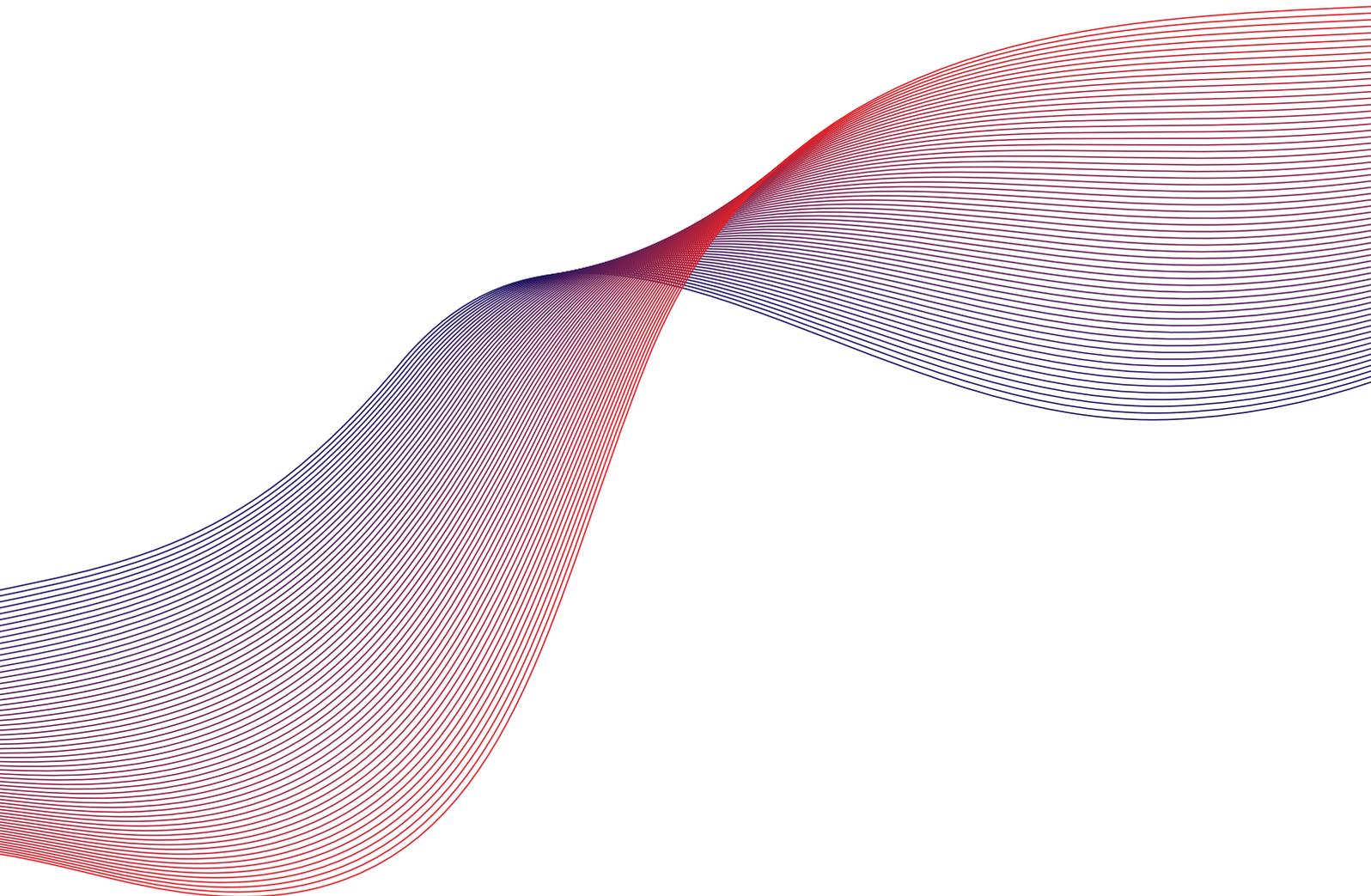


May 2019

MS  **Amlin**

Stowaways in South African Ports



The last years have seen a steady decrease in the number of stowaway claims amongst our Assureds. This, however, hasn't diminished the inconvenience suffered and the large expenses incurred in having to deal with stowaways once found on board the Vessel.

Since 1957 it has generally been accepted that a stowaway is "a person who, at any port or place in the vicinity thereof, hides himself in a ship without the consent of the shipowner or the Master or any other person in charge of the ship and who is on board after the ship has left that port or place." This was the definition employed in the International Convention Relating to Stowaways (not in force).

