

 INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS	Agenda item: 7		IOPC/OCT10/7/1/2	
	Original: ENGLISH		30 September 2010	
	1992 Fund Assembly		92A15	●
	1992 Fund Executive Committee		92EC49	
	Supplementary Fund Assembly		SA6	
	1971 Fund Administrative Council		71AC25	

SECRETARIAT MATTERS

INTERNSHIPS WITHIN THE SECRETARIAT

Note by the Director

Summary:	The 1992 Fund Secretariat receives, from time to time, requests for internships from both individuals and Member States. In the light of past analysis of such requests and subsequent suggestions by Member States, the Director has developed a proposal for an internship programme, which he believes may be suitable to address the continued interest in the work of the Funds.
Action to be taken:	<p><u>1992 Fund Assembly:</u></p> <p>Consider the proposal for an internship programme and give such guidance as may be required to allow implementation. With regards to funding arrangements, the Director would invite opinions as to whether this programme should be funded by participants, Member States or the 1992 Fund.</p>

1 Background

- 1.1 While the IOPC Funds' Secretariat has in the past accommodated individual and Member States' requests for fact-finding visits regarding specific aspects of the functioning of the Funds and the international compensation regimes in general, no formal programme allowing internships/work placements within the Secretariat currently exists.
- 1.2 An analysis and discussion of requests for internships, as outlined in document 92FUND/A.13/25, paragraph 16.14 and document IOPC/OCT09/7/1/2, highlighted many Member States' interest in becoming better acquainted with the day-to-day operations of the Funds, to have good working relations with the Funds and to have detailed training provided to key nationals responsible for oil spill response. While the Secretariat has over the years organised, and participated in, numerous seminars and claims handling workshops to address this interest, it has become clear that opportunities for more in-depth training and a greater exchange of information would be welcomed by Member States.
- 1.3 As a consequence, at its October 2009 session, the 1992 Fund Administrative Council, acting on behalf of the 1992 Fund Assembly, decided to endorse a proposal by the Director to develop an internship programme for the 1992 Fund. The Director was invited to report the details of such a programme to the October 2010 session of the 1992 Fund Assembly, also exploring possibilities of cooperating with organisations with which the Fund is closely associated, so that interns would have the opportunity to get acquainted with all aspects of the functioning of the international regime for liability and compensation for oil pollution damage.

2 Considerations for the design of an internship programme for the 1992 Fund

- 2.1 In the light of the potential diversity of Member States' desired content and features of internships within the Secretariat, the Director has considered various factors which would need to be balanced, in order to arrive at a suitable programme outline that would satisfy the majority of demands. While bespoke individual internships along the lines of the United Nations' Associate Professional Officers' programme might be considered preferable by some Member States, the shortcomings and difficulties of such a system for the Fund have been addressed in previous discussions (cf document IOPC/OCT09/7/1/2, section 3).
- 2.2 Considering the degree of interest expressed so far and the benefits of personal contacts between Member States and the Secretariat staff, it would seem advisable to provide an opportunity for a limited number of interns each year, the actual number being determined predominantly by the availability of staff resources and learning opportunities.
- 2.3 An important consideration in this respect relates to the variability of incident-related activities. Due to the nature of incidents and the limited number of staff engaged in the Secretariat's core activities, not every aspect of incident and claims handling and assessment work would be observable in any given period. If interns were to simply spend time 'shadowing' normal operational activities within the Secretariat or working alongside one of its staff, it would be conceivable that one intern would benefit from significant, detailed insights into claims handling and assessment, while another may observe mostly administrative aspects without much technical claims-related activity. In any case, a didactic analysis of anonymous claims would better serve the comprehensive understanding of Fund principles as applied to real claims than work on random, but potentially very similar claims received at the time of the internship.
- 2.4 In this context, it is also relevant to consider that in addition to the core tasks of the IOPC Funds, ie claims handling and assessment, much of the work of the Secretariat is, in many respects, of an administrative nature. Although many of the administrative functions may not be of particular interest to most interns, a general overview is nevertheless essential to gain a thorough understanding of the procedures that allow the Secretariat to administer the Conventions.
- 2.5 In order therefore to ensure that all interns would benefit equally from their time with the Secretariat, a structured approach could provide a thorough introduction and more opportunities for a detailed understanding of the issues affecting the Funds. The coordination of the timing of individual internships to allow several interns to join at the same time would further add benefit through the opportunity of discussion and exchange of information between interns.
- 2.6 A structured programme would lend itself to a modular approach and could take place over the space of one to several week(s) within the Secretariat, with time and modules added to explore the specific functions and operations as well as other organisations with whom the Fund is closely associated (see also section 3). In order to explore a suitable format further, an example for possible content for such a programme has been given in the Annex.
- 2.7 Other factors considered by the Director include the length of any given internship, potential candidate selection processes and funding arrangements for interns during their time with the Secretariat.

3 Possibilities for cooperation with organisations with whom the Fund is closely associated

In view of the necessary close cooperation that the IOPC Funds has with a number of other organisations in the maritime field, interns will certainly also benefit from insights to be gained directly from those organisations. The Director has therefore held preliminary discussions with members of the International Group of P&I Clubs, the International Tanker Owners Pollution Federation Ltd (ITOPF) and a number of joint experts engaged by the Fund and Clubs in the event of pollution incidents. Several of these have expressed an interest in an internship programme and would be willing to contribute to its success in principle.

