

FACILITATION COMMITTEE
38th session
Agenda item 6

FAL 38/6/2
31 January 2013
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**FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND
DEPARTURE OF PERSONS**

Stowaways

**International Group of P&I Clubs Data on Stowaway cases
Submitted by the International Group of Protection and
Indemnity Associations (P&I Clubs)**

SUMMARY

Executive summary: This document provides an analysis of claims data collated by the International Group of P&I Clubs on stowaway cases from 20 February 2011 to 20 February 2012 in order to facilitate the discussions on stowaways in the FAL Committee

Strategic direction: 6, 8

High-level action: 6.1.1, 6.2.1, 8.0.2

Planned output: No related provisions

Action to be taken: Paragraph 21

Related documents: Resolution FAL.11(37); resolution MSC.312(88); FAL 36/6 and FAL 37/17

Introduction

1 The International Group of P&I Clubs (IG) consists of thirteen principal underwriting member clubs which between them provide liability cover (protection and indemnity) for approximately 90 per cent of the world's ocean-going tonnage.

2 Each Group club is an independent, non-profit making mutual insurance association, providing cover for its shipowner and charterer members against third party liabilities relating to the use and operation of ships. Each club is controlled by its members through a board of directors or committee elected from the membership.

3 Clubs cover a wide range of liabilities including personal injury to crew, passengers and others on board, cargo loss and damage, oil pollution, wreck removal and dock damage. Clubs also provide a wide range of services to their members on claims, legal issues and loss prevention, and often play a leading role in the management of casualties.

4 IG Club cover extends to the costs to a member incurred in respect of legal liabilities arising from maintaining, landing, deporting or repatriating stowaways, subject to the terms and conditions of Club rules.

Stowaway Cases – IG Claims data

5 As recognized by resolutions FAL.11(37) and MSC.312(88) on *Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases*, stowaway incidents have a significant impact on the safe operation of ships and most importantly on the life and health of stowaways, and usually involve considerable difficulties for shipmasters, shipping companies, shipowners and ship operators in disembarking stowaways from ships into the care of the appropriate authorities.

6 Resolutions FAL.11(37) and MSC.312(88) also emphasized the need to establish practical and comprehensive guidance on procedures to be followed by all the authorities and persons concerned in order that the repatriation of stowaways may be achieved in an acceptable and humane manner.

7 Whilst national Administrations, port authorities, shipowners and masters were urged to take all reasonable precautions to prevent stowaways gaining access to ships, resolutions FAL.11(37) and MSC.312(88) highlighted that any stowaway incidents must be dealt with by Governments and all other parties concerned in a spirit of close cooperation on the basis of the allocation of responsibilities set out in the Guidelines.

8 Resolutions FAL.11(37) and MSC.312(88) further requested the Facilitation Committee and the Maritime Safety Committee to continue to monitor the effectiveness of the "Revised guidelines" on the basis of information provided by Governments and industry.

9 In December 2002 special measures to enhance maritime security were adopted i.e. chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS Convention) and the International Ship and Port Facility Code (ISPS Code), the objective of which, inter alia, is to prevent unauthorized access to ships, port facilities and other restricted areas.

10 Accordingly, Member Governments and industry organisations were invited to provide the IMO with statistical data on stowaway incidents in order to work towards the above mentioned objective.

11 The IG submitted to FAL 36 an analysis of claims data collated by the IG Clubs for the period 20 February 2007 to 20 February 2008 in relation to stowaway cases (document FAL 36/6). In order to facilitate the discussions further, and in response to the discussions that took place at FAL 37, the IG Clubs have now collated data in relation to stowaway cases from 20 February 2011 to 20 February 2012.

12 However, the IG would stress the complexity and cost of compiling such statistics which are derived from a manual inspection of the claims records held by the clubs. FAL 37 *"requested the P&I Club to consult with its membership and see if the information could be provided on a regular basis"*. Whilst the IG Clubs have collated updated data for presentation to FAL 38, as the IG has previously reported to the FAL Committee, it is complex and too difficult for the P&I Clubs to provide this data to the IMO on a regular basis.