A 2018 claim in South Africa has shown that the local practice is to deem any non-South African person who wrongly gains access to the Vessel as a stowaway, unless the Vessel is able to evidence that trespass took place at that port.

The South African Immigration Authorities have thus broadened the traditional definition of who is considered a stowaway resulting in an extended scope of responsibility of the Vessel when in South Africa.

Despite this our Assureds can rely on their P&I cover continuing to respond for the costs and expenses they are legally liable for under the applicable jurisdiction, including diversion expenses for their landing. Broad as this is, however, it does not cover all resulting consequential losses a Vessel may suffer.

Our correspondents in Durban, P&I Associates (PTY) Ltd., have recently put together a loss prevention advice on this topic which we are pleased to share with our shipowners and time charterers Assureds calling at South African ports. Kindly take note of these measures when planning your next visit.

For any queries on this topic please contact our Client Services Desk: ClientServices@msamlin.com

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LOSS PREVENTION STOWAWAYS IN SOUTH AFRICAN PORTS

P&I ASSOCIATES (PTY) LTD – Durban South Africa

February 2019

Stowaways continue to board vessels in South African ports far too frequently. The South African Authorities have made it abundantly clear and they will not change their attitude and therefore the ship must combat unlawful individuals boarding the ship.

The current ruling in South Africa is as follows:

Should any unlawful person gain access onto a ship in a South African port, the person will automatically be deemed to be a stowaway unless the vessel can provide photographic, video or 3rd party evidence (terminal security) that the stowaway attempted to board the vessel in Durban.

Therefore our Immigration Authorities are now declaring unwanted guests that are found on board the vessel, while the vessel is still in Port, as stowaways. Basically it is the vessel's responsibility to ensure that nobody enters the vessel illegally.

The ship owner will be liable for the full costs of repatriating the stowaway. It is essential therefore that the stowaway does not gain access onto the ship in any way.

We understand that ship owners are battling in the current economic conditions and do not wish to use private security and rely on the crew to police the ship.

Stowaway attacks occur as follows:

Late at night or early hours of the morning

- Clothing easily blends-in with Stevedore Gangs wearing stevedore clothing hardhats and reflective jackets.
- Colours not easily seen at night
- Generally climb up berthing ropes, gangways and hide in empty containers and log-ships
- Many personnel working on vessel enables stowaway to blend in
- They bribe terminal security to enable them to get aboard vessel
- Carry provisions for part of the journey



Crew took pictures of the stowaway attempting to board the ship up the mooring lines

We recommend the following measures:

- 1 The owner should try and employ three private security guards to patrol the quayside. One security guard should be positioned on the forward mooring lines and one on the stern lines. The other security guard should be posted at the bottom of the gangway. He must be briefed to check that nobody rushes up the gangway. Security on board is ineffective as the guards tend to fall asleep on board.
- 2 If possible, move the ships security desk to the bottom of the gangway. If they employ private security then the guard must not let anyone up the gangway who does not have a pass.
- 3 Ideally a crew member must stand at the bottom of the gangway and check that every person boarding the vessel is in possession of a TNPA port permit.
- 4 They must not allow anyone on board the ship who does not have a port permit.
- 5 Every visitor should have ISPS clearance.
- 6 All visitors should surrender their port permit to security and they should collect the same when they leave the ship.

- 7 If anyone does not have a port permit, they must call the terminal/berth security in order to identify the individual and ascertain who is the individual and why does the individual not have a TNPA port permit. The visitor should be in possession of photographic identification.
- 8 They must not allow any individuals to push past them on the gangway. We have had repeated cases where individuals have run past security at the top of the gangway. This is too late and the local authorities will deem the individual as being a stowaway.
- 9 Where possible raise the gangway and only lower it and allow the visitor on board after a crew member has got to the bottom of the gangway and verified who the visitor is as outlined above.
- 10 The Master should carry out properly coordinated stowaway searches prior to departure. The ship should remain at the port until the search has been completed which must be methodical and systematic. Dog searches are very good at the end of cargo operations. The Port Agent will be in a position to recommend the services of a security and stowaway search company. The dog search companies offer a guarantee to cover costs of the repatriation should they fail to detect a stowaway, however special attention should be given to their terms and conditions as these terms limit the amount of compensation payable by their company.

Should you have any queries please contact our office for advice and assistance.

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