



**FACULTY OF LAWS**

**UNIVERSITY OF MALTA**

**DEPARTMENT OF INTERNATIONAL LAW**

**ANNUAL DEPARTMENTAL REPORT – 2012-2013**

**PROFESSOR DAVID ATTARD**

**SELECTED RECENT PUBLICATIONS**

The Maltese Legal System, Volume II: The Constitution

Foreword to Professor Bimal Patel's book: ITLOS – Case Commentary, Case-Law Digest and Reference Guide (1994-2014).

Foreword to: Id-Dritt Commemorative Edition

IMLI Manual on International Maritime Law (OUP), General Editor

**OUTLINE OF COLLABORATION WITH THIRD PARTIES**

Visiting Professor at the Universities of Yale, Oxford, Sorbonne, Catania, Messina, Rome; also lectured at the International Foundation for the Law of the Sea (IFLOS) in Hamburg, and at the Mediterranean Academy of Diplomatic Studies, Malta

Ministry of Foreign Affairs

Office of the Prime Minister

Director, IMO International Maritime Law Institute

Judge, International Tribunal for the Law of the Sea

**PROJECTS INVOLVING MEMBERS OF THE DEPARTMENT**

Planning the publication of other volumes in the Maltese Legal System dealing with civil law, criminal law and international law

**CONFERENCES ATTENDED ABROAD**

Deliberations in the Virginia Case (Panama vs. Equatorial Guinea)

IFLOS lecture on 'Maritime Zones'

**DR PATRICIA CASSAR TORREGIANI**

**SELECTED RECENT PUBLICATIONS**

**Articles and Contributions to books:**

*'Migrant Smuggling by Sea: Combating a Current Threat to Maritime Security through the Creation of a Cooperative Framework'* (Martinus Nijhoff, The Netherlands, 2010)

*'Addressing Security Threats on the High Seas: What of Flag State Exclusivity?'* *Benedict's Maritime Bulletin* Volume 8, No. 4, 251-261 (February 2011)

Introductory Note on *MSS v Belgium and Greece*, *International Legal Materials* (50 ILM 364, 2011)

*Case of M.S.S. v Belgium and Greece: A Catalyst in the Re-thinking of the Dublin II Regulation* (30 *Refugee Survey Quarterly* 3, 107 (2011))

*'The Disembarkation of Migrants Rescued at Sea: Where is the 'Solidarity'?' in PG Xuereb (ed) Migration and Asylum in Malta and the European Union: Rights and Realities* (Malta University Press, Malta, 2012)

*Access to Ports for Ships in Distress: What of Disembarkation?'* (lead author P. Mallia) *10 Benedict's Maritime Bulletin* 67, (Second /Third Quarter 2012)

*'The Human Element: Stowaways, Human Trafficking and Migrant Smuggling'* – to be published in the *IMLI Manual on International Maritime Law* (OUP, Oxford), Vol III Part II Cap 12.

*'The Challenges of Irregular Migration'*, *Jean Monnet Occasional Paper*, No. 1, Institute for European Studies (Malta) 2013.

*'The Applicability of the Principle of Common Heritage of Mankind to the waters and air space superjacent to the International Seabed Area.'* 19 *The Journal of International Maritime Law* 4 (July-August 2013) 331 - 352

## **Reports and Submissions:**

‘Piracy: An Overview and Current International Regulation’ (Information document, Malta, 2010)

‘The Exercise of Jurisdiction over Vessels on the High Seas’ (Report, 2010)

‘Hirsi Jamaa v Italy: Implications for Intervention on the High Seas. Where does Malta stand?’ (December 2012)

(Online ref:

[http://www.pfcmalta.org/uploads/1/2/1/7/12174934/hirsi\\_working\\_paper.pdf](http://www.pfcmalta.org/uploads/1/2/1/7/12174934/hirsi_working_paper.pdf) )

## **CONFERENCE SUBMISSIONS**

*The Individual and the International Legal Regime*, ‘Law in Search of Justice’, *Congresso Internazionale per giovani giuristi*, Castel Gandolfo, 27-28 February/1 March 2009.

European Patrol Network Regional Meeting 4-6 July 2011, ‘Maritime Migrant Smuggling: A Facet of Organized Crime’ (July 2011, Riga, Latvia)

Oxford Workshop on Persons Rescued at Sea (November 2011)

UNODC April Conference, “Implications of the International Law of the Sea in the Smuggling of Migrants” (April 2012, Mexico City, Mexico)

Preparation and presentation of national report following the judgment of *Hirsi Jamaa and Others v Italy 2012*: ‘Access to Protection: A Human Rights’, European Programme for Integration and Migration

## **Projects**

Concluding phase of publication of second volume of the multi-volume work: ‘The Maltese Legal System’

Planning the publication of other volumes dealing with civil law and international law.

2012 Elisabeth Mann-Borgese Fellowship on the Common Heritage of Mankind (IMO International Maritime Law Institute) Research Project

Milieu Ltd – Law and Policy Consulting ([www.milieu.be](http://www.milieu.be)); selected recent projects:

- National expert for Malta: Hate Crimes Project

- National expert for Malta: Legal and Constitutional Affairs; Justice and Home Affairs, Women's Rights and Petitions.
- Senior Expert for Malta re: Legal Issues related to the Petitions received by the European Parliament

## **COLLABORATION WITH THIRD PARTIES**

Guest Lecturer at the IMO, International Maritime Law Institute

Administrator on MEDAC Board

People for Change Foundation, Senior Consultant

Maltese Corresponding Editor of International Legal Materials (a publication of the American Society of International Law, Washington DC, USA)

**Submitted by: Dr Patricia Vella de Fremeaux**



**FACULTY OF LAWS**

**UNIVERSITY OF MALTA**

**DEPARTMENT OF ENVIRONMENT AND RESOURCES LAW**

**ANNUAL DEPARTMENTAL REPORT – 2013-2014**

**1. MANDATE:**

**1.1. The department focuses on the lecturing, tutoring and research in:**

Environmental law,

Energy law

Law relating to the sustainable development and sustainable resource management

Development Planning law

Climate Change law,

Occupational Health and Safety Law

Food Safety Law

Heritage law and

Aspects of policy making related to above.

The Environmental law and Resources law Department was set up in 2010. The decision to set it up was prompted by the vast developments in these legal streams on a national, European and International level. The regulation of these sectors is interdisciplinary and horizontal in nature. It impinges upon all major legal disciplines and human activities. The proliferation of national legislation on environment and planning law reflects the changes the country is undergoing, as a Member of the European Union. The environmental *acquis communautaire* is the second largest chapter constituting 22% of the whole *acquis* not including related legal instruments addressing for example energy issues. Apart from the bulk of laws involved, most of these norms are subject to

specialized legal regimes that impinge upon other legal fields so as to complement and at times complement and finetune *lex generalis* under the Criminal and Civil Codes as well as corporate law. The Department enables the Faculty of Laws to keep abreast with the demand for legal learning and research in these legal fields, as they evolve from statutory sources and case law. The Department's work in scholarship and research on these topics consequently benefits also other Faculties, Centres and Institutes at University. A list of the said University of Malta institutions that request such services is included below.

The Strategic Educational Pathway Scholarships (STEPS) Programme, has identified environmental studies as one of its priority areas. Indeed environmental and resource management studies particularly *in the field of renewable* energy resources, the earth sciences and planning development are on the increase everywhere in the world. The Department is gearing itself up to support this influx of interested applicants by offering study units that train students in understanding the legal framework that supports innovation and developments in this field of academic study. It offers also two International Master Programmes namely, the Master of Law in Energy, Environment and Climate Change Law as well as the Master of Arts in Ocean Governance.

