



DEVELOPMENT OF A DATABASE OF DECISIONS MADE BY THE GOVERNING BODIES

Note by the Director

Summary:	This document contains information on the development of a database of all the decisions made by the governing bodies of the IOPC Funds. A presentation will be given on the subject at the 14th extraordinary session of the Assembly.
Action to be taken:	Information to be noted.

1 Introduction

In 2006, the Director informed the Assembly that the Secretariat was developing a database of all the decisions made by the governing bodies of the IOPC Funds since their inception in 1978, and that the database would, at least initially, be set up in English only (document 92FUND/A.11/35, paragraph 16.10). A presentation of this database will be given during the meeting and further information about the database is set out below.

2 Structure of Database

2.1 The database contains all decisions that have been made by the governing bodies of the 1971 Fund (Assembly, Executive Committee and Administrative Council), the 1992 Fund (Assembly, Executive Committee and Administrative Council) and the Supplementary Fund (Assembly). Each decision is accompanied by an abstract of the decision which links directly to the relevant paragraphs in the source documents relating to the decision (Records of Decisions and background documents).

2.2 The decisions are entered under a number of categories, which currently consist of the following nineteen:

- Administration and procedural matters
- Admissibility criteria and Claims Manuals
- Application of the Conventions
- Clean-up
- Compensation payments
- Consequential economic loss
- Damage caused by preventive measures
- Environmental damage
- Financial limits, limitation proceedings and indemnification
- Legal actions

- Personal injury
- Post-spill studies
- Preventive measures
- Property damage
- Pure economic loss (fisheries and mariculture)
- Pure economic loss (general)
- Pure economic loss (tourism)
- Time bar provisions
- Use and costs of technical and legal experts

2.3 Each category is divided into a number of subjects, currently totalling 295 subjects. For example, the category 'Environmental damage' is sub-divided into the following subjects:

- Admissibility criteria
- Claims based on abstract quantification of damage
- Claims for costs of reinstatement measures
- Claims for economic loss
- Claims for loss of natural resources
- Environmental liability
- Link of causation

2.4 Many decisions are relevant under, and therefore entered in, several categories/subjects. This ensures that there are usually different ways of finding a certain decision, thus minimising the chance that a relevant decision cannot be found. The database can be searched in several ways. A search for a specific subject will give all decisions on that subject. For example, a search by the category 'Application of the Conventions' and the subject 'Applicability of the Fund Conventions to pollution damage caused by spills from unidentified ships' will produce a list of all relevant decisions. It is also possible to search for a specific word, for example 'mariculture', or a phrase/combination of words, for example 'definition of ship'. The same searches can also be made directly in the supporting documents.

3 Development of the Database

3.1 In 2006, the Deputy Director/Technical Adviser at the time, Mr Joe Nichols, took on the task of structuring the records of decisions database, in consultation with the Funds' IT Manager, as well as entering and categorising all the decisions and writing appropriate abstracts. Since he had not been able to finish the work by the time of his retirement in August 2007, he continued the work after his retirement and it was completed by the end of 2007.

3.2 At Mr Nichols' suggestion, the Director invited his predecessor, Mr Måns Jacobsson, to review the correctness and completeness of the entries and references and to edit them where necessary. Mr Jacobsson has finished examining all decisions made by the 1971 Fund Executive Committee and the 1992 Fund Executive Committee, all incident-related decisions by the 1971 Fund Administrative Council and all decisions made by the 1992 Fund Assembly and Administrative Council. He expects to complete the remaining work, ie examining the non-incident-related decisions of the 1971 Fund Administrative Council as well as the decisions of the 1971 Fund Assembly and the Supplementary Fund Assembly, by September 2009.

3.3 The database, which currently comprises some 4 200 entries, will be updated after each session of the governing bodies.

4 Website Interface

4.1 A presentation of the database will be given at the 14th extraordinary session of the Assembly, where delegates will have the opportunity to ask questions and make observations.

4.2 The Secretariat intends to make the database available via the Funds' website, in order that it can be used both by delegates and the general public and by the IOPC Funds Secretariat as well as by experts and lawyers working for the Funds. The Secretariat therefore intends to develop a user-friendly website interface to enable users to search the database and display relevant decisions and supporting documents. Any suggestions which delegates may have in this regard would be much appreciated.

5 Action to be taken by the Assembly

The Assembly is invited to take note of the information contained in this document, as well as of the presentation of the database, and to provide any feedback it deems appropriate.
