



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF EUROPEAN AND COMPARATIVE LAW

ANNUAL DEPARTMENTAL REPORT – 2012-2013

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 mooted, publishing and editing and their other activities. This has the members of the Department in much supervision, counselling, assistance and advice, for example in connection with mooted, the work that goes into the law journals and individual student plans in general.

The LLM in European and Comparative Law has again attracted a good number of students in 2013/4, and the last academic year was the first year in which we had students applying for an Erasmus grant to engage in part of their LLM studies abroad. 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.

The external examiner for the 2012-2013 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 performance of our LLB students.

II. Individual reports for the year 2013.

Prof. Peter G Xuereb

1. Research

Prof Xuereb was on sabbatical during academic year 2012/2013 and the first part of the 2013/4 academic year). He was a visiting scholar at the Centre for Human Rights and Intercultural Dialogue at the University of Padova between September and November 2012. During this time, he conducted research related to his work on Human Rights in the Mediterranean and EU external policy. He also led an academic staff seminar, and taught in four masters classes, on the themes of Human rights and the Rule of Law; Asylum and Migration Policy in the EU, Malta and Italy; The European Convention on Human rights and Democratisation after the Arab Spring; Law and Politics in a changing European Union; Combatting Gender Discrimination –Legal Developments. Between January 2013 and April 2013, Prof Xuereb was a Visiting Scholar at Gonville and Caius College, University of Cambridge. His work there focused on the developments in legal regulation of the financial services sector at European and global level after the global economic crisis of 2007 -2010, and various aspects of corporate governance in this sector. He is currently working on three papers/chapters on the subject. Meanwhile papers related to the other themes have also been finalised and two have been published. Besides acting as editor for Jordans International Corporate Procedures, Prof Xuereb co-wrote the first chapter entry for Malta in this 80-country study of corporate law and procedures. This was published in April 2013, and updated in September 2013. Other work has been carried out in line with other project obligations. 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.

2. Publications 2012/3

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.
2. Legal Editor, International Corporate Procedures (Jordan & Sons Ltd, Looseleaf, ongoing since April 1992). Ongoing

3. Peter G. Xuereb, (co-author of a new Chapter on) *Corporate Procedures in Malta*, in Jordans' International Corporate Procedures, March 2013.
 4. Peter G. Xuereb, "EuroMed and Fundamental Human Rights Protection through the European Convention of 1950. An Idea to be Pursued?" in *Pace Diritti Umani*, University of Padova, Marsilio Editori 2012, Vol.2, pp.111-125 (published February 2013)
 5. Peter G. Xuereb, "Values, Intercultural Dialogue and Making it Pay to be Good: A Research Agenda and Policy Approach", in Leonce Bekemans (Editor), *Intercultural Dialogue and Multi-level Governance in Europe – A Human Rights-Based Approach*, P.I.E. Peter Lang Brussels, December 2012, pp.47-71.
 6. Peter G. Xuereb, "A Common Good(s) Understanding of the Future of Europe in the World", in *A Value-driven Future for Europe* under the editorship of Leonce Beckemans (ed.) Temple Lang Brussels November 2012.
 7. Peter G. Xuereb, "Infusing the Euro-Mediterranean Partnership with the Supranational Dynamic. A Euro-Mediterranean Community and a Step towards Global Governance?" Chapter in Erwan Lannon (ed.), *The EU Neighbourhood Policy's Challenges* (P.I.E. Peter Lang, 2012) pp.159-187.
 8. Forthcoming: Peter G. Xuereb, "Euromed and Human Rights", in E.Lannon et al (forthcoming, publication due in January 2014).
3. Other activities:
- In the summer of 2013, together with other colleagues, 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. A good number of members of the academic staff of the Faculty of Laws will as a result be presenting National reports for inclusion in the general reports to be submitted at an Academy Conference to be held in Vienna in July 2014. This should lead to a good number of globally distributed publications for the respective members of staff. Work was under way in November to January 2013/2014.

Participation in a number of conferences, and lecture on Subsidiarity in the European Union political and legal order, given to EU coordinators in the various Government Ministries in Malta, in September 2012.

4. Administration

Prof Xuereb continued to act as Head of the Department of European and Comparative Law.

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

He continued to serve on the Editorial Board of the Malta University Press. He also served on the Professional Conduct Committee until the end of his period of office in January 2013.

5. Appointments/ honours/ tasks:

Visiting Scholar at the University of Padova (September to November 2013).

Visiting Scholar at the University of Cambridge (Gonville and Caius College) January to April 2013).

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

First Chairman of the National Committee for Comparative Law, affiliated to the International Academy for Comparative Law.

Nominated by the Faculty of Laws as the Malta representative at the 50 year commemoration conference of the Judgment in *Van Gend en Loos*, European Court of Justice - Luxembourg, May 07 2013.

Committee Member of the Assoċjazzjoni Maltija Għall-Istudji tad-Dritt Ewropew (AMSDE) for 2013-2014.

Dr Ivan Sammut

1. 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

2. Conferences

Participated at the American Society of Comparative Law – Presented paper ‘Legal Engineering at the services of European private law’ in the YCC Conference of the American Society of Comparative law held at the University of Indianapolis IN – April 2013

Participation at the 50 year commemoration conference of Van Gend en Loos, European Court of Justice - Luxembourg, May 07 2013

Research at IALS September 2013

Jean Monnet Conference Brussels November 2013

3. Publications, reports

Maltese Immigration & Asylum Law & Policy – Malta Report - European Liberal Forum – Brussels – 2013

Malta report on Public Procurement, FIDE, University of Copenhagen, to be published in May 2014

Works in progress – publication of PhD thesis into a monograph

4. Other activities

Award of Jean Monnet Module – EU Legal Drafting & Translation

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

5. Teaching

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

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

Dr Natasha Buontempo

Report for: Natasha Buontempo, Assistant Lecturer

1. Teaching: Taught a range of subjects at undergraduate, LLD and LLM level.
2. Research:
Continued to make progress in relation to Ph.D degree (University of Strathclyde).
 - (a) Interim Review (August) - Positive review (Prof Aileen McHarg & Dr Chris McCorkindale)
 - (b) Annual Review (December) - Authorisation to progress to the second year of study (Dr Elaine Webster - Examiner)
3. 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.
4. Currently writing a paper on Article 469A COCP (Ch. 12 of the Laws of Malta) and whether its effectiveness has been reduced drastically with the introduction of the Administrative Review Tribunal Act and the new system of tribunals being contemplated by the Maltese Parliament. It is argued that it has become practically redundant.

National Reports

5. Malta Report: 'Union citizenship: development, impact and challenges', FIDE, University of Copenhagen, to be published in May 2014.

