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2020 Cruise Ship Responses to COVID-19 in the Indo-Pacific

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“The measure may be thought bold, but I am of the opinion the boldest are the safest.”

– Admiral Horatio Nelson, 1801



2020 CRUISE SHIP RESPONSES TO COVID-19 IN THE INDO-PACIFIC

This report deals with governmental, corporate, and international policies and decision-making toward pandemic response aboard cruise ships and at ports. Focusing primarily on two case studies that took place in February 2020—the Diamond Princess and the MS Westerdam—this briefing document highlights relevant policies that were and were not employed, assesses the effectiveness of these policies, and considerations for policymaking in the future. The report also on the Diamond Princess and Westerdam incidents also serves as case studies on crisis decision-making employed by governments, departments, corporate offices, and individuals. In these case studies, the authors acknowledge that decision-makers responsible for the safety and security of cruise ship passengers were thrust into high-pressure, time-sensitive, and consequential situations where ad-hoc choices needed to be made with insufficient data, intelligence, or expertise. The broad categories of discussion are disease control upon the ships, repatriation efforts, government relations, and cruise industry considerations. The report begins by identifying the major events and decision-makers associated with the Diamond Princess and Westerdam case studies, then discusses government responses and repatriation efforts, and concludes with broad thematic discussions of external factors that shaped events and choices faced by institutions and individuals. In writing this report, the authors do not intend to cast blame or fault any specific individual or party, but rather review and analyze the case studies in order to provide new perspectives on how official policies, procedures, and best practices work and impact crisis decision-making.

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MS WESTERDAM

DIAMOND PRINCESS

RELEVANT EVENTS AND AGENCIES

CASE STUDY OF DIAMOND PRINCESS

Relevant Stakeholders

U.S. Government

U.S. Department of State — made the ultimate decision to repatriate U.S. citizens and coordinated the process of repatriation
U.S. Department of Health and Human Services (particularly the Centers for Disease Control and Prevention or CDC) — issued guidance on COVID response, and coordinated with the Japanese government and Diamond Princess personnel on mitigating the risk of further contagion spread

Japanese Government

Japanese Ministry of Health, Labor, and Welfare (MHLW) — administered tests and coordinated with foreign health ministries
Japanese Ministry of Defense and Disaster Medical Assistant Team — first responders at the port of Yokohama

Diamond Cruise corporate leadership — responded to the situation on the ship before it landed, coordinating ad hoc disaster response

CASE STUDY OF MS WESTERDAM

Relevant Stakeholders

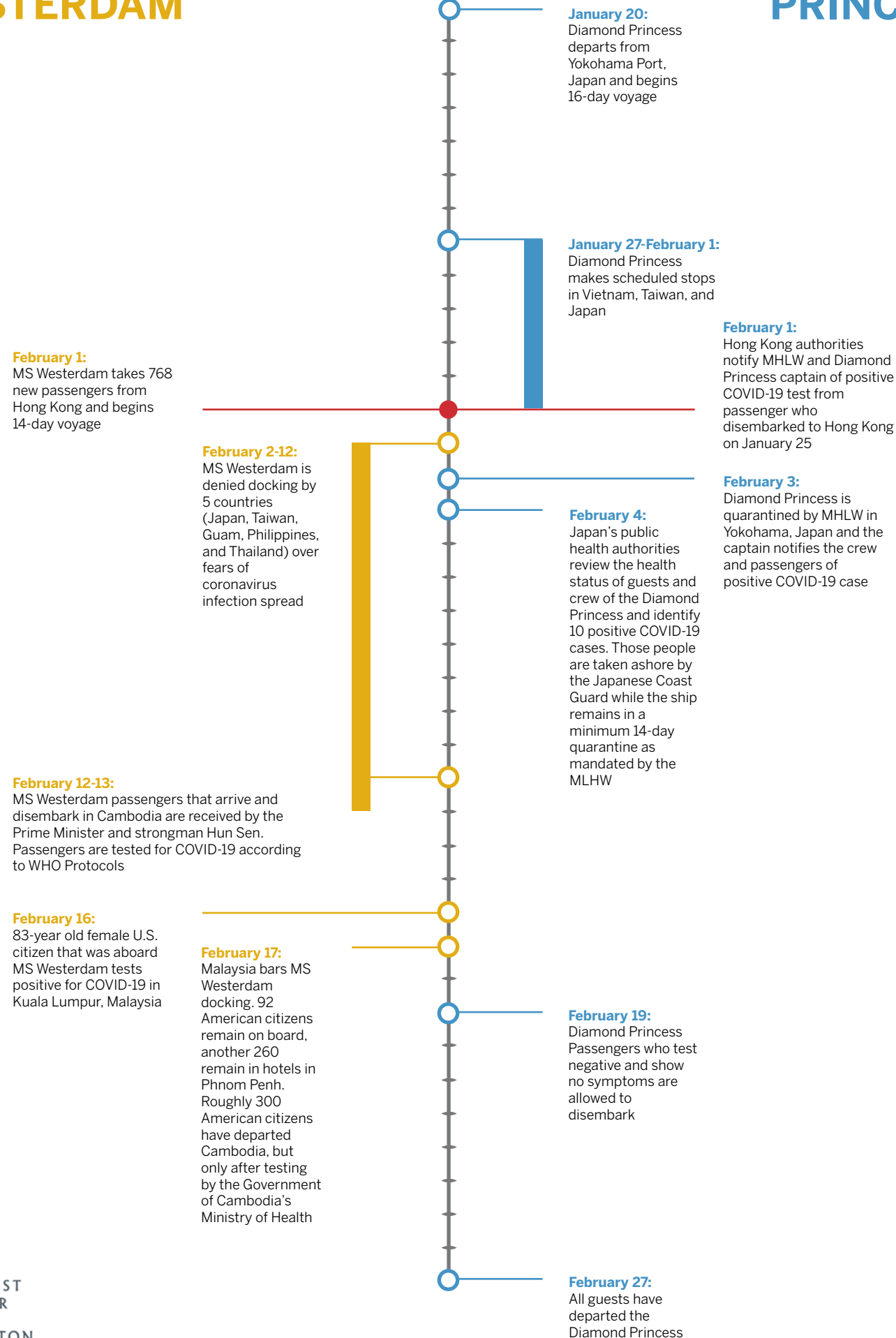
U.S. Government

U.S. Department of State
 U.S. Embassy in Cambodia
 Department of State Health Unit
U.S. Department of Health and Human Services
 Centers for Disease Control and Prevention (CDC)
 National Institutes of Health (NIH)
Naval Medical Research Unit

Cambodian Government

Prime Minister Hun Sen
 Ministry of Health
 Local government

Carnival Corporation: Holland America Line



COVID-19 EMERGENCY RESPONSE AND MITIGATION

CASE STUDY OF DIAMOND PRINCESS

There were several key decisions made and actions taken during the initial outbreak of COVID-19 on the Diamond Princess as well as during the ensuing period of onboard COVID-19 mitigation prior to crew and passenger repatriation. More than 700 of the 3,711 passengers and crew were infected during the month-long episode, and 14 died.

