

## Entity Annual Report

### Annual Commercial Law Departmental Report 2022-2023

## **Section 1: Summary of Entity Profile**

### **1.1. Name and Distinctive Mission**

The 2022/2023 academic year has been another busy and challenging year for the Commercial Law Department (hereinafter referred to as the “Department”). It was hugely rewarding to see that the full set of scheduled lectures, tutorials and examination sessions were delivered by the Department of Commercial Law through a collaborative effort and support.

#### **Distinctive Mission**

The Department of Commercial Law seeks to preserve and to merit the good reputation built over so many by illustrious predecessors in office and to maintain high standards of teaching and academic performance. The Departmental academic staff includes the leading professionals and recognized experts in their respective fields, be it shipping, competition law or company law. Students receive the best possible academic preparation backed by practical experience at the highest level. The Department relies on the able University administrative staff led by the Faculty Office for its day today management.

Today commercial law examines more than ever before how business activities can be carried out and by whom, and how these activities and operators are regulated. Regulation of commercial activities is expanding and is playing an ever more important role in conditioning how business is carried out and by whom and under what conditions and restrictions. Study units examines how specific business activities are carried out and regulated in Malta: 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 traditional and well-established while others are new and only recently introduced. Study units are periodically revised and refreshed to reflect changes in law and international developments. The Department updates its programmes as commercial law evolves and changes and as new laws are passed by Parliament.

## **Relevance and the future**

The Department strives to retain a visible presence at University through its participation in various academic activities. It tries to play a relevant role within the Faculty of Law and offers services that are relevant and useful to students, to society and to the University generally. It collaborates with other Departments and Faculties through lecturing and participation at seminars, etc. The Department strives to provide high standard lecturers. It allows the participation of the general public in its programmes in terms of University rules. Indeed, it seeks to achieve what is best for the public and the general community's well-being. All Commercial Law courses, without distinction, which are offered by the Department are open to the public. Regrettably few members of the public have this participated. The commercial law department's directive involvement in the preparation of the legal module for the EU-SEA alliance MIPMAL programme is proving to be enriching and engaging.

### **1.2 Governance Structure**

The undersigned was appointed Head of Department since October 2020. Dr Ilona Schembri joined the commercial law department in October 2021. Professor Andrew Muscat is also a Resident Academic and has requested that his appointment be extended beyond the age retirement. The visiting staff of the Department is comprised of Dr David Fabri, Dr Mario Demarco, Dr Ann Fenech, Dr Tonio Fenech and Dr Kris Borg. The Department relies heavily on part-timers who are fortunately true experts and leading professionals in the subjects which they teach and we are grateful to them. External Examiners were appointed for a selection Masters in Financial Services theses in accordance with the relevant University rules. The external non-visiting examiners were ably assisted by Faculty staff in the examination of the theses allocated following their choice of preferred topics. This year, Dr Katharina Moser and Dr Andrea Miglionico have accepted to serve as non-visiting external examiner for the Masters course. The current Departmental secretary is Ms Brenda Borg. During 2022/2023, Dr Tiziana Filletti and Dr Ilona Schembri attended all meetings of the Faculty Board and served as necessary in meetings and on Faculty sub-committees. The undersigned, also attended all Heads of Department and Dissertations Committee meetings.

### **1.3 Main Activities and Highlights of the Year under Review**

The main activities and highlights of the year would include:

- Increasing and bolstering the tutorial system to ensure student contact and participation;
- Outreach to students especially in providing feedback to students;
- Increased participation in conferences both locally and internationally in order to further the teaching and learning experience;
- Active participation in the EU-SEA Alliance MIPMAL programme.

### **1.4 Initiatives envisaged for the Year ahead**

The possibility is actively being explored of promoting further the publication of current and topical legal literature in the field of commercial law in particular from the perspective of the Maltese legal system.

Furthermore, projects are being planned with the Faculty of Laws' student organisation in order to promote further learners and teachers collaboration.

### **1.5 Points of Note**

#### **1.5.1 Extension of Appointment:**

Professor Andrew Muscat as requested that his appointment with UM being extended beyond the age of retirement.