The LL.M. covers three main study units, one on International Law relating to Energy, Environment and Climate Change issues, the other on EU law relating to Energy, Environment and Climate Change issues and a third on Comparative Law relating to Energy, Environment and Climate Change issues and a final dissertation. This LL.M. has a strong visiting faculty that delivers around two thirds of the taught component. Top academics and practitioners lecture the long list of topics rendering this LL.M. as the most comprehensive in the academic market. The first group of students will be graduating this year.

The Master of Arts in Ocean Governance is supported by the International Oceanographic Institute. This M.A. is interdisciplinary and has the input of the Department of International law, the Institute of Earth Systems as well as the Department of Biology from the Faculty of Sciences. The taught component is split between

University of Malta academics, visiting faculty including IOI staff. A dissertation is also a requirement apart from an intensive taught component.

The ERL department has also been asked to coordinate one of the study units of yet another International Masters Programme namely the M.Sc. in Sustainable Environmental Resource Management.

### **1.2. Affiliations and Achievements:**

- Acts as the representative of the Academy of Environmental law and the Environmental law Commission of the International Union for the Conservation of Nature in Malta of which the Unit is already a member.
- Benefits from an ERASMUS mobility programme and the running of LLM on Energy, Environment and Climate Change law with the Catholic University of Leuven, Belgium in lecturing and research on Environmental and Energy Law.
- Regularly publishes legal works in Malta and abroad on legal research carried out.
- Seeks internship programmes as practical legal training for students specializing in the legal fields above mentioned at both public and private entities that have an interest in the topics. A list of potential candidates is referred to below. The Department strives to academically address and in so doing promote legal research that may be commissioned by the same.
- The Department coordinates two International Masters Programmes:

### **1.3. Publications:**

The Department has also focused on producing quality peer review publications in legal journals namely in the:

- Oxford Year book of International Law 2013, with an article by Prof Simone Borg entitled, *The Role of the ICJ in the development of International Law relating to the Conservation of Marine Living Resources*

- Id-Dritt Law Journal, an article by Borg Simone and Grima Peter, *Renewable Energy: Legal Challenges to Address An Alternative Investment*, Id-Dritt Law Journal, Vol XXII (2013).
- The Jean Monnet Papers Series, *In Search of a Regional Policy and Legal Framework for Climate Change Adaptation in the Mediterranean*", Jean Monnet Occasional Papers, 2013.
- The IMLI Hand Book on Maritime Law 2013, with an article by Dr Simone Borg entitled, *The Conservation of Living Marine Resources under International Maritime Law*.

The Department is currently also involved in the publication of two books Energy Law in Malta and the Review and Update of Environmental Law in Malta.



## **2. LECTURING**

### **2.1. Study Units the ERL Department is Responsible for in Full.**

- ERL2000 - Principles of Environmental Law (6 ECTS)
- ERL2001 - Development Planning Legislation (4 ECTS)
- ERL3000 - Principles of International Environmental Law (6 ECTS)
- ERL5000 - Climate Change and International Law (5 ECTS)
- ERL3004 - Occupational Health and Safety Law (2 ECTS)
- ERL 5008 – International Energy, Environmental and Climate Change Law (20 ECTS)
- ERL 5009 – EU Energy, Environmental and Climate Change Law (20 ECTS)
- ERL 5010 – Comparative Energy, Environmental and Climate Change Law (20 ECTS)
- ERL 5011- Dissertation LLM in Energy Environmental and Climate Change Law (30 ECTS)
  
- ERL5003 – The Contemporary Definition of Ocean Governance (5ECTS)
- ERL5004 – Regulation and Governance for the conservation of Living Marine Resources (5 ECTS)
- ERL5005 -Regulating Sustainable Use Of The Oceans 5 (ECTS)
- ERL5006 – Ocean Policy Making: Application of Policy Measures to Specific Ocean Issues (5ECTS)
- ERL5007 – M.A Ocean Governance Dissertation (30ECTS)

### **2.2. Study Units ERL Dept Services to other Faculties and Institutes:**

- INL 3001- Principles of International Law (10 ECTS)
- ECL 5010 - Environmental Policy of the European Union (2 ECTS)
- SERM - Joint Masters in Sustainable Resource Management (Shared)
- EST 3130 - European Environmental law and Policy (EDRC) (4 ECTS)
- OHSA – CLS1309 Environmental Health Management Policy: Legislation and Supervisory Skills (4 ECTS)
- MSC 5202 – Sustainable development, Law and Policy (Shared)

- ISS 5004 - Int. Env. law and Env. Diplomacy (ECTS 8)
- ISS 5012 – Environmental law and Environmental Diplomacy (ECTS 6)
- IES 5019 - the Science and Management of Climate Change (shared)
- EST 3190 European Environmental law & Policy (EDRC) (4 ECTS)
- ECL 5010 Environmental Policy of the European Union (4 ECTS)
- EMP 2007: Waste Management – Key Concepts and challenges in the Maltese Context (6 ECTS)
- EMP 2008: Waste Management – Key Concepts (4 ECTS)

### **2.3. Lecturing Load for members of the ERL Department in the different Study units.**

#### **Faculty of Laws**

- ERL 2000 Principles of Environmental Law – 6 ECTS **42 hrs**
- ERL 2001 Development Planning Legislation – 4 ECTS **28 hrs**
- ERL 3000 Principles of International Environmental Law - 4 ECTS **28 hrs**
- ERL 5000 Climate Change and International Law – 5 ECTS **35 hrs**
- ERL 5008 – International Energy, Environmental and Climate Change Law (20 ECTS) (**15 hours**)
- ERL 5009 – EU Energy, Environmental and Climate Change Law (20 ECTS) (**5 Hours**)
- ERL 5010 – Comparative Energy, Environmental and Climate Change Law (20 ECTS) (**Visiting Faculty**)
- ERL 5011 Dissertation LLM in Energy Environmenta and Climate Change Law (30 ECTS)
- ERL5003 – The Contemporary Definition of Ocean Governance (5ECTS)
- ERL5004 – Regulation and Governance for the conservation of Living Marine Resources (5 ECTS)
- ERL5005 – Regulating Sustainable Use of the Oceans (5ECTS)
- ERL5006 – Ocean Policy Making: Application of Policy Measures to Specific Ocean Issues (5ECTS)
- ERL 5007 MA Ocean Governance Dissertation (30 ECTS)
- ERL 3004 Occupational Health and Safety Law – 2 ECTS **14 hrs**

- INL 3010 Principles of International Law **16 hrs**
- ECL 5010 Environmental Policy of the European Union **14 hrs**

#### **2.4.Lecturing Hours by ERL Academics for other Faculties and Institutes:**

- UM/JM: Joint Masters SERM – International Environmental Law (Shared Credit)  
**8hrs**
- EDRC: EST 3130 European Environmental law and Policy (4 ECTS) **28 hrs**
- OHSA: CLS1309 Environmental Health Management Policy - **10 hrs**
- (shared)
- CEER: MSC 5202 Sustainable development, Law and Policy – **10 hrs**
- (Shared)
- ISSI: ISS 5004 Int. Env. law and Env. Diplomacy (ECTS 8) **56 hrs**
- ISSI: ISS 5012 – Environmental law and Environmental Diplomacy **42 hrs**
- IES: IEN 5019 The Science and Management of Climate Change **8 hrs**
- EST 3190 European Environmental law & Policy (EDRC) (4 ECTS) (**28 hrs**)
- ECL 5010 Environmental Policy of the European Union (4 ECTS) (**28 hrs**)
- EMP 2007: Waste Management – Key Concepts and challenges in the Maltese Context  
(6 ECTS) (**8 hrs**)
- EMP 2008: Waste Management – Key Concepts (4 ECTS) (**8 hrs**)

### **3. RESEARCH**

#### **3.1. List of Research Projects**

The Forum of European Legal Experts on Adaptation to Climate Change supported by the University of Leuven Belgium and the European Commission DG CLIMATE ACTION. Role of the Forum is to provide a think tank amongst leading academics in European Universities to build a legal framework on climate change adaptation. The EU has financed the travel of 14 Legal Academics from top EU Universities since 2012 twice a year.