Submitted by: Professor Peter G Xuereb, Head of Department



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

Legislative Innovation or Mare Nostrum? The Mediterranean Experience

Mediterranean Maritime Jurisdictional Claim: A Review

The Maltese Initiative: Essays to Commemorate the 30th Anniversary of the 1982 United Nations Convention on the Law of the Sea (UN, New York)

Some Early Academic Formative Influences on the Modern Law of the Sea: From Colombos to Sandiford

Mediterranean Maritime Jurisdictional Claims: A Review', Hamburg Lecture, currently being published by Max Planck Institute for Comparative and International Private Law

OUTLINE OF COLLABORATION WITH THIRD PARTIES

Visiting Professor at the Universities of Yale, Oxford, Sorbonne, Catania, Messina, Rome, and also lectured at the International Foundation for the Law of the Sea (IFLOS) in Hamburg.

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

Concluding phase of publication of second volume on Constitutional Law and Human Rights of the multi-volume work: 'The Maltese Legal System'

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

CONFERENCES ATTENDED ABROAD

Lecture at the Law of the Sea Tribunal entitled 'Maritime Jurisdiction in Enclosed and Semi-enclosed Seas: The Mediterranean Experience'

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)

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); 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 Mallia, Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF CRIMINAL LAW

ANNUAL DEPARTMENTAL REPORT – 2012-2013

The Department congratulated Judge Joseph Filletti on his recent appointment as Permanent Representative for Malta to the Council of Europe.

1. Reassignment of Duties

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

It was decided a call was necessary to increase lecturing and tutorial duties.

Lecturing duties were reassigned following student feedback to maximise on lecturing successes.

The overall reviews were positive

2. Tutorials & Practicals

Tutorials and more importantly practicals were introduced for all law students

3. Revision of Unit Description and Reading Lists

It was felt that the credits offered by the Criminal Law Department required an urgent update in content and reading list. All credit descriptions were updated to properly reflect the credits actually being taught.

4. Conference in European Criminal Law 2013

The Department of Criminal Law together with ERA successfully hosted an international conference in Malta on European Criminal Law.

The attendance and feedback to this Conference was excellent

5. Special Seminars

The Department is also working on the possibility of creating bi-annual special seminars aimed for students to be able to discuss the core content being taught in the credits offered by the Criminal Law Department

Submitted by: Dr Stefano Filletti, Acting Head of Department



FACULTY OF LAWS
UNIVERSITY OF MALTA
DEPARTMENT OF CIVIL LAW
ANNUAL DEPARTMENTAL REPORT – 2011/2012-2012-2013

During the period under review, various **PUBLICATIONS** were issued by members of the Department. These are listed hereunder:

DR ANTHONY CREMONA

Published the following articles during the time period that is the subject of this Report:

‘Beneficiaries of Maltese Foundations —you have rights ... in Malta!’ published in *Trusts & Trustees* (2012) 18 (6): 579-584;

‘Successful arbitration of internal trust disputes the Maltese way’ published in *Trusts & Trustees* (2012) 18 (4): 363-372;

‘Malta: a foundation’s DNA— cell structures as building blocks of a Maltese foundation’ published in *Trusts & Trustees* (2011) 17 (6): 569-576;

‘Panta Chorei Ouden Menei: The Developing World of Maltese Trust Law’ – published for Finance Malta (<http://www.financemalta.org/sections/malta-trusts-financemalta/financemalta-trusts-articles/detail/Panta-Chorei-Ouden-Menei>);

STEP Journal Jurisdictional Summary: as part of the editorial committee for the STEP Journal, Malta page, I contribute to the trust and foundations-related summary;

‘Maltese Private Foundations and the protection of Beneficiary Rights’ - Trusts & Trustees;

Also contributed the Chapter on Malta to the *‘Private Foundations World Survey’* Book (Edited by Johanna Niegel and Richard Pease, 624 pages | 246x171mm 978-0-19-965194-8 | Hardback | 15 August 2013).

DR PAUL CACHIA

Author of the Chapter concerning Malta of the Report on Access to Foreign Law in Civil and Commercial Matters prepared for the European Commission by the Swiss Institute of Comparative Law. Available at this link:

http://ec.europa.eu/justice/civil/files/foreign_law_en.pdf

DR RUTH FARRUGIA

2013, Monograph with Abela A., Galea M., Schembri D., and Casha C., *The Relationship between Maltese Adolescents and their Parents*, Department of Family Studies, Malta Community Chest Fund

2013, *Why should States have an interest in making families stronger?* In Abela A. and Walker J. (eds), *Supporting the Family in the 3rd Millennium*. Global Trends in Marriage and Family Life, Wiley publishers

2013, *State responsibility for the child in need of care* in *Intergenerational Obligations in Family Law*, Fulchiron H. (ed.), Bruylant publishing, pp141-162, ISBN 978-2-8027-3998-2

2013, with Abela A., Schembri D. and Galea M., *International Journal of the Jurisprudence of the Family, Parent Child Relationships in Separation Proceedings*, Vol.3, pp. 112-143, Hein and Co.

2012, *History of Female Suffrage in Malta*, in *History of Female Suffrage in the EU*, Rodríguez-Ruiz B. and Rubio Marin R. (eds), Brill publishers, pp 389-407, ISBN 978 90 04 22425 4

2012, *A Divorce Law for Malta: Act XIV 2010*, *International Family Law*, No 1, 2012, Jordan publishing

2012, *Challenges In Balancing Parental Rights And The Child's Best Interests: A Preliminary Analysis Of The Malta Divorce Referendum*, *International Journal of the Jurisprudence of the Family*, Volume 2, Hein publishing

2011, "Essays in Honour of Penelope Agallapoulou", "*Best interests of the child*" for the children of the State?, Volume I, A. Sakkoulas Publishers, Greece, 2011, pp 483-502, ISBN 978-960-15-2511-2

2011, *State Responsibility for Human Trafficking - perspectives from Malta*, *Journal of Money Laundering Control*, Vol. 15:2. Emerald publishing

2011, *Best Interests of the Child in Family Conflict*, *Id-Dritt law journal*, Vol. XXI, [ISBN - 2221-4143]

Reports

2013, with Camilleri A.M., Project for the European Parliament: Member States policies for children with disabilities (Malta report)

2012, Report on Violence Against Children commissioned by Council of Europe in preparation for International Conference on Violence Against Children (Turkey November 2012)

2012, with Jessel-Holst C., Expert Opinion commissioned by Council of Europe on Serbian Private International Law Code

2011, Report as General Rapporteur to the Council of Europe International Conference “Combating violence against children: from isolated actions to integrated strategies”, Kyiv, Ukraine, 24-25 May 2011 http://www.coe.int/t/dg3/children/news/kyiv05-11/internationalconferencekyiv_EN.asp, Reports at, <http://www.coe.int/t/dg3/children/news/kyiv05-11/RuthFARRUGIAReport.pdf> and <http://www.coe.int/t/dg3/children/news/kyiv05-11/Recommendations.pdf>

2011, Comparative study on Member States' legislations and practices in the field of consular protection, Malta study on legislations and practices in the field of consular protection, cited in Consular protection for EU citizens in third countries: State of play and way forward [Brussels, 23.3.2011 COM(2011) 149 final] http://ec.europa.eu/justice/policies/citizenship/diplomatic/docs/communication_consular_protection.pdf

DR PATRICK J GALEA

Patrick Galea penned the chapter on Malta in David Pugsley's *Liber Amicorum*, which chapter refers to aircraft security.