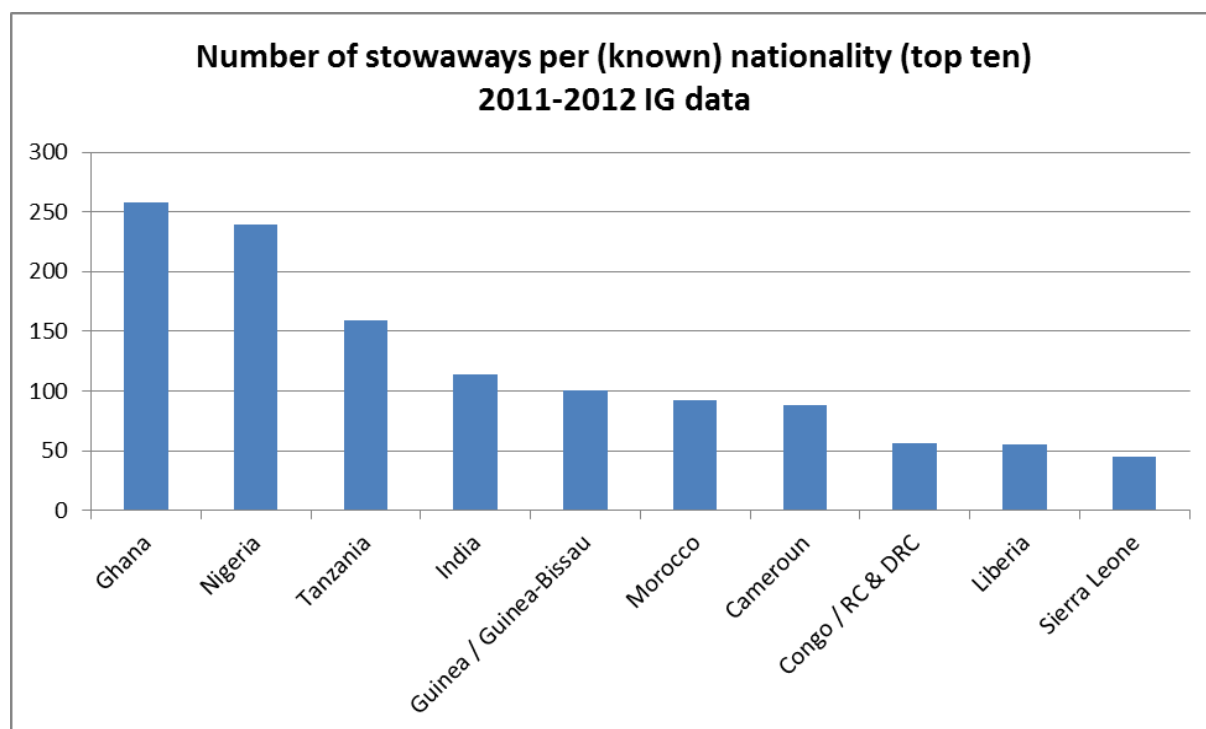
Stowaways Data 2011 – 2012

13 The number of stowaway cases collated by the IG Clubs from 20 February 2011 to 20 February 2012 totals **774 incidents** involving **1,640 stowaways**. Although there has been a slight reduction in the number of incidents and stowaways compared to the time period from 20 February 2007 to 20 February 2008 (which saw **842 incidents** involving **1,955 stowaways**), the 2011-2012 data suggests that the scale of the stowaway problem has not decreased to any significant degree.

14 In addition, the total cost to the IG Clubs for all stowaway cases during the 2011-2012 period was, net of deductible, approximately US\$15.3 million which includes fines imposed by States on shipowners. According to the IG's data, the total cost of stowaway cases to the IG Clubs during the 2007-2008 period was approximately US\$14.3 million. So, whilst the numbers of incidents and stowaways have decreased, costs have increased.