Coordination of the Climate Change Platform at the University of Malta. The role of the platform is to identify any research and studies being carried out by the Universities Faculties, Institutes and Centres to promote collaboration and coherence.

A Legal Assessment on the Ownership of Waste for WASTESERV.

A White Paper on Noise Pollution for the Ministry for Tourism, Culture and the Environment.

Research with Imperial College London on market based incentives for environmental protection, Liability for Climate Change Damage: The case for Insurance as a Responsive Mechanism.

Research with IMLI on the Impact of Sea Level Rise on Maritime Boundaries for Small Island Developing States

Compilation of a report entitled Sant'Antnin Waste Treatment Plant in Marsascala - Review operations July 2013 carried out for the Ministry for Sustainable Development, the Environment and Climate Change

A legal study of Marine Protected Areas in Malta and their self-financing for a study required by the Malta Environment and Planning Authority for the tender TN 0012/2013 entitled "Provision of a study on Financing requirements for local marine protected areas and self-financing recommendations –June 2013

A legal study carried out for a Maltese private company entitled Waste legislation applicable at the Office - 2012.

**Submitted by: Professor Simone Borg, Head of Department**



**FACULTY OF LAWS**

**UNIVERSITY OF MALTA**

**DEPARTMENT OF EUROPEAN AND COMPARATIVE LAW**

**ANNUAL DEPARTMENTAL REPORT – 2013-2014**

**I. The Department of European and Comparative Law– Overview**

The Department is heavily engaged in and committed to teaching and research. It continues to make its contribution also to the development of the Faculty of Laws. Examples include the further development of the Masters programmes, participation in the new Diploma courses, research and publication in Malta and abroad, participation in FIDE, participation in the International Academy of Comparative Law – all forms of participation that give the Faculty and the University a profile abroad. Equally, this occurs through participation in conferences, collaborative research and teaching and research visits abroad. The profiles in summary below of the full time academic members record their most recent work, including international collaboration. The Department is committed to supporting our students in their initiatives and commitments, including Erasmus exchanges, other study abroad especially at Masters level, visits to the European Union institutions, debating and mootng, publishing and editing and their other activities. This has the members of the Department involved in much supervision, counselling, assistance and advice, for example in connection with mootng, the work that goes into the law journals and individual student plans in general.

The LLM in European and Comparative Law is being strengthened with teaching from the two newer members of staff, Dr. Natasha Buontempo and now Dr. Mireille Caruana, both of whom are introducing new subjects. Dr Caruana has recently received news of her success in completing her Ph.D at the University of Bristol. Dr Sammut, assisted by James Bonnici, has been busy revamping the website and this will shortly come on stream. The Department of course fully values its commitment on the LLB and LLD Degrees and has continued to offer a range of elective subjects on these degrees besides the third year compulsory course in European Union law. This remains a valued part of our teaching activities, and opens the students to the wider range of Union law beyond the minimum core of institutional, constitutional and legal order framework of the Union legal order. This is especially important for future lawyers bearing in mind that only a

relatively small number of students will have the opportunity to proceed to do a Masters degree after qualifying. New subjects are also being offered on these degrees.

The external examiner for the 2013-2014 academic year was Professor Rosa Maria Greaves of Glasgow University. Professor Greaves reported favourably upon standards and student performance on our Masters programme, as also on the general performance of our LLB students.

## **II. Individual reports for the year 2013.**

### **Prof. Peter G Xuereb**

#### **1. Teaching and Research**

Prof Xuereb was on sabbatical during the first part of the 2013/4 academic year. On his return from sabbatical in February 2014, Prof Xuereb taught first degree and masters courses in EU law, European Company Law and European Financial Services Law. Acted as chairman of the boards of examiners for study units taught by the Department.

#### **2. Publications 2013/4**

1. A number of reports for the Commission's Gender Equality Network of Legal experts, and for the Malta Team working on the FRA Project. This includes regular reports for the European Commission's Network of Legal Experts on Gender Discrimination (one General report, and several updates and contributions to the European Gender Equality Law Review). It also includes acting as senior expert and reviewer in the Project on Human Rights observance in the Member States of the European Union of the Fundamental Rights Agency of the European Union (Vienna), on the Malta team coordinated by the Centre of Faith and Justice. The latter Project ends in December 2014 just as a new project coordinated by Aditus begins. Prof Xuereb has the same role in this project. Publications for the former include:

European Network of Legal Experts in the Field of Gender Equality, European Gender Equality Law Review 1/2013, June 2013, European Commission, Directorate-General For Justice, Unit JUST/D/1, available at: [http://ec.europa.eu/justice/gender-equality/files/law\\_reviews/egelr\\_2013-1\\_final\\_web\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/law_reviews/egelr_2013-1_final_web_en.pdf).

- European Network of Legal Experts in the Field of Gender Equality, European Gender Equality Law Review 2/2013, January 2014,

European Commission, Directorate-General For Justice, Unit JUST/D/1, available at: [http://ec.europa.eu/justice/gender-equality/files/law\\_reviews/egelr\\_2013\\_2\\_final\\_web\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/law_reviews/egelr_2013_2_final_web_en.pdf).

- European Network of Legal Experts in the Field of Gender Equality, S. Burri & H. Aune, Sex Discrimination in Relation to Part-Time and Fixed-Term Work: The application of EU and national law in practice in 33 European countries, November 2013, European Commission, Directorate-General For Justice, Unit JUST/D/1, available at: [http://ec.europa.eu/justice/gender-equality/files/your\\_rights/sex\\_discrimination\\_in\\_relation\\_to\\_part\\_time\\_and\\_fixed\\_term\\_final\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/your_rights/sex_discrimination_in_relation_to_part_time_and_fixed_term_final_en.pdf).

- European Network of Legal Experts in the Field of Gender Equality, S. Burri and H. van Eijken, Gender Equality Law in 33 European Countries: How are EU rules transposed into national law?, February 2014, European Commission, Directorate-General For Justice, Unit JUST/D/1, available at: [http://ec.europa.eu/justice/gender-equality/files/your\\_rights/gender\\_equality\\_law\\_33\\_countries\\_how\\_transposed\\_2013\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/your_rights/gender_equality_law_33_countries_how_transposed_2013_en.pdf).

- European Network of Legal Experts in the Field of Gender Equality, S. Prechal & S. Burri, EU Gender Equality Law: Update 2013, January 2014, European Commission, Directorate-General for Justice, Unit JUST/D1, available at: [http://ec.europa.eu/justice/gender-equality/files/your\\_rights/eu\\_gender\\_equality\\_law\\_update2013\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/your_rights/eu_gender_equality_law_update2013_en.pdf).

2014

- European Network of Legal Experts in the Field of Gender Equality, European Gender Equality Law Review 1/2014, European Commission, Directorate-General for Justice, Unit JUST/D1, available at: [http://ec.europa.eu/justice/gender-equality/files/law\\_reviews/egelr\\_2014\\_1\\_final\\_web\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/law_reviews/egelr_2014_1_final_web_en.pdf).

- European Network of Legal Experts in the Field of Gender Equality, M. Palma Ramalho, A. Masselot & S. Burri, The Implementation of Parental Leave Directive 2010/18 in 33 European Countries (forthcoming 2014), European Commission, Directorate-General for Justice, Unit JUST/D1.

2. Legal Editor, International Corporate Procedures (Jordan & Sons Ltd, Looseleaf, ongoing since April 1992). Ongoing, with some twenty updated countries per year, including an update of the Malta chapter in 2014.