DR JOSEPH SCIRIHA

Departmental Report 2011/12

Following the publication of Bill 83, the Notarial Profession and Notarial Archives Act was heavily amended in December 2011 by Act XXIV. In a seminar for members of the profession held in Malta at the Corinthia Attard in August and in another held in Gozo in September, Dr Joseph Sciriha was a keynote speaker where he analysed the amendments proposed in Bill 83.

DR DAVID ZAMMIT

2011 Suban, R. & Zammit, D.E. Satisfying Labour Demand through Migration in Malta, Malta report prepared for a study funded by the European Migration Network and published on their web-site here:

http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=A045BCE47B97C2506703E41317EC3E96?entryTitle=06_Satisfying%20LABOUR%20DEMAND%20through%20migration

2012 Wrote pages 549-574 of the Malta chapter of Vernon Palmer's book: *Mixed Jurisdictions Worldwide*, published by Cambridge University Press.

2012 Donlan, S. P., & Ando, B. & Zammit, D.E. "A happy union?" Malta's legal hybridity. *Tulane European & Civil Law Forum*, 27, pp.165-208.

2012 “Maltese Court Delays and the Ethnography of Legal Practice” in Journal of Civil Law Studies Vol. 4 No. 2, published by the State University of Louisiana, US.

2012 I co-edited with G Caruana Demajo and L Quintano the Malta chapter of the European Yearbook of Tort Law of 2011. See H. Koziol, & B. C. Steininger (Eds.), European tort law yearbook: European tort law Berlin, New York: Walter De Gruyter

2012 Consultative Assessment on the Integration of Third Country Nationals – Final (Malta) Report; published electronically here: <http://integration-iom.com/final-workshop>

2013 I co-edited with G Caruana Demajo and L Quintano the Malta chapter of the European Yearbook of Tort Law of 2012. See H. Koziol, & B. C. Steininger (Eds.), European tort law yearbook: European tort law Berlin, New York: Walter De Gruyter

Mediterranean Journal of Human Rights - In my role as Executive Editor of the Mediterranean Journal of Human Rights, I published Volumes 15 and 16, the double issues for 2011 and 2012, in the period in question.

in August 2013 the first volume of a new book series on Mediterranean Legal Cultures, of which I am general co-editor together with Paola B. Helzel, was issued. This book is entitled: “Medical Liability and Human Rights in Italian Private Law.” I am also a member of the editorial board of the Journal of Mediterranean Studies.

During the period under review, various **CONFERENCES/SEMINARS AND MEETINGS** were attended abroad by members of the Department during term time or otherwise. These are listed hereunder:

DR PAUL CACHIA

Attended the Joint Conference in Brussels organised by the European Commission and the Hague Conference on Private International Law in February 2012:

http://www.hcch.net/upload/xs2foreignlaw_rpt.pdf

DR ANTHONY CREMONA

International Trusts Congress 2011 - London, 7th December 2011, "Relocating Structures to Malta presented talk on this subject at this international conference which talk touched upon structure involving relation to trusts and foundations.

28th Annual International Conference, Transcontinental Trusts 2013 - Geneva 19th & 20th June 2013, "Foundations vs Trusts - Practical Jurisdictional Implications". At this same conference presented a talk entitled "Foundations and Trusts - a comparative analysis (with particular reference to Malta);

'Leggi Internazionali del Trust: Analisi Comparata di Alcune Clausole Relativo all'atto di Trust nelle Diverse Legislazioni,' organised by *Ordine dei Dottori Commercialisti e degli esperti contabili Milano*, and the *Scuola di Alta Formazione Luigi Martino - Milan*, on the 15th July 2013. I was invited to present a talk on "*La Legge del Trust di Malta*" with particular reference to specific clauses of Maltese trust law;

STEP Conference - Milan, 26th September 2013: I was invited by the *Society of Trusts and Estate Practitioners* to make a presentation on a recent case decided by the Maltese Court of Appeal that touches upon the *actio pauliana* when used in the context of a settlement of property on trust. The presentation was titled: "*Scontro Tra Titani, Trust e Actio Pauliana a Confronto: L'esperienza Maltese nel Caso Vossberg vs Equinox*";

Round Table: Trusts & Estates 2013 – I was invited to participate in a virtual round table on the subject of trusts and succession planning issues (accessible at: <http://www.ganadoadvocates.com/resources/publications/round-table-trusts-estates-2013/>)

Dr Cremona was also invited by Academy & Finance SA in Geneva to deliver a talk in November, 2013 on Maltese Trusts and Foundations law.

DR PAUL DEBONO

April 2012, I delivered a seminar on "Testamentary Capacity" within the postgraduate geriatric medicine lectures programme on medico-legal issues at the Karin Grech Rehabilitation Hospital. This was delivered to medical doctors, consultant geriatricians and other officers involved in geriatric medicine.

I participated in a number of seminars / presentations which include:

- (a) 10 April 2012 - Seminar on Corporate Governance
- (b) 13 April 2012 - Jean Monnet Conference
- (c) 15 & 16 April 2013 MFSA - Continuing Professional Development Course - Programme on Internal Governance within the Banking Industry: Issues and Developments
- (d) 29 October 2013 - "Credit & Business Law- What's New?" organised by the Chamber of Advocates and the MACM.

