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This book presents a study on civil liability for accidents at sea, with a focus on the interests of parties that are not contractually participating in the maritime enterprise. Shipping and the maritime offshore industry are among the most international businesses in the world, and the operation of ships and facilities at sea can involve very different interests in a wide variety of relationships. Although there is an international legal framework that covers the most frequent types of cases, questions remain regarding the interplay of international and national legislation. Addressing those questions, the first part of this study analyses the rules and the limits of international regulation applicable at sea, namely regarding compensation for pollution damage. The second part focuses on the jurisdictional rules and conflict-of-law rules that may be used to deal with cases beyond the scope of international legislation, in accordance with the law of the sea.

This book focuses on liability and compensation for negligently caused pure economic loss as a general question in tort law and specifically as a question in maritime tort law, especially in cases of oil pollution damage. A substantial part of this study is dedicated to the examination of the legal status of pure economic loss

caused by ship-source oil pollution incidents, the outer margins of recoverable losses as well as compensation practice, from both an international and a national perspective. The compensation practices of the IOPC Funds have been analysed carefully for this purpose.

Marine oil pollution is one of the most damaging environmental liabilities of our time, and is taken very seriously by governments. Although international conventions take the lead in the legal regime underpinning prevention and compensation of marine oil pollution damage, national legal systems differ considerably in how they interpret and apply their monitoring and enforcement responsibilities. This is the first book to present a comparative analysis of the law with respect to marine oil pollution, with expert contributions emphasising particular solutions in Europe, the US, and China. The authors draw on the full range of legal sources, from theory and legislation to procedure and actual case studies. Written by both academics and practitioners?senior academics with a wide experience in the field, and practitioners who have extensively dealt with marine pollution issues?the work is not confined to a mere legal analysis, but offers a more inclusive law and economics perspective, solidly built on a substantial analysis (in English) of the law in the European, US, Chinese, and international

contexts. Individual contributors focus on countries with which they have particular expertise or experience. This book will be of interest to corporate counsel, international lawyers, academics, and policy makers, as well as to students of (international) environmental and maritime law. In addition, the book is especially valuable to non-Chinese lawyers for its clear insight into the complex Chinese environmental legal system.

The first edition of this book was quickly acclaimed as the new leading text worldwide on the law and practice of pollution from ships. The second edition deals with a variety of developments since then in this fast-moving subject: the Erika and the Prestige; changes in international law on maritime safety and compensation; latest decisions on claims for compensation; analysis of the SCOPIC regime; new material on ports of refuge, transboundary movements, and pollution from offshore craft; latest cases and regulatory changes in the US; and enlarged chapters on enforcement of laws and criminal sanctions. Like its predecessor, the second edition is superbly indexed and written clearly with the needs in mind of a wide international readership.

The approach throughout is both legal multi-disciplinary and comparative. The relevant international conventions are examined (particularly the 'Bunker Convention' of 2008), with particular at-

tention to their implementation in China and Europe, as well as the independent US regime. In addition, detailed empirical data from well-known case studies provide important insights into the working of international and national prevention and compensation mechanisms.

"Oil tankers are not the only vessels that have caused oil pollution at sea. Numerous spills in the past have been of heavy fuel oil from non-tankers. However, the international liability and compensation regime covered only oil pollution damage caused by oil tankers. There was thus a need to bring the law on marine oil pollution responsive to oil pollution damage caused by non-tankers. In March 2001, the International Convention on Civil Liability for Bunker Oil Pollution Damage was adopted following a diplomatic conference at the International Maritime Organization. Though this convention has not yet come into force, its various aspects should already be considered as they will surely affect the maritime industry as a whole and the non-tanker sector, in particular. This book provides a timely and comprehensive study on the concept of compulsory insurance, its main purpose of ensuring compensation and its interrelations with other features such as the rule of strict liability and the limitation of liability under the convention"--Publisher's description.

The Chernobyl disaster, the Amoco Cadiz oil spill and the Colorado River dispute are examples of an activity conducted by one state which has serious adverse effects in the territory of another, or in global common areas. This book details the international rules and compensation procedures and is intended for use by governmental officials, international lawyers and jurists. It discusses existing laws on international liability and considers the underlying legal issues that require further development. It is one of the few books on the subject written from the perspective of a developing country with rapid economic and social development.

A comprehensive reference work for shipping and environmental lawyers and specialists The carriage of crude oil by sea is commonly associated with the disastrous effects of spills. Major spills include those from the Torrey Canyon, the Amoco Cadiz, the Exxon Valdez, the Haven, the Aegean Sea, the Braer and the Sea Empress. As these and other spills have indicated, the resultant pollution damage can take various forms and the resolution of ensuing disputes can be difficult and protracted. This is a detailed and thorough analysis of the law relating to liability and compensation

for oil pollution damage caused by ships and covers legal issues which fall within the ambit of admiralty law and practice, international and domestic environmental law and the law relating to marine insurance. In particular, *Oil Pollution at Sea*: identifies the parties to litigation; details the range of remedies available and their quantification, examines relevant decisions of the IOPC Fund; analyses the limitation of liability and compensation; discusses rights and liabilities of salvors and insurers, and highlights jurisdictional issues which may arise.

