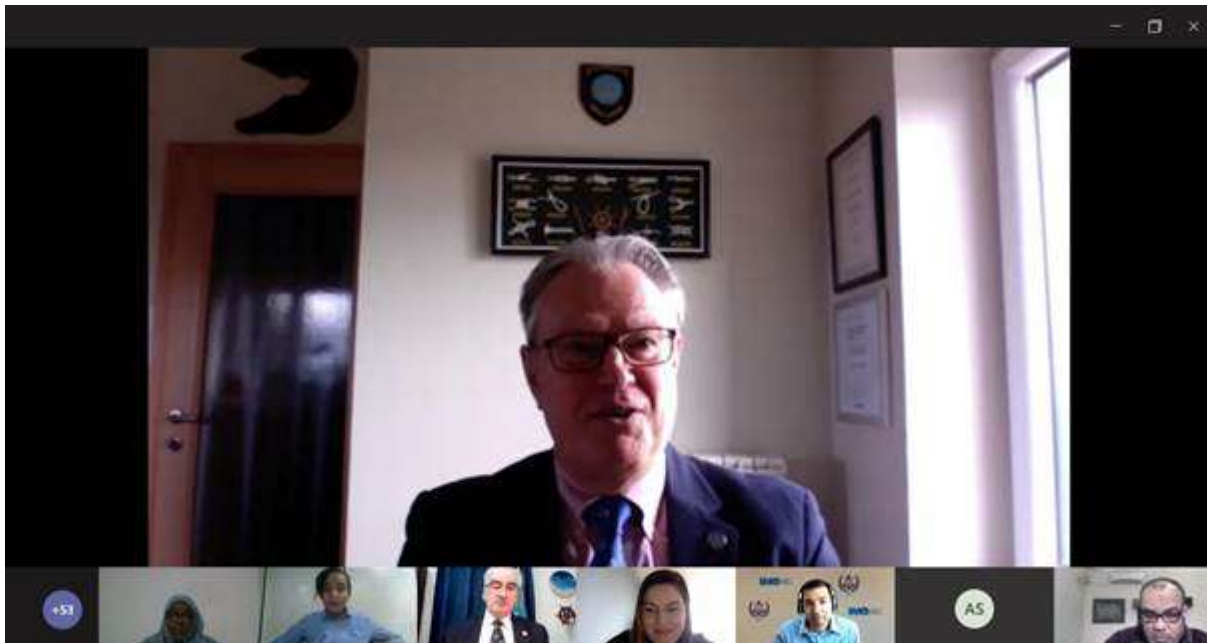


MEMBER OF THE IMLI GOVERNING BOARD AND PROFESSOR OF COMMERCIAL, TRANSPORT AND INSURANCE LAW LECTURES AT IMLI

Professor Marko Pavliha (Member of the IMLI Governing Board and Professor of Commercial, Transport and Insurance Law at the University of Ljubljana, Faculty of Maritime Studies and Transportation, Slovenia) delivered a set of traditional lectures on the Law of Marine Insurance (a core subject in the Institute's Shipping Law course) to the IMLI Class of 2020-2021. The lectures spanned several days between 1-5 February 2021.