DR RUTH FARRUGIA

Conference Papers

2013, UCL Current Legal Issues Colloquium 2013, Law and Michael Freeman, *The meaning of "special protection" for the child in alternative care*, UCL, London, July 2013

2013, Annual Symposium of the International Academy for the Study of the Jurisprudence of the Family, *Is There a State Responsibility to regulate child-parent relationships?*, *Cardozo Law School* _New York, US, June 2013

2013, ISFL Regional Conference , Brooklyn Law School, *Is there a State responsibility to foster family harmony?* New York, June 2013

2013, The Rights of the Child in Foster Care – Conference organized by the Department of Civil Law and the Maltese Society for Comparative Law, Convenor – Malta February 2013

2012, IJJO 5th Biennial International Conference: *Criminality or Social Exclusion: Justice for Children in a Divided World* – Chair: Session on Diversion and alternative measures: international practices, (+EJJO Academic Council, expert meeting), London November 2012

2012, 7th European Forum on the Rights of the Child, "Supporting child protection systems through the implementation of the EU Agenda for the rights of the child", Brussels November 2012

2012, International Conference on *Violence Against Children* Keynote speaker for Council of Europe - Turkey November 2012

2012, Unborn Child Conference, *Presentation on Protection of the Life and Health of the Unborn Child – the Law* in panel entitled: *Il-Harsien tal-Hajja u s Sahha tat-Tarbija li se Titwieled - il-Ligi u r-rwol tal-Familja u s-Socjeta* - Malta October 2012

2012, *Adoption is 50 Years old*: Symposium on Maltese Adoption Law. Convenor - Malta October 2012

2011, A Global Conference on Child Justice in Africa, *Concepts on Child Justice – a global perspective, Kampala Uganda, November 2011*

2011, with others, Centre for Family Studies Conference, *The Relationship between Fathers, Mothers and their Adolescent Children*, October 2011

2011, 29th International Symposium on Economic Crime: Human Trafficking – Exploitation, Abuse and Slavery Today, *Human Rights and Trafficking: Responses by the Human Rights Bodies*, Jesus College, Cambridge University, September 2011

DR PATRICK J GALEA

Dr Patrick Galea read two papers at professional conferences of the Raiffeisen Bank International AG – these related to cross-border securities and jurisdiction and choice of law clauses in international security agreements.

During the two year period under review, research activities in civil law aspects of property, and guarantees were further developed, with a special interest in security transfers, and the developing notions of ownership.

DR JOSEPH SCRIBA

In November 2012, the Notarial Profession and Notarial Archives Act was again amended by Act XIX. In a seminar for members of the profession held in Malta on 16th November at the Radisson Hotel and another held in Gozo on 1st December, Dr Joseph Sciriha was one of the keynote speakers where he analyzed the compliance provisions established by Act XXIV of 2011 and Act XIX of 2012.

DR DAVID ZAMMIT

October 31, 2011 Co-organised a conference entitled: *Border Security, Human Experiences*.
Delivered a paper on: *The Obstacles to the Securitisation of Irregular Migration in Malta*.

November 30, 2011 I chaired the annual conference organized by the Malta National Contact Point of the European Migration Network

May 14-15, 2012 I attended the conference held in Malta and co-organised between John Hopkins and Tulane University and entitled “*Mixed Legal Systems, East and West: Newest Trends and Developments*” . I presented a paper entitled: “*Developing Clinical Legal Education in the University of Malta: legal hybridity as obstacle and opportunity.*”

June 15-16, 2012 I attended the colloquium entitled: “*Doing Justice: Official and Unofficial ‘Legalities’ in Practice*” and organized by Juris Diversitas together with the Centre Jacques-Berque of Rabat, Morocco. I presented a paper together with an LL.D. student, Ibtisam Sadekh, and entitled: “*Religious Marriage in Malta: a study of legal consciousness and legally oriented practices.*”

June 28, 2012 Attended the final workshop at the Corinthia Hotel – Saint Julians and organised by the International Organisation for Migration in the framework of the project entitled: *Consultative Assessment of the Integration of Third Country Nationals (in Malta)*. During this workshop I presented my report

26-27 October 2012 I attended the “International Conference on Public Policy, Good Morals and Social Justice in European Private Law” organized by the Groningen Centre for Law and Governance (GCL) – Groningen University, The Netherlands. I presented a paper on: “*The role of public policy in a mixed jurisdiction: the Maltese experience.*” More information can be found here: <http://www.juridice.ro/230582/international-conference-on-public-policy-good-morals-and-social-justice-in-european-private-law-groningen-26-27-october-2012-update-follow-up.html>

6th November 2012 I attended the Expert’s Meeting at Le Meridien Hotel, Malta of the IOM administered EU-funded project IF 2011-08: “*Pan-European Conference – Work: a Tool for Inclusion or a Reason for Exclusion?*” I delivered a presentation on how Third Country Nationals in Malta experience Discrimination in the Labour Market.

April 18-19, 2013 I attended the “Pan-European Conference: Work: A Tool for Inclusion or a Reason for Exclusion?” organised by IOM-Malta in the Grand Hotel Excelsior and presented my research paper, jointly authored with Robert Suban: “*Combating Discrimination in Employment, including Access to Work and Workplace Discrimination.*”

3rd-4th June 2013 Attended the Juris Diversitas Annual Conference, jointly organised together with the Swiss Institute of Comparative Law and entitled: DIFFUSION: AN INTERNATIONAL, INTERDISCIPLINARY CONFERENCE ON COMPARATIVE LAW". I chaired the workshop session on "Public Policy and the Internal Diffusion of Norms" and presented a paper on: "*The role of public policy in a mixed jurisdiction: the Maltese experience.*"

Invitations abroad:

7-8th February 2012 Invited to deliver a 10 hour lecturing contribution to the Masters Course in *Diritti Umani, Migrazione, Sviluppo* taught by the University of Bologna (Ravenna Campus).

4-8th April 2012 Went on an Erasmus teaching visit to the University of Limerick in Ireland and delivered 5 hours of lectures on various subjects in the Comparative law area

During the period under review, members of the Department took part in the following **PROJECTS** which were, wholly or partially, externally funded:

DR ANTHONY CREMONA

During 2013 I also successfully contested the elections for a place on the Executive Committee of the Malta Branch of the *Society of Trusts and Estate Practitioners*.

DR RUTH FARRUGIA

Child Participation project, EU project coordinated by ECORYS UK

Common Core of European Private Law www.jus.unitn.it/DSG/common-core - Malta Editor: project on *The family obligations between patrimonial duties and duties of care*

Rights of Child in Out of Home Care, National Commission for Child Policy and Strategy

DR DAVID ZAMMIT

February-September 2012 Directed anthropological research on the Integration of Third Country Nationals in Malta in the framework of the International Organisation for Migration's Consultative Assessment on the Integration of Third Country Nationals in Malta

October-April 2013 Conducted research together with Mr Robert Suban, lecturer in the Faculty of Economics, Management and Accountancy on: *Combating Discrimination in Employment, including Access to Work and Workplace Discrimination.*"

June 2013 to date Awarded a grant of €10,000 by the Strickland Foundation to conduct and coordinate research on the impact of Maltese court delays on Human Rights in the framework of the project "Human Rights Can't Wait." Research for this project is expected to be concluded by January 2014

Submitted by: Dr David Zammit, Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF ENVIRONMENTAL AND RESOURCES LAW

ANNUAL DEPARTMENTAL REPORT – 2012-2013

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 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 Dr 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 (5 ECTS)
- 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 (5 ECTS)
- ERL 5007- MA Ocean Governance Dissertation (30 ECTS)

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 (5 ECTS) (**5 Hours**)
- ERL5004 - Regulation And Governance For The Conservation Of Living Marine Resources (5 ECTS) (**20 hours**)
- ERL5005 - Regulating Sustainable Use Of The Oceans (5 ECTS) (**20 hours**)
- ERL5006 - Ocean Policy Making: Application Of Policy Measures To Specific Ocean Issues (5 ECTS) (**visiting faculty**)
- 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.