Timeline of relevant events:

- **January 20, 2020:** Diamond Princess begins its journey.
- **January 25, 2020:** Diamond Princess stops in Hong Kong, where a sick passenger disembarks, later testing positive for sars-cov-2.
- **February 1, 2020:** Captain Gennaro Arma receives word from the Hong Kong Center for Health Protection that the passenger is infected.
- **February 3, 2020:** The crew is informed of the situation. Normal activities continue, until 11pm, when passengers are asked to remain in cabins. Japanese health officials administer tests to symptomatic passengers.
- **February 5, 2020:** Dozens of test results come back positive.
- **February 8, 2020:** The U.S. Centers for Disease Control (CDC) issues guidance that passengers should remain on the ship in order to contain the spread of the virus.
- **February 12, 2020:** American passenger Arnold Hopland, after contacting his congressman, attends a conference call with CDC and National Institutes of Health (NIH) officials, and requests that American passengers be evacuated and complete quarantine in the United States.
- **February 15, 2020:** U.S. Embassy in Tokyo informs American passengers that they will be repatriated) if they so choose.
- **February 16, 2020:** American repatriation begins.
- **February 27, 2020:** The last of the Diamond Princess passengers disembark and begin their journeys home.

During the course of the Diamond Princess journey and efforts to contain the spread of COVID, a number of issues arose:

- The Diamond Princess Captain was notified on February 1st by Hong Kong authorities that a passenger who had spent January 20-25 aboard the ship tested positive. Upon learning of the presence of COVID-19 onboard the Diamond Princess, the Captain waited 48 hours (until being quarantined in Yokohama by Japan's MHLW) before informing the crew or instituting any drastic measures to prevent the further spread of COVID-19. As we now know, COVID-19's rate of communicability is very high, and a delay in response may have made a significant impact¹, particularly in the case of a confined and communal space such as a cruise ship. This is one instance when the action (or lack of action) came down to the judgement of a single personnel; however, if there had been clear protocols to respond to infectious disease outbreaks onboard cruise ships in place, then this would have simply been a procedural matter, rather than one of judgement². While international guidelines exist to govern some of the diplomatic and jurisdictional issues, such as the World Health Organization's International Health Regulations, there is less in place regarding specific onboard protocols.
- Even after the rest of the crew was alerted to the situation, meaningful safety precautions were lacking. Recreational activities continued for at least two days, with crew being the most at-risk. Use of personal protective equipment (PPE) was limited, and meals continued to be served on reusable ceramic plates, rather than disposable dishes.³
- At this early stage in the first week of February, it became clear that testing would be important, however, while the Japanese MHLW was considering testing all passengers, the decision was made that only those patients who were symptomatic would receive tests.⁴ At this point in time it was known that the non-symptomatic spread of COVID-19 was a potential risk. We have seen since the beginning of the pandemic that widespread testing, regardless of symptoms, is important for stopping the spread of COVID-19.⁵ Diamond Princess officials stated that the basic ad-hoc COVID-response guidelines set by Japan's MHLW at that point were followed.
- From the perspective of Japanese authorities (namely MHLW), it was initially believed that healthy passengers would be able to disembark by February 4. However, in the wake of dozens of positive tests, and the increased awareness around symptomless carriers, the official plan evolved. A 14-day observation period aboard the Diamond Princess was instituted, which would end February 18 (at which point passengers testing negative would be evacuated). Part-way through this observation period, however, on February 13, the policy was amended to allow the elderly to disembark and continue their quarantines on shore.⁶
- The initial response of the CDC (on February 8) was to council American passengers to remain onboard and quarantine within their own cabins. By this time, the MHLW had decided that for COVID-positive passengers, evacuating the ship and quarantining on shore was the best path forward. These slightly differing guidelines, were further convoluted by the about face in U.S. guidance, when a week later (February 15) the U.S. Embassy in Tokyo notified passengers that they would be repatriated, rather than concluding quarantine aboard the ship or on shore in Japan.

¹ "COVID-19 Basics," Harvard Health Publishing (Harvard University, March 9, 2021), <https://www.health.harvard.edu/diseases-and-conditions/covid-19-basics>.

² Matt Apuzzo, Motoko Rich, and David Yaffe-bellany, "Failures on the Diamond Princess Shadow Another Cruise Ship Outbreak," The New York Times (The New York Times, March 8, 2020), <https://www.nytimes.com/2020/03/08/world/asia/coronavirus-cruise-ship.html>.

³ Lauren Smiley, "27 Days in Tokyo Bay: What Happened on the Diamond Princess," Wired (Conde Nast, April 30, 2020), <https://www.wired.com/story/diamond-princess-coronavirus-covid-19-tokyo-bay/>.

⁴ "加藤大臣会見概要," Ministry of Health, Labour and Welfare (Japanese Ministry of Health, Labor, and Welfare, February 10, 2020), https://www.mhlw.go.jp/stf/kaiken/daijin/0000194708_00202.html.

⁵ Victoria Forster, "What Have Scientists Learned About COVID-19 And Coronavirus By Using Cruise Ship Data?," Forbes (Forbes Media, March 22, 2020), <https://www.forbes.com/sites/victoriaforster/2020/03/22/what-have-scientists-learned-from-using-cruise-ship-data-to-learn-about-covid-19/?sh=792f2f2b406d>.

