# e-Navi

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# Original article

# The Challenges in Rescuing Refugees at Sea: From the Perspectives of Shipmasters, Authorities and Ship-owners in Malaysia

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# Abstract

Recently, the migration of refugees has been drastically increasing and became a global issue which indirectly affects the shipmasters, authorities and shipowners during rescue operations. The objective of this paper is to study the challenges or difficulties in rescuing refugees at sea from the perspectives of shipmasters, authorities and shipowners in Malaysia. In this study, the key challenges faced by these three groups of individuals are collected and classified based on the primary data reviewed. The interview sessions were conducted with selected expertise and the data collected are analyzed based on the Analytical Hierarchy Process (AHP) or precisely the pair-wise comparison methods. Through the calculations, the challenges are ranked from the most important challenges to the least important challenges. Furthermore, the data is analyzed by using expert judgments focusing on the relatively most important challenges faced by the safety of ships and crews, while for authorities, the most important challenge faced is delays in the initiation of rescue operations. For ship-owners, the most important challenge faced is time sensitive cargo loss. Ultimately, two suggestions have been proposed to encounter the most important challenge faced by these groups.

Keywords: Decision Making Approach, Rescuing Refugees at Sea, Analytical Hierarchy Process, Nautical Studies, Maritime Stakeholders Perspective

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Peer review under responsibility of International Association of e-Navigation and Ocean Economy.

# 1. Introduction

With the current economic and social problems faced by some countries, these problems lead to a global issue that involves the migration of people in countries with difficult circumstances from their state of origin to another state in search of more secure life as well as for a better lifestyle and means of survival. This is a very dangerous situation as most of the migration of refugees are travelling via unseaworthy boats lacking both safety and lifesaving equipment according to the International Convention for Safety of Life at Sea (SOLAS Chapter III, 1974). Therefore, the International Maritime Organization (IMO) in collaboration with the United Nations Higher Commissioner for Refugees (UNHCR) has implemented guidelines for rescuing large number of refugees at sea safely. However, there are many challenges faced by three groups of individuals, shipmasters, shipowners and port authorities whom are involved directly or indirectly in saving the life of refugees at sea. Therefore, this paper will focus on the challenges in rescuing refugees at sea faced by three groups which are the ship masters, authorities and shipowners in Malaysia.

Through this study, the challenges faced by ship masters, shipowners and port authorities in rescuing refugees at sea are identified, classified and analyzed based on AHP, where there will be suggestions and recommendations for reducing the challenges faced, by them, which lead to a safer environment for future rescue operation of refugees performed at sea.

### 2. Literature Review

According to Convention Relating to the Status of Refugees (1951) which now serve as UNHCR, 'refugee' is referred to the persons who are eligible for subsidiary protection which owing to a well-founded fear of being persecuted due to race, religion, nationality membership of a particular social group or political opinion which they are located or founded outside the country of their nationality and is unable or owing to such fear and unwilling to avail themselves of the protection of that country. If they returned to their country of origin, they would face a real risk of suffering serious harm which they are unwilling to avail themselves of protection of that country. Nowadays, refugee issues are become serious matter especially in the eyes of international shipping players around the world. This issues are not a new phenomenon. They have been longstanding issues faced by people around the world have risked their lives aboard unseaworthy ships and crafts in the pursuit of finding better living conditions, educational opportunities or to find the protection against threats to their life, liberty or security (IMO, 2004).

These groups are to be given proper compulsory assistance in order to ensure their safety is guaranteed. Initially, a few problems arise when rescue operations are conducted (IMO, 2015). Therefore, the member States of the International Maritime Organization (IMO) adopted the International Convention on Maritime Search and Rescue in May 2004.

Under this convention, involvement is an obligation for the shipmaster, shipowners, government authorities, insurance companies and other interested parties in search and rescue operations in the case of refugees and asylum-seekers (IMO, 2015).

Through this paper three groups of individual (shipmasters, shipowners and authorities) were investigated in order to identify the challenges and problems faced during refuge rescue operations. Shipmaster that are responsible to lead a ship through the sea safely from its origin to destinations. However in term of Search and Rescue (SAR) operation, the international maritime law has obligated shipmasters to render assistance to those in distress at sea without regard to their nationality, status or the circumstances in which they are found as long the assistance rendered does not harm the safety of their ship, crew or passengers (UNCLOS, 1982).

The authorities also have their own roles through these SAR operations. According to UNCLOS (1982), authorities (government and Rescue Coordination Centers, RCC) must ensure the arrangements for distress communication and coordination in their area of responsibility and for the rescue of persons in distress at sea, around their coasts.

