

## **Cultural awareness- Ignore cultural diversity at your peril**

### **Compensation and Claims management: the cultural factors.**

This abstract will be complemented for the purpose of the presentation with an introduction about the IOPC Funds

#### **What is culture?**

It is a recognition of the way in which a group carries out a task. Every community has its own inherent way of life and development as well as differences to other communities. This is still the case even in communities close to each other in the same country. This notion covers a multitude of areas which will determine the way in which a community reacts when facing a serious problem which affects it. Ignoring this aspect in the event of a pollution incident may lead to risks which the international community should not overlook.

#### **Pollution Incidents**

Pollution incidents are a very good example of how cultural factors influence the progress and management of incidents. The international community works to establish homogenous structures through which they can operate, for example conventions or international agreements. However, one must never forget that the cultural character of each state heavily influences the management, response and administration of an emergency such as a pollution incident.

Cultural factors wield considerable power over the way in which each country manages pollution claims, in both the practical and legal settings. What is important to a given country given its geopolitical situation, its history and the social setting of its inhabitants in a specific moment determines its particular response to an incident.

Another important factor encapsulated in the cultural aspect of a country is the effect of nature, with all the individual vicissitudes of the region, on its inhabitants and their way of life. Losses from pollution will be affected by ocean currents, local weather, for example monsoons, and the seasons. Cultural awareness implies an understanding of how a community reacts to an event in which its members are affected and suffer losses. How a community reacts to the help offered by the relevant authorities will vary according to the local cultural factors.

#### **Local offices: reaching out to parties affected by an oil spill**

When an incident involves many claims, the 1992 fund and the P&I club collaboratively open a local claims office, so that the claimants can more easily access the compensation regime. A local office is more responsive to differences in culture and therefore can support the inhabitants of the affected country more effectively. For example, the staff who work at these offices are local to the area and speak the local language.

In all incidents, before establishing a claims office, an analysis needs to be made, as comprehensively as circumstances allow, on the cultural aspect of the region, so that response plans are better adapted to the needs of the resident communities in the area affected by pollution. Language, technology, communication facilities, climate, the conditions of roads, local social organisation, and the municipal authorities are all factors which play an important role in attempting to ensure the best possible response from the claims office.