⁶ Nakazawa, Eusuke, Ino, Hiroyasu, and Akabayashi, Akira "Chronology of COVID-19 Cases on the Diamond Princess Cruise Ship and Ethical Considerations: A Report From Japan," Disaster Medicine and Public Health (Cambridge U.P., Mar 24, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7156812/>

CASE STUDY OF MS WESTERDAM

Over the course of nearly two weeks at sea, the Westerdam and the 1,455 passengers and 802 crew members onboard were denied docking by the authorities of 5 different countries. Yet over the course of the entire voyage, only one person tested positive for COVID-19, and this test was later dismissed as a probable false positive.

- **February 3:** Westerdam is turned away by the Philippines⁷
- **February 5:** Westerdam is turned away by Taiwan⁸
- **February 6:** Westerdam is turned away by Japan⁹
- **February 7:** Westerdam is turned away by Guam¹⁰
- **February 11:** Westerdam is turned away by Thailand¹¹

Media reports indicate that the decisions to reject the Westerdam were made out of fear for the spread of COVID-19. These denials to dock appear to be ad hoc decisions on the part of individual governing authorities, rather than being derived from specific international policies or protocols, as most vividly demonstrated when the Thai authorities announced their decision over Facebook and escorted the cruise ship via a Royal Thai Navy convoy out of the Gulf of Thailand¹².

- **February 6-12:** In response to the plight of the Westerdam's crew and passengers, the Holland America Line created an online blog to track and update the public on the status and whereabouts of the Westerdam. Throughout the voyage, the Holland American Line developed alternate plans and updated its passengers accordingly.
- **February 12-13:** The Cambodian government consented [to company officials] to the Westerdam docking in Sihanoukville, Cambodia, and begins the disembarkation of passengers.
 - As passengers disembark from the Westerdam, they were greeted by the Cambodian Prime Minister Hun Sen in person. Onsite, Holland America Line personnel arranged and coordinated hotel accommodations and return transportation to the passengers' final destinations. Westerdam passengers and crew were tested for COVID-19 in Cambodia over the subsequent several days before being granted clearance.¹³

⁷ Morgan Hines, "Relief, Frustration, Skepticism and Medical Needs: Life on Holland America Cruise Ship Stuck in Limbo," USA Today (Gannett Satellite Information Network, February 13, 2020), <https://www.usatoday.com/story/travel/cruises/2020/02/12/coronavirus-westerdam-cruise-ship-stuck-limbo-no-cases/4724314002/>.

⁸ Yohei Muramatsu, "No Virus, but Westerdam Is Turned Away by Fifth Asian Port," Nikkei Asia (Nikkei Inc., February 11, 2020), <https://asia.nikkei.com/Spotlight/Coronavirus/No-virus-but-Westerdam-is-turned-away-by-fifth-Asian-port>.

⁹ K. Oanh Ha, "Turned Away on Coronavirus Fear, Westerdam Cruise Ship Risks Running Low on Food," The Japan Times (The Japan Times, February 12, 2020), <https://www.japantimes.co.jp/news/2020/02/12/asia-pacific/science-health-asia-pacific/turned-away-coronavirus-fear-cruise-ship-risks-running-low-food/>.

¹⁰ Jerick Sablan, "Guam Denies Entry to Ship over Coronavirus Concerns," Pacific Daily News (Pacific Daily News, February 7, 2020), <https://www.guampdn.com/story/news/local/2020/02/07/guam-denies-entry-ship-over-coronavirus-concerns/4687803002/>.

¹¹ Juarawee Kittisilpa and James Pearson, "Thailand Refuses Entry to Cruise Ship with No Coronavirus Cases," Reuters (Thomson Reuters, February 11, 2020), <https://www.reuters.com/article/us-china-health-thailand-cruiseship/thailand-refuses-entry-to-cruise-ship-with-no-coronavirus-cases-idUSKBN20503T>.

¹² "HTMS Bhumibol Escorting Cruise Ship," Bangkok Post (Bangkok Post Public Company Limited, February 12, 2021), <https://www.bangkokpost.com/thailand/general/1856089/htms-bhumibol-escorting-cruise-ship>; "Coronavirus: 'Pariah' cruise ship rejected by five ports docks at last," BBC News (BBC, February 13, 2020), <https://www.bbc.com/news/world-asia-51484625>

¹³ Julie, "Updated Statement Regarding Westerdam," Holland America Blog (Holland America Line Inc., March 4, 2020), <https://www.hollandamerica.com/blog/ships/ms-westerdam/statement-regarding-westerdam-in-japan/>.

- The motivations behind the Cambodian regime allowing the Westerdam to dock and PM Hun Sen's personal reception of its passengers remain fairly unclear as there is little publicly-available information. Some theories include:
 - PM Hun Sen may have wanted to play down national and regional fears of COVID-19 pandemic in order to curry favor with China (the country of origin of COVID-19) as a key Cambodian political and economic partner.¹⁴
 - Cambodia wanted to make a gesture of good will towards the United States by docking the Westerdam and evacuating the 650 Americans on board.¹⁵
 - The event serves as a needed distraction from the EU tariffs levied against Cambodia on the grounds of human rights abuses.¹⁶
 - Hun Sen, Cambodia's authoritarian leader since the 1980s, has also voiced significant skepticism about the virus, and has shown a desire to present strength and confidence despite the dangers of pandemic.¹⁷
- As U.S. State Department officials in Cambodia commented, Hun Sen's decision-making can be characterized as "unpredictable".¹⁸ It is likely that one or several of the above political factors contributed to Hun Sen's response to the Westerdam's crisis.
 - Hun Sen's claim to "humanitarianism" should be viewed skeptically given the Cambodian government's poor human rights record and curtailing of political speech and freedoms.
 - According to Cambodian press, PM Hun Sen "observed" the anniversary of the docking of the Westerdam in Sihanoukville, Cambodia in February 2021. According to the Khmer Times, the "[Cambodian] government saved thousands of passengers on the cruise ship."¹⁹
- **February 16:** Malaysian officials announced that one U.S. 83-year-old female Westerdam passenger tested positive for COVID-19 in Kuala Lumpur. In the days following the apparent-positive test result, both U.S. authorities and the Holland America Line sought to reassure the public of the "low risk" of spread.
 - A subsequent statement from the U.S. Embassy in Cambodia on February 16th sought to reassure the public that U.S. Government officials were handling situation and were prioritizing the passenger's health and safety, and that there was a low risk of exposure to contagions from contact with the passengers. It stated, "The safety and well-being of U.S. citizens is the

¹⁴ Hannah Beech, "Cambodia's Coronavirus Complacency May Exact a Global Toll," The New York Times (The New York Times, September 25, 2020), <https://www.nytimes.com/2020/02/17/world/asia/coronavirus-westerdam-cambodia-hun-sen.html>.

