

Compensation and prevention of damage resulting from offshore drilling in China

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Propositions

accompanying the Doctoral Thesis

Compensation and Prevention of Damage Arising from Offshore Drilling in China

- 1- The Chinese offshore industry follows a joint development pattern out of technical and economic reasons, as the model is in favour of sharing the multiple risks generated from offshore drilling operations. (Chapter 2)
- 2- The current claims procedure in China relies too heavily on the public administration and therefore lacks independence. (Chapters 3-5)
- 3- Although legislation is relaxed to allow social organisations to claim marine ecological damage via Environmental Public Interest Litigation (EPIL), it is more of an expedient than a cure. (Chapter 5)
- 4- The judicial system plays a moderate role in settling the dispute independently, as courts are dependent on administrative organs in personnel management, financial allocation, and judicial decisions. (Chapter 5)
- 5- The fact that China does not have a mandatory financial security system for offshore oil pollution is problematic as it could lead to both undercompensation and underdeterrence. (Chapter 6)
- 6- Assuming that the excellent safety records provided by Chinese offshore operators are authentic and trustworthy, it could indicate they have a good safety performance and that regulations incentivise their operations. (Chapter 7)
- 7- Provided there is no insolvency, the strict liability without financial caps, as it applies in China, could in theory provide accurate incentives for prevention to the operator. (Chapter 8)
- 8- The channelled liability rule fails to give the CNOOC sufficient incentives to take prevention. (Chapter 8)
- 9- *Ad hoc* solutions, without clear legal basis, are frequently used by the public administration in China to settle disputes, which creates unpredictability and unreliability. (Chapter 9)
- 10- A more structured and systematic legal system is proposed based on economic observations and comparative analysis, but practically, there are barriers to implementation, as some institutional features are politically oriented and thus cannot be simply interpreted on the basis of economic theory. (Chapters 8-11)
- 11- Doing PhD thesis requires the same as surviving the pandemic: staying alone, staying optimistic, and staying busy writing.