The main focus of this important book is on civil liability regimes to compensate for ecological/environmental damage, the impact of EC decision-making on the international regime for oil pollution damage, the use of environmental funds in this respect, the economic valuation of damage to the environment from a theoretical perspective and the application of the Contingent Valuation Method in Belgium for ecological damage at sea.

The International Max Planck Research School for Maritime Affairs hosted a global conference addressing marine pollution. At this meeting, academics and practitioners came together to discuss their findings and debate recent developments from an interdisciplinary perspective. This volume reflects those discussions, examining a broad range of topics concerning the ecological, economic, political, and legal aspects of the pollution of the sea.

For the first time, this unique text brings together all private international maritime law conventions alongside expert commentary and analysis. Truly global in approach, the book covers each of the nineteen conventions currently in force, all scrutinised by this internationally-acclaimed author. It also examines important maritime conventions not yet fully ratified, including the topical Rotterdam Rules. This comprehensive resource provides a thorough treatment of both wet and dry shipping treaties, combining breadth of coverage with depth of analysis. In this third volume, the author covers the key conventions dealing with pollution and safety at sea. In particular, the author covers the following instruments: International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 and Protocol of 1973 International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention) with its Protocol of 2000 (OPRC-HNS Protocol) International Convention for the prevention of pollution from ships (MARPOL) and protocol of

1978 International Convention for the Safety of life at sea, 1974 (SOLAS) Convention on the prevention of marine pollution by dumping of wastes and other matters, 1972 as amended by the protocol of 1996 International Convention for the control and management of ship's ballast water and sediments, 2004 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 Nairobi International Convention on removal of wrecks 18 may 2007 Port state control: the Paris Memorandum of Understanding and the European Directive 2009/16 EC European Traffic Monitoring and Information System International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 1992) International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, as amended by its Protocol of 2000 and its Supplementary Protocol of 2003 (the Fund Convention) International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 International Convention on Liability and Compensation for Damage in Connection with Carriage of Hazardous and Noxious Substances by Sea, 1996 This book is an indispensable reference for maritime lawyers, academics and students of maritime law worldwide.

This three-volume Manual on International Maritime Law presents a systematic analysis of the history and contemporary development of international maritime law by leading contributors from across the world. Prepared in cooperation with the International Maritime Law Institute, the International Maritime Organization's research and training institute, this a uniquely comprehensive study of this fundamental area of international law. Volume III is devoted to the marine environmental law and maritime security law. The first part of Volume III deals in depth with issues of most fundamental importance in the contemporary world, namely how to protect the marine environment from pollution from ships, land-based sources, seabed activities, and from or through air. In explaining these types of pollution, various conventions concluded under the auspices of the IMO (such as MARPOL 73/78 and the 1972 London Convention) and soft law documents are analysed. The volume also includes chapters on the conventions relating to pollution incident preparedness, response, cooperation, and the relevance of regional cooperation. It additionally discusses liability and compensation for pollution damage. The second part of volume III examines an issue of increasing importance in a world threatened by terrorism, piracy, and drug-trafficking. Chapters in

this part cover the topics of piracy; stowaways; human trafficking; illicit drugs; terrorism; military uses of the sea; and new maritime security threats, such as the illegal dumping of hazardous wastes and toxic substances, as well as illegal, unreported, and unregulated fishing.

Despite widely-accepted international systems of liability for pollution damage to the marine environment, uniformity is far from being achieved. This book is based on the papers delivered at the CMI seminar on liability for pollution damage. The purpose of the seminar was to take stock of the legal position worldwide as a prelude to discussions on unification of laws relating to the admissibility and assessment of claims. Among the main issues addressed are - oil pollution prevention and response, the effectiveness of present compensation methods, the importance of recent protocols to the compensation conventions, the ramifications of OPA 90, the underwriting of oil pollution risks and the need for an international convention on hazardous and noxious substances. These issues are covered by a broad range of international experts.

This important new reference work analyses the special legal regime for oil pollution liability and compensation with regard to shipowners and cargo owners. It describes the system put in place by international Conventions and international voluntary agreements with particular regard to the IOPC Fund compensation policy. This work examines in detail how responsibility is divided between shipowners and oil companies and which claims for pollution damage are admissible within the framework of the Conventions. The operation and application of the Conventions is considered specifically in the light of the unilateral approach adopted by the United States based on an extensive study of legislation and caselaw.

The article, which follows up on my recently published work, uses the unprecedented disaster in the Gulf of Mexico as an opportunity to critically evaluate the law pertaining to civil liability for oil pollution before and after the enactment of the Oil Pollution Act. This topic is analyzed as a derivative of a more general concern, namely the internal harmony of civil liability regimes. The article unveils a general incongruity in American land-based and maritime tort law that surfaced through the Exxon Valdez litigation, and examines whether subsequent statutory reform has eliminated the problem in the limited context of marine oil pollution, using

the Deepwater Horizon incident as a test case. Part I systematically discusses pre-OPA law. Part II explains why pre-OPA maritime law gave rise to incongruity on the justificatory level, delineates the contours of the problem, and proposes a conceptual framework for resolution. Part III examines whether the enactment of the OPA has created a more defensible liability regime. Following the Deepwater Horizon oil spill, there have been calls for raising the OPA liability caps, or an even more comprehensive legislative reform. While some of the initiatives seem to have waned, this catastrophic incident, like the earlier Exxon Valdez case, will surely leave its mark. The article, which highlights relevant policy concerns, will undoubtedly serve policymakers in reassessing the limits of civil liability for marine oil pollution.