3. Peter G. Xuereb, (co-author) *Corporate Procedures in Malta*, in Jordans' International Corporate Procedures, March 2014.
4. Peter G. Xuereb, "Universal Human Rights and EuroMed – An Agenda", in *The European Union In the World – Essays in Honour of Marc Maresceau* I. Govaere, E Lannon, Peter van Elsuwege and Stanislas Adam (eds.), Martinus Nijhoff Publishers, Leiden – Boston 2014, at pp.575 - 589 .
5. Work in progress: Prof Xuereb is working on the proposals for the review of the Maltese Constitution. He completed a Chapter on Malta due to be published in 2014/5 in a prestigious Temple Lang publication on The Role and Future of National Constitutions in European and Global Governance. He is working on other papers in this field.
6. Other papers/chapters in course of preparation in the field of comparative Company/Financial Services Law.

3. Other activities/results:

In the summer of 2013, together with other colleagues in the Faculty, Prof Xuereb launched a new Faculty-wide initiative in Comparative Law, by securing membership for Malta- based scholars to the International Academy of Comparative Law. Our membership was later confirmed by letter. A good number of members of the academic staff of the Faculty of Laws as a result presented National reports for inclusion in the general reports submitted at an Academy Conference held in Vienna in July 2014. This will lead to a number of globally distributed publications for the respective members of staff.

Participation in conferences and meetings on EU membership after 10 years, Gender Equality, and Migration and Asylum.

4. Administration

Prof Xuereb continued to act as Head of the Department of European and Comparative Law. He is a member of the Faculty Board of the Faculty of Laws and serves on a number of committees thereof.

He continues to serve as Chairman of the Institute for European Studies.

He continues to serve on the Editorial Board of the Malta University Press.

5. Appointments/ honours/ tasks:

Member of the Advisory Board of the newly-instituted Academy of Law of the Malta Chamber of Advocates.

Co-ordinator of the ad hoc National Committee for Comparative Law,  
affiliated to the International Academy for Comparative Law.  
Committee Member and President of the Assoċjazzjoni Maltija Għall-Istudji  
tad-Dritt Ewropew (AMSDE) for 2014.

## **Dr Ivan Sammut**

### **PARTICIPATION IN NETWORKS AND PROJECTS**

Active member in SECOLA

Fellow of European Law Institute

- a) Member of EU Administrative Law Committee – European Law Institute 2013
- b) Member of the Committee dealing with Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law - European Law Institute 2013

JUST/2012/EVAL/CT/0123/A4 conducting comparative law analysis of national consumer protection measures of 14 Members States with the corresponding provisions in the proposal for the Regulation on Common European Sales Law (COM(2011) 635) - Ecole de droit de la Sorbonne (Université Paris 1, Panthéon-Sorbonne) -2013

Protecting victims’ rights in the EU; the theory and practice of diversity of treatment during the criminal trial” - Institute of Advanced Legal Studies – University of London - 2013

Project on EU Procedural Rights Directive – Institute of Advanced Legal Studies – University of London 2013- 2014

Malta Report on the process of taking evidence in accordance within the MT legal system and with Regulation No 1206/2001, and on application of IT in civil proceedings - University of Maribor - 2013/2014

### **PARTICIPATION IN CONFERENCES**

Conference of the Law of Evidence - European law University of Maribor Slovenia  
March 2014

Jean Monnet Conference Brussels October 2014

### **PUBLICATIONS, REPORTS**

Maltese Immigration & Asylum Law & Policy – Malta Report - European Liberal Forum  
– Brussels – 2014

Malta report on Public Procurement, FIDE, University of Copenhagen, May 2014

Legal Engineering at the Services of European Private Law December 2014  
International Journal of International Law

#### OTHER ACTIVITIES

Award of Jean Monnet Module – EU Legal Drafting & Translation

Committee Member of the Assoċjazzjoni Maltija Għall-Istudji tad-Dritt Ewropew  
(AMSDE).

#### TEACHING

Taught a range of subjects at undergraduate, LLD, and Masters level.

Supervised LLD, MA, LL.M, theses, examiner and chairman of several boards of  
examiners.

#### **Dr Natasha Buontempo**

Report for: Natasha Buontempo, Assistant Lecturer

Teaching:

- ECL5035-SEM1-A: Labour Law in the European Union
- ECL3001-SEM1-A: European Union Law 1
- ECL3000-YR-SEM1: European Union Law
- EST1020-YR-SEM 1 & 2: The Legal Order of the European Union

Supervision of Dissertations :

- Ann Marie Cutajar PG Dissertation/Thesis
- Judy Inguanez PG Dissertation/Thesis
- Vincienne Pace PG Dissertation/Thesis
- Christabel Muscat PG Dissertation/Thesis

- Roxanne Borg PG Dissertation/Thesis
- Migle Virbalaite PG Dissertation/Thesis
- Kamile Mateliunaite PG Dissertation/Thesis

Examinations:

Member on various examination boards at LL.D level.

New Course:

Preparation for a new course to be offered in academic year 2014/2015 at LL.M level:  
ECL 5058- SEM 2 - Fundamental Rights in the European Union.

Ph.D progress:

1. Credit Requirements:

As part of her credit requirements (60 credits) Dr Buontempo attended, and participated in, a three day seminar in Glasgow. The seminar was followed up by an assignment (portfolio).

2. Thesis:

Currently working on the third chapter, the first two chapters being completed (subject to later revision). The third chapter is entitled 'The Principle of Proportionality in Maltese Constitutional law' and the main focus of research is judgments delivered by the Constitutional Court and the Civil Court First Hall in its constitutional jurisdiction which engage in a proportionality argument. Also focusing on pre-1987 judgments (before the European Convention Act was adopted in Malta) in order to study the approach of the Maltese Courts to human rights with special reference to the proportionality principle.

3. Interim Review:

Dr Buontempo successfully completed her interim review at the University of Strathclyde in Glasgow wherein her supervisor and an internal examiner found the work to be progressing satisfactorily.

1. Teaching: Taught a range of subjects at undergraduate, LL.D and LL.M level.
2. Research:

Continued to make progress in relation to Ph.D degree.  
August 2013 - Interim Review (Reports drawn up by my tutor, Prof. A. McHarg - please see below)

- Submitted a report to FIDE on EU Citizenship in Malta entitled 'Union citizenship: development, impact and challenges' for presentation at the FIDE Congress XXVI in Copenhagen;
- Currently writing a paper on the doctrine of the transfer of undertakings of the CJEU with a view to comparing the approach of the Maltese Industrial tribunal and the Court of Appeal (Inferior) in selected cases on alleged transfer of undertakings with that of the CJEU. It is argued that the transfer of undertakings doctrine has not been taken on board by the Maltese Courts.
- Currently writing a paper on Article 469A COCP and whether its effectiveness has been reduced drastically with the introduction of the Administrative Review Tribunal and the new system of tribunals being contemplated by the Maltese Parliament. It is argued that it has become practically redundant.

**Dr. Mireille Caruana**

Dr Caruana joined the department as a full time member of the academic staff in September 2014.

**Submitted by: Professor Peter. G. Xuereb, Head of Department**



**FACULTY OF LAWS**

**UNIVERSITY OF MALTA**

**DEPARTMENT OF COMMERCIAL LAW**

**ANNUAL DEPARTMENTAL REPORT – 2013-2014**

**Introduction and preliminary matters**

This Report continues where the report for the year 2013 left off. Naturally from year to year various concerns and issues remain the same.

The Department of Commercial Law has once again had a very busy and productive year trying to meet and rise to the numerous challenges and changes currently being implemented to the law course structure and to the study units offered by the Faculty and the Department. Some difficulties and misunderstandings have inevitably been encountered and teething problems could not be avoided.

The Department broadly teaches the various legal frameworks under which business activities are carried out and regulated in Malta and elsewhere: from basic notions of commercial law such as traders and acts of trade, to company law financial services aircraft and shipping law and financing as well as consumer protection and fair competition. Some subjects are fairly old and established while others are new and only recently introduced and developed. Study units are revised and refreshed to reflect changes in law and international developments. The Department is obliged to remain vigilant to update its programmes as commercial law evolves and changes. Luckily, the Department retains and engages lecturers enjoying ample relevant professional, practical, teaching expertise and experience.

