

# IMLI *e*-News

The IMO International Maritime Law Institute Official Electronic Newsletter (Vol. 16, Issue No. 29) 15 February 2019

## MEMBER OF THE IMLI GOVERNING BOARD LECTURES AT IMLI

Professor Marko Pavliha (Member of the IMLI Governing Board and Professor of Commercial, Transport and Insurance Law at the University of Ljubljana, Slovenia) visited the IMO International Maritime Law Institute on 11-14 February 2018. He delivered a set of lectures on the Law of Marine Insurance (a core subject in the Institute's Shipping Law course) to the IMLI Class of 2018-2019.



*Professor Marko Pavliha (Member of the IMLI Governing Board and Professor of Commercial, Transport and Insurance Law at the University of Ljubljana, Slovenia) and Professor David Attard (Director, IMLI) and the IMLI Class of 2018-2019*

In his lectures, Professor Pavliha explained 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 reinsurance arrangements. In distinguishing marine insurance from non-marine insurance, Professor Pavliha emphasised that indemnifying the insured against losses incidental to marine adventure is the central objective of marine insurance.

Furthermore, Professor Pavliha gave a detailed explanation of the essential principles of marine insurance such as indemnity, insurable interest and utmost good faith. He also explained Hull insurance (insurance of the vessel with its gear); Cargo insurance (insurance of goods carried by sea) among others, as the types of marine insurance.



*Professor Marko Pavliha presenting his lectures*

Professor Pavliha succinctly analysed the duty of utmost good faith (*uberrimae fidei*), its continuing nature, the duty to disclose material facts and the duty against misrepresentation. He analysed the UK Marine Insurance Act (2015) and explained the reforms it brought. For example, the Act, among other reforms, replaced the duty of disclosure and representation with that of fair representation.

The lectures concluded with a moot court, and the Class was divided into three groups (the Insured, the Underwriters and the Panel of Judges). The groups representing the Insured and the Underwriters presented their respective arguments before the Panel of Judges on a case study concerning the insurance implications of a destroyed cargo (consignment of Cheese). This exercises, depicting real case scenario involving insurance claims, complemented the students' understanding of the law of marine insurance.



*Students presenting their arguments during the moot trial*

The students expressed satisfaction with Professor Pavliha's approach and the sense of humour in delivering his lectures.

**As he clocks 20 years as a visiting professor to IMLI, Professor Marko Pavliha who has witnessed the growth of the Institute was asked to narrate his side of IMLI's progressive story.**

*When I started lecturing at IMLI, in the 1998/1999 academic year, there were around 20 students per year who were cramped in a tiny classroom and had at their disposal only one joint computer room with internet. The accommodation facilities have been throughout the years completely renovated, and we are now even thinking of building another, larger and more sophisticated lecture hall.*

*One of the advantages of the Institute is its focus on legal drafting, enabling students to learn how the laws should be drafted and how the international treaties should be implemented into national legislation, especially in jurisdictions where they are not directly recognised unless incorporated into the national laws. The problem of the 21st century is not the absence of reliable, international preventive regime, but rather the lack of compliance with maritime regulations. This is why IMO has a special focus on education and training at IMLI.*

*My teaching at IMLI for twenty years and participating in its governance and academic growth has been an extremely fulfilling experience. I have met hundreds of students and excellent experts from around the globe, and it is probably the only place on Earth bringing together so many cultures, religions, languages, moral values, ethics and legal experience to achieve a better and more harmonised unification of maritime law and the law of the sea. Like the old reputable Comité Maritime International, IMLI also contributes in many ways to the unification of maritime and commercial law, maritime customs, usages and practices. As Professor Tetley used to say, maritime law constitutes a third legal system, an enriched compound of Common Law and Civil Law based predominantly on international agreements, the purpose of which he described by three principles: uniformity of law, the certainty of law and justice. These principles are indeed spiritus agens of IMLI, and while politicians often speak about the importance of intercultural dialogue, the Institute is just doing it.*

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 from 2004 to 2008.

Professor Pavliha is a celebrated author and co-author of 39 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, to mention a few.

This year marks Professor Pavliha's 20<sup>th</sup> annual visit at the Institute as a Visiting Professor. He is a long-standing friend and supporter of the Institute and its activities and also a member of IMLI's Governing Board and Academic Committee.

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