

Abstract

SESSION 1:

A Decade of Partnerships in Sustainable Development of the Seas of East Asia: Synergies and Achievements

WORKSHOP 1.2:

Maritime Sector Contributions to a Blue Economy for the Seas of East Asia

Perspectives on the Availability of Compensation Following an Oil Spill Incident in South East Asia

José Maura

Director
International Oil Pollution Compensation Funds (IOPC Funds)
London, United Kingdom



The international regime of compensation for damage caused by oil pollution from tankers is currently based on two international conventions: the 1992 Civil Liability Convention (1992 CLC) and the 1992 Fund Convention. These Conventions were adopted under the auspices of the International Maritime Organization (IMO) and the International Oil Pollution Compensation Funds (IOPC Funds) administer the 1992 Fund.

States which ratify these legal instruments must implement them into their national law. National legislation should identify, inter alia, the government authority responsible for the submission of oil reports and include provisions for the identification of any person in that State who is liable to contribute. It may also cover sanctions for non-payment of contributions. States must also ensure that the national legislation is updated in line with the amendments to the limitation amounts when relevant, and that it stipulates which national courts have jurisdiction to hear claims for compensation under the Conventions.

This presentation will highlight the issues that countries are facing regarding the implementation of the international liability and compensation conventions for oil spills from tankers into national law.

Based on the experience of the IOPC Funds, while a number of States having acceded to the CLC and Fund Conventions have adopted appropriate legislation to implement them into national law, a number of Member States do not have such legislation in place, leading to potential issues in case of an incident affecting their coastline.



THE EAST ASIAN SEAS CONGRESS 2015
16-21 November 2015 • Danang, Vietnam

Global Targets Local Benefits

Setting the Sustainable Development Agenda for the Seas of East Asia beyond 2015

About José Maura:

José Maura joined the International Oil Pollution Compensation Funds as Claims Manager in 1996, became Head of the Claims Department in 2002 and was appointed Acting Director in September 2010. He was elected Director of the IOPC Funds on 26 October 2011 for a term of five years.

Before joining the IOPC Funds, Mr Maura worked as a practising lawyer with Fernando Meana Green & Co (Madrid). Before that he worked in London with Richards Hogg Ltd, Sedgwick Marine & Cargo Ltd, ICC International Maritime Bureau, Clyde & Co (Lawyers), and with the Britannia Steamship Insurance Association Ltd.

Mr Maura has a degree in law, a Masters degree in Shipping Law (LL.M) and a Masters degree in Business Administration (MBA). He lives in London with his wife.