The Commercial Law Department remains a major player in the teaching of law at the University and it aspires to remain so. As already reported in my previous Reports for the previous four years, the Department of Commercial Law seeks to preserve the relatively good reputation built over so many by illustrious predecessors in office and to maintain high standards of teaching. The good standing of the Department has often been recognized by the law students themselves, past and present. However, certain deficiencies must be acknowledged and certain lecturing staff need to engage and to

participate more intensively in Departmental and Faculty affairs. The Department as a whole can do more and do better.

The Departmental academic staff comprises leading professionals who are recognized experts in their respective fields able to ensure that students receive top academic preparation backed by practical experience at the highest level. This has not happened by accident. Where felt appropriate, study units are created to introduce new identified areas of business law deemed to warrant academic attention. Where appropriate old study units deemed to have passed their usefulness are either refreshed (where possible) or stopped. New expert resources are recruited to meet the on-going and new teaching challenges as necessary. Naturally the Department relies on the able University administrative staff led by the Faculty office.

During the year, the Department provided lecturing programmes at both under-graduate and Masters levels as has been the case for the past ten years or so now.

The Masters programme is separate and is accorded special attention to ensure continues high levels. The Head of Department has doubled as Coordinator of this Programme for the Past seven years.

### **Objectives and relevance**

The Department seeks to be relevant to students, to society and to the University generally. Wherever possible, it collaborates with other Departments and Faculties through lecturing and participation at seminars. The Department strives to provide teaching at very high standards and to analyse and promote initiatives aimed for the country's development and to inform the general public on commercial law issues. Not enough has been done and the initiatives need to be improved in quantity and amplified in scope. More staff participation in this area is called for.

Over the past few years, Department has gradually been asserting itself and has assumed a higher profile within University life and outside the University campus; in the past, the Department had a very low public profile generally. During these past years, high-level talks, seminars and conferences involving participation by Department members and other experts in the field, have regularly been organized. The subjects covered were principally current topics and issues in financial services, consumer protection and business regulation in general. Members of the Department have been regularly invited to address other seminars and conferences organized by various professional entities and associations on various commercial law subjects and developments. Of particular note in

this context is maritime law. No conference was however held during the current year under review.

### **Teaching staff resources**

The Department is composed exclusively of part-timers and has no full-time academics within its ranks. This has a negative side which is undoubted but the positive aspect is that students come face to face with true experts in their areas of experience who offer to University their services on a part-time basis. Most lecturers are committed and conscientious professionals who provide an ongoing excellent service to students. Certainly much is expected from lecturers who enjoy a Council appointment. During 2013, fresh young visiting lecturers were invited to supplement the current lecturing staff. These have served the Department well. No new permanent staff was recruited under a Council appointment during this last year.

### **The number of students**

The undersigned has repeatedly warned that the huge influx of students is having negative impacts on the quality of the relationship between lecturers and students, in the extent that it induces passivity and inertia by students in the classroom and discourages participation, and is helping to scare valid lecturers from continuing to teach as they are put off by the collateral obligation to correct hundreds of scripts...frequently a regrettably uninspiring, tedious and thankless task. These numbers have rendered various University rules unworkable. There are direct and indirect consequences flowing from the exaggerated number of students attending the Law course and a remedy to stop standards from falling as a result must be found.

### **Money Matters**

Once again the Department is proud that it manages to operate and undertake initiatives practically without spending a single euro, in line with the aim not to be a financial burden on University finances. In agreement with the Dean, and as in previous years, the surplus remaining from the University budget allocation to the Department was ceded to



cover the general needs of the Faculty office. Various Faculty needs were paid for out of Departmental funds even this year.

### **Teaching activities**

During 2014, the Department's lecturing commitments were fulfilled in line with the respective course descriptions. A heavy work load exists at under-graduate level. Happily, very few lectures were cancelled during this year. Various plans for the revision of the law course at LLB and LLD levels were practically finalized during the year under review and the newly designated and refreshed study-units are slowly coming on stream.

The Department continues to offer with success the evening Masters programme in financial services originally launched in 1996. The undersigned acts as the lead course coordinator assisted by a co-ordinator from the FEMA faculty which also contribute to the programme. Indeed, Mr Peter J Baldacchino continuously proves to be a very valid, reliable and supportive FEMA programme co-coordinator on the Board of Studies. An average of 22 to 25 students enrolls in the programme every year, without any form of advertising. The programme greatly benefits from the services of Mrs Elisa Attard.

### **Disciplinary cases**

Unlike the truly sad and traumatic experiences with a Masters student which extended into the current year, the Department did not have any new plagiarism incidents to report. The Department fully endorses the University's fight against the plague of illegitimate copying and smart cut and paste jobs.

A serious case of plagiarism in the Masters course, already reported in last year's report, was professionally investigated last year and reported to the relevant University authorities. The student was found to have committed plagiarism on three separate occasions during the Masters course, including her thesis. The University Disciplinary Board after various sittings found the student guilty of material plagiarism and she was not allowed to re-do the offending thesis or to re-apply to re-enter the same Masters programme. The undersigned records the professional way that the Registrar and Prof Alfred Vella guided the hard-working Disciplinary Committee in handling this case prudently and fairly.

## **The Head and the Department in the University**

In the past year, the Head has once again undertaken additional lecturing and academic commitments, has for ten years served actively on the Senate-appointed University Research Ethics Committee, he assists the Faculty of Theology and FEMA as necessary, including participation in annual seminars on business ethics as has been the case since 1996. He teaches and coordinates a study unit on 'Ethical Issues arising from the Regulation of Business' in its MA in Business Ethics programme offered by the Faculty of Theology. During 2014, the Head of Department attended practically all meetings of the Faculty Board as well as several Faculty sub-committees, including the Dissertations Committee.

## **Research**

In October 2014, the current Head of Department finalized and submitted his post-graduate (PHD) thesis to the University. The thesis analyses the impact of EU accession on selected areas of national consumer law and policy during the period 1990 – 2004 with Malta as a case study. The viva is due next April.

## **External examiners**

During 2013 the External Examiners were appointed for a selection of LL.D and Masters in Financial Services theses in accordance with the relevant University rules. The external examiners were ably assisted by Faculty staff in the examination of the theses allocated following their choice of preferred topics. With the collaboration of the University Faculty staff and the examiners and supervisors, the exercise was well administered and no problems were encountered.

**Submitted by: Dr David Fabri, Head of Department**



**FACULTY OF LAWS**  
**UNIVERSITY OF MALTA**  
**DEPARTMENT OF CRIMINAL LAW**  
**ANNUAL DEPARTMENTAL REPORT – 2013-2014**

This annual report for the Department of Criminal Law covers the period October 2014 till September 2015.

Date: 2nd October 2014  
Venue: RM 319, Faculty of Laws  
Time: 16.00

Members Present:

Dr Stefano Filletti (Acting Head)  
Dr Stephen Tonna Lowell  
Dr Aaron Bugeja  
Dr Chris Soler  
Dr Jason Azzopardi

Excused:  
Hon CJ Dr Silvio Camilleri  
Dr Leonard Caruana

Minutes of previous meeting were read and approved.

Matters discussed:

**1. Reorganisation of Duties**

The Department of Criminal Law witnessed a radical change in its setup.

Lecturing duties were reassigned following student feedback to maximise on lecturing successes. A detailed (week by week) organisation of lectures and topics was undertaken to ensure a comprehensive coverage of syllabus.

In LL.D. 2nd Years PL and LL.D. streams were merged to maximise lecturing efficiency.

## **2. Tutorials & Seminars**

Following positive feedback in LL.D. 2nd Years, tutorials were retained.

In CRL1010, CRL2006 and CRL2007 tutorials were converted to seminars to allow more focussed attention on central topics in the syllabus.