Without any doubt, shipowners also have their own responsibility through these operations and of course shipowner face difficulties if these kind of circumstances happen during the transshipment of their ships (IMO, 2015). However, according to UNCLOS (1982) ship owner must give an access to all the cost involved in SAR operation in order to give the rescuer smooth access to assist the refugees whenever they are found as long as the refugees are near them and the SAR operation can proceed without any harm to the ship, crew and also the environment.

According to UNHCR, the article provides an overview of the key challenges affecting responses subsequent to the rescue operations at sea involving refugees and asylum-seekers where four tools have been proposed, that could be developed, to improve cooperative arrangements to address rescue at sea situations which are: Draft Model Framework for Cooperation, Mobile Protection Response Teams, and Specific Resettlement Quotas for Refugees Rescued at Sea, and Standard Operating Procedures for Shipmasters (UNHCR, 2011)

# 2.1. Challenges Faced By Shipmasters When Rescuing Refugees at Sea

(i) Sensitive and hazardous areas

The factor which limits ship's ability to engage in rescue operation is proximity of navigational hazards (Majumder, 2014).

(ii) Appropriate port for disembarkation

The criteria of most appropriate port for disembarkation are legal responsibilities of states, safety of rescued persons, rescuing vessel and crews, the technical suitability of the port to ensure rapid disembarkation (UNHCR, 2002).

(iii) Prevailing weather conditions

The on-scene weather conditions affecting the rescue operations at sea mainly sea state, but also includes wind strength and direction, ambient temperatures and visibility (Majumder, 2014).

(iv) Capabilities & limitations of ship

All persons rescued at sea must be treated with humanity but it should be within the capabilities and limitations of the ship (Coppens, 2010).

(v) Possible infectious diseases

Captain need to consider factors like ship size, weather, number of persons in distress, safety equipment onboard and infectious diseases (Kenney & Tasikas, 2003).

(vi) Difficulty in finding cooperative state

The reason for uncooperative coastal State are due to costs and other complexities in processing and identifying solutions for rescued persons at sea, concerns about border security, human smuggling and trafficking (UNHCR, 2011).

## (vii) Safety of ship & crew

The preference of a ship's captain to take necessary action to ensure the safety of ship is really broad(Kenney & Tasikas, 2003).

# 2.2. Challenges Faced By Authorities in Rescuing Refugees at Sea

(i) Reception & processing facilities

There is insufficient reception and processing facilities at places of disembarkation which is below the people's immediate needs, and unable to provide timely outcomes for refugees (UNHCR, 2011).

(ii) Immigration control

Immigration control set by authorities are due to the duty of coastal states in protecting national security and safeguarding state sovereignty through effective border or migration management and law enforcement (Jakarta Roundtable, 2013).

(iii) Policy of receiving countries

The factors concerned are effect on the integrity of the SAR system, safety of life at sea, policies of receiving countries (Hesse, 2011).

(iv) Unwillingness of state to engage in rescue

Coastal states reluctant to engage in rescue operations at sea due to the influence of public and government perceptions that the persons whom attained protection in another country may be seeking to avoid established resettlement channels to access protection (Jakarta Roundtable, 2013).

(v) Delays in initiation of rescue operation

The differing opinions on SAR and SOLAS duties among states result in delays in SAR where it lead to prolonged stay of rescued persons onboard (UNHCR, 2011).

(vi) Capacity of RCC

There can be an inadequate capacity including equipment which lead to the coastal states unable to fully implement their duties in large Search and Rescue (SAR) areas of responsibility (Jakarta Roundtable,

# 2013).

## (vii) Finding place of safety

To fulfill the gap in the law, consistent arguments done for immediate disembarkation at the next port of call (UNHCR, 2002).

# 2.3. Challenges Faced By Shipowners in Rescuing Refugees at Sea

# (i) Rescue operation costs

Most of the rescue operation costs are borne by the shipowners with exceptions to some expenses which might be recouped through the company's insurance provider (Aarstad, 2015).

# (ii) Delay in disembarkation (Time loss)

There are economic consequences for the rescuing vessel and its owners when engaging in rescue operations at sea such as problems of delays and finding a place of disembarkation for individuals rescued at sea (Scheinin, 2012).

### (iii) Time sensitive cargo loss

Shipmaster should inform the RCC responsible for the specific region of the conditions onboard, and it includes other factors like prevailing weather, time sensitive cargo (Gard AS, 2009).

(iv) Insurance coverage (P&I club)

Right to equitable reward is given for acts of providing assistance or salvage based on the Salvage Convention, but it remains unclear of who should assume this monetary compensation (Scheinin, 2012).

