image for the countries concerned and may also have an adverse commercial impact if port facilities and ships fail to exercise proper access control, as required under the International Ship and Port facility Security (ISPS) Code;
- .2 masters, while ensuring humane treatment of stowaways during their stay on board in accordance with Standard 4.4.2 of the Facilitation (FAL) Convention, are advised not to undertake anything to hide the fact that the ship has stowaways on board. Masters and crew, while honoring humanitarian principles in all their dealings with stowaways, are further advised not to engage in close relations with stowaways as this would be counterproductive to the prompt resolution of stowaway cases and could also lead to prosecution of the master and the crew involved;
- .3 all cases of stowaways detected in port while attempting to board a ship or ships should be reported to the appropriate port authorities and the masters of other ships. Ships should follow the guidance of the appropriate port and law enforcement authorities;
- .4 as many stowaways are habitual stowaways, Governments should be encouraged to establish national databases with information that can be shared with INTERPOL, including biometric information of persons known to repeatedly seek access to port facilities with the intent of stowing away;

- .5 masters calling at ports with a higher stowaway risk should have the relevant P&I Club manuals readily available in order to enable them to contact the local P&I Club correspondent for further advice on the stowaway threat in the region or a particular port and to take additional preventive measures. Masters should also have this information readily available when stowaways have been discovered on board;
- .6 Governments whose ports have received stowaways from ships should inform the Government of the port of embarkation of the stowaway(s), if known, and the flag State. The designated authority of the port where the stowaway(s) embarked should undertake an investigation into how the stowaway(s) managed to gain access to the ship and consider modifying security provisions, as appropriate, and thereafter provide feedback to the port of disembarkation;
- .7 upon detection of stowaways on board, the security plan of the ship concerned should be reviewed by the administration and the ship in order to determine if any weaknesses exist and make appropriate corrections;
- .8 the status of a refugee, once recognized by the asylum State, remains valid indefinitely or until a permanent durable solution is found for the refugee's problem. The document recognizing the status of the refugee has permanent value and the public authorities concerned are advised to confirm the authenticity of the document with the issuing authority (i.e. IMO Member State or United Nations High Commission for Refugees-UNHCR, as the case may be), especially in cases where the document has expired;
- .9 IMO member States should be urged to facilitate documentation for the disembarkation and the repatriation of stowaways;
- .10 [Shipowners and] P&I Clubs should accept and understand their responsibility to bear the costs of disembarkation and repatriation of stowaways;
- .11 owing to the importance of statistics on stowaways incidences IMO Member Governments are urged to report stowaway cases using IMO's designated GISIS module or send reports to the Organization using the format contained in FAL.2/Circ.50/Rev.3;
- .12 the need for national legislation to provide for prosecution of stowaways by establishing stowing away as an offence in national law, including provisions for repeat offenders;
- .13 the significant role of the local P&I Club correspondents, bearing in mind that local police, immigration and other authorities often face difficulties in investigating alleged stowaway cases, while the local P&I Club correspondent usually undertakes this task by carrying out a separate investigation on behalf of the shipowner;
- .14 the importance of implementing the ISO 28000 standard and establishing security management systems for the supply chain and thus reducing (attempted) stowaway cases;

- .15 the need for smooth cooperation with foreign embassies in determining the nationalities of stowaways, which is crucial to both understanding and resolving the true facts of each case, including providing stowaways who lack proper identification with a "cover letter", except in the case of an asylum seeker or a refugee whose status is governed by the principles of International Refugee Law; and
- .16 the need for effective national and international/inter-agency cooperation as a prerequisite for the expedient resolution of stowaway cases.

At the present seminar on stowaways held in Yaoundé from 20 to 22 March 2018, the participants made the following additional conclusions and recommendations:

- .1 stowaway cases do still occur due to vulnerability in access control in ports and port facilities as well as on board ships due to poor implementation of section A/9.9 and A/16.3 of the ISPS Code;
- .2 robust access control measures including random security rotas, continuous training for security personnel and appropriate deterrent measures should remain in place;
- .3 masters should be reminded that a crucial shipboard measure to avoid stowaway cases is a ship search before leaving a port. Such searches should take place as early as possible, as referenced in paragraph [B/8.9] of the ISPS Code, and after all cargo operations have finished, for example while waiting for the pilot to board, if practicable. Ships should not conduct final searches while third party personnel are still on board;
- .4 Member States are encouraged to use appropriate technology to detect stowaways, especially in containers, for example, CO₂ – level detectors, non-intrusive inspections, search dogs etc.;
- .5 exchange of information between ports that have received stowaways from ships and the port of embarkation of the stowaway(s), if known, and the flag State, is useful and encouraged;
- .6 The information referred above should also be shared between port states, including the state of nationality of the stowaways, if known, where consistent with international protection principles in the case of stowaway asylum seekers;
- .7 Members states should also agree on exchange of information [and best practices] [, the platform or format of the exchange and international best practices to ensure confidentiality of the information being shared, integrity of information being collated and disseminated as well as control the use of information for official purposes only];
- .8 the PFSO [and/or the PSO] of the port facility where the stowaway(s) embarked should undertake an investigation into how the stowaway(s) managed to gain access to the port area and consider modifying security provisions, as appropriate;

- .9 Member States should agree to issue emergency travel documents to expedite the resolution of a stowaway case and should utilize the quickest means of confirming the identity of a stowaway in line with the FAL Convention, Standard 4.11.2. Such means could include telephone interviews or other communication systems. Ships may use fingerprint kits, when available to aid the identification of a stowaway by a State;
- .10 [to consider a new definition for persons found in a restricted area of the port or port facility in the immediate vicinity of the ship with suspected intent to stow away on board a ship;]
- [to consider amendments to the definition of "attempted stowaway" or the inclusion of a new definition, to include an "unauthorised persons with the intention to stow away" found in a restricted area of the ISPS Certified port or ISPS Certified port facility, or in cargo intended to be loaded onto a vessel, or found secreted inside a cargo transport unit;]
- [to consider as a potential stowaway an unauthorized persons found in a restricted area of the port or port facility;]
- .11 stress the importance of ensuring that stowaways do not receive payments, or other benefits, that might act as an incentive to reoffend or may act as an encouragement to others to stow away;
- [.12 redefine the notion of port to qualify a stowaway (certain ports consider that the ship left the port when it casting off while others wait that the ship crosses the maritime limits to consider it as having left the port)].
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