## **Section 2: Staff Profile**

The undersigned was appointed Head of Department since October 2020. Dr Ilona Schembri joined the commercial law department in October 2021. Professor Andrew Muscat is also a Resident Academic and has requested that his appointment be extended beyond the age retirement.

The visiting staff of the Department is comprised of Dr David Fabri, Dr Mario Demarco, Dr Ann Fenech, Dr Tonio Fenech and Dr Kris Borg. The Department relies heavily on part-timers who are fortunately true experts and leading professionals in the subjects which they teach and we are grateful to them.

External Examiners were appointed for a selection Masters in financial services theses in accordance with the relevant University rules. The external non-visiting examiners were ably assisted by Faculty staff in the examination of the theses allocated following their choice of preferred topics.

This year, Dr Katharina Moser and Dr Andrea Miglionico have accepted to serve as non-visiting external examiner for the Masters course.

The current Departmental secretary is Ms Brenda Borg.

### **Publications/ Projects/ Conference Participation/ Attendance**

The below is just a sample of the projects, conferences and publications embarked upon by lecturers in the commercial law department:

1. Dr Tiziana Filletti:

#### Publications

Currently working on the publications of two other works:

- Kluwer International Law, International Encyclopaedia of Laws, Corporations and Partnerships;
- Cases & Materials on Maltese Corporate Insolvency Law.

### Conference Attendance:

- Annual Company Law Conference, Chamber of Advocates, November 2022.
- Quarterly Law Seminars, Chamber of Advocates.
- Corporate Registry Forum, Malta Business Registry.
- 8th Annual Banking and Finance Law Seminar in collaboration with the Malta Bankers' Association, May 2023.

EU-Sea Alliance: participation in organisational meetings of representatives of four universities (i.e. Cadiz, Split, Gdansk and Malta), partners within the *SEA-EU Alliance* and drafting of course outline 22-23 September 2023, Gdansk, Poland.

Training Sessions: Foundations of University Teaching and Learning.

#### 2. Dr Gail Darmanin:

20th April 2023 – MAR Forum

10th to 12th May 2023 - Allen & Overy's GEMCon (Global Experts and Markets Conference) 2023

31st May 2023 - MIA Biennial Conference 2023: Rethink and Reform: A Blueprint for Malta's Competitiveness in Financial Services

3. Dr Diane Bugeja was one of the speakers at the Cambridge International Symposium on Economic Crime, September 2022.
4. Dr Joseph Bugeja: participated in the XXX FIDE Congress between 31 May-3 June 2023 held at Sofia, Bulgaria.
5. Dr Robert Attard: delivered. tax seminars on a monthly basis (with the Malta Institute of Accountants. In addition, he published the attached peer reviewed article and a book with former ECtHR Judge Pinto du Albuquerque (as per this link <https://www.echrblog.com/2023/01/new-book-taxation-at-european-court-of.html>).

## **Section 3: Learning & Teaching Programme Profile**

### **3.1 Study-Units Offered by the Commercial Law Department**

Numerous study-units are offered by the commercial law department. The range of commercial law issues lectured is varied and extensive. It includes corporate law, corporate insolvency, maritime law, intellectual property, financial services, trusts law, competition law – as the list below clearly illustrates:

CML1000	Law of Commercial Procedure: Company, Shipping, Aviation and Intellectual Property Procedure
CML1001	Basic Notions of Commercial Law
CML2010	Duties of Traders and Commercial Intermediaries
CML2011	Company Law
CML3006	Competition Law
CML3009	Commercial Obligations, Commercial Sale and Credit Instruments
CML3010	Advanced Company Law
CML4007	Introduction to Financial Services Legislation
CML4012	International Sale, Documentary Credits and Carriage of Goods
CML4014	Intellectual Property
CML4015	International Trade and Investment Law
CML4016	Admiralty Jurisdiction and Salvage, Towage, Pilotage and Collision
CML5000	Asset Finance Law (Ships and Aircraft)
CML5029	International Fiscal Principles
CML5030	The Legal Framework of Financial Services and Investor Protection
CML5032	The Legal Framework for Insurance Business
CML5033	Securities Regulation
CML5034	Legal Aspects of Winding up and Corporate Recovery
CML5036	Corporate Re-Organisation and Liquidation
CML5042	Drafting and Negotiating Commercial Contracts with Special Focus on Securities and Financing Related Contracts
CML5044	Core Issues and Developments in Company Law
CML5046	Law on Arbitration

### **3.2 The Masters Programme in Financial Services (MAFS)**

The Commercial Law Department offers and coordinates this evening Masters programme in financial services which has proved a success. It was originally launched in 1996 and has continued to be offered annually without fail. A number of initiatives were taken by the department including a number of meetings were convened in order to obtain some funding to further promote the course on a number of digital platforms in order to create a greater awareness on what this course offers. Considering it is one of the few fee-paying Master programmes it is still going strong despite fierce competition and little financial support to better market it.