¹⁵ "Coronavirus: How Did Cambodia's Cruise Ship Welcome Go Wrong?," BBC News (BBC, February 20, 2020), <https://www.bbc.com/news/world-asia-51542241>.

¹⁶ "Coronavirus: How Did Cambodia's Cruise Ship Welcome Go Wrong?," BBC News (BBC, February 20, 2020), <https://www.bbc.com/news/world-asia-51542241>; Hannah Beech, "Cambodia's Coronavirus Complacency May Exact a Global Toll," The New York Times (The New York Times, September 25, 2020), <https://www.nytimes.com/2020/02/17/world/asia/coronavirus-westerdam-cambodia-hun-sen.html>.

¹⁷ Hannah Beech, "Quieter Response to Coronavirus in Countries Where China Holds Sway," The New York Times (The New York Times, September 25, 2020), <https://www.nytimes.com/2020/02/02/world/asia/china-coronavirus-philippines-thailand.html>; Hannah Beech, "Cambodia's Coronavirus Complacency May Exact a Global Toll," The New York Times (The New York Times, September 25, 2020), <https://www.nytimes.com/2020/02/17/world/asia/coronavirus-westerdam-cambodia-hun-sen.html>; Chansambath Bong, "Hun Sen's political gamble: The COVID-19 epidemic," The Japan Times (The Japan Times, February 24, 2020), <https://www.japantimes.co.jp/opinion/2020/02/24/commentary/world-commentary/hun-sens-political-gamble-covid-19-epidemic/>

¹⁸ U.S. Department of State officials, Virtual Zoom Interview, February 2, 2021, U.S. Consulate in Sihanoukville.

¹⁹ Sen David, "Cambodia Observes One Year Anniversary of MS Westerdam," Khmer Times (Virtus Media Pte., Ltd, February 14, 2021), <https://www.khmertimeskh.com/50813873/cambodia-observes-one-year-anniversary-of-ms-westerdam/>.

top priority of the State Department, and our Consular Officers are working closely with the Cambodian and Malaysian governments and public health professionals in addressing the challenges posed by COVID-19. Medical and public health experts agree that contact with passengers and crew of the MS Westerdam is considered low risk for exposure to COVID-19.²⁰ U.S. health officials with the CDC also echoed the State Department's statements in subsequent days.²¹

- **February 16-17:** Holland America Line also quickly updated their public announcement blog stating that they were "...in close coordination with some of the leading health experts from around the world... working with the appropriate national health authorities to investigate and follow-up with any individuals who may have come in contact with the guest."²²
 - Subsequently, on February 16th, the U.S. Department of State reported that the Government of Malaysia prohibited further passengers from the MS Westerdam from entering the country and that passengers should be prepared for further screening and quarantines.²³ Other ships in the region were being turned away from other countries.²⁴
- **February 21:** Malaysia Deputy Prime Minister gives press statement reiterating Cambodia's previous statements that no virus has been found in the subsequent testing of over 2,000 people.²⁵
- **February 22:** Malaysian authorities announced that the American passenger who tested positive, now tested negative for COVID-19 after receiving 72 hours of oxygen and ant-viral medication.²⁶
- **February 24:** A CDC spokesperson states: "At this time, CDC considers passengers from the Westerdam to be at 'no risk' or 'low risk' of SARS-CoV-2 infection during the 14 days after their last exposure."²⁷
- **June 2020:** The World Health Organization (WHO) released a statement praising Cambodia for permitting the Westerdam to dock and facilitating support for its passengers and crew, calling the Cambodian Government's actions "exemplary."²⁸ The WHO also stated that Cambodia's actions were in line with the International Health Regulations of 2005 in their response and actions.

²⁰ U.S. Mission Cambodia, "A Message to U.S. Citizens Regarding Public Safety and COVID19," U.S. Embassy in Cambodia (U.S. Embassy in Cambodia, February 16, 2020), <https://kh.usembassy.gov/updates-on-ms-westerdam/>.

²¹ Roni Caryn Rabin, "Westerdam Passengers at Low Risk of Coronavirus Infection, C.D.C. Says," The New York Times (The New York Times, February 24, 2020), <https://www.nytimes.com/2020/02/24/health/coronavirus-westerdam-cdc.html>.

²² Julie, "Updated Statement Regarding Westerdam," Holland America Blog (Holland America Line Inc., March 4, 2020), <https://www.hollandamerica.com/blog/ships/ms-westerdam/statement-regarding-westerdam-in-japan/>.

²³ "Health Alert: Kuala Lumpur (Malaysia). One U.S. Citizen Passenger on the Westerdam Ship Tested Positive for COVID-19," Overseas Security Advisory Council (U.S. Department of State, February 16, 2020), <https://www.osac.gov/Country/Cambodia/Content/Detail/Report/d30f7802-90e2-440b-a5a8-17fb767d9e66>.

²⁴ Ebrahim Harris and Matthew Tostevin, "American woman from cruise ship tests positive again for coronavirus in Malaysia," Reuters (Thomson Reuters, February 16, 2020), <https://www.reuters.com/article/china-health-malaysia-idINKBN20A06M>.

²⁵ Julie, "Updated Statement Regarding Westerdam," Holland America Blog (Holland America Line Inc., March 4, 2020), <https://www.hollandamerica.com/blog/ships/ms-westerdam/statement-regarding-westerdam-in-japan/>.

²⁶ Reuters Staff, "Malaysia Says American Coronavirus Case from Westerdam Cruise Ship Now Tests Negative for Virus," CNBC (CNBC, February 22, 2020), <https://www.cnbc.com/2020/02/22/malaysia-says-american-coronavirus-case-now-tests-negative-for-virus.html>.

²⁷ Jamie Ducharme, "American Westerdam Passenger Does Not Have Coronavirus: CDC," Time (TIME USA, February 24, 2020), <https://time.com/5789745/westerdam-coronavirus-false-positive/>; Roni Caryn Rabin, "Westerdam Passengers at Low Risk of Coronavirus Infection, C.D.C. Says," The New York Times (The New York Times, February 24, 2020), <https://www.nytimes.com/2020/02/24/health/coronavirus-westerdam-cdc.html>.

