

## IOPC FUNDS' FORMER DIRECTOR LECTURES AT IMLI

The Institute had the pleasure of welcoming Mr. Måns Jacobsson, former Director of the International Oil Pollution Compensation Funds (IOPC Funds) on 22 March, 2016. During his visit, Mr. Jacobsson delivered two lectures titled “The Bunkers Convention” and “The HNS Convention and its 2010 Protocol” as well as a lecture on “Lawmaking through intergovernmental organisations; implementation and application of treaties”.



*Mr. Måns Jacobsson meeting students of the IMLI Class of 2015-2016*

During first two lectures, he gave an overview of the international liability and compensation regimes under the International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunkers Convention) and the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention), and compared these regimes with the regime relating to oil spills from tankers established by the Civil Liability and Fund Conventions which has been in operation for 38 years (CLC/FUND regime).

Mr. Jacobsson mentioned that the Bunkers Convention was in many respects very similar to the 1992 Civil Liability Convention, although there were many important differences. He emphasized that in the CLC/Fund regime the compensation to be paid by the shipowner and his insurer was supplemented by compensation from an international Fund, whereas there was no such second tier of compensation under the Bunkers Convention.

As regards the HNS Convention, he mentioned that the original Convention of 1966 had not entered into force due to an insufficient number of ratifications, which was at least partly the result of its complexity. Therefore, he further said, in 2010, a second international conference adopted a protocol to the convention, to be known as 2010 HNS Protocol. The protocol was designed to overcome some problems that had discouraged states from ratifying the original convention. He explained that the HNS Convention was to a large extent based on the CLC/Fund regime; as is the case under that regime the HNS Convention provides for a first tier of compensation paid by the shipowner/insurer and a second tier of compensation from an international Fund (HNS Fund), but there were many important differences between the two regimes. In discussing the prospects for the entry into force of the HNS Convention as revised by the 2010 Protocol, he explained several weaknesses of the HNS Conventions, such as that the HNS Convention was more complex than the CLC/Fund regime, the contribution system under the Convention was complex and the amount available for compensation relatively low.

In his second lecture, Mr. Jacobsson dealt with lawmaking through intergovernmental organisations, in particular through IMO. He also discussed whether States implement conventions properly and how Conventions are interpreted and applied by national courts.

Mr. Måns Jacobsson is a Member of the Board of Governors of the World Maritime University (WMU) in Malmö (Sweden). He has been a long-standing friend and supporter of the Institute and its activities. In an interview with the editor of the IMLI e-news, reproduced below, Mr. Jacobsson expressed his pleasure to have been a visiting lecturer for 18 years and thus to have had the opportunity to see the development of the Institute which, through the achievements of its students, has attained the status of an excellent centre of education in international maritime law.

***Good Afternoon Mr. Jacobsson, we are very pleased to welcome you back here at IMLI, I think, I am right in understanding that you enjoy coming to IMLI and that you will continue to come yearly as you have been doing?***

Yes I do. I had been here, at IMLI, a couple of times shortly after the inception of the Institute in 1998, but for a number of years I was not able to come back again due to my busy schedule as the Director and Chief Executive Officer at IOPC Funds. Finally after 2006, when I had retired, I have returned to IMLI most years. I have been visiting the Institute more than 10 times, and it has always been a great pleasure sharing knowledge and experience with government officials and lawyers from different parts of the world.

***Since your first visit until recent visits to IMLI, what development have you noticed at the IMLI, such as changes in the students and facilities?***

I have seen an enormous development. For a new institution, whatever it is, it will take some time to find its image. At the beginning, nobody knew about IMLI. Now this institution is well-known as we can see from the increasing number of applications to IMLI from year to year, and the fact that more IMLI graduates assume important positions either at international organizations like IMO or at maritime authorities in their respective countries. So now people know that IMLI has established a reputation for quality.

Further, I also see the development of the facilities at IMLI, such as library resources and student accommodation. It appears to me that the quality of the students has increased over the years, and this for the same reason, namely that IMLI is widely known and very respected, and Governments send very qualified people to study maritime law at IMLI.

I need also to mention the great increase in the proportion of female students. That is a great progress; because the shipping industry is by tradition quite male, and here at IMLI now the proportion of male to female students is nearly fifty-fifty. WMU also is experiencing a similar development; the quality of the students is higher and the number of female students has increased.

***What kind of collaboration could be established between IMLI and WMU?***

I understand that IMLI and WMU will together offer a two-year course on Master of Philosophy in International Maritime Law and Ocean Policy, which is in my view a good project. The course, from what I understood, becomes a significant cooperation between IMLI and Malta, where students will spend one year in Malta and one year in Malmo. IMLI and WMU are part of the UN family, although they have different purposes. IMLI is a pure legal training centre and WMU is not, although WMU has now more legal courses than it used to have.

Dr. Kofi Mbiah, the Chairman of the IMO Legal Committee, is a good example of the link between IMLI and WMU. He earned his LLM from IMLI and his PhD from WMU.

***What would be your advice on further developments of the Institute?***

For the master program, the current size of the class is in my view about right as it has the beauty of being small. If the number of students were to be increased to say 100, the present good interaction between students could probably not be maintained, and the present close relations between students and lectures might also be lost. Living together in a small group enables the students to get to know each other. They are not only learning international maritime law, at IMLI, but also learning to work together with people from different nationalities and cultures. The network created at IMLI will also help them in their future career, for example if they have a problem in their country, they can communicate with their old classmates to discuss the issue. This is one of the advantages of developing the spirit of cooperation.

***Would you like to convey a message to IMLI students?***

Build a good networking. The students will benefit from the contacts with their classmates they have established during their study at IMLI during their entire professional career

***Thank you very much, Mr. Jacobson, for your time and we wish you a safe and pleasant journey back to Malmö.***

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