A comparative analysis of the civil liability and fund conventions, Tovalop and Cristal, the U.S. Federal Oil Pollution Act and U.S. state legislation, as legal mechanisms regulating compensation for tanker-source oil pollution damage as of February, 1994.

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Abstract
The purpose of this thesis is to explain and evaluate the law concerning compensation for tanker-source oil pollution damage under three different liability regimes: (a) the International Convention on Civil Liability for Oil Pollution Damage, 1969 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 including the Protocols of 1976, 1984 and 1992 to these Conventions. (b) the Tanker Owners Voluntary Agreement concerning Liability for Oil Pollution (TOVALOP) and the Contract Regarding a Supplement to Tanker Liability for Oil Pollution (Cristal) as at the 20th February, 1994. (c) the United States Oil Pollution Act of 1990 and U.S. State Legislation. In this context the thesis explains inter alia the evolution of law from fault to no-fault liability and from limited to increasingly limitless liability. The thesis examines the notion of damage eligible for compensation, for example, ecological and pure economic damage. Conclusions are reached as to the role increasingly stringent liability provisions may have on the quality of the tanker-process. The impact that the U.S. Oil Pollution Act 1990, and associated U.S. state legislation may have on the international pollution regimes covered by the various international Conventions and associated voluntary agreements is also discussed.

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Title
Oil pollution liability and compensation sec. 1001. definitions. For the purposes of this Act, the term-- (1) `act of God' means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character the effects of which could not have been prevented or avoided by the exercise of due care or foresight; (2) `barrel' means 42 United States gallons at 60 degrees fahrenheit; (3) `claim'. means a request, made in writing for a sum certain, for compensation for damages or removal costs resulting from an inc The International Convention on Civil Liability for Oil Pollution Damage, 1969, renewed in 1992 and often referred to as the CLC Convention, is an international maritime treaty administered by the International Maritime Organization that was adopted to ensure that adequate compensation would be available where oil pollution damage was caused by maritime casualties involving oil tankers (i.e. ships that carry oil as cargo). The convention introduces strict liability for shipowners. The Oil Pollution Act was designed to establish a comprehensive federal framework that would prevent future spills and develop cleanup procedures in the case of a spill-related emergency. Primary enforcement and administration of the act are by the U.S. Coast Guard and the U.S. Environmental Protection Agency (EPA). Before passage of the OPA, federal pollution legislation had been an ineffective web of weak enforcement and insufficient liability for polluters. The OPA sought to solve this problem by establishing stricter standards for the maritime transportation of oil: New requirements for co 5. "Oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship. 6. "Pollution damage" means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures. of the incident. 2. No liability for pollution damage shall attach to the owner if he proves that the damage: (a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenom enon of an exceptional, inevitable and irresistible character, or.