

Extended ABSTRACT

Title: The life of an incident

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When a large incident happens, several things occur at once. The port authorities intervene and the coast guard/maritime police are activated for the immediate response; the owner and insurer are contacted and get involved, sending their local correspondent and, if required, additional technical experts to provide assistance; local responders are called in to start initial containment and take response measures in accordance with the national contingency plan, if one exists; the central Government and local authorities become involved and will start assuming their respective roles as per the plan. Then, the media arrive and the general public start paying attention.

All these actors will step in very quickly and often concurrently. As a consequence, the first phase of an incident can be quite chaotic, even when a well-rehearsed contingency plan is already in place and is well-known to the authorities and responders. That is because when several actors intervene at the same time, it is easy to lose sight of the medium to long-term management of the incident. As a consequence, in the initial chaos of the response, keeping track of the actions taken and of the costs incurred, often become a secondary consideration and paperwork and records may be set aside with the intention of being picked up later on.

While all the public attention and media coverage are often focused on the drama of the emergency phase, an incident can last significantly longer than the initial reaction to the spill. After the emergency phase, the incident will go into project management mode, shifting from finalising clean-up operations, to commencing work on restoration of both the environment and the economic activities that may have been disrupted by the spill. These latter phases can easily span months and in some cases years after the event itself. It is normally at this point, that costs begin to be counted.

This presentation will look at the whole lifespan of an incident and will cover, in an organic way, each stage of its progress, from the emergency phase to project management, to the submission and assessment of claims and possible legal actions, all the way to the moment when an incident can be considered fully resolved.

Focusing on an oil spill from a tanker, this presentation will draw on the experience of the International Oil Pollution Compensation Funds (IOPC Funds) in dealing in oil spills for over 40 years. The IOPC Funds are two intergovernmental organisations whose aim is to provide compensation for oil pollution damage resulting from spills of persistent oil from tankers. Using examples from a number of major incidents worldwide where the IOPC Funds were involved, it will look at how, after a spill, the main actors (governments, insurers, the IOPC Funds) contribute to each subsequent phase in the management of the incident and how each actor interrelates with the other as well as with responders, other stakeholders and all those involved in the management of the incidents.

While the presentation will touch on all aspects of the management of an incident from emergency phase to conclusion, the focus will be on the project management phase of the incident, in particular the presentation and settlement of claims for compensation. The presentation will expand specifically on the work of the IOPC Funds and how they deal with claims for oil spill response activities, both in terms of technical support during the response and in the assessment of the claims, as well as a brief overview of issues related to claims for economic losses.

It will give details on how governments and responders can maximise their chances of cost recovery by following the Funds' admissibility criteria and how, through the cooperation of all parties involved, an incident can be efficiently and successfully resolved.