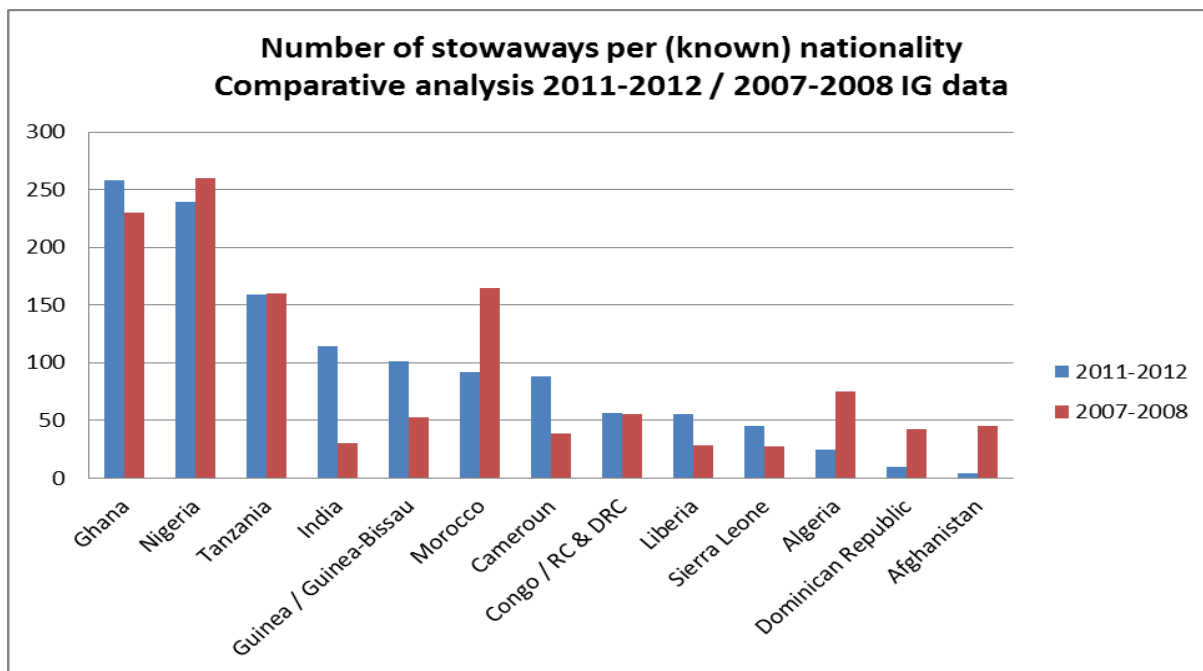
15 In terms of nationality of stowaways, the IG data indicates that the majority of the stowaways involved were from African States, specifically Ghana, Nigeria and Tanzania, as highlighted in table 1 below.

Table 1



16 A comparison of the 2011-2012 data with the 2007-2008 data indicates very little shift in the nationalities of stowaways as highlighted in table 2.

Table 2



17 In terms of ports of embarkation, the IG data for 2011-2012 indicates that the top ten ports of embarkation in terms of the number of reported cases are all in the African continent, mainly West Africa as highlighted in tables 3 and 4 below.