## **3. Additional Optional Credits**

It was agreed that the Department should consider offering an optional credit tackling organized crime including drugs trafficking and human trafficking together with specialised instruments, such as instruments of mutual recognition.

## **4. Moot Court Competition & Gh.S.L. Criminal Notes project**

The Department of Criminal Law together agreed to support student initiatives including the annual Moot Court Competition. In addition the Department would be working closely with Gh.S.L. on their pilot project to launch student notes in criminal law.

**Submitted by: Dr Stefano Filletti, Head of Department**



**FACULTY OF LAWS**  
**UNIVERSITY OF MALTA**  
**DEPARTMENT OF LEGAL HISTORY AND METHODOLOGY**  
**ANNUAL DEPARTMENTAL REPORT – 2013-2014**

**1. Contribution in Law Courses offered by the Faculty of Laws**

The Department of Legal History and Methodology was set up in April, 2012. It was set to contribute to the Bachelor of Laws (LL.B.) and Doctor of Laws (LL.D.) degree courses. The relevant programmes entailed lecturing, supervising and examining study units and the research and writing of theses.

The Department runs four study units:

- (A) Introduction to Legal History
- (B) Introduction to Historico-Legal Research: The Notarial Archives
- (C) History of Police Laws: The British Period 1814-1964
- (D) Maltese Legislation in Historical Context
- (E) The Criminal Code and Criminal Laws in a Historical Context

**2. Development of New Study Units**

The Department of Legal History and Methodology started the second year with five study units by the increase of another study unit entitled 'The Criminal Code and Criminal Laws in a Historical Context'.

**3. Participation in Academic Boards and Committees**

The Head of Department is also member of the Faculty Awards for Academic Excellence and Dean's Awards, sits on the Research, the Faculty Library Sub-Committee, the Ethics Committee, the LL.D. Dissertations Committee and the Interviewing Board for Master of Arts in Mediation. In addition, the Head of Department is one of the components of the Board of Studies for the Diploma in the Laws of Procedure. Furthermore, Professor

Mangion is a member of the Institute of Maltese Studies and a member of the Faculty of Media and Knowledge Sciences.

#### **4. Publications**

##### **(1) Books**

Professor Raymond Mangion is finalising the first of a fully-documented two-part monograph on Maltese legislation of the first responsible government.

##### **(2) Newspapers Articles**

Professor Mangion published a number of articles in local newspapers in English on aspects of constitutional, legislative and historico-legal matters.

#### **5. Book award**

Professor Raymond Mangion's two volumes on the 'Speakers' Rulings in the Parliament of Malta, The Legislative Assembly 1921-1924', Msida, Malta University Press (co-published by the University of Malta and the Malta Parliament), 2557pp., was awarded first prize by the Malta Council for Books and Publications in December 2013.

#### **6. Graduation**

Professor Raymond Mangion delivered the oration to the congregation on the occasion of the graduation ceremony of the 2010-2012 LL.D course that was held in the Jesuits' Church in Valletta on 14<sup>th</sup> November 2013. The Oration dealt with the need to reform Chapter 2 of the Malta Constitution to introduce the citizen's right in the supreme law of the land. His speech was given prominence by the media and was published entirely by a leading newspaper in Maltese and was the subject matter of an article that partly appeared on the front page of a newspaper in English.

#### **7. The House of Representatives**

Professor Raymond Mangion was consulted on several occasions Speaker of the House of Representatives Dr Angelo Farrugia on issues of a constitutional character.

#### **8. Government Appointments**

Professor Raymond Mangion was appointed by the Office of the Prime Minister to sit on the Foundation for the Celebration of National Festivities 2014 for a period of three years ending in 2016.

Professor Raymond Mangion was appointed by the Ministry for Justice to sit on the Bicentenary Commemoration Committee on the Foundation of the Malta Police Force for one year ending in 2014.

Professor Raymond Mangion was also invited to sit on and contribute to the Committee for the Revision of the Laws of Malta

### **9. Participation in Radio and Television Programmes**

Professor Raymond Mangion participated as resident or guest invitee in a number of programmes on the national T.V. station as well as on private T.V. and radio programmes during which he spoke on legislative, historical, social and cultural matters.

Professor Raymond Mangion participated on Campus FM concerning the themes of law as a concept and as an instrument of obedience on the invitation of the *Ghaqda Studenti tal-Ligi*.

### **10. Foundation Day of the Faculty of Laws**

Professor Raymond Mangion was directly involved in the creation of an event to commemorate the Foundation Day of the Faculty of Laws. He identified the exact day when the present Faculty of Laws was set up, namely 17<sup>th</sup> December, 1838.

### **11. Speeches**

Professor Raymond Mangion delivered the speech to commemorate the Foundation Day of the Faculty of Laws on 17 December 2013.

### **12. Award of Ph.D.**

Dr Joan Abela, a resident academic within the Department of Legal History and Methodology was awarded a Doctor of Philosophy degree from the University of Southampton.

### **13. Social Recognition**

Professor Raymond Mangion was awarded “Ġieħ il-Hamrun 2013” by the Hamrun Local Council for his research and academic achievements and for his contribution to the promotion of historical and cultural activities.

#### **14. Academic Staff**

The academic staff of the department of Legal History and Methodology is the following:

##### ASSOCIATE PROFESSOR

Professor Raymond Mangion

##### ASSISTANT LECTURER

Dr Michael Camilleri

##### VISITING ASSISTANT LECTURER

Dr Joan Abela

Dr Mario Spiteri

##### TEACHING ASSOCIATES

Andrew Ellul

Dr Mark Anthony Sammut

Dr Danielle Cordina

**Submitted by: Professor Raymond Mangion, Head of Department**





**FACULTY OF LAWS**  
**UNIVERSITY OF MALTA**  
**DEPARTMENT OF PUBLIC LAW**  
**ANNUAL DEPARTMENTAL REPORT – 2013-2014**

One of the major activities organised by the Department of Public Law was the Conference held on Human Rights Day, 10<sup>th</sup> December 2014. The theme chosen was “The Constitution of Malta-Fifty Years of Proposals and Counter Proposals” and it allowed the Faculty of Laws to participate in the national commemoration of fifty years from Malta’s gaining Independence , forty years from Malta becoming a Republic and ten years from Malta joining the European Union.

The Human Rights Programme of the Faculty of Laws was invited to participate in the workings of the Conference to highlight the central role which Human Rights enjoy in Malta’s post-independence constitutional development.

The Conference was opened by the President of Malta H.E. Marie Louise Coleiro Preca who also accepted the invitation to address the audience of the Conference. The speakers included President Emeritus of Malta Ugo Mifsud Bonnici, Dr. Tonio Borg, Dr. Michael Frendo and Dr. Alex Sceberras Trigona who all spoke on the developments which had marked and given the Constitutional of Malta the characteristics it now enjoys. The speakers all occupied prestigious public office both in Malta and internationally and all lecture in the Department of Public law.

The second part of the Conference was dedicated entirely to Human Rights and had Judge Giovanni Bonello, Dr. David Zammit and Dr. Evelyn Borg Costanzi presenting analytical contributions on important aspects of the development of the present system of Maltese Human Rights protections. The Conference was held at the Casino Maltese,

Valletta and was very well attended by members of the legal profession, members of the judiciary and students from the faculty of laws.

The first session was chaired by Dr. Austin Bencini , Head of Public law and the second session was chaired by professor Kevin Aquilina, Dean of the Faculty of laws.

The Department will be publishing the workings of the Conference in a dedicated publication in early 2015.

The Department continued in its efforts in consolidating the Masters programme in the MA in Human Rights and Democratisation which efforts has seen an increase in the students registering in the Course. The Department is confident that the Masters has a future and is also proposing to finalise discussions of expanding the programme though increased co-operation with local academic entities as well as to investigate new areas of co-operation with foreign Masters in Human Rights.