²⁸ "'A Small Country with a Big Heart' – Welcoming the Westerdam," World Health Organization (World Health Organization, June 25, 2020), <https://www.who.int/cambodia/news/feature-stories/detail/a-small-country-with-a-big-heart-welcoming-the-westerdam>

REPATRIATION

CASE STUDY OF DIAMOND PRINCESS

Repatriation was perhaps the most fraught of any issue faced on the Diamond Princess. The high number of organizations and agencies involved, and the variety of guidelines and conflicting interests made for complications. There were different issues faced by passengers versus crew, and repatriation was all the more complicated by the fact that commercial flights and many ports in the Indo-Pacific had been shut down by February 2020.

- One key issue during repatriation from the American side was an initial lack of clear and unified guidance. Both the Centers for Disease Control and the U.S. Department of State were issuing guidance, and at one point the U.S. Congress as well; after the initial instructions from the CDC to remain in cabins despite Japanese calls to evacuate the ship, one passenger—Arnold Hopland—contacted his congressman (Phil Roe of Tennessee) to urge immediate repatriation. More than a week after the CDC's initial guidance to quarantine in cabins, the U.S. Department of State then announced that they would begin the process of repatriation and quarantine within the United States.²⁹
- At the time that repatriation was announced, the U.S. Department of State issued guidance that only American passengers who tested negative and displayed no symptoms would be able to board charter flights to the United States. 328 Americans were screened for symptoms before being transported, but they did not all receive COVID tests. Because the Japanese authorities had reported that they had recently administered tests to these passengers, it was not seen as necessary for the U.S. to do its own testing. However, not all of the Japanese test results had come in by this point.
- After boarding buses to be transported to the airport, it was discovered that 14 individuals on those buses had tested positive, and they had not been flagged for concern as they were asymptomatic. Despite the U.S. Department of State's initial guidance that it would not evacuate COVID-positive citizens, once they were on the buses, they were already officially considered evacuees. Thus, they remained with the group of Americans, possibly infecting others. This was done against the urging of CDC officials, who recommended removing the infected passengers. Some measures were taken, once on the planes, to separate these passengers from the others.
- U.S. President Donald Trump said that he was not informed of the decision to repatriate the COVID-positive individuals until the planes were already en-route to the United States.³⁰
- 61 Americans who tested positive were not repatriated and remained in Japanese hospitals with little communication from either the U.S. or Japanese authorities.
- The crew was asked to remain on the ship for an additional two-week quarantine (and ship disinfection) after all passengers had been evacuated. Repatriation efforts relating to the crew of the Diamond Princess varied from government to government. The Philippines made public requests that Filipino crew members be allowed to evacuate immediately whereas the Indian and Indonesian governments both offered support to keep their crew members happy while undergoing quarantine.³¹

²⁹ Office of the Spokesperson, "Joint Statement by U.S. Department of State and U.S. Department of Health and Human Services on Repatriation of American Passengers From the Diamond Princess Cruise Ship," U.S. Department of State 2017-2021 Archived Content (U.S. Department of State, February 17, 2020), <https://2017-2021.state.gov/joint-statement-by-u-s-department-of-state-and-u-s-department-of-health-and-human-services-on-repatriation-of-american-passengers-from-the-diamond-princess-cruise-ship//index.html>

³⁰ Annalisa Merelli, "Trump's Fury over Coronavirus Patients Being Repatriated May Be Justified," Quartz (Quartz Media, February 23, 2020), <https://qz.com/1807009/trumps-fury-over-coronavirus-patients-being-repatriated-may-be-justified/>.

³¹ Sribala Subramanian, "The Ordeal of the Diamond Princess Crew," The Diplomat (Diplomat Media Inc., February 22, 2020), <https://thediplomat.com/2020/02/the-ordeal-of-the-diamond-princess-crew/>.

Reports and media coverage of the February 2020 voyage of the MS Westerdam indicates that the repatriation of U.S. citizens of the Westerdam was initially expected to be somewhat less difficult than that of the Diamond Princess. Once the Westerdam finally docked in Cambodia, the press statements by the U.S. government, particularly the U.S. embassies and Overseas Security Advisory Council (OSAC) seem to indicate comparatively less pressure to evacuate or repatriate U.S. passengers. Government narratives indicated that, while there were logistical challenges, U.S. passengers' safety and health were being prioritized and risks were expected to be low. However, after the Malaysian government announced a "positive" COVID-19 test result from one of the Westerdam's former passengers coming from Cambodia, U.S. officials, Holland America Line, and the Cambodian government all faced new challenges to disseminating information, tracking passengers, and organizing alternative transportation for those passengers who had not yet reached their final destination.

- The initial statements and reassurances from governmental authorities and the Holland America Line indicate that, although decision-makers were concerned over the welfare and health of passengers aboard the Westerdam and advised caution in passengers' return, there was significantly less initial pressure and alarm from decision-makers, particularly U.S. State Department officials, as Westerdam passengers were thought to be of low-risk for exposure to the contagion. This strong assumption that no one aboard the Westerdam was infected with COVID-19 was based on the fact that no passengers had visited China within a 14-day period prior to docking in Cambodia.³² However, some international medical professionals argued retrospectively that this 14-day period was insufficient to be considered a proper quarantine.³³
- However, on February 16, the U.S. Embassy in Cambodia posted a statement informing the public of the positive COVID-19 test result administered in Malaysia and reassuring that contact with Westerdam passengers pose a "low risk" of exposure³⁴. The press statement did not disclose how many U.S. citizens were in transit back to the United States. However, a February 20th statement released by OSAC indicated that 78 passengers had been released to their final destinations³⁵. About 140 passengers proceeded to Malaysia.³⁶
- However, interviews with U.S. Department of State personnel in Sihanoukville, Cambodia involved with the repatriation of U.S. citizens aboard the Westerdam indicate significant confusion for officials and passengers brought about by the positive COVID-19 test reported from Malaysia³⁷. State Department officials involved testified to the challenge of locating and arranging impromptu lodging for remaining Westerdam passengers in Cambodia en route to their final destinations and coordinating their response with Holland America Line staff. The response from the State Department was impromptu and under considerable stress in coordinating this response as tracking and monitoring the movements of U.S. passengers proved difficult.
- Holland America Line chafed under media scrutiny. In response, throughout the repatriation efforts, Holland America Line maintained that, "all guests on board are healthy and despite erroneous reports there are no known or suspected cases of coronavirus on board, nor have there ever been."³⁸ In March 2020, Holland America reiterated its stance that their decision-making was "fact-based" as well as the belief that the positive COVID-19 test result discovered in Malaysia was, in fact, a false-positive.³⁹

³² U.S. Department of State officials, Virtual Zoom Interview, February 2, 2021, U.S. Consulate in Sihanoukville.