# 3. Methodology

# 3.1. Research Design

Figure 1 shows 6 steps in methodology design that have been carried out as a building block to successfully complete the research.

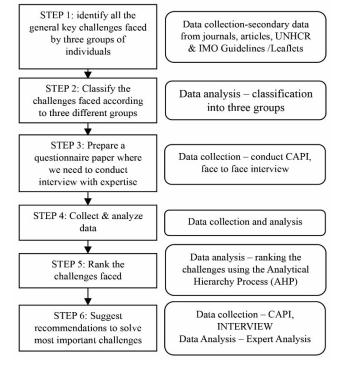


Figure 1: Research Design

#### 3.2. Analytical Hierarchy Process (AHP)

According to Saaty (1980), Analytic Hierarchy Process is a one of Multi Criteria decision making method where it is a method to derive ratio scales from paired comparisons. Besides that, Triantaphyllou and Mann (1995) stated that AHP is a decision support tool which can be used to solve complex decision problems. It uses a multi-level hierarchical structure of objectives, criteria, sub criteria and alternatives where the pertinent data are derived by using a set of pairwise comparisons. These comparisons are used to obtain the weights or principal eigenvectors of importance of the decision criteria.

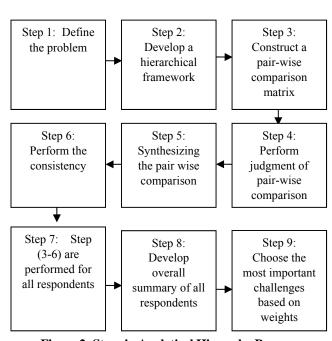
Multi Criteria decision making (MCDM) is concerned with structuring and solving decision and planning problems involving multiple criteria where AHP is one of the most popular example of Compensatory MCDM which is widely used to solve decision making problems and present in various decision support systems worldwide (Majumder, 2015).

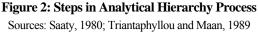
## 3.3. Pair-Wise Comparison

Pairwise comparisons are used to determine the relative importance of each alternative in terms of each criterion. In this approach, the decision-maker has to express his opinion about the value of one single pairwise comparison at a time. Usually, the decision- maker has to choose his answer among 10-17 discrete choices. Each choice is a linguistic of equal importance as B", or "A is moderately important than B", and so on. In short, pairwise comparisons are quantified by using a scale. Such a scale is a one-to-one mapping between the set of discrete linguistic choices available to the decision maker and a discrete set of numbers which represents the importance, or weight, of the previous linguistic choices. The scale proposed by Saaty (1980) is depicted in Table 1. Referring to Figure 2, there are nine steps in Analytical Hierarchy Process (AHP) (Saaty, 1980, Triantaphyllou & Mann, 1989, Pugh, 1991, Ariff et.al, 2008).

#### **Table 1: Scale for Pairwise Comparison**

<b>Relative Intensity</b>	Linguistic meaning (definition)
1	Equally important
3	Weakly important
5	Strongly important
7	Very strongly important
9	Extremely important
2,4,6,8	Intermediate values between the two adjacent judgments
Source: Saaty, 1980	





## 3.4. Data Collection Process

There are a total number of 10 shipmasters, 10 authorities and 10 shipowners in Malaysia have been interviewed in this research project. The experts were chosen after undergoing a filtration process in order to choose the respondents whom had previous experience directly or indirectly in rescuing refugees

at sea. The filtration process was based on a few requirements such as:

i. **Classification**: Seafarers, Authorities and Ship-owners

ii. **Experience**: Involved in Rescuing refugees operations

# iii. **Position/Ranks:** Decision Maker

The experts have provided their comparative judgment for each challenges relating to their respective categories which have been classified in the hierarchy model.

# 4. Results and Discussions

#### 4.1. Process

#### Step 1: Define the problem

In this step, the problem is defined relating to the challenges faced by three the groups (shipmasters, shipowners and authorities) in rescuing refugees at sea where the key challenges are collected from reviewing the secondary data.

#### Step 2: Develop a hierarchical framework

Three generic hierarchy models are constructed according to challenges faced by authorities, shipmasters and shipowners, respectively, as shown in Figures 3, 4 and 5.