3.4 Dissertations

1	Borg Christina Marie Environmental	444388M	Criminal Liability in Animal Welfare – A Comparative and Critical Analysis		
2	Calleja Mikiel Alfred Environmental/Commercial	527383M	Environmental Liability; piercing the corporate veil and its implications		
3	Camilleri Mario Environmental/Maritime	241688M	The Exploration and Exploitation of the Continental Shelf: The Contractual Relationship between the Coastal State and Private Entities		
4	Chircop Christopher Environmental/Energy	197289M	Malta's Legal Challenges in Implementing the EU Effort Sharing Decision on Greenhouse Gas Emissions Reduction		
5	Cilia Justine Environmental	183187M	The Legal Relationship between the various Holders of Waste		
6	Gauci Alison Anatolia Environmental	388589M	The Legal Challenges in implementing the Convention on Biological Diversity in Malta		
7	Gauci Michael Environmental/Planning	309189M	The Effectiveness of Current Maltese Development Planning Legislation in Achieving Sustainable Development		
8	Sammut Alessi Hannah Environmental	223689M	Implementing the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits		

			Arising from their Utilization: The Maltese Perspective		
--	--	--	--	--	--

Submitted by: Dr Simone Borg, Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF COMMERCIAL LAW

ANNUAL DEPARTMENTAL REPORT – 2012-2013

Introduction

This Report continues on the lines of the detailed report for the year 2012 which was submitted last year and reports for previous years. Points and issues already raised in last year's Report will not be repeated here.

The Department of Commercial Law has passed a very busy year in the midst of numerous changes currently being implemented to the law course structure and to the study units offered by the Department. These study units cover the various legal frameworks under which business activities are carried out and regulated in Malta and elsewhere. The subjects taught range from basic notions of commercial law and examination of concepts as traders and acts of trade, to company law with the notion of the limited liability company, to financial services in its varied subsectors including banking and securities, aircraft and shipping finance as well as consumer protection and fair competition. Some subjects are fairly old and traditional, while various others are relatively new and only introduced these recent years. Several study units have been revised and refreshed, often extended beyond the original limited version. Indeed, such a dynamic phenomenon as business requires the Department to remain vigilant to continue to update as they keep evolving and changing. This presents a primary on-going challenge and requires the Department to retain and engage relevant teaching expertise and experience.

The Commercial Law Department has always been a pillar 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 has sought to safeguard the relatively good reputation acquired during its history and to maintain high standards of teaching by persons amply qualified in the subject and considered leading lights of their respective professions. The good standing of the Department has often been recognized by

the law students themselves, past and present, and it is intended to keep it that way. However, we can do more and we can do better.

The Departmental academic staff comprises leading professionals who are recognized experts in their respective fields and who can provide students of Commercial Law with excellent academic preparation backed by practical experience at the highest level. This has not happened by accident. Where felt appropriate, new study units are judiciously introduced to cover newly identified areas of business law deemed to warrant academic attention. Where appropriate old study units deemed to have passed their sell-by date are either refreshed (where possible) or terminated. New expert resources are recruited to meet the on-going and new teaching challenges. It is no secret that a conscious attempt is being made to introduce new young blood to refresh the capabilities of the Department and to plan for future succession. This applies not only to the teaching function but also to the provision of expert service as theses supervisors and as examiners.

During the year, the Department provided lecturing programmes at both under-graduate and Masters levels as was the case in 2012.

Objectives and relevance

A primary objective of the Department is to be present, relevant and useful to students, to society and to the University itself. The Department strives to provide teaching at very high standards and to analyse and where appropriate to support initiatives aimed for the country's development, and, where possible, help to better 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. Nevertheless, the Department has gradually constructed a higher profile within University life and outside the University campus than may have regrettably been the case in the past, when the Department was relatively hidden from public view (as were other Departments). 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.

Teaching staff resources

While the Department has no full-timers within its ranks, 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, new blood was recruited to undertake lecturing duties, especially with the significant revision and amalgamation of course which has been undertaken during these past years, including 2013. New young motivated visiting lecturers were recruited as visiting lecturers to supplement the current staff. These have served the Department well. No new permanent staff was recruited under a Council appointment during this last year.

At this juncture one should warn that the huge number 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 tedious, time-consuming and thankless task.

Academic initiatives and financing

Money is scarce at University and 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. The strategy to join forces with other important and credible entities and institutions, such as the Chamber of Advocates, the FIAU, the MFSA and the MIA, whereby public activities on important subjects can be organized without any cost to the Department which contribution would largely consist of intellectual and academic resources, has continued with success. In typical cases, the Department draws up the agenda programme, the list of speakers and the whole academic side of these events, while the Chamber or the MFSA handles the bookings, the venues and other logistics.

Two main activities were organized by the Department during 2013. A public conference was held with the support of the Chamber of Advocates and the MFSA in February 2013 on "*The relevance of the Civil Law to Commercial law practitioners (with particular reference to company law, financial services and consumer law)*". This was an innovative initiative not only because of the topic chosen but due to the presence of two superior court judges on the list of speakers. In October 2013, another public seminar was organized with the support of the Department of Public Law and the MFSA on the subjects of the Consumer Complaints Manager under the MFSA Act and the proposed new Financial Services Ombudsman Scheme. Various departmental academic staff participated actively in these academic

activities and the Faculty Dean and the Ombudsman also attended and presented talks at the last mentioned conference. More and different projects are planned for the current year and beyond.

Teaching activities

During 2013, the Department's lecturing commitments were completed to the full in terms of the respective course descriptions. The Department carries a heavy work load at undergraduate levels. Happily, very few lectures were cancelled. The new revised undergraduate study unit on financial services regulation is now in place on investment services law, placing the teaching of financial services at a higher and more consistent level than before. This reflected the importance of the sector for the national economy in general and for legal practitioners. The study unit on consumer protection has been significantly amplified and developed into a new programme which for the first time brings together consumer protection, business regulation and business ethics. More generally, plans for the revision of the law course at LLB and LLD levels were practically finalized during the year under review.

