

# IMLI<sup>e</sup>-News

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## *Legal Counsel of the IOPC Funds:*

***“I have been impressed by the enthusiasm of the students”***

Mr. Masamichi Hasebe, Legal Counsel of the International Oil Pollution Compensation (IOPC) Funds, delivered recently a set of lectures at IMLI on the International Regime of Compensation for Oil Pollution Damage.



*Mr. Masamichi Hasebe lecturing at IMLI.*



During the course of his professional career, Mr. Hasebe has held a number of important positions. He has been the Director of the Fisheries Agency (*Ministry of Agriculture, Forestry and Fisheries, Japan*) and the Director of a Private Initiative Promotion Office, Ports and Harbors Bureau of the Japanese Ministry of Transport. Since 2001 he has been working as the Legal Counsel to the International Oil Pollution Compensation Funds (IOPC). He is also a Member of the IMLI Academic Committee.

***Mr. Hasebe, which were the most important points of your lectures at IMLI?***

It is difficult to specify a particular point of importance, as I explained the general framework of the international regime on liability and compensation for oil pollution damage during the first lecture and different types of claims during the second lecture. However, I have improved the second presentation by using many photos and examples about clean-up operations, which were of utmost interest to the students, as many of them will be responsible for these operations within their governments.



*Mr. Masamichi Hasebe with the Nippon Foundation Scholars 2005/2006. From the left: Mr. Riyaz Hamza (Sri Lanka), Mr. Leo Tito L. Ausan Jr. (Philippines), Ms. Paula Beatriz Grillo (Argentina), Ms. Geraldine Vasquez Ruiz de Castilla (Peru), Ms. Khin Thandar Oo (Myanmar), Ms. Kerryn Kwan (Samoa), Mr. Ramon B. Reblora (Philippines) and Mr. Yongsheng Cai (China)*

***Which are the recent developments in this field (liability and compensation) ?***



In March 2006 the Assembly of the 1992 IOPC Fund decided to establish a Working Group on non-technical measures to promote quality shipping for carriage of oil by sea with the following mandate:

- a.) to develop proposals in respect of non-technical measures and guidelines for Contracting States and the industry to promote quality shipping by ensuring that effective checks and procedures are in place to establish that ships insured and certificated are suitable for the carriage of oil by sea covered under the CLC/Fund regime;
- b.) to make a proposal to the Assembly's October 2006 session on a time frame for its work;
- c.) to report on the progress of its work at each regular session of the Assembly; and
- d.) to make recommendations to the Assembly upon the completion of its work.

***Will there be any revision of the CLC Convention in the (near) future?***

The Assembly of the 1992 Fund decided in October 2005 that the Working Group should be disbanded and that the revision of the Conventions should be removed from the Assembly's agenda. Therefore, a revision of the existing regime most likely depends on whether another major incident like the Erika and the Prestige occurs. In the past the international compensation scheme has always been up-graded in response to major incidents. Therefore if a major incident occurs again, we will have no choice but to review the existing scheme much more fundamentally than the proposed amendments tabled by the Working Group.

***Which are the activities of the IOPC Funds' Secretariat with regard the prospective entry into force of the HNS Convention?***

According to a Resolution of the Conference which adopted the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by sea (HNS Convention), the Assembly of the 1992 Fund was invited to assign to the Director of the 1992 Fund also the administrative tasks necessary for the setting up of the International Hazardous and Noxious Substances Fund (HNS Fund). The IOPC Funds organized a Workshop on 28 and 29 June 2005, which was intended to facilitate States' preparations for ratification of the HNS Convention and to address the need for the uniform interpretation and application of the Convention. The Secretariat has since produced a revised version of the "Guide to the Implementation of the HNS Convention", which had been developed to form the basis of that Workshop. The Director intends to organize a further Workshop on the HNS Convention focusing on



the more practical aspects of the implementation of the HNS Convention, in conjunction with the next Assembly, to be held during the week beginning 22 May 2006.

***This is your fourth year as a visiting lecturer at IMLI. What are your general impressions?***

Firstly, I have always been impressed by the enthusiasm of the students. Although many of them are already senior Government officials, they always maintain a strong motivation to widen their scope of knowledge. Secondly, as a member of the Academic Committee, I also appreciate the diligent efforts of the IMLI Director to improve the academic level of all courses offered by the Institute. Lastly, I would like to express my heartfelt gratitude to the generous financial support of the Nippon Foundation as the largest sponsor of IMLI.

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