This book deals with the liability conventions brought into existence by the International Maritime Organization and concentrates on the newly adopted instrument dealing with bunker oil pollution as an area of great concern for every stakeholder involved in shipping business. The work covers a wide spectrum ranging from the Convention itself to its scope of application, liable and aggrieved parties, jurisdiction, requirements of liability and admissibility of claims, defences and exoneration from liability. It addresses many areas of interest and of importance to international and national legal advisors, lawyers, law students and anyone interested in the relevant field such as shipowners, charterers, shipbrokers, ship personnel and associated contractors and sub-contractors.

Manual on Oil Pollution - Section V - Administrative Aspects of Oil Pollution Response, 2009 Edition. The Marine Environment Protection Committee (MEPC), at its thirty-third session, agreed that a new section V of the IMO Manual on Oil Pollution, dealing with administrative aspects and, in particular, with the roles and functions of entities which could be involved in an oil pollution emergency and its aftermath, should be developed. The present text is a revision of the first edition of the Manual, published in 1998, taking into account changes and new information on the topic since the original version. This section of the Manual on Oil Pollution is intended to provide the reader, in particular on scene commanders, lead agencies and others involved in the management of oil pollution response, with an appreciation of the various interests involved in an oil pollution emergency and its aftermath, as well as a general review of the international legal regimes governing limita-

tation of liability and compensation for oil pollution damage. This section is not intended to provide an authorized or definitive commentary on the legal relationships between the various entities involved in an oil pollution emergency or an interpretation of relevant international conventions. The reference section includes sources of more comprehensive information on these subjects, and the reader is encouraged to make use of them if more detailed information is required.

7.2.1.2 Application to Offshore-Related Risks

This remarkable book - the first in-depth examination of the civil liability regime for marine oil pollution damage from a law and economics perspective - examines the efficiency and effectiveness of the regime, with particular attention to whether it is in fact designed in the public interest or merely a distribution of risks and costs among interested parties. The question is asked: does the liability system give the potential polluter incentives to take precautionary measures to avoid pollution or to reduce the possibility of pollution? The international regime on civil liability for marine oil pollution rests on the International Convention on Civil Liability for Oil Pollution Damage (CLC) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention). However, the world's biggest oil consumer and importer - the United States - has ratified neither, preferring its own Oil Pollution Act of 1990 (OPA), and China - currently the world's second oil-consuming country - has not ratified the Fund Convention. Thus it is reasonable to compare the three regimes - international, US, and China - as such a comparative study may reveal some advantages or disadvantages among the three systems. Among the issues raised and tackled head-on by the author are the following: whether the contents of international conventions can be considered as the result of the influence of the various interest groups involved; overview of the regulations of marine pollution; technical standards, rules for operation, professional criteria; to what extent a state may take action against trans-boundary polluting activities; what liability a state may incur for non-action or non-effective action; significance for liability of the charter-party, generally considered the evidence of the hire of a ship, and the bill of lading, considered the evidence of the contract of carriage of goods by sea; the crucial role of the so-called 'International Group' of 13 Protection and Indemnity (P and I) Clubs, non-profit organizations specializing in lia-

bility insurance; the main international players - the International Maritime Organization (IMO), the Comité Maritime International (CMI), and industry organizations such as INTERTANKO and the Oil Companies International Marine Forum (OCIMF); the particular regime on offshore facility pollution liability in the United States; port state control; criminal liability; and EU and other regional initiatives. In addition, a detailed study of the Erika case reveals some of the rationale for many of the persistent features of marine pollution liability regimes. The well-thought-out legal and economic analysis provided in this book, along with its clearly stat-

ed policy recommendations and constructive perspectives for future development of the liability system, will be immeasurably valuable to lawyers and policymakers active in this highly visible area of international law.

Accidental pollution of sea by oil is inevitable. It is the price mankind has to pay for the benefits of an industrial society. Now the big question arises as to who is to be held liable for accidents that lead to catastrophic effects on the marine environment? Civil liability for oil pollution has been the subject of international conventions for decades. Principles governing the law on oil pollution are strict liability, channeling of liability, and caps on liability limit.

The issue arises as to the propriety of capping the liability limits in case of an oil spill where the implications of one incident are catastrophic, costs involved in the cleanup are massive and the damage caused to the natural resources and private parties is enormous. India with its vast coastline is susceptible to oil pollution by accidents and in the wake of recent incidents it has become imperative to analyze the Indian scheme of laws governing oil spills. This work is a small attempt to analyze whether Indian laws governing oil spills are appropriate enough to meet the challenges of claims arising by such an incident.