# Figure 3: Generic Hierarchy Model for Evaluating the Challenges Faced by Authorities in Rescuing Refugees at Sea

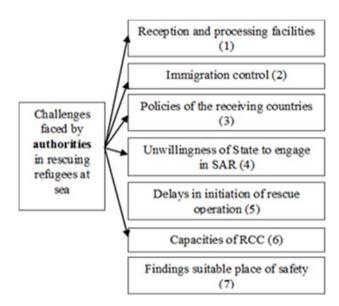
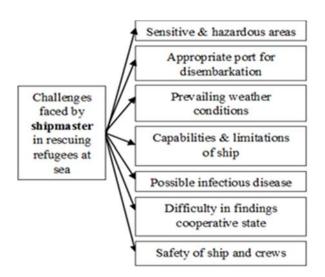


Figure 4: Generic Hierarchy Model for Evaluating the Challenges Faced by Shipmasters in Rescuing Refugees at Sea



# Figure 5: Generic Hierarchy Model for Evaluating the Challenges Faced by Ship-owners in Rescuing Refugees at Sea

# 4.2. Data analysis process

Step 3 and 4: Construct a pair-wise comparison matrix and Perform judgment of pair-wise comparison

In these steps, the scale value given by each respondent for all the comparison is recorded and a matrix is formed for each respondent. Next, the scale values given by each respondent is computed and divided by the total number of respondents based on the each individual group respectively. This is known as geometric mean of respondents. Then, a pair-wise comparison matrix (size  $7 \times 7$ ) is created.

Each respondent was answering the pair-wise comparison matrix of criteria by using the scale value

described in Table 1. An averaging algorithm was conducted for each criterion in obtaining the pair-wise comparison value. For instance:

 $(2+3+2+3+4+4+n) \div N =$  value in Table 2.

For instance:

i.

 $(0.2+5+4+0.2+4+1+0.2+3+5+2) \div 10 = 2.46$ .

Table 2: Organised Table (Summary of Shipmaster)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
(1)	1	2.46	1.26	0.56	0.97	1.29	0.45
(2)	0.41	1	0.93	0.46	0.67	0.67	0.37
(3)	0.79	1.08	1	0.70	0.77	1.58	0.39
(4)	1.79	2.17	1.43	1	1.78	2.07	0.62
(5)	1.03	1.49	1.30	0.56	1	1.78	0.46
(6)	0.78	1.49	0.63	0.48	0.56	1	0.33
(7)	2.22	2.56	2.56	1.61	2.17	3.00	1
Σ	8.02	12.39	9.11	5.37	7.92	11.39	3.62

#### Step 5: Synthesizing the pair-wise comparison

In this step, the table will be converted into normalized table by dividing the each scale in the table by sum of the corresponding column. Finally, the geometric mean formula is used to calculate the priority vector or principal eigenvector. In mathematical form, the vector of priorities can be calculated as;

$$W_i = \frac{1}{n} \sum_{j=1}^{n} \left( \frac{aij}{\sum_{(aij)}^{n}} \right), i, j = 1, 2, \dots, n$$
(1)

The performance ratio of each elements is calculated as follows:

Table 3: The performance ratio of each main criterion
(Summary of Shipmaster)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
(1)	1÷8.02 = 0.12	$2.46 \div 12.$ 39 = 0.20	$1.26 \div 9.1$ 1 = 0.14	$0.56 \div 5.3$ 7 = 0.10	$0.97 \div 7.9$ 2 = 0.12	$1.29 \div 11$ 39 = 0.11	$0.45 \div 3.6$ 2 = 0.12
(2)	0.05	0.08	0.10	0.09	0.08	0.06	0.10
(3)	0.10	0.09	0.11	0.13	0.10	0.14	0.11
(4)	0.22	0.18	0.16	0.19	0.22	0.18	0.17
(5)	0.13	0.12	0.14	0.10	0.13	0.16	0.13
(6)	0.10	0.12	0.07	0.09	0.07	0.09	0.09
(7)	0.28	0.22	0.28	0.30	0.27	0.26	0.28

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The weight values of all main criteria are determined using equation (1) and all the weight values are tabulated in table 4. Given the criterion "1" as an example, the weight value is computed as follows:

 $W_1 = (0.12+0.20+0.14+0.10+0.12+0.11+0.12) \div 7= 0.13$ 

 Table 4: Normalised Table (The Weight value of evaluation criteria Summary of Shipmasters)

	1	2	3	4	5	6	7	Wi
1	0.12	0.20	0.14	0.10	0.12	0.11	0.12	0.13
2	0.05	0.08	0.10	0.09	0.08	0.06	0.10	0.08
3	0.10	0.09	0.11	0.13	0.10	0.14	0.11	0.11
4	0.22	0.18	0.16	0.19	0.22	0.18	0.17	0.19
5	0.13	0.12	0.14	0.19 0.10	0.13	0.16	0.13	0.13
6	0.10	0.12	0.07	0.09 0.30	0.07	0.09	0.09	0.09
7	0.28	0.22	0.28	0.30	0.27	0.26	0.28	0.27