The Department together with the Faculty is actively working on the an initiative with the Malta Institute of Taxation and work is at hand to develop an Masters in International Taxation. In this regard the Department has started revising the Tax curriculum in the LLB stream so that the Tax programme will be expanded in International, Direct and Indirect Taxation which in turn will require an increase in staff of two casual lecturers allowing the department to be well placed to Prepare its students in Tax to participate fruitfully in post graduate studies in Tax Law.

The Department has continued strengthening its Ph. D programme with an increase in candidates pursuing the M.Phil studies leading to a Ph.D programme of studies.

The Department has strengthened its participation in the Faculty's Human Rights Programme with Dr. Bencini being appointed Chair of the Programme by the University.

**Submitted by: Dr Austin Bencini, Head of Department**



## **FACULTY OF LAWS**

### **UNIVERSITY OF MALTA**

#### **DEPARTMENT OF MEDIA, COMMUNICATIONS AND TECHNOLOGY LAW**

##### **ANNUAL DEPARTMENTAL REPORT – 2013-2014**

### **1. Contribution in Law Courses offered by the Faculty of Laws**

The Department of Media, Communications and Technology Law continued to contribute to the Bachelor of Laws (LL.B.) and Doctor of Laws (LL.D.) degree courses as well as to other degree programmes offered by the Faculty of Laws and the Department of Criminology, Faculty of Social Well-Being. This entailed lecturing, supervising and examining study-units, including supervising theses, dissertations and research projects.

The Department is composed of the following 12 academic members of staff:

Prof Kevin Aquilina (Head of Department) (Full-time Resident Academic)

Prof Frances Camilleri-Cassar (Full-time Resident Academic)

Dr Jeanne Pia Mifsud Bonnici (Part-time Resident Academic)

Dr Daniel Bianchi (Part-time Resident Academic)

Dr Anne Louise Ellul Cachia Caruana (Visiting Senior Lecturer)

Dr Michael Frendo (Visiting Senior Lecturer)

Dr Michael Tanti Dougall (Visiting Senior Lecturer)

Dr Francis Zammit Dimech (Visiting Senior Lecturer)

Dr Neville Gatt (Visiting Senior Lecturer)

Dr Paul E. Micallef (Visiting Senior Lecturer)

Dr Ian Gauci (Visiting Lecturer)

Dr Lauro Fava (Visiting Assistant Lecturer)

### **2. Participation in Academic Boards and Committees**

The Head of Department is the Dean of the Faculty of Laws and ex officio member on Senate, is a member of Senate's Programme Validation Committee and Senate's Students' Charter Committee. He also attended regularly the meetings of the University Ph.D. Committee, the Students Request Committee and the University Assessment Disciplinary Committee.

### 3. Research Output

During this academic year Professor Kevin Aquilina has written the following publications:-

#### 3.1 International Peer Reviewed Publications

##### *Monograph*

(i) Monograph entitled *Maltese Media Law*, in *International Encyclopaedia of Laws Series*, The Netherlands, Wolters Kluwer Law and Business, 2014, 248 pp., softcover, ISBN 9789041153319.

##### *Edited Book*

(ii) Kevin Aquilina and Pietro Iaquinta, *Il Sistema Ambiente, Tra Etica, Diritto Ed Economia*, CEDAM Casa Editrice Dott. Antonio Milani, 2013.

##### *Book Chapters*

(iii) 'Enacting an Environment Code for the Maltese Islands', in Kevin Aquilina and Pietro Iaquinta, *Il Sistema Ambiente, Tra Etica, Diritto Ed Economia*, CEDAM Casa Editrice Dott. Antonio Milani, Italy, 2013, pp. 299-327.

(iv) 'At long last: The Freedom of Information Act' in Ashley Hinson and Craig Beyerinck, *Open Government: Global Perspectives*, Local Interventions Group, Kathmandu, Nepal, February 2014, pp 3-5.

(v) 'The Mass Media's Role in Strengthening Democracy in an Information Society: A Critical Legal Appraisal' in Raul Juez Zaffaroni and Mario Caterini (eds.), *La Sovranità Mediatica: Una riflessione tra etica, diritto ed economia*, Milan: CEDAM Casa Editrice Dott. Antonio Milani, CEDAM, June 2014, pp. 37-59.

(vi) 'Territorial Sea and Contiguous Zone' in David Attard, Malgosia Fitzmaurice and Norman Martinez (eds.), *IMLI Manual on International Maritime Law, Volume I: The Law of the Sea*, Oxford: Oxford University Press, 2014, Chapter 2, pp. 26-70.

(vii) 'Do Pronouncements of the Constitutional Court Bind *erga omnes*? The Common Law Doctrine of *stare decisis* versus the Civil Law Doctrine of Non-Binding Case Law within a Maltese Law Context' in Vernon Palmer (ed.), *Mixed Legal Systems, East and West*, London: Ashgate, January 2015, pp. 43-53.

##### *International Peer Reviewed Journals*

(viii) 'A Consideration of the Functions of the Maltese Broadcasting Regulatory Authority with Special Reference to Its Independence: Legend, Wishful Thinking or

Reality?', *International Journal of Public Law and Policy*, 2013, Vol. 3, No. 2, pp. 141-156.

(ix) 'Fighting corruption in Malta and at European Union Levels', *EUCRIM: The European Criminal Law Associations' Forum*, 2013, No. 2, pp. 61-64.

(x) 'A Study of Section 3 of the Maltese Official Secrets Act, its Canadian and British Counterparts and its Effects on Freedom of Expression', *Commonwealth Law Bulletin*, 2013, Vol. 39, No. 3, pp. 553-572.

(xi) 'The Nature and Sources of the Maltese Mixed Legal System: A Strange Case of Dr Jekyll and Mr Hyde', *Comparative Law Review*, 2013, Vol. No. 4, Issue No. 1, pp. 1-38.

(xii) 'Guidelines on the Obligation of Due Impartiality' in *Open Journalism, IRIS PLUS*, Strasbourg, European Audiovisual Observatory, Council of Europe, Issue 2, 2013, p. 30.

(xiii) 'The Right to a Public Trial under Maltese Criminal Law: An Analysis from a Comparative and Human Rights Angle', *European Journal of Comparative Law and Governance*, Issue No. 1, 2014, pp. 130-147.

(xiv) 'Broadcasting in connection with European Parliament elections' *IRIS*, June 2014, 2014-6, pp. 18-19.

(xv) 'The Strasbourg Court's Case Law and Its Impact on Parliamentary Removal of a Judge in Malta: Turning a New Leaf?', *International Human Rights Law Review*, Volume 3 (2014), Issue 2, 248-275.

### **3.2 Maltese Peer Reviewed Publications**

(xvi) 'Why a Second Republic for Malta?' in Office of the President, *The President's Forum – Does Malta's Constitution Still Cater For The People's Needs?*, Valletta: Office of the President, October 2013, pp. 152-198.

(xvii) 'Offer of Resignation following a change in Government', *Law & Practice*, Issue 28, December 2013, pp. 29-37.

(xviii) 'Preface' to Judge Philip Sciberras, *L-Alfabet tal-Kodici Civili – Volum A*, Sciberras Associates Publishing, 2013, pp. ix-xi.

(xix) Editorial 'Final Issue of the Mediterranean Journal of Human Rights', *Mediterranean Journal of Human Rights*, Volume 17, 2013, pp. 9-10.

(xx) 'Book Review: Achieving Certainty. Clarity and Stability through the Law of Procedure', *Mediterranean Journal of Human Rights*, Volume 17, 2013, pp. 365-370.

(xxi) ‘Constitutional change: Proposals for reform’, *Id-Dritt Law Review*, Vol. XXIV, 2014, pp. 197-233.

(xxi) ‘Foreward’ to the ELSA Malta Law Review, Edition IV, December 2014, p. vi.

(xxii) ‘Can the Maltese Citizenship (Amendment) Act, 2013 – Act No. XV of 2013 – be the subject of an abrogative referendum?’, *ELSA Malta Law Review*, Edition IV, December 2014, pp. 55-71.

