



Human Environment and Transport  
Inspectorate  
*Ministry of Infrastructure  
and Water Management*

# Exploratory investigation SEA-WATCH 3







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## **Exploratory investigation SEA-WATCH 3**

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## Colophon

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## 1 Introduction

On 6 July 2018 two senior inspectors from the Human Environment and Transport Inspectorate, Safe Mobility, Shipping Object Inspections Team 2, travelled to Malta to conduct an exploratory investigation into how use of the Sea-Watch 3 motor yacht registered in the Netherlands relates to the way in which the vessel is designed, equipped and certified.

The Sea-Watch 3 arrived in Malta on 16 June 2018. This was in relation to surveys to be conducted, for example, for the mandatory MARPOL certificates. On 30 June 2018 the captain submitted a request via the shipping agent to depart for sea. The Maltese authorities did not issue permission for it to do so. On 2 July 2018, the captain received an e-mail from the shipping agent stating that the Sea-Watch 3 was not allowed to depart. There does not appear to have been a formal, documented detention.

The Maltese authorities have questions regarding the Sea-Watch 3's certification and about the way in which the yacht is deployed and used. In order to respond to these questions an exploratory investigation was conducted by the ILT, resulting in this report.

## 2 Assignment

The assignment issued to the inspectors was twofold, namely to determine whether the technical condition and equipment of the Sea-Watch 3 is in line with Dutch laws and regulations on the one hand, and to establish the facts and circumstances at the location on the other. Since the assignment is broader than simply assessing a formal set of standards the ILT opted to perform an exploratory investigation.

## 3 Implementation of the exploratory investigation

### 3.1 Introduction on board Sea-Watch 3

On Thursday 6 July 2018, the ILT inspectors boarded the Sea-Watch 3 at 3.20 p.m. It was moored in the Port of Valletta. When boarding the vessel the identity of the inspectors was checked and they filled in the visitor log.

Afterwards the inspectors introduced themselves to the captain and Head of Logistics of the Sea-Watch organisation and explained the reason for their visit. We explained that we were not going to conduct a Flag State control but a fact finding mission.

### 3.2 Sea-Watch 3 sailing ban by the Maltese authorities

The captain informed the ILT inspectors about the situation involving the sailing ban imposed by the Maltese authorities, Transport Malta, on the Sea-Watch 3. On 16 June 2018, the Sea-Watch 3 entered the Port of Valletta for maintenance and to carry out and complete the renewal survey of the DNV-GL Class Declaration and other certificates.

On Saturday evening, 30 June 2018, the captain submitted a request via the shipping agent to proceed to sea. On Thursday 28 June they learned from the local news that Malta aimed to deny NGO vessels access to the ports and that they would not be allowed to depart for sea either. The captain of the vessel heard from the shipping agent that the vessel was not authorised to depart.

On Sunday 1 July 2018, the Sea-Watch 3 asked why the vessel was not allowed to leave. The Maltese authorities indicated that the vessel was 'under review' but did not provide any specific reasons or inform Sea-Watch 3 what it needed to do to be able to leave the port. The Sea-Watch 3 has just completed its new certification, according to the captain everything works as intended and all bills on Malta had been paid.

On Wednesday 4 July 2018, the Sea-Watch 3 received an e-mail from the harbour master stating the following:

"The Authority needs to ascertain that the clearance of vessel Sea-Watch 3 to proceed to sea from a Maltese port is in line with all Maltese and International legal obligations and minimum requirements.

Our understanding is that although the vessel is registered as a Motor Yacht, by nature and intended use, the vessel is a sea-going ship of 648GT.

In this respect further clarification is required about a number of matters including whether the vessel has a flag state, the certification of the vessel for the intended operation, certification of equipment on board, the certification, qualifications and competence of the crew, adequate insurance to cover liabilities when the vessel is navigating in local waters and any other matters as may arise.

The documents provided by the ship to-date are not sufficient and the vessel is therefore not being allowed to proceed to sea.

Please be guided accordingly."

