

IMLI^e-News

The IMO International Maritime Law Institute Official Electronic Newsletter (Vol. 5, Issue No.) March 2008

IOPC FUNDS' FORMER DIRECTOR LECTURES AT IMLI

IMLI has recently had the honour to host Mr. Måns Jacobsson, former Director of the International Oil Pollution Compensation Funds (IOPC Funds), as visiting lecturer at its 19th annual LL.M. Programme.

Mr. Jacobsson delivered two lectures, within the IMLI course on marine environmental law, dealing with the international liability and compensation regime for pollution damage caused by tanker oil spills created by the 1992 Civil Liability and Fund Conventions and the 2003 Supplementary Fund Protocol. He focussed his presentation on some of the innovative legal features of this regime and on the role and functioning of the IOPC Funds in providing compensation to those who suffer damage as a result of such spills. He also gave an overview of the liability regime for spills of bunker oil from dry cargo ships that will be established when the 2001 Convention on Civil Liability for Bunker Oil Pollution Damage (Bunker Convention) enters into force in November of this year. In addition, he introduced the main features of the 1996 Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention) that is not expected to enter into force for some years. The topics as presented by this highly experienced professional, who had been the Director of the IOPC Funds for over 20 years, gave rise to great interest from the students.



Mr. Måns Jacobsson lecturing to IMLI class of 2007-2008

In an interview held on the occasion of his visit to IMLI, asked about the aim of the lectures delivered, Mr. Jacobsson stated that the purpose was to familiarise the students with the international compensation regimes, both the legal aspects and the social and political context in which the regimes operated. In addition the objective was to illustrate how the oil pollution compensation regime had functioned in practice through the IOPC Funds in the light of a number of examples relating to some major oil spill cases, such as the *Erika* (France, 1999), the *Prestige* (Spain, 2002) and the *Hebei Spirit* (Republic of Korea, 2007) incidents.

Mr. Jacobsson pointed out that although it was recognized that the oil pollution compensation regime had functioned reasonably well in most cases, it was crucial that the governments of the States parties to the treaties in question constantly monitored the functioning of the regime and took the necessary steps to so as to ensure that it continued to meet the needs of society in the light of social developments and changes in political priorities. He emphasized the importance of States not only ratifying international conventions but also taking the necessary legislative steps to implement the treaty instruments in their national law so as to ensure that their national courts would be able to apply the conventions and that their citizens could benefit from the financial protection the instruments were intended to give in case of maritime incidents. He recognised, however, that developing countries very often had limited resources in terms of the legal expertise needed to prepare the implementing legislation required. He expressed the view that the IMLI graduates could play an important role in this regard. In fact, Mr. Jacobsson noted that he had in many instances seen IMLI graduates making valuable contributions when representing their countries at international meetings, such as the meetings of the governing bodies of the IOPC Funds.

Mr. Jacobsson is a longstanding friend and supporter of IMLI, however due to his heavy engagements he has not had the possibility to visit the Institute in recent years. Since the last time he lectured at IMLI in mid 1990's, Mr. Jacobsson has seen the Institute develop and, in his words, he was impressed by the expansion that had taken place in its activities and the quality of the premises that IMLI provided to its students and visiting lecturers.

Mr. Måns Jacobsson was the Director of the International Oil Pollution Compensation Funds from 1985 to 2006. Previously he had performed a legal career in his home country Sweden, first as a judge, and later as legal advisor and eventually as Head of the Department for International Affairs of the Swedish Ministry of Justice where he was responsible for the preparation of legislation mainly in the fields of transport law, nuclear law and industrial property. He had represented Sweden in negotiations in a number of intergovernmental organisations, in particular in the IMO. He was appointed President of Division of the Stockholm Court of Appeal.

Mr. Måns Jacobsson has published a book on patent law (together with two other co-authors). He has also published numerous articles in various fields of law.

He is a visiting professor at the World Maritime University in Malmö (Sweden) and the Maritime Universities in Dalian and Shanghai (Peoples Republic of China). He is also a lecturer at the University of Southampton, Swansea University and Nottingham University in the United Kingdom, Lund and Stockholm Universities in Sweden and the Summer Academy organised by the International Foundation for the Law of the Sea in Hamburg (Germany). He is member of the Steering Committee of the London Shipping Law Centre. Mr. Jacobsson is a Member of the

Panel of the Singapore Maritime Arbitration Centre as well as Member of the International Maritime Conciliation and Mediation Panel. Furthermore, he is a member of the Executive Council of the Comité Maritime International (CMI).

In 2007 the University of Southampton conferred upon him the Honorary Degree of Doctor of Laws.

* For further information please contact Ms. Adriana Padovan (Editor, IMLI e-News) at publications@imli.org