### **3.3 Co-Author of Government Reports**

(xxiii) Commission for the Holistic Reform of the Justice System, *Final Report*, 30 November 2013 (co-authored with Judge Emeritus Giovanni Bonello, Judge Philip Sciberras and Dr Ramona Frendo), Parliamentary Secretariat for Justice, Office of the Prime Minister, Valletta, 443 pages.

(xxiv) Correspondence with the Ombudsman *On the Strengthening of the Ombudsman Institution: A Proposal by the Office of the Parliamentary Ombudsman*, Valletta, Office of the Ombudsman, January 2014, Annex IX, pp. 111-112.

### **3.4 Newspaper Articles**

(xxx) ‘Can the Maltese Citizenship (Amendment) Act, 2013 be the subject of an abrogative referendum?’, *The Times of Malta*, December 7, 2013, p. 16.

(xxxi) ‘When Parliament is dissolved’, *The Times of Malta*, February 7, 2014, p. 14.

(xxxii) ‘Parliamentary removal of a judge’, *Malta Today*, 19 February 2014, p. 9.

(xxxiii) ‘Farrugia Sacco – An Injustice in the Making?’ *Malta Today*, 23 February 2014, pp. 20-21.

(xxxiv) ‘To annul or not to annul’, *The Times of Malta*, 25 February 2014, p. 17.

(xxxv) ‘Renaissance at Faculty of Laws’, *The Times of Malta*, 1 March 2014, p. 17.

(xxxvi) ‘The inappropriateness of parliament as a judicial body’, *Malta Today*, 2 March 2014, p. 25.

(xxxvii) ‘Ombudsman review’, *The Times of Malta*, 31 March 2014, p. 16.

(xxxviii) ‘A whistle-less whistleblower’, *Malta Today*, 6 April 2014, p. 25.

(xxxix) ‘Curbing financial unaccountability’, *Malta Today*, 11 May 2014, p. 15.

(xl) ‘The legitimacy of a Government after an EP election defeat’, *Malta Today*, 25 May 2014, pp. 22-23.

(xli) ‘In defence of the Constitution’s Supremacy’, *Malta Today*, 8 June 2014, p. 15.

#### **4.1 Research output**

During this academic year Professor Frances Camilleri-Cassar has contributed as follows:-

##### **4.1.1 Peer reviewed Journal Article**

‘Education strategies for social inclusion or marginalizing the marginalized?’ *Journal of Youth Studies*, Vol. 17, Issue 2, 252-268.

##### **4.1.2 Book contribution**

‘The Impact of the Economic Crisis on the Situation of Women and Men and on Gender Equality Policies in Malta’, in *The Impact of the economic crisis on the situation of women and men and on gender equality policies*, EC Directorate-General for Justice, Luxembourg: Publications Office of the European Union, (prepared by Francesca Bettio, Marcella Corsi, Carlo D’Ippoliti, Antigone Lyberaki, Manuela Samek Lodovici and Alina Verashchagina) ISBN 978-92-79-29153-1.

##### **4.1.3 Peer reviewed Reports for the European Commission**

- (i) ‘Flash Report on the Malta National Reform Programme under the Europe 2020 Strategy’. External report commissioned by and presented to the European Commission, Directorate-General Justice, Unit D2 ‘Gender Equality’.
- (ii) ‘Recent developments and current priorities in the field of gender equality: mapping and evaluating national strategies’. External report commissioned by and presented to the European Commission, Directorate-General Justice, Unit D2 ‘Gender Equality’.
- (iii) ‘Prostitution policies at Member State level: Malta’, External report commissioned by and presented to the European Commission, Directorate-General Justice, Unit
- (iv) ‘Leave policies for childcare 2010 - 2013’, External report commissioned by and presented to the European Commission, Directorate-General Justice, Unit D2 ‘Gender Equality’.



- (v) 'Country fiche on gender equality and policy developments (4th quarter). External report commissioned by and presented to the European Commission, Directorate-General Justice, Unit D2 'Gender Equality'.
- (vi) 'Country fiche on gender equality and policy developments (3<sup>rd</sup> quarter). External report commissioned by and presented to the European Commission, Directorate-General Justice, Unit D2 'Gender Equality'.
- (vii) 'Country fiche on gender equality and policy developments (2nd quarter). External report commissioned by and presented to the European Commission, Directorate-General Justice, Unit D2 'Gender Equality'.
- (viii) 'Country fiche on gender equality and policy developments (1st quarter). External report commissioned by and presented to the European Commission, Directorate-General Justice, Unit D2 'Gender Equality'.

#### **4.2 Paper presentation**

- (ix) 'Human trafficking in Malta with special focus on children at risk'. Paper presentation to *Code Red Human Trafficking Awareness Conference*, organised by Cross Culture International Foundation, Malta, 10 May 2014.
- (x) 'Country Specific Analysis of Gender Equality'. Presentation to and discussion with the Directorate-General Justice, Unit D2 'Gender Equality', Brussels, 24 January 2014.
- (xi) 'Policy agenda for social wellbeing at Faculty and University Level'. Paper presentation to the seminar *A Vision for Social Wellbeing* organised by the Faculty for Social Wellbeing, University of Malta, 30 October 2013.
- (xii) 'Qualitative research methods vs the quantitative approach'. Presentation to academics and post graduate students, Kaunas University of Technology, Kaunas, Lithuania, 25 September 2013.
- (xiii) 'Social policies to promote gender equality'. Presentation to academics and post graduate student, Kaunas University of Technology, Kaunas, Lithuania, 24 September 2013.

#### **4.3 Newspaper articles**

- (xiv) Social Wellbeing Policy at University? *THINK*, University of Malta, Issue 10, September 2014.
- (xv) 'Social Wellbeing at University', *The Sunday Times*, 15 June 2014.

#### **4.4 Teaching workload**

To the Faculty of Laws:

- (i) CRL1008 Family Violence Law
- (ii) CRL2008 Child Trafficking Law

To the Faculty for Social Wellbeing:

- (iii) CRM2007 Key Issues: Gender, Crime and Justice
- (iv) CRM2008 Key Issues: Family Violence (day students, 1<sup>st</sup> semester)
- (v) CRM2008 Key Issues: Family Violence (evening course students, 2<sup>nd</sup> semester)
- (vi) CRM2010 Qualitative Research Methods
- (vii) CRM2016 Policy and Crime
- (viii) CRM3015 Child Trafficking

#### **4.5 Co-ordination of public seminars**

- (i) Student-led public seminar organised for LLB Hons. students taking CRL2008 Child Trafficking Law. Keynote speaker Prof. Kevin Aquilina, Dean Faculty of Laws, 15 May 2014.
- (ii) Seminars linked with the Erasmus Staff Mobility Bi-lateral Agreement between the University of Malta and Kaunas University of Technology Lithuania. Keynote speaker Prof. Ruta Braziené
  - Trafficking in Human Beings in Central and Eastern Europe: Theoretical Explanation, Empirical Evidence and Social Policy Responses (8 May 2014)
  - Transitions of Youth from Education to the Labour Market (6 May 2014)
  - Domestic Violence and Gender Equality (5 May 2014)

#### **4.6 Honorary academic appointment**

Honorary Associate Professor, School of Sociology and Social Policy, University of Nottingham, UK.

#### **4.7 Researcher / member**

- (i) Member of the Strategic Planning Committee, and its Sub-Committee, Faculty for Social Wellbeing, University of Malta
- (ii) Researcher / member of the European Network of Experts on Gender Equality
- (iii) Researcher / member of the International Network on Leave Policies and Research
- (iv) Member of the UK Social Policy Association

#### ***4.8 Other***

Evaluator and Independent Assessor for the national agency under the European Union Programmes (Agreement Number – LLP-EVAL/MT/04/2011).

**Submitted by: Professor Kevin Aquilina, Head of Department**