The Maltese authorities have boarded the ship twice since 1 July 2018: once to check the registration (Certificate of registry) and a second time to check the insurance documents and crew's papers. According to Sea Watch, the Maltese authorities did not leave behind any inspection reports or other documents to indicate the ship was being detained or that a sailing ban had been imposed.

### **3.3 Objective of the Sea-Watch organisation**

The Sea-Watch organisation was founded to highlight the situation in the Mediterranean related to immigrants, and point out to governments their responsibilities. It is a foundation funded by donations.

The Sea-Watch organisation was launched approximately three years ago with the Sea-Watch 1, a small ship measuring 18 metres, which was deployed near the island of Lampedusa. This mainly involved observing and rescuing people if necessary. The Sea-Watch 2 appeared in 2016, which was larger. In August 2017, the Sea-Watch 3 was purchased and put into use. This ship is larger, faster and makes it possible to provide more effective assistance. It also offers the possibility of transporting journalists to highlight the humanitarian crises involving the refugees.

### **3.4 Deployment of Sea-Watch 3 as explained by the captain and the organisation**

The Sea-Watch 3 departs from Malta sailing in a southerly direction towards the coast of Libya. It then remains outside 24 nm off the Libyan coast and watches for possible drownings (refugees) that can be expected in this area. The Sea-Watch 3 says it is prepared to take action if people in distress are found at sea. Most drownings are signalled between five and 40 nm off the Libyan coast but it stays outside the 24 nm 'no go' area.

If the Sea-Watch 3 signals people in distress, contact is first made with MRCC Rome via the marine telephone. This is the coordination centre for Search and Rescue (SAR) operations in the area. If MRCC Rome indicates it cannot provide any assistance, contact is made by e-mail. With MRCC Rome, MRCC Malta and the Netherlands Coastguard in Den Helder. If they cannot provide any assistance either the Sea-Watch 3 proceeds to help the people in distress. To do so it then requests permission from MRCC Rome that agrees in all cases.

MRCC Rome sometimes asks other European countries or parties to deploy resources to save those drowning. If the Sea-Watch 3 takes people on board they are usually transferred to vessels from other countries/authorities.

The lowest number of people in need rescued from the water was 17, the highest number around 300. The Sea-Watch 3 was also issued by MRCC Rome with the task of rescuing these people in distress from the water. The 300 people were then transferred to a Spanish warship.

In the past five weeks, the Sea-Watch 3 has taken action twice. In both cases people in distress were taken on board. Once they were transferred to another vessel at sea, the other time they were taken ashore in Valletta.

The Sea-Watch 3 is usually at sea for between seven and ten days. It subsequently returns to Valletta for provisions, bunkering, a change of crew and, for example, to pick up journalists. All persons on board are volunteers and do not have an employment contract. All persons on board and any journalists are included on the

crew list. During the exploratory investigation no evidence was found of any paying passengers.

### **3.5 Certificates, documents and books**

The shipping documents and certificates were examined during the exploratory investigation. Below we provide an overview:

#### *3.5.1 a. Certificate of registry*

The Sea-Watch 3 has a Certificate of registry with the number 10805/2017, issued by the Netherlands on 5 October 2017. The Certificate of registry specifies that the Sea-Watch 3 is a 'non-commercial motor yacht'. It has 12 cabins, 26 beds and according to the Certificate of registry, two lifeboats. These are two inflatable boats used to remove people drowning from the water.

#### *3.5.2 b. Class certificate*

The vessel has a valid DNV-GL Class certificate. It was issued on 28 June 2018 and is valid until 30 July 2023.

#### *3.5.3 c. Radio Station License*

The Sea-Watch 3 has a broadcasting license, issued by the Radiocommunications Agency Netherlands on 5 July 2018. The vessel has 3 VHF's, 10 portable VHF's, AIS, S-band Radar, X-band Radar, Navtex and two Inmarsat-C stations. However, the latter is listed as an Inmarsat-A on the broadcasting license.