# Step 6: Perform the consistency

(i) Finding  $\lambda$  maximum,

 $\lambda \max = (0.13 \times 8.02) + (0.08 \times 12.39) + (0.1114 \times 9.11) + (0.1886 \times 5.37) + (0.13 \times 7.92) + (0.09 \times 11.39) + (0.27 \times 3.62)$ 

 $\lambda max = 7.0935$ 

(ii) The consistency of the matrix of order n is evaluated. The consistency index, CI, is calculated as

Consistency index (CI) =  $\lambda$ max-n

n – 1

Given the number of criteria, n used in this data is 7

Consistency index (CI) = 7.0935 - 77 - 1 = **0.0156** 

#### Table 5: Summary of Data Analysis (Shipmaster)

n	Challenges	RGMM	Rank
1	Sensitive & Hazardous area	13%	3
2	Appropriate port for disembarkation	8%	7
3	Prevailing weather conditions	11.14%	5
4	Capabilities & limitations of ships	18.86%	2
5	Possible infectious diseases	13%	3
6	Difficulty in finding cooperative state	9%	6
7	Safety of ship and crews	27%	1

Steps 3-6 are repeated to calculate the summary of data analysis for authorities and ship-owners. The results are tabulated in table 6 and table 7. Steps 7 and 8: Steps (3-6) are performed for all respondents and develop overall summary of all respondents

#### Table 6: Summary of Data Analysis (Authorities)

n	Challenges	RGMM	Rank
1	Reception & Processing Facilities	15.43%	3
2	Immigration Control	11.14%	7
3	Policies of The Receiving Countries	16.57%	2
4	Unwillingness of State to Engage in SAR	12.71%	6
5	Delays in Initiation of Rescue Operation	17.29%	1
6	Capacities of RCC	13.43%	4
7	Finding Suitable Place of Safety (PPS)	13.43%	4

Table 7: Summary of Data Analysis (Ship-owners)

n	Challenges	RGMM	Rank
1	Rescue operation cost	21%	2
2	Delays in disembarkation (time loss)	18.50%	3
3	Time sensitive cargo loss	42.25%	1
4	Insurance coverage	18.50%	3

#### 5. Conclusions

# 5.1. Recommendation

**Table 8: Summary of Suggestions and Recommendations** 

Group of Individuals	Most Important Challenge	Suggestions & Recommendations
Shipmaster	Safety of ship and crews	<ul> <li>(i) All necessary guidance prior to rescue operation are carried together onboard the ship during navigation</li> <li>(ii) Rescue drills need to be carried out at least once a month</li> <li>(iii) Shipmasters have to be given flexibility to modify the typical IMO plans prior to on-scene situations</li> </ul>
Authorities	Delays in initiation of rescue operations	<ul> <li>(i) Neighbouring states need to have a mutual agreement regarding standardized provisions &amp; SAR plans</li> <li>(ii) RCC have to maintain effective operation &amp; coordination plans to respond to all types of SAR situations</li> </ul>
Ship- owners	Time sensitive cargo (cargo loss)	(i) Shipmasters should inform to the RCC about the condition of the vessel (carrying time sensitive cargo)

#### 5.2. Limitations of research

Firstly, it was a vital task in the selection of experts to be respondents for this research as there should be a careful filtration of experts whom had previous experiences relating to this research scope. Besides that, there was difficulty faced in meeting and interviewing the selected experts as most of them were very busy with outstation works. Thirdly, during the interview sessions, the experts have difficulty in understanding the AHP answering scale in relation to pair-wise comparison which may affect the results.

# 5.3. Future work

In future research, the number of respondents can be further increased to get more accurate data and enhance effective brainstorming of ideas from many experts. Secondly, other suitable methods like SPSS, Rasch model, Evidential Reasoning can be used to analyse the data collected from the experts' opinions as there are limitations in data collections and analysis using AHP methodology (Pairwise comparison).

## 5.4. Conclusion

Through this research, it would be a reference and guidance for the maritime field prior to identification of key challenges faced and suggestions proposed to reduce the impacts of the most important challenges. Besides that, this research will also be a starting point for many upcoming studies related to rescue operation of refugees at sea. Through these future researches, it may lead to the improvement in the current standard operating procedures (SOP) used during the rescue operations at sea which will enhance an effective rescue operations to be performed in future.

> Submitted : July 16, 2017 Accepted : November 15, 2017

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There is no conflict of interest for all authors.