Table 3

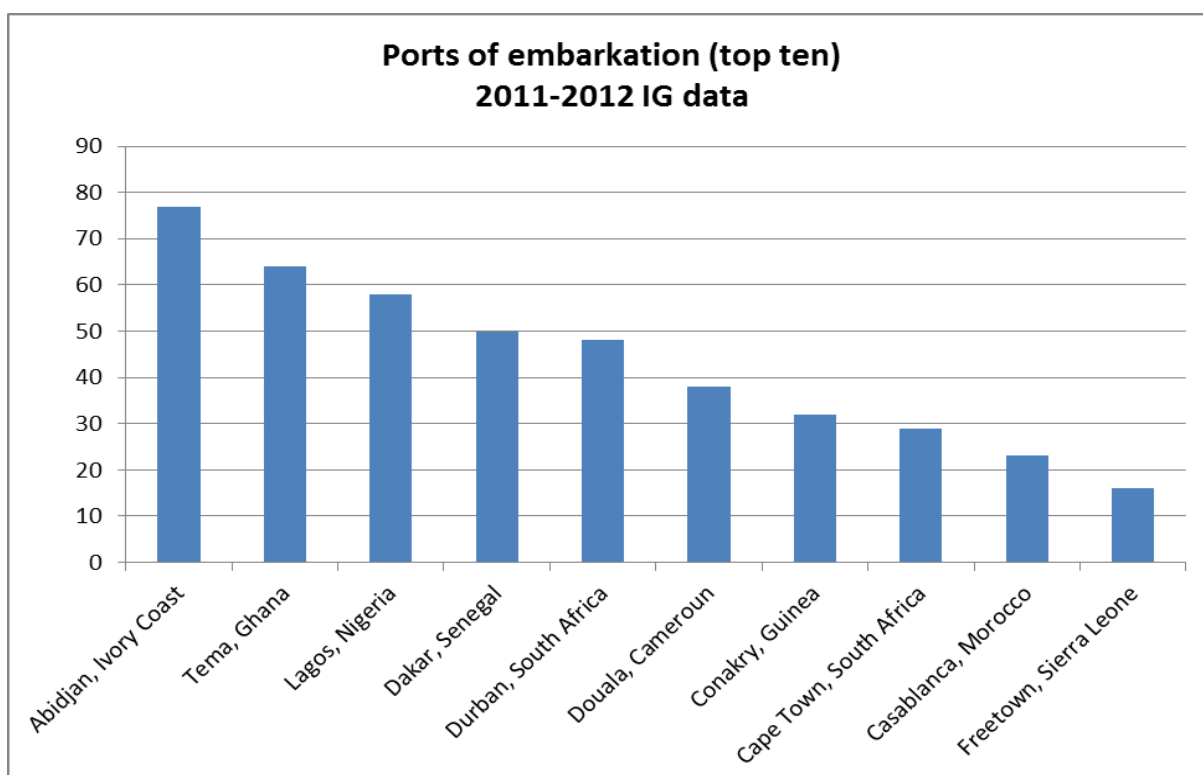
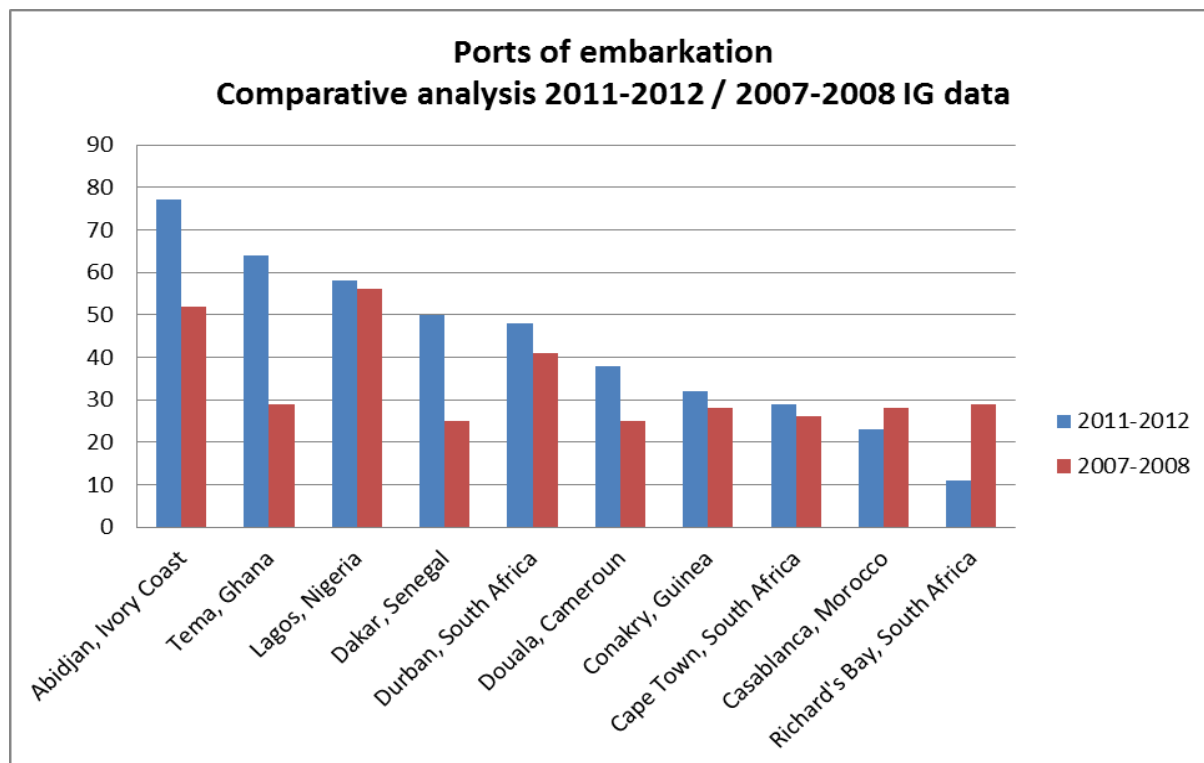


Table 4



18 As highlighted above, the 2011-2012 data is not substantially different to that of 2007-2008 in terms of the stowaways' nationalities, ports of embarkation and the number of stowaways.

19 The data contained in this document emphasizes in clear terms that the problem of stowaways remains and is not one that is significantly reducing in terms of the number of stowaway cases handled by the IG Clubs. Furthermore the IG's data indicates that costs to shipowners are actually increasing.

20 The IG hopes that the information provided in this paper will encourage better implementation of the *Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases*, through closer cooperation of national Administrations, port authorities, shipmasters and shipowners in order to facilitate the disembarkation and repatriation of stowaways.

Action requested of the Committee

21 The Committee is requested to take action as necessary to assist those Member States where the problem of stowaways is significant to introduce and/or implement adequate security measures within their ports, in accordance with their obligations under SOLAS chapter XI-2 and the ISPS Code, in order to improve the situation in these ports and reduce the number of stowaways.