



The Anatomy of United States' Oil Pollution Act of 1990: The Anatomy of United States' Oil Pollution Act of 1990

By Olubunmi Olanrewaju Awoyemi Ph.D

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One of the key goals of this legal treatise is to undertake a painstaking textual anatomy of the Oil Pollution Act of 1990 to help academics, lawyers, judges, and students navigate its recondite provisions with relative ease. This treatise consists of eighteen chapters. Chapter one discusses the scope of the Oil Pollution Act 1990. Chapter two analyzes the defenses to liability. Chapter three examines the procedures for asserting claims against a responsible party. Chapter four explores removal costs under OPA. Chapters five, six and seven dwell on issues relating to damages, recovery of interest, and limitation of liability respectively. Chapters eight and nine of this treatise focus on the effect of the Oil Pollution Act of 1990 on the insurance structure for oil pollution in US and international waters. The two chapters briefly discuss the financial responsibility requirements and the international oil pollution regimes as they relate to marine insurance. Chapter ten discusses contribution, indemnity and third part liability. Chapters eleven, twelve and thirteen examine the National Pollution Funds Center's Oil spill liability Trust funds, recovery by foreign claimants, as well as jurisdictional and procedural issues respectively. Chapters fourteen, fifteen, and sixteen comprehensively analyze the non-preemption clause, as well as the interaction between OPA and its predecessor statutes dealing with oil and other pollutants, as well as time limitations respectively. The overall analysis undertaken in this treatise would be helpful to governments at all levels (domestic & foreign), and also to the maritime & transportation, environmental, oil & gas, energy, insurance, banking & financial services, real estate, and hospitality industries. This treatise attempts an extensive textual analysis of the compensation and liability sub-chapter of the Oil Pollution Act of 1990 (OPA). This treatise also includes an extensive analysis of OPA jurisprudence and non-OPA jurisprudence construing pre-OPA statutes regulating oil and hazardous substance pollution. Its comprehensive analysis of non-OPA jurisprudence would provide guidance to academics, lawyers, judges, students and several business industries in their bid to construe the intricate provisions of the Oil Pollution Act of 1990. The author of this treatise has reproduced the relevant sections of OPA, at the beginning of each discussion of the most important sections of the OPA.

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- Sales Rank: #3437175 in Books
- Published on: 2013-10-31
- Original language: English
- Number of items: 1
- Dimensions: 9.00" h x 1.84" w x 6.00" l, 2.36 pounds
- Binding: Paperback
- 816 pages

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Editorial Review

About the Author

This legal treatise was a doctoral dissertation submitted in December of 2002 as part of the requirements for the award of the doctoral degree in law, S.J.D/Ph.D, by Tulane University Law School to the author in May 2003. The author, Bunmi Awoyemi, Ph.D is the Managing Partner of the prestigious full service law firm, M.O. Awoyemi & Co. (www.moawoyemi-law.com, bunmi.awoyemi@moawoyemi-law.com) and has been privileged to lead the firm in areas including Oil Pollution law, Maritime law, Environmental law, Aviation law, Corporate Finance law, Project Finance law, Oil, Gas, and Energy Law. He has worked with some of the most prestigious law firms in the world, such as Baker & McKenzie, LL P, Holland & Knight, LL .P. He holds a Ph.D./S.J.D from Tulane University Law School, New Orleans, Louisiana, where he was in the top 5% of his LL.M class. He is a New York licensed Attorney, a Solicitor of the Supreme Court of England & Wales, an Attorney of the United States Supreme Court, and the United States Court of International Trade. He also holds an LL .B and B.L from Ogun State University and the Nigerian Law School, respectively. He was awarded Tulane Law School's Merit Based Scholarship; a recipient of two CALI Excellence for the Future Awards - for obtaining the highest grade in two courses in his LL .M class and is an honored member of 'Strathmore's Who's Who Registry of outstanding professionals. In the year 2012, he was one of the three finalists invited to Addis Ababa for the final selection interview by the MO IBRAHIM FOUNDATION'S LEADERSHIP FELLOWSHIP for the position of Advisor to the Executive Secretary of the United Nations Economic Commission for Africa out of the over 1,000 applicants worldwide. The author is highly indebted to the legendary Niels F. Johnsen Professor of Maritime Law and Director Emeritus, Maritime Law Center, Tulane University Law School, Professor Robert Force for his invaluable contribution to the quality of the treatise through his painstaking and inspiring supervision of the dissertation over a 4 year period.

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