³³ "Coronavirus: How Did Cambodia's Cruise Ship Welcome Go Wrong?," BBC News (BBC, February 20, 2020), <https://www.bbc.com/news/world-asia-51542241>.

³⁴ U.S. Mission Cambodia, "A Message to U.S. Citizens Regarding Public Safety and COVID19," U.S. Embassy in Cambodia (U.S. Embassy in Cambodia, February 16, 2020), <https://kh.usembassy.gov/updates-on-ms-westerdam/>.

³⁵ "Health Alert: Cambodia, Coronavirus and MS Westerdam Cruise Ship," Overseas Security Advisory Council (U.S. Department of State, February 20, 2020), <https://www.osac.gov/Country/Cambodia/Content/Detail/Report/c8527cce-4993-49e9-8ab6-1803651927dd>

³⁶ Richard C. Paddock, Sui-Lee Wee and Roni Caryn Rabin, "Coronavirus Infection Found After Cruise Ship Passengers Disperse," The New York Times (The New York Times, February 20, 2020), <https://www.nytimes.com/2020/02/16/world/asia/coronavirus-cruise-americans.html>

³⁷ U.S. Department of State officials, Virtual Zoom Interview, February 2, 2021, U.S. Consulate in Sihanoukville.

³⁸ Julie, "Updated Statement Regarding Westerdam," Holland America Blog (Holland America Line Inc., March 4, 2020), <https://www.hollandamerica.com/blog/ships/ms-westerdam/statement-regarding-westerdam-in-japan/>.

³⁹ Julie, "Updated Statement Regarding Westerdam," Holland America Blog (Holland America Line Inc., March 4, 2020), <https://www.hollandamerica.com/blog/ships/ms-westerdam/statement-regarding-westerdam-in-japan/>.

OTHER ISSUES AND ANALYSIS

INTERNATIONAL LAWS AND REGULATIONS CONCERNING CRUISE SHIPS AND PANDEMIC SITUATIONS

Because the purview of international laws and maritime regulation, governing international waters and ships generally stop short of sovereign territory, which includes sovereign ports, there were few, if any, international rules or legislation that could compel sovereign governments to open up their jurisdictional, coastal ports to a foreign cruise ship like the MS Westerdam. In defining territorial vs international waters, the United Nations Convention on the Law of the Sea defines ports or "permanent harbor works" (though not off-shore installations) as an integral part of the coast. Their legal status, therefore, falls within the sovereignty of the coastal state and territorial sea.⁴⁰ Within the contiguous zone of their territorial sea, a coastal state may exercise and prosecute their own laws and regulations. While regulations under UNCLOS do provide provisions on "contiguous and expeditious" free passage of innocent ships through territorial waters, it does not stipulate an obligation allow free and open access to ports which are part of the coasts. Thus, in the estimation of the authors of this report, there is no reason to expect that UNCLOS regulations would have played a major role in the coastal authorities' decision-making dealing with the Diamond Princess's and the MS Westerdam's requests to dock at port.

The case of international rules and regulations is more straightforward in the case of the Diamond Princess than that of the Westerdam. Because the 2005 International Health Regulations (IHR) stipulated by the World Health Organization, deal largely with "State Parties" and "points of entry," the fact that the first responding party on the Diamond Princess, was the Captain himself, and not a state agent meant that most regulations laid out were not particularly relevant to this case. Additionally, the fact that the Captain notified the Japanese authorities, and Japan then allowed the ship to dock, and proceeded to handle quarantine and testing protocols, makes this case more straightforward than that of the Westerdam.

Moreover, the IHR offers, at best, ambiguous guidelines on health requirements for ports of entry. Article 28 of the IHR states, "if the point of entry is not equipped for applying health measures under these Regulations, the ship or aircraft may be ordered to proceed at its own risk to the nearest suitable point of entry available to it."⁴¹ Governments are expected to grant a ship free pratique, if, "...on the basis of the information received from it prior to its arrival, the State Party is of the opinion that the arrival of the ship or aircraft will not result in the introduction or spread of disease."⁴² Moreover, Article 43 stipulates, "these Regulations shall not preclude States Parties from implementing health measures, in accordance with their relevant national law and obligations under international law, in response to

⁴⁰ "United Nations Convention on the Law of the Sea of 10 December 1982 Overview and full text," United Nations Division for Ocean Affairs and the Law of the Sea (United Nations, February 11, 2020), https://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm

⁴¹ World Health Organization, "International Health Regulations (2005) Second Edition," (World Health Organization, Geneva, Switzerland, 2008).

⁴² World Health Organization, "International Health Regulations (2005) Second Edition," (World Health Organization, Geneva, Switzerland, 2008), <https://www.who.int/publications/i/item/9789241580410>, 23.

specific public health risks or public health emergencies of international concern...”⁴³ In the case of the Westerdam, in theory, one could argue that the Westerdam should have been able to dock any one of the five ports that denied it entry between February 3 - February 12, 2020, given the fact none of the passengers had tested positive for COVID-19.

However, the vague and even contradictory language found in international regulations in the context of the risk of spreading the novel and dangerous pandemic meant that governments were largely left to their own devices and protocols to deal with incoming commercial and cruise ships suspected of having crew or passengers infected by COVID-19. The ambiguity inherent to the structure of these international legal regulations reflects the larger thematic and systemic tensions of state sovereignty verses universality found in foreign policy and international relations.⁴⁴ Given the scale and lack of familiarity of the coronavirus in February 2020, governments may have felt that either denial of port of entry or prolonged quarantining for commercial passenger ships like the Diamond Princess and Westerdam were justified. Although there were concerns published in international news coverage that the Westerdam’s food, fuel, and medical supplies might run low.⁴⁵ In these two cases, as in others since the beginning of the pandemic, ship crews had been stranded at ports for months, or forced to disembark at foreign countries, and left to find their ways home during this time of closed borders.