4 Director's proposal

- 4.1 In order to further explore the details of a suitable internship programme for the 1992 Fund, the Director would suggest a one-week pilot programme to be offered in the second half of 2011, giving Member States' representatives the opportunity to assess the proposed basic internship modules and explore further cooperation possibilities with other organisations as suggested but not limited to those in the Annex. The Director proposes that numbers for such a pilot programme should be limited to ten to allow for a comprehensive review of all aspects of the programme.
- 4.2 For the initiation of the internship programme, the Director would propose that candidates be nominated from within Member States by forwarding to the Secretariat a CV and letter of interest. If successful, participation in the programme could then be opened to a wider audience at a later stage. Should nominations received exceed availability from the outset, candidates would need to be selected, taking into account a reasonable balance in geographic representation. Although no requirements for specific background knowledge would be imposed by the Fund, the programme would clearly be most beneficial to candidates with an in-depth involvement and interest in the practical application of the Conventions. It would be expected that Member States nominating a candidate would make sure this is the case.
- 4.3 With regards to funding arrangements, the Director would invite opinions as to whether interns should be self-funded, supported by the nominating government or provided with subsistence or other financial support by the 1992 Fund. While there would of course be an additional burden on Secretariat staff time and existing resources as a result of the programme in any event, other costs would have to be considered for their budgetary consequences for the 1992 Fund.

5 Action to be taken

1992 Fund Assembly

The 1992 Fund Assembly is invited:

- (a) to take note of the information contained in this document;
- (b) to endorse the Director's proposal;
- (c) give such guidance as may be required to allow implementation of an internship programme, in particular with regard to budgetary considerations; and
- (d) to give other instructions as it may deem appropriate.

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ANNEX

Module	Topic
1	Introduction to the Conventions (wider context of shipping and environmental legislation)
	(i) The polluter pays principle in history and as applied to shipping
	(ii) Historical development and scope of the Conventions (<i>Torrey Canyon</i> and beyond)
	(iii) Contributions and funding
	(iv) Protocols and changes to the Conventions over time
	(v) The Supplementary Fund
	(vi) The role of the Secretariat
	(vii) The system in practice (Exercises: Scope of CLC and Fund, legal framework, liability and compensation limits)
2	Oil spill fate, effects and response options and their influence on environmental and economic damages
	(i) Sources and causes of oil pollution (the bigger picture and non ship-source spills)
	(ii) Environmental and economic effects of oil pollution
	(1) Fate of oil at sea
	(2) Impacts on marine and coastal resources and claims arising from pollution incidents
	(iii) Response to oil spills
	(1) Historical Fund spills (case examples)
	(2) Notification and monitoring, local responsibilities, players and interactions
	(3) Field assistance, experts and joint claims offices
3	Membership and Contributions
	(i) Historical developments, global oil transport trends
	(ii) Administration of contributions
	(1) Timetable of events (contributors' letters, 'cash calls', reporting etc)
	(2) Calculations of levies, interest payments
	(3) Information requirements, forms, web-based reporting
	(4) Exercises: Contribution calculations
4	Claims for Compensation
	(i) Scope of the Conventions and types of claim
	(ii) Admissibility and reasonableness
	(1) Claims for preventive measures
	(2) Exercises: Reasonableness (response exercise)
	(3) Property damage and economic loss claims
	(a) Claims in the fisheries and mariculture sectors
	(b) Claims in the tourism sector
	(4) Claims for environmental damage and oil removal from wrecks
	(5) Exercise: Link of causality and other tests

	(iii) Claims handling and assessment
	(1) Preparing and presenting a claim
	(a) Record keeping and supporting documentation
	(b) Important considerations (time-bar, legal advice and court proceedings etc)
	(2) Stages of the assessment process (field and office based components etc)
	(3) Local advisers and offices
	(4) Tools for cooperation across continents (WCMC, translators, local court proceedings)
	(5) Exercise: Preparing a claim
	(iv) Use of experts in the field and during claims assessment (Exercise: Assessing a claim)
	(v) Compensation in practice: Q&A on specific queries and settlement procedures
5	Experts and other players
	(i) Surveyors & other experts
	(ii) ITOPF
	(1) Previous incidents and experience (ITOPF GIS)
	(2) Local spill response (experience and country profiles)
	(iv) Environmental and resource experts, consultants and NGOs (eg wildlife specialists)
	(v) Information resources for assistance during planning
6	P&I Clubs
	(i) Introduction to P&I and underwriting (concept of mutuality, Club cover, blue cards...)
	(ii) Liability limits
	(iii) Reinsurance, Lloyds etc
	(iv) Role of the International Group (STOPIA etc)
	(v) Role of correspondents, owners, salvors
	(vi) Correspondents network
7	Maritime Organisations
	(i) IMO: Related conventions and their scope (Bunkers & HNS Conventions)
	(ii) Others:
	(1) Lloyds and other shipping insurance/underwriters
	(2) Oil pollution response industry
	(3) OCIMF, Intertanko, ICS, IACS etc

HNS – Hazardous and noxious substances

IACS – International Association of Classification Societies Ltd

ICS – International Chamber of Shipping

Intertanko – International Association of Independent Tanker Owners

ITOPF GIS – International Tanker Owners Pollution Federation Ltd Geographic Information System

NGO – Non-governmental organisation

OCIMF – Oil Companies International Marine Forum

STOPIA – Small Tanker Oil Pollution Indemnification Agreement

WCMC – World Conservation Monitoring Centre