The Department continues to offer with success the evening Masters programme in financial services originally launched in 1996. The Head has served as course-lead coordinator for the past ten years together assisted by a co-ordinator from the FEMA faculty which also contribute to the programme. Mr Peter J Baldacchino continues to serve as a very valid, reliable and supportive FEMA fellow co-coordinator on the Board of Studies. An average of 22 to 25 students enrolls in the programme every year, without any advertising.

Disciplinary cases

The Department endorses the University's fight against the plague of illegitimate copying. All instances of alleged copying or plagiarism or other breaches in the Masters course were first raised and reviewed at Board of Studies level, before being passed on to the Law Faculty Board or higher authority.

Cases of plagiarism in the Masters course were regrettably investigated last year and reported to the relevant University authorities. The two suspicious cases were confirmed and students have been punished in terms of University procedures.

A particular student was found to have committed plagiarism on three separate occasions during the Masters course, including the thesis. When she was disciplined and she was stopped from continuing the course, she complained to the University Ombudsman claiming injustice. 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. When the University Admissions Office was about to allow her not only to re-enter the programme but also to gain credit for study units carried out, against the Coordinator's objections, the undersigned resigned forthwith. The resignation lasted for some three weeks and the undersigned Co-ordinator resumed his post upon receiving confirmation from the University that the guilty student would not after all be allowed to re-enter the Masters programme.

The Head and the Department in the University

In the past year, the Head has once again undertaken additional lecturing and academic commitments. He continues to serve actively on the Senate-appointed University Research Ethics Committee, this being his ninth year; he co-ordinated and delivered a programme on EC consumer law and policy in the BA Hons in European Studies administered by the EDRC; he assisted the Faculty of Theology and FEMA as necessary, including participation in seminars on business ethics as has been the case since 1996. He teaches the study unit on Ethical Issues that arise from the Regulation of Business in its Masters in Business Ethics programme offered by the Faculty of Theology. The Head of Department attended practically all meetings of the Faculty Board as well as several Faculty sub-committees, including the Dissertations Committee.

Research

At the end of 2012, the current Head of Department worked to bring his post-graduate (PHD) studies with the University on a part-time basis almost to completion. 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 work is at a very advanced stage and should be finalized during the current year.

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 Professor Guido Alpa and Professor Paolo Gaggero both from the La Sapienza University of Rome.

The external examiners actively assisted 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. The external examiners reported their satisfaction with the administrative arrangements and the overall performance of the students.

Submitted by: Dr David Fabri, Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF MEDIA, COMMUNICATION AND TECHNOLOGY LAW

ANNUAL DEPARTMENTAL REPORT – 2012-2013

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. This entailed lecturing, supervising and examining study-units, including supervising theses.

The Department is composed of the following 9 academic members of staff:

Prof Kevin Aquilina (Head of Department)

Dr Daniel Bianchi (TR4)

Dr Anne Louise Ellul Cachia Caruana (T4)

Dr Michael Frendo (T6)

Dr Ian Gauci (T1)

Dr Jeanne-Pia Mifsud Bonnici (currently on leave of absence)

Dr Michael Tanti Dougall (T1)

Dr Francis Zammit Dimech (T1)

Dr Neville Gatt (T1)

2. Participation in Academic Boards and Committees

The Head of Department is the Faculty Board's representative 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 Disciplinary Committee.

The Head of Department continues to chair the following Faculty Board appointed Committees:

- (a) the Strategic Plan Committee
- (b) the Library Committee
- (c) the Faculty Doctoral Committee
- (d) the LLD Dissertations Committee
- (e) Faculty Admissions Committee.

3. Research Output

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

3.1 International Peer Reviewed Publications

(i) '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.

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

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

(iv) '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.

(v) '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.

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

3.2 Maltese Peer Reviewed Publications

(vii) 'Disclosing Official Secrets in terms of Article 133 of the Criminal Code', *Id-Dritt*, Volume XXIII, 2012, pp. 109-133.

(viii) 'Recalling a Dissolved Parliament', *Law and Practice*, Issue 28, May 2013, pp. 4-19.

3.3 Publication of Conference Proceedings

(ix) 'The Predominant Influence of Roman Adoption Law Principles upon the Maltese Legal System' in *Adoption Law Paper: Marking the 50th Anniversary from the Amendments to the Civil Code*, University of Malta Faculty of Laws and Ghaqda Studenti tal-Ligi, 30 April 2013, pp. 24-30.

(x) 'Why a Second Republic for Malta?', Office of the President, Valletta, Proceedings of the President's Forum, 25 April 2013. Office of the President of Malta, The

Palace, Valletta, Malta, available at http://president.gov.mt/forum_president_it-tieni_edizzjoni?l=1, 30 pages.

3.4 Co-Editor of an International Book

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

3.5 Co-Author of Government Reports

(xii) Commission for the Holistic Reform of the Justice System, *First Consultation Document*, 31 May 2013 (co-authored with Judge Emeritus Giovanni Bonello, Judge Philip Sciberras and Dr Ramona Frendo), Parliamentary Secretariat for Justice, Valletta, 112 pages.

(xiii) Commission for the Holistic Reform of the Justice System, *Second Consultation Document*, 29 July 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, 301 pages.

3.6 Newspaper Articles

(xiv) 'Delicate interregnum period', *The Times of Malta*, 9 March 2013, p. 14.

(xv) 'A new national day', *The Times of Malta*, 15 March 2013, p. 16

(xvi) 'The Minister's puppet', *The Times of Malta*, 27 March 2013, p. 16.

(xvii) 'A new Constitution', *The Sunday Times of Malta*, 31 March 2013, p. 24.

(xviii) 'Regulators' independence', *The Times of Malta*, 17 April 2013, p. 16.

(xix) ‘Why delegated legislation?’, *The Times of Malta*, 29 April, 2013, p. 16.

(xx) ‘The Jekyll and Hyde AG’, *The Times of Malta*, May 3, 2013, p. 16.

(xxi) ‘A court for government’, *The Times of Malta*, June 14, 2013, p. 14.

4. Accepted for Publication

The following works have been accepted for publication:

(xxii) ‘Offer of Resignation following a change in Government’ to the Chamber of Advocates’ journal *Law & Practice* (forthcoming in December 2013).

(xxiii) ‘Territorial Sea and Contiguous Zone’ forthcoming 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 (forthcoming in early 2014).

