

## MEMBER OF THE IMLI GOVERNING BOARD LECTURES AT IMLI

Professor Marko Pavliha (Professor of Commercial, Transport and Insurance Law at University of Ljubljana, Faculty of Maritime Studies and Transportation and Member of the IMLI Governing Board) accompanied by his wife, Judge Ester Debernardi-Pavliha, visited the IMO International Maritime Law Institute between 3 and 6 February 2020 to deliver a course on the Law of Maritime Insurance, which is one of the key subjects within IMLI's Shipping Law syllabus.



*Professor Marko Pavliha (Professor of Commercial, Transport and Insurance Law at University of Ljubljana, Faculty of Maritime Studies and Transportation and Member of the IMLI Governing Board) and Professor David Attard (Director, IMLI)*

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.



*Professor Marko Pavliha meeting the IMLI Class of 2019-2020*

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 Pavliha also 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.



*Professor Marko Pavliha addressing the IMLI Class 2019-2020*

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. These practical exercises, depicting real case scenario involving insurance claims, complemented the students' understanding of the law of marine insurance. The students were very appreciative of the knowledge imparted and of the way and manner of Professor Pavliha's delivery who with a great sense of humour and a strong emphasis throughout his lectures on the role of ethics in international maritime law enhanced their understanding of the law of marine insurance.



*Students of IMLI Class 2019-2020 presenting their arguments during the moot trial*

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 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, just to mention a few. Professor Pavliha has been a Visiting Professor at the Institute for the past 21 years uninterruptedly. 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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