⁴³ World Health Organization, “International Health Regulations (2005) Second Edition,” (World Health Organization, Geneva, Switzerland, 2008), <https://www.who.int/publications/i/item/9789241580410>, 28.

⁴⁴ State sovereignty, universally-accepted principles, international law, and to what extent the current international order is sufficient or beneficial are widely discussed topics in international legal and academic circles, that have resulted in numerous debates and scholarship. Sovereignty vs universality debate is also present in scholarship of U.S.-Indo-Pacific policy as indicated by Michael Green’s seminal volume, *By More than Providence* (2018). However, the authors assert that such in-depth debate goes beyond the purview of this report. In the authors’ analysis, direct government and corporate policies, procedures, and crisis decision-making were larger determining factors the Diamond Princess and MS Westerdam COVID-19 incidents than the broad state of international law.

⁴⁵ K. Oanh Ha, “Turned Away on Coronavirus Fear, Westerdam Cruise Ship Risks Running Low on Food,” *The Japan Times* (The Japan Times, February 12, 2020), <https://www.japantimes.co.jp/news/2020/02/12/asia-pacific/science-health-asia-pacific/turned-away-coronavirus-fear-cruise-ship-risks-running-low-food/>.

THE CENTER FOR DISEASE CONTROL AND PUBLIC GUIDANCE IN THE WAKE OF CRUISE CRISES, AND THROUGHOUT THE PANDEMIC

The United States Department of Health and Human Services Center for Disease Control (CDC) has been the key health ministry throughout the COVID-19 pandemic. As such, its guidance is particularly worthy investigation. The earliest blanket guidance issued in relation to maritime conditions came in mid-March.

On March 15, the CDC issued an official no-sail order, stopping all cruises. This was a public-health-focused decision, and put public health first and foremost, but there were also undoubtedly an economic and policy considerations. For a multi-billion dollar industry to be shut down overnight requires a significant public consensus and sense of urgency. In the wake of these two high-profile cases, the no-sail order seemed common sense, and was met with little resistance outside of the cruise industry itself. Additionally, by the time the order was implemented, the CARES Act (which had in its support for cruise-adjacent industries) was already drawn up and well on its way to being signed. Against the backdrop of record-setting fiscal stimulus and support, a no-sail order was undoubtedly more palatable than it otherwise would have been.

The no-sail order was renewed through the end of October, and on October 30, the CDC issued its *Framework for Conditional Sailing Order*. This new order laid out a roadmap for the way forward toward reopening the cruise industry.⁴⁶ While this order stipulates that sailing should still be avoided whenever possible, it broadly sets out the following objectives:

- Preserving human life
- Safety of crews
- Preventing the spread of disease in the United States
- Preserving hospital resources in the United States
- Maintaining safety of harbors

And the following guidelines towards achieving those objectives

- Testing of crews
- Simulated voyages
- Certification processes for resuming sailing
- Onboard diagnostic tests

While the above is just a brief portion of the Framework, it gives an idea of the document’s purpose and tone. Many other countries, including Japan, have come out with similar documents and/or have formally accepted the CDC’s framework as applying to their own domestic maritime industries. Indeed, if the guidance on these issues remains piecemeal, and individual to each country, coordination will remain difficult in future crises; whereas, if countries are able to find ways of making their guidelines modular, and translatable, such efforts could go a long way in creating an easy-to-use and straightforward standard operating procedure for future crisis situations.

⁴⁶ “Cruise Ship Guidance,” Centers for Disease Control and Prevention (U.S. Department of Health & Human Services, November 3, 2020), <https://www.cdc.gov/quarantine/cruise/index.html>.

FOREIGN AND AMERICAN MEDIA AND THE RESPONSE OF THE PUBLIC

News coverage and social media also played a role in communicating developments on the Diamond Princess and the Westerdam. Media and news outlets were not only important for governments and ship line companies for disseminating health and status updates on the cruise ships, but they also played a large role in updating friends and family passengers' statuses aboard pandemic-era cruise ships. As such, news coverage and social media both significantly shaped the fundamental narratives of the challenges and decision-making aboard the Diamond Princess and Westerdam.⁴⁷ News outlets, particularly American media sources, publicized passengers' posts and pictures from social media outlets such as blogs, Twitter, and Facebook. News outlets also appeared to take direct comments or interviews from passengers.⁴⁸ Imagery from passengers' social media often show passengers sitting in their cramped living quarters or passengers aimlessly wandering a socially-distanced deck. While some of the comments by individual passengers were positive,⁴⁹ many of the comments and accounts from passengers that were featured in news outlets vented frustrations, stress, or discomfiture from the challenges of either being quarantined onboard or stranded at sea, with Diamond Princess passengers in particular criticizing a lack of transparency.⁵⁰ Comments from Westerdam passengers were often more mild, even complimentary of the service.⁵¹ That said, comments and statements from Holland America Line indicate that the cruise ship company chafed from poor media coverage.⁵² Passenger comments, images, and press coverage gave voices to individual passengers, who otherwise would have been rendered anonymous or indistinguishable by reports and announcements published by government and corporate decision-makers. No doubt, media coverage and resulting public concern for passenger welfare also would have added additional pressure for authorities' decision-making, particularly reflected by the Westerdam's press statements attempting to reassure the public.

⁴⁷ For a broader understanding of State-Media relations and how media influences narrative-building and policymaking, there are significant theoretical and academic studies and papers that cover this very subject. The authors particularly recommend reviewing scholarship by L. Bennett and Robert Entman.

⁴⁸ Richard C. Paddock, Sui-Lee Wee and Roni Caryn Rabin, "Coronavirus Infection Found After Cruise Ship Passengers Disperse," *The New York Times* (*The New York Times*, February 20, 2020), <https://www.nytimes.com/2020/02/16/world/asia/coronavirus-cruise-americans.html>

⁴⁹ Chansambath Bong, "Hun Sen's political gamble: The COVID-19 epidemic," *The Japan Times* (*The Japan Times*, February 24, 2020), <https://www.japantimes.co.jp/opinion/2020/02/24/commentary/world-commentary/hun-sens-political-gamble-covid-19-epidemic/>; Justin McCurry, "Cruise Ship Refused Port over Virus Fears to Dock in Cambodia – Operator," *The Guardian* (*Guardian News and Media*, February 12, 2020), <https://www.theguardian.com/world/2020/feb/12/westerdam-cruise-ship-with-2000-onboard-refused-port-by-four-countries-amid-coronavirus-fears>.