(xxiv) ‘The Mass Media’s Role in Strengthening Democracy in an Information Society: A Critical Legal Appraisal’ to be published in *Profili etici, giuridici ed economici dei mezzi di comunicazione*, CEDAM Casa Editrice Dott. Antonio Milani, Italy, forthcoming in early 2014).

(xxv) ‘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 (forthcoming in early 2014).

(xxvi) I have written a three page Preface to the forthcoming Volume I of a series of books authored by Judge Philip Sciberras. Volume I studies the legal terms which begin with the letter “A” of the Alphabet in the Civil Code (Chapter 16 of the Laws of Malta). This

Volume is intended to form part of a series of books devoted to each legal term of the alphabet as used in the said Code.

5. Appointments

(i) Appointed by the Parliamentary Secretary responsible for justice in the Ministry for Home Affairs and National Security as Member of the Commission for the Holistic Reform of the Justice System, DOI Press Release 445 of 2013, 24 March 2013, available at <http://gov.mt/en/Government/Press%20Releases/Pages/2013/March/24/pr0445.aspx>.

(ii) Appointed on 6 June 2013 on the panel of judges by the Strickland Foundation to adjudge upon its annual writing competition on the theme of human rights.

6. Conference Participation/Book Launches

(i) I was a paper giver at the President's Forum held on 25 April at the Palace, Valletta. My paper was entitled 'Why a Second Republic for Malta?' (see 1.3(x) above).

(ii) I delivered a paper on 16 May 2013 on 'Fighting Corruption in Malta and at European Union Levels' at an international conference held on 16 and 17 May 2013 entitled *Making the Fight Against Corruption in the EU More Effective: Towards the Development of New Evaluation Mechanisms* at the Gardjola Suite, Corinthia Hotel, St. George's Bay, St. Julians. The conference was organised by the Academy of European Law (ERA), the Department of Criminal Law at the Faculty of Laws of the University of Malta and the Maltese Association for European Criminal Law and for the Protection of the European Union's Financial Interests entitled *Making the Fight Against Corruption in the EU More Effective: Towards the Development of New Evaluation Mechanisms*. This Conference was sponsored by the European Anti-Fraud Office (OLAF) under the Hercule II Programme. This paper has been published by the European Law Association's Forum (see 1.1(iii) above).

(iii) I addressed an *Ghaqda Studenti tal-Ligi* book launch held at the Junior Common Room, University House, on 30 April 2013 on 'Adoption Law Paper: Marking the 50th Anniversary from the Amendments to the Civil Code'.

7. UMASA

I form part of the UMASA Collective Agreement Negotiating Team which is currently negotiating the collective agreement for University of Malta academics.

8. Attendance at Dean's Award Ceremonies

(i) Faculty of Arts – Thursday 2nd May 2013 at the Faculty of Arts Library, University of Malta Msida Campus

(ii) Faculty of Science – Friday 10th May 2013 at the Sir Erin Serracino Inglott Hall (Lecture Theatre 1), University of Malta, Msida Campus.

9. International Consultancy

In May 2013 I was requested by Transparency International to provide feedback on the Malta Country Report of their report entitled 'Providing an Alternative to Silence: Towards Greater Protection and Support for Whistleblowers in the EU', Transparency International, to be released in 2013/2014.

10. Work In Progress

(i) I have been commissioned by Dutch law publishers Kluwer Law International to write two monographs in their *International Encyclopaedia of Laws Series*, one on Maltese Media Law and another on Maltese Constitutional Law. I finished the Maltese Media Law monograph ready in January 2014. The manuscript related to Maltese Constitutional Law is envisaged to be finalised by December 2015.

(ii) I continue to assist Professor David J. Attard in the writing of Volume II and Volume III of *The Maltese Legal System*. We envisage completing the writing of the manuscript of Volume II by mid-2014 and Volume III by end December 2014. We are also planning the contents of Volume IV. I am also co-ordinating the translation of the four volume series into Maltese.

(iii) Commission for the Holistic Reform of the Justice System, *Final Report*, to be submitted on 31 October 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.

(iv) I concluded a paper, 'Constitutional Reform: Proposals for Change' and submitted it to *Id-Dritt Law Review*, a blind peer reviewed journal of the *Ghaqda Studenti tal-Ligi*. *Id-Dritt Law Review* is envisaged to be in print circa April 2014.

11. New Academic Staff

Dr Neville Gatt has been appointed during the current year as a Visiting Senior Lecturer at T1.

12. Ph.D. Studies

Dr Daniel Bianchi is currently reading for a Ph.D. degree.

Submitted by: Professor Kevin Aquilina, Head of Department



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF LEGAL HISTORY AND METHODOLOGY

ANNUAL DEPARTMENTAL REPORT – 2012-2013

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

The Department of Legal History and Legal 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

2. Development of New Study Units

The Department of Legal History and Methodology started the first year with four study units and is preparing to introduce two other study units that are being submitted to the Faculty Board for approval.

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 has edited and compiled two massive volumes 1 and 2 on the Maltese legislature entitled '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) pp.2557.

(2) Newspapers Articles

5. Book award

Profosser Raymond Mangion's two volumes on the 'Speakers' Rulings...' was awarded first prize by the Malta Council for Books and Publications.

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 14th 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.

7. The House of Representatives

Professor Raymond Mangion was re-engaged by the new Speaker of the House of Representatives Dr Angelo Farrugia to collect and edit another two volumes on the rulings that were delivered in the bicameral Legislature of Malta from 1924 to 1921 as a continuation of the first two volumes Vide 4(1). The compilation and editing is in process.

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.

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.

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 invitee in thirteen programmes on the national T.V. station in which he delivered lectures on the constitutional development in Malta and explained a number of provisions of the Malta Constitution in force.

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.

11. Speeches

Professor Raymond Mangion delivered the speech to commemorate the Foundation Day of the Faculty of Laws on 19 December 2012.

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. See the Appendixc to the Report with regard to Dr Joan Abela's contribution.

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 ASSOCIATE

Dr Andrew Ellul
Dr Mark Anthony Sammut
Dr Danielle Cordina

Submitted by: Professor Raymond Mangion, Head of Department

APPENDIX

DR JOAN ABELA - ACADEMIC WORK CARRIED OUT DURING 2013.

Lectures on Notarial Archives (Dept of Legal History and Methodology)

- The evolution of Notarial Practice and its significance to present day realities was discussed.
- Students instructed about the methodology to be used when carrying out a scientific study and its eventual presentation as an academic piece.
- First law students were introduced to various legal archives through on site visits – Notarial Archives, Banca Giuratale, Cathedral Archives, National Library.
- Students carried out research from Primary Sources and were required to formulate a presentation from their investigation which had to be integrated within its historical context.

