

MEMBER OF THE IMLI GOVERNING BOARD AND MARINE INSURANCE LAW EXPERT LECTURES AT IMLI

Professor Marko Pavliha (Vice-Dean for Research and Development and Head of the Law Department at the Faculty of Maritime Studies and Transportation, University of Ljubljana, Slovenia), accompanied by his wife, Judge Ester Pavliha, visited the IMO International Maritime Law Institute on 5-8 February 2018 and delivered a set of lectures on the Law of Marine Insurance, a core subject in Shipping Law course, to the IMLI Class of 2017-2018.



Professor Marko Pavliha (Vice-Dean for Research and Development and Head of the Law Department at the Faculty of Maritime Studies and Transportation, University of Ljubljana, Slovenia) meeting the IMLI Class of 2017 – 2018.

Professor Pavliha started his lectures with the definition of insurance and the classic London insurance market division of insurance. He discussed risk management in terms of the identification, evaluation, and control of risks. The students learned that the primary function of insurance is risk transference and distribution and that by effecting insurance, the insured transfers the risk of economic losses to the insurer, who in turn redistributes the same through investment and reinsurance arrangements. Professor Pavliha also distinguished marine insurance from non-marine insurance and noted that the central object in marine insurance is to indemnify the insured against losses incident to marine adventure.

Further, in his lecture, Professor Pavliha engaged the students in discussing the three cardinal principles of marine insurance, namely, indemnity, insurable interest and utmost good faith. He informed the students that maritime perils covered not just the traditional perils of the sea, but also the current and emerging perils associated with piracy, human (migrant) smuggling, and cyber risks.



Professor Marko Pavliha (Vice-Dean for Research and Development and Head of the Law Department at the Faculty of Maritime Studies and Transportation, University of Ljubljana, Slovenia) his wife, Judge Ester Pavliha and Professor David Attard (Director, IMLI) and the IMLI Class of 2017-2018.

The types of marine insurance such as Hull insurance (insurance of the vessel with its gear); Cargo insurance (insurance of goods carried by sea); Insurance against the liability of the carrier; protection and indemnity insurance (P & I Clubs); compulsory or mandatory insurance as prescribed in international conventions such as the International Convention on Civil Liability for Oil Pollution Damage (CLC) 1992 were extensively discussed.

On the important duty of utmost good faith (*uberrimae fidei*), the erudite Professor succinctly explained the continuing nature of this duty, and the duty of parties to the insurance contract to disclose material facts and the duty against misrepresentation. He also explained the reforms brought in by the new UK Marine Insurance Act (2015), which, among other reforms, replaced the duty of disclosure and representation with that of fair representation.

During the penultimate and final set of lectures, Professor Pavliha conducted two class exercises with the students. In the first exercise, the *Institute Cargo Clauses* 1982 were analysed through an interactive seminar-like discussion with particular emphasis on Clauses A, B and C thereof. In the second exercise (moot court), the Class was divided into three groups (the Insured, the Underwriters and the panel of judges) that presented their respective arguments on a case study concerning the insurance implications of a destroyed cargo. These practical exercises, depicting real case scenario involving insurance claims, complemented the students' understanding of the law of marine insurance. The students, who expressed utmost satisfaction with Professor Pavliha's lectures, were full of praises for the way and manner of his approach and the sense of humour, which enhanced their understanding of the law of marine insurance. They expressed their appreciation to him for such an opportunity.

Professor Pavliha obtained a Bachelor of Laws from University of Ljubljana, Slovenia, in 1986, and Master of Laws from University of Split, Croatia, in 1989. He obtained his Doctorate Degree from McGill University, Canada, in 1991 under the supervision of the legendary Professor William Tetley. He was Minister of Transportation and Vice-President of the Parliament of the Republic of Slovenia in the period of 2004 – 2008.

Professor Pavliha is a celebrated author and co-author of 37 books and hundreds of scientific and other articles, papers and essays on transportation law, maritime law, the law of the sea, insurance law, ethics, and philosophy, just to mention a few.

Professor Pavliha has been a Visiting Professor at the Institute for the past 19 years uninterrupted. He is a member of IMLI's Governing Board, Academic Committee and a long-standing friend and supporter of the Institute and its activities.

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