⁵⁰ Motoko Rich, "'We're in a Petri Dish': How a Coronavirus Ravaged a Cruise Ship," *The New York Times* (*The New York Times*, February 23, 2020), <https://www.nytimes.com/2020/02/22/world/asia/coronavirus-japan-cruise-ship.html>

⁵¹ Clare Baldwin, "Wandering ship becomes 'best cruise ever' despite coronavirus fears," *Reuters* (*Thomson Reuters*, February 14, 2020), <https://www.reuters.com/article/us-china-health-cambodia-passengers/wandering-ship-becomes-best-cruise-ever-despite-coronavirus-fears-idUSKBN20903T>

⁵² Julie, "Updated Statement Regarding Westerdam," *Holland America Blog* (*Holland America Line Inc.*, March 4, 2020), <https://www.hollandamerica.com/blog/ships/ms-westerdam/statement-regarding-westerdam-in-japan/>

CONCLUSION

In many ways, the case study of the cruise ship voyage of the MS Westerdam and its 1,455 passengers and 802 crew resulted in a completely opposite experience to that experienced by the 2,666 passengers and 1,045 crew of the Diamond Princess. Whereas the Diamond Princess was held in an extended quarantine for 14 days upon docking at its destination port, Yokohama, Japan, the MS Westerdam was turned away from five different ports before finally docking in Sihanoukville, Cambodia. Whereas the Diamond Princess had roughly 700 people test positive for COVID-19, only one person on the Westerdam tested positive for COVID-19 at the conclusion of the voyage—and this was later largely dismissed by the CDC.

Yet, both case studies resulted in significant confusion for both the passengers and decision-makers involved. Both case studies involved fears and surprise on the part of the passengers as well as the authorities involved, as procedures and policies were, understandably, insufficient to accommodate the globalized nature of the COVID-19 contagion. After all, the COVID-19 pandemic was a global pandemic the likes of which had not been seen since the 1918 Influenza Pandemic, which claimed 50,000 million lives globally. In both the Diamond Princess and Westerdam cruise ship case studies, national governments took impromptu, yet drastic, actions sacrificing welfare and morale of the cruise ship passengers to protect their respective land-based populations. In the case of the Diamond Princess, the prolonged Japanese quarantine resulted in a deadly COVID-19 outbreak amongst passengers detained onboard the ship. The Westerdam's passengers and crew were cast adrift as port after port across the Indo-Pacific refused their requests to dock. In addition, the case studies were also alike in the prominent role real-time social media and news coverage played in voicing and shaping the narratives and experiences felt by the passengers. The ubiquity of press and social media coverage on these case studies frequently transform the initial logistical and numerical challenges into a more emotional narrative, that shaped the publicity challenges faced by stakeholders, particularly the cruise line corporations.

Moreover, several of the experiences, conditions, and psychological pressures undergone by the passengers and crew of the Diamond Princess and Westerdam were also shared with other case studies found outside the Indo-Pacific region, including Grand Princess stranded off the coast of California⁵³ and an UnCruise Adventures ship off the coast of Alaska⁵⁴. Even in case studies where passengers had no symptoms or indication of infection, media outlets and social media coverage often indicated high levels of anxiety from passengers either of being quarantined or the possibility of contacting COVID-19 and frustration with gaps or lack of information dissemination.

In their seminal political science classic *Essence of Decision*, authors Harvard University political scientist Graham Allison and University of Virginia historian Philip Zelickow examined the factors contributing to the U.S. and Soviet decision-making in the events leading up to, during, and in the

⁵³ Mark Berman, "Two Grand Princess Passengers Die from Coronavirus, Officials Say," *The Washington Post* (*WP Company*, March 26, 2020), <https://www.washingtonpost.com/nation/2020/03/25/two-grand-princess-passengers-died-coronavirus-officials-say/>.

⁵⁴ Amanda Maile and Mina Kaji, "Alaska Cruise Cut Short after Passenger Tests Positive for COVID-19," *ABC News* (*ABC News Network*, August 7, 2020), <https://abcnews.go.com/Politics/alaska-cruise-cut-short-passenger-tests-positive-covid/story?id=72217127>.

aftermath of the 1962 Cuban Missile Crisis. The authors broke down the crisis decision-making case study into three distinct decision-making models:

- **Rational Actor Model**, which analyzes a case study in accords to strictly rational choices and game theory;
- **Organizational Behavior Model**, that looks at institutional interests and efficiency as analytical factor;
- **Governmental Politics Model**, which looks at the role of decision-makers individual and political interests in decision-making and “bargaining”.⁵⁵

There is no doubt that decision-making regarding the Diamond Princess and MS Westerdam could be analyzed using these models highlighted by Allison and Zelikow. The nature of the initial challenges governments and corporations considered in facing the ensuing COVID-19 pandemic was rational. Governments needed to decide whether their facilities could accommodate a large group of passengers that could potentially risk the health and safety of much larger populations. But as events transpired for both case studies, the decisions became increasing convoluted. Certainly pressures of sufficient/insufficient information flows, real-time press and social media coverage, mental health and well-being, and bureaucracy all became contributing factors to the experiences and narratives of both the passengers and decision-makers. Certainly, different perspectives and expertise gave different institutions and their associated decision-makers different perspectives on how to handle the dynamic situations. Moreover, different personalities and idiosyncrasies, particularly those of Cambodian Prime Minister Hun Sen, played a role as well. While on paper, “Passengers” is a simple piece to the puzzle, in practice, these real people with real interests can swing situations in unexpected directions (as with the case of Arnold Hopland on the Diamond Princess). Needless to say, there are plenty of opportunities for further study regarding these two COVID-19 cruise ship case studies, such as investigating what roles did different cultural and cross-cultural factors play and how decision-makers appraised the situation. Such study will surely serve to humble us and temper our historic judgements as well as bring new perspectives to future crisis situations that the United States and Indo-Pacific states will confront.

⁵⁵ Graham T. Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd ed. (New York, New York: Addison-Wesley Education Publishers Inc., 1999).

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