Lectures Legal History (Dept of Legal History and Methodology)

Students introduced to the various stages of the evolution of Legal History up to the end of the Knights' period. In order to enhance interest, at every lecture, a power point presentation showing related primary documentation from various archives was used. Students were also encouraged to participate in class in order to generate a discussion.

Lectures in Cultural Heritage Management (Dept of the Built Heritage)

- Visits to Notarial Archives for MA and MSc Students.

Other Lectures

- Visits to Notarial Archives for students coming from the Dept of Baroque Studies, Library and Information Studies, Dept of History of Art, Dept of Maltese.

PhD and Nomination

- Graduated as PhD in July 2013.
- Nominated by the University of Exeter for the Prize of Best Doctoral Thesis in Maritime History awarded by a British University. November 2013.

Notarial Archives Resources Council

Got sponsorship for restoration and conservation of Notarial Archives:

- HSBC Malta Heritage Foundation sponsored Euro 100,000
- GasanMamo Insurance sponsored Euro 9,000
- Akkademja tal-Malti sponsored the restoration of the Kantilena Volume
- Farsons Foundation

Projects which I initiated and are under my direction:

- Started three year conservation project with the employment of two full time paper conservators by NARC
- Started British Notaries Project which catalogues each and every act of British Notaries for the first half of the 19th century – work done by volunteers under the supervision of an MA candidate.
- Started compiling inventory of notarial collection – work done by a qualified archivist
- Continued compiling inventory of bastardelli collection – work done by volunteers under the supervision of a qualified archivist.
- Continued Digitizing 16th century notarial volumes through sponsorship from HMML.
- Restoration of Kantilena volume.

Acted as host to:

- HE the President of Malta visited the Notarial Archives on 24 May 2013.
- The Prime Minister visited the Not Arch on 19 August 2013.
- Various other dignitaries visited the archives through 2013.

Edited Books and Papers in Books

- Co-editor of *Proceedings of History Week 2009*, (Malta Historical Society, 2013)
- ‘Who was Georgio Scala?’, in D. Agius (ed), *Georgio Scala and the Moorish Slaves: The Inquisition Malta 1598*, (Malta, 2013).

Papers presented in Conferences and awaiting publication in international journals:

- ‘A window on Muslim traders in the Mediterranean through Maltese archives’ paper presented at the *First International Congress of Euroasian Maritime History* – University of Piri Reis Istanbul Nov 12.

- ‘Sailors’ legal rights in a Mediterranean hub – the case of Malta 1697-1710’, paper presented as part of a European Research Project entitled *Sailing into modernity* – University of Exeter July 2013.

Public Lectures:

Feb 2013 - *Silent voices from the past* - Din l-Art Helwa

July 2013 *Serata Kantilena* – Akkademja tal-Malti u OPR

Aug 2013 - *Valletta, Christendom’s capital for human trafficking* **V18 series of lectures.**

Nov 2012 - Repeated above talk to members of Cross Culture International Foundation

Malta Historical Society

- Hold position of Hon Secretary
- Was on the organizing committee of History Week 2013 and the 2nd colloquium of Maltese-Spanish studies that was held in collaboration with the Department of Spanish and Latin American Studies, UoM and the Spanish Embassy in November 13.

Media Interviews

- ‘Chance to help preserve “treasure”’ –*The Times of Malta*, September 9, 2013, p.5.
- ‘Ir-restawr tad-dokumenti fl-Arkivju Notarili tal-Belt’, *Il Mument*, December 1, 2013, p. 31.
- ‘GasamMamo clients get a taste of Maltese heritage at the Notarial Archives’, *Maltatoday*, June 30, 2013, p. 46.
- ‘Il-Kantilena – serata speċjali fl-okkażjoni tar-restawr tal-volum’, *Il-Mument*, July 14, 2013, p. 3
And various others.
- Interview on Breakfast Show, *Net TV*, February 12, 2013
- Interview on Ergo, *Superone*, September 5, 2013
- Interview on Ma Bundy, *TVM*, September 27, 2013
- Interview on Meander, *TVM* (to be aired)



FACULTY OF LAWS

UNIVERSITY OF MALTA

DEPARTMENT OF PUBLIC LAW

ANNUAL DEPARTMENTAL REPORT – 2012-2013

The Department of Public had an increase in full time staff during the academic year 2012-2013 with Dr. Austin Bencini, who was also appointed Head of Department, Dr. Ivan Mifsud and Dr. Tiziana Filletti who now all operate on a full time basis.

The Department also faced changes in its Masters programmes. Particular attention was dedicated to re-structuring the Masters in Human Rights and Democratisation to allow the programme to face new demands necessary to widen the curriculum. The Faculty Board approved that the Masters becomes Masters in Human Rights and Democratic Governance. In this manner the programme whilst maintaining the original nature of the course allowing for an intercultural approach to Human Rights would in addition face the most modern developments which Human Rights face in the field of democratic governance both within the Mediterranean context and within the most recent development within the European Union.

A first positive result of this res-structured programme was seen in the said Masters co-operating with the Masters in Mediterranean Studies allowing for a part of the curriculum to focus on the Human Rights scenario within the various Mediterranean cultures within a new Credit of Mediterranean Legal Traditions offered by the Faculty.

Contacts with other Faculties were made to investigate possible new venues for the Masters in Human Rights and Democratic Governance.

Another development in the Masters programmes of the Department was the initiative undertaken by the Faculty through the good auspices of the Dean for the setting of a new Masters programme in taxation which would be in conjunction with the Malta Institute of Taxation. It is envisaged that the new Masters in Taxation will be inaugurated by the beginning of the 2014-2015 academic year.

This initiative is in line with other measures taken by the Department to give more importance to the Law on Taxation which has seen the undergraduate credit on taxation becoming a compulsory one with an increase in the subject matter taught increased to cover a wider span of taxation such as indirect taxation.

The Department has pursued actively its Ph.D. programmes with the addition of four members of staff commencing their M.Phil programmes. The present staff complement currently has three members of staff who have completed successfully their Ph.D., studies

A number of new credits were set-up in order to offer a wider range of topics from which students may choose as subject matter for electives within their studies in Public Law. Such new Credits include Military Law, Education law, Statistics Law, Tourism Law, Sports Law, Social Law and Practical Issues of Industrial Law, Law on Voluntary Organisations, National Security Law and International and EU Sports Law. These are now all offered within the Bachelor of Laws (Honours) of the Faculty.

The Department has also participated very actively in the Faculty's Human Rights Programme and in the organisation of the first Legal Symposium held on the occasion of Human Rights Day on the 10th December 2013. Dr. Bencini presented a paper on "The Supremacy of Human Rights?".

Submitted by: Dr Austin Bencini, Head of Department