#### *3.5.4 d. Certificates related to diverse international conventions*

In addition the Sea-Watch 3 has the following, valid certificates required by conventions:

- Tonnage certificate.
- IOPP certificate: the vessel is fitted with an oil-water separator and has two dirty oil tanks and two bilge water tanks.
- ISPP certificate: there is an approved sewage treatment plant on board with a capacity of 22 persons.
- IAPP certificate.
- IEEC certificate, including the corresponding SEEMP.
- AFS certificate: in February 2018 the ship visited a shipyard in Spain and the hull was resprayed with approved paint.

#### *3.5.5 e. Insurance certificates*

The Sea-Watch 3 has a P&I insurance policy with MS Amlin, issued on 7 July 2018 that is valid for one year. The ship also has a certificate for insurance related to wrecks liability, issued by the NSI, with the same duration, from 7 July 2018 to 7 July 2019. The above certificates were also available for inspection.

#### *3.5.6 f. Diverse books*

The books mentioned below were inspected:

- Ship's logbook: this is used to record, for example, arrivals in ports, departures to sea and general information about the sea journeys. It includes positions and courses. Specific information about picking up passengers from the sea is not included. Messages from MRCC Rome were stapled to pages of the logbook with messages about drowning persons. As soon as the Sea-Watch 3 is involved in rescue operations, notes are made in draft. They are subsequently elaborated to product internal reports for the Sea-Watch organisation.
- Radio Logbook: although a radio logbook was present on board, it was not maintained.

- Oil Record Book: this is maintained by the chief engineer. It is used to record actions such as bunkering and weekly tank contents of the dirty oil tanks and bilge tanks. The bilge tanks are filled in under C11.
- Garbage Record Book: it was an old model, but was filled in. Only food waste is thrown overboard. The residual waste is deposited at the home base in Valletta at the Bezzina site. The Garbage Management Plan could not be presented. There was only an old version from a previous ship owner.
- SOPEP: this was on board but the list with the Coastal Contact Point was not the latest version. This was corrected the same day.
- Stability assessment: a stability assessment was available, stamped by DNV-GL. When asked whether there was any consideration about the effect of high numbers of rescued drowning persons on stability, no direct answer could be provided.
- Ballast Water Management Plan: there was an old Ballast Water Management Plan from the previous owner. For the Sea-Watch 3 there was now a statement from DNV-GL on board. It had opted for permanent ballast and therefore does not carry out any ballast actions. The diverse ballast valves on board were sealed by DNV-GL.
- Training Manuals: there are diverse training manuals related to the rescue equipment and fire extinguishing.
- Familiarisation: those on board are familiar with the safety and fire extinguishing equipment on board. During crew changes (approximately every three weeks) relevant exercises are conducted, such as fire and boat drills. The last exercise was held on 22 June 2018.
- Asbestos survey: as the Sea-Watch 3 is already on old vessel (launched in 1973) an asbestos survey had been carried out. There is still asbestos on board and they are aware of the risks.
- Fresh water management plan: a plan was available for managing the quality of the drinking water. Samples of the drinking water are taken twice a year.

### 3.5.7 *g. Available apparatus and safety equipment*

The apparatus, safety equipment and fire extinguishing equipment available were maintained and receive an annual inspection/service. This is carried out by various onshore companies.

- Compasses: the vessel has recently been fitted with a new gyrocompass. There is also a satellite compass and a magnetic compass. The latter compass was calibrated on 8 July 2016.
- Life rafts: there are four life rafts for those on board, 2 x 16 persons and 2 x 25 persons. They are inspected annually.
- On the quarter-deck there are five life rafts. They have not been inspected.
- Safety equipment such as life jackets and survival suits: for those on board there is sufficient equipment and it has been serviced and inspected. On the upper deck (above the bridge) there is a large number of life jackets, intended for any persons that might need them. The circa 800 life jackets do not have a light or a whistle but were originally approved as SOLAS life jackets. According to Sea Watch they are only intended for use as floats to supply to people in distress in the water.
- Fire detection system: it is inspected annually.
- CO2 fire extinguishing system and other fire extinguishing equipment: they are inspected annually by onshore companies.
- EEBDs: there are seven EEBDs on board that are inspected annually.
- A Planned Maintenance System is also available that helps the crew with standard maintenance of the vessel, the engine room and safety equipment.

