

Stowaways' tanker was denied port access by France and Spain

The vessel spent 24 hours off the French coast near the Donges refinery from October 20, before sailing north, vessel-tracking data show. It then spent time in waters overseen by Spain and Portugal

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Despite passing through the jurisdiction of France, Spain and Portugal, Nave Andromeda ended up becoming the responsibility of British authorities. Amid claims that France denied a request from the master to berth, Spain has confirmed it was contacted about access to Las Palmas port.



Source: Finnbarr Webster/Getty Images FRENCH AUTHORITIES ARE UNDERSTOOD TO HAVE BEEN ALERTED TO THE STOWAWAY SITUATION ON BOARD THE TANKER NAVE ANDROMEDA BUT LEFT BRITISH AUTHORITIES TO INTERVENE.

FRANCE and Spain refused a request by the master of an aframax product tanker to allow seven Nigerian stowaways found on board to disembark.

The appeals were made just days before the incident on board *Nave Andromeda* that resulted in the vessel being boarded by British special forces and the arrest of seven men at gunpoint.

The Liberia-flagged tanker, operated by Greece-based Navios Maritime Holdings, sailed from Nigerian waters on October 5, and spent 24 hours off the French coast near the Donges refinery from October 20, before sailing north, vessel-tracking data show. It then spent a further two days off the Spanish and Portuguese coasts before arriving in waters off the south coast of England on October 25.

Lloyd's List understands that French authorities refused *Nave Andromeda's* master permission to berth and disembark the seven stowaways.

It has also emerged that Spanish authorities denied the tanker entry to Las Palmas port. "The vessel didn't dock at Las Palmas port. *Andromeda* anchored in front of the port and informed La Palmas Police about the stowaways," a Civil Guard spokesman told the British newspaper The Times.

"Due to this circumstance local authorities refused permission to dock and disembark them.

"If the vessel is docked, local authorities must allow the disembarkation of the stowaways, but not if the ship is anchored according to international sea law," the spokesman said.

Lloyd's List has approached Navios and authorities in France and Spain for comment.

The disembarking denials throw fresh light on the circumstances surrounding the actions of the UK's armed Special Boat Service.

The naval arm of the British special forces descended from helicopters on ropes after dark on October 25 to seize the stowaways in a reportedly seven-minute operation authorised by the UK defence secretary and the home secretary.

The action to regain control of the ship, six miles off the southern England coast, was in response to threats to crew amid a "suspected hijacking", the Ministry of Defence said.

The master of *Nave Andromeda* had raised the alarm when stowaways surrounded the control room in a day-long stand-off, according to a Times report, citing anonymous sources familiar with the Mayday call.

He requested immediate assistance, after alleging the stowaways became aggressive.

Four people were port side, midship, near the manifold and two of them were on the starboard side on the bridge but were unable to enter, according to the newspaper.

The master remained in control at the bridge and the chief engineer was locked in the engine room, sources familiar with the event told Lloyd's List. The remaining 20 crew retreated to the citadel during the incident.

Maritime lawyers contacted by Lloyd's List said the chain of events are a reflection of frustration and aggression on the part of stowaways rather than any serious attempt to hijack the vessel.

This was likely because they were concerned they would be unable to leave the ship and claim asylum, while the master was following protocols in protecting this crew.

The vessel is now detained by UK authorities as part of the police investigation, rendering the product tanker off-hire.

It was in ballast and did not have any cargo on board.

The stowaways have been arrested on suspicion of seizing or exercising control of a ship by use of threats or force under the UK's [Aviation and Maritime Security Act](#) 1990.

Such an approach recasts the incident as a criminal issue and not an immigration or deportation matter.

Whether UK authorities also refused permission for the stowaways to disembark has not been revealed, nor the date at which the stowaways were discovered on board *Nave Andromeda*.

How authorities dealt with the *Nave Andromeda* stowaways thrusts the Greece tanker operator Navios Maritime at the centre of debate in Europe and the UK over tougher treatment of asylum seekers who arrive by boat.

It also raises questions over whether ports' refusal to disembark stowaways in line with international conventions and recommended guidelines imperilled the safety of the 22 seafarers on board the product tanker.

European Union and UK authorities have hardened their treatment of migrants rescued at sea in recent months, flouting international conventions that provide for them to be disembarked at the vessel's next port of call. In some cases, they have been held in cabins while arrangements are made to deport them to their country of origin.

More than 7,500 migrants arrived in the UK from France through crossing the English Channel by inflatable or small boats over the last 12 months, figures show. Monthly arrivals over the summer were 10 times higher than previous years' figures, UK figures show.

Wall and Waves

Home secretary Priti Patel pledged to crack down on the small boat crossings to quell criticism the government was doing too little to address undocumented arrivals.

Last month she personally contacted a representative from Maritime UK to inquire whether it was legally possible to build some sort of inflatable wall or create artificial waves in one of the world's busiest shipping channels to discourage or deter migrants from making the voyage.

She was told such action would not be feasible and also contravened a number of international regulations to which the UK was signatory.

The Home Office declined to comment on whether *Nave Andromeda* had requested to disembark the seven stowaways in the UK, referring the matter to local police who are conducting a criminal investigation.

Hampshire Police said on October 27 that more time had been granted by the courts to question the seven stowaways.

Under UK law, police must charge arrested persons within 24 hours or release them, or apply to hold them for up to 36 or 96 hours if they are suspected of a serious crime.

Hampshire Police has not responded to requests for further comment.

Police in France declined to confirm whether French authorities had denied a request for the disembarkation of the seven stowaways.

When stowaways are discovered the master of any vessel has to notify appropriate authorities at the port of embarkation, the next port of call and the flag state, according to recommended practices issued by the International Maritime Organization in 2018.

“It is the responsibility of the state of first port of call according to the voyage plan after the discovery of the stowaway to accept the stowaway,” the guidance says.

The revised guidelines were part of the Convention on Facilitation of International Maritime Traffic.

When the disembarkation of a stowaway has not been possible at the first port of call, it is the responsibility of the state of the subsequent port of call to allow the person to leave the ship, the guidance adds.

Previously, European countries have declined to follow this protocol. In September, Maltese authorities refused permission for the product tanker *Maersk Etienne* to disembark some 27 migrants the vessel rescued from a sinking vessel in the Mediterranean that had sailed from Libya. There was a six-week stand-off.

The impasse ended only when the Denmark-flagged tanker was given permission to offload the migrants onto another vessel that took them to Sicily after protracted negotiations amid concern that countries were exploiting gaps in the UN’s International Convention for the Safety of Life at Sea to avoid compliance.

UK shipping groups have welcomed the special forces’ action.

UK Chamber of Shipping chief executive Bob Sanguinetti told the Financial Times the UK government action sent a clear message that international shipping would not get caught up in the plight of asylum seekers and economic migrants.