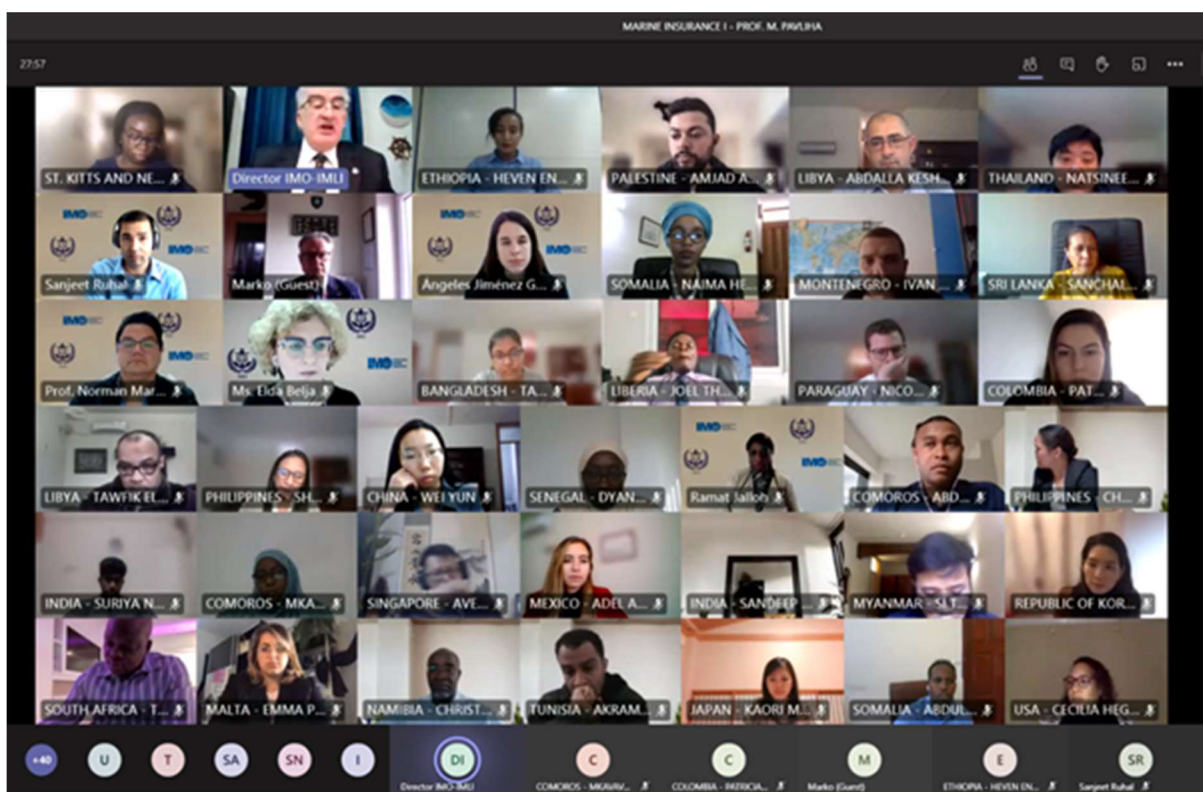


Professor Marko Pavliha (Member of the IMLI Governing Board and Professor of Commercial, Transport and Insurance Law at the University of Ljubljana, Slovenia)

Professor David Attard (Director, IMLI) introduced Professor Pavliha to the students as one of the most eminent maritime lawyers, not only in his country, but in Europe and respected because of his outstanding performance. In thanking Professor Attard for his warm welcome, Professor Pavliha also commended him and the IMLI staff for holding the fort during this

difficult period. He also expressed his disappointment to the students that he will not be able to meet them in person.

In his lectures, Professor Pavliha discussed risk management in terms of identification, evaluation, control and finance of risks, the latter also involving insurance. 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. He explained the three cardinal principles of marine insurance, namely, indemnity, insurable interest and utmost good faith.



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 by international conventions such as the International Convention on Civil Liability for Oil Pollution Damage (CLC) 1992 were extensively discussed. Furthermore, a typical marine cargo claim was presented to the students and the Institute Cargo Clauses of 1982 were examined as a perfect example of marine insurance. Unfortunately, due to the

unfortunate Covid-19 Professor Pavliha could not organize his traditional moot court which is usually very popular amongst the students.

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 emphasized the importance of the reform brought in by the new UK Insurance Act (2015), which has also amended the legendary Marine Insurance Act (1906). Among other important developments, the duty of disclosure and representation has been replaced with that of fair representation and the law of warranties has been modified to be more just and more similar to the civil law tradition.



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 41 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 22 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.

Professor Marko Pavliha is also editor and co-author of the forthcoming monograph on *Transport Law and Passenger Rights* which will be published by the eminent Routledge (Taylor & Francis) in Spring 2021. Amongst prominent contributors IMLI is also excellently represented by Professor David Attard who wrote a foreword, as well as by Professor Norman A. Martínez Gutiérrez and Dr. Ángeles Jiménez García-Carriazo who contributed respective chapters.

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