### 3.5.8 *h. Minimum Safe Manning Certification*

As the Sea-Watch 3 is registered as a non-commercial motor yacht it does not possess a Minimum Safe Manning Certificate and the STCW Code does not apply. When the Sea-Watch 3 goes to sea it is manned by between 20 and 22 people. Some of the crew members do possess the STCW (merchant shipping) certificates. Others have certificates related to pleasure cruising.

The captain and the boatswain have an 'operation certificate pleasure craft' and a 'VHF-radio operator certificate'. The first officer has STCW Maritime Officer papers at management level and the GMDSS radio certificate. In the engine room the vessel is manned in a similar manner.

There are several medics on board the Sea-Watch 3. They are qualified care providers and doctors that can administer first aid and medical assistance to people who need it. There is also a 'cultural mediator' on board. After experiencing a distressing event crew members can use the services of psychologists that work on a voluntary basis for the Sea-Watch organisation.

### **3.6 Bridge and navigation equipment**

The bridge and navigation equipment appears in good condition and the apparatus is inspected annually. The vessel sails with paper nautical maps. These are also maintained. The latest Notice to Mariners dates from 22 June 2018. Nautical publications (List of Lights, Radio Signals, Pilots, etc.) are on board but are not kept up to date. There is a standard voyage plan in a southerly direction towards the 24 nm line off the Libyan coast. A separate plan is compiled for incidental trips deviating from this to, for example, the shipyard in Spain.

The bridge is fitted with the aforementioned compasses, two radars, an echo sounder, watch alarm system, VDR, AIS, and GPSes. The two main engines, bow thruster and the two rudders can be operated from the bridge. Emergency steering is possible from the bridge and the steering gear room. The internal communication equipment necessary to achieve this is available.

At sea, a four or eight-watch system is applied. A second person is always present on the bridge.

There is also pyrotechnical equipment on the bridge: 12 rocket parachute flares, a line-throwing device, 10 hand flares and 4 smoke pots.

Although the vessel does not have to comply with ISPS, being a motor yacht, it does have a camera system to be able to see around the vessel. It consists of 12 cameras and a CCTV screen.

### **3.7 Outer decks**

There are two larger reception areas for people that need it, arranged on deck, underneath a canopy. People can stay there until they are transferred to another vessel or until they reach the port. There are two (emergency) showers to rinse off salt or other contamination. There are three chemical toilets and two urinals.

On the outer decks a couple of points were identified, which cannot be described as alarming:

- There was a small hole in a ventilation shaft of the bow thruster room.
- Not all ventilation shafts close perfectly.
- The boxes containing batteries did not have the correct PPE.
- There are a few holes in the CO2 chamber to the engine room. These are being sealed.

There is an emergency generator (24V) and in the same room there is also a compressor for filling the compressed air bottles and a second emergency generator for the davits used for the boats that are deployed to rescue drowning people from the water.

**3.8 Accommodation and galley**

The accommodation appeared clean and well maintained. There is a chef that prepares meals on board. The crew are fed and there is more than enough drinking water available in bottles. Various showers and toilets are also available to them. The people rescued from the water are given food and drink, mainly water and tea with a lot of sugar.

**3.9 Engine room and steering gear room**

In the engine room there were a couple of temporary repairs made to the cooling water pipes of the main engines. Parts have been ordered to be able to repair them properly. Otherwise, the engine room and steering room looked well maintained and clean.

**3.10 Completion of the exploratory investigation**

The exploratory investigation conducted by the ILT was completed on Friday 6 July at 3.30 pm. The captain and the Head of Logistics of the Sea-Watch Organisation were thanked for their cooperation with this investigation.

The ILT inspectors would also like to extend their thanks for the assistance provided by the Netherlands Embassy in Malta.



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