### **3.3: Student Information:**

#### ***3.3.1 Number of Students:***

The Department services all students of the Law Faculty from undergraduate (LL.B.(Hons) to post-graduate (M.Adv.) – with an average of 170 students per year over 5 years that means the Department offers services to approximately 850 students. Furthermore, as explained above the Department also run the Masters in Financial Services for a separate cohort for students. Academics are therefore responsible for the drawing up, correction and consolidation of hundreds of scripts as well as supervision and examining of dissertations.

#### ***3.3.2 Lectures:***

Despite the pandemic lectures continued seamlessly online. Although the situation was not ideal it allowed the lecturing to continue uninterrupted. The Departmental staff was always amenable to respond to the students' request online. All in all physical lectures are always more interactive however remote lecturing worked and students performed well on the whole.

#### ***3.3.4 Tutorials:***

Although the students were offered the option to attend the tutorials physically in order to enhance the experience most opted to do so remotely. It is to be noted that unfortunately the full potential of these tutorial sessions is not always optimised by the students since they are reluctant to properly prepare for said sessions. The tutorial questions are given to the students weeks in advance and a suggested reading list is also provided. Nonetheless it is still felt that the students – or at least the majority thereof – do not conduct their own independent research so the debate during the tutorial is not always of the desirous standard.

#### ***3.3.5 Dissertation Projects (LL.B. (Hons)):***

It has been noted that there has been a sharp increase in the number of students opting to conduct their dissertation on a commercial law subject. This is encouraging as it highlights the relevance and importance of this area of law. It has also meant a significant increase in the work-load on the Department as each student will require at least an endorser for their proposal, a supervisor and possibly a co-supervisor, a Board of Examiners composed of three experts in the field as well as an Additional Examiner. It is not always a simple task to accommodate all the students but so far the Department has managed well through additional effort by all involved.

## **Section 4: Achievements Profile**

- Annual Company Law Conference, “Recent Developments, Insolvency Issues and Reforms”, Chamber of Advocates, 9 November 2022: Dr Tiziana Filletti and Prof Andrew Muscat both to present papers in this conference to be convened by Dr David Fabri.
- Dr Tiziana Filletti delivered the oration speech during the M. Adv. graduation ceremony March 2023 entitled “Limits to the principle of separate juridical personality in light of recent domestic judicial trends on requests for the piercing of the corporate veil.”
- Dr Tiziana Filletti delivered a presentation March 2023 entitled “The Insolvency Practitioners Act: A Review” during the Insolvency Conference organised by the Malta Institute of Management.
- Dr Tiziana Filletti delivered a presentation in June 2023 entitled “Is the mixity of Maltese corporate law about to be compromised?” at the Mixity in Private Law and/or Public Law” – The Fifth Worldwide Congress of the World Society of Mixed Jurisdiction Jurists -WSMJJ.
- Dr Tiziana Filletti delivered a presentation in July 2023 entitled “Achieving ESG goals within a sustainable finance ecosystem from the perspective of a micro-economy within the EU: the Maltese experience” during the Conference in Banking and Corporate Finance organised by Essex Finance Centre (EFiC) at Essex Business School and the Laboratory of Bank, Business, Finance and Ethics (BifeLab) at Gaeta, Italy.
- Dr Joseph Bugeja successfully defended his Ph.D. thesis at the University of Groningen, the Netherlands.

## **Section 5: Governance Profile**

### **5.1 Board of Studies - M.A. Financial Services**

During this academic year the Board of Studies for the M.A. Financial Services held regular meetings. The members of the Board of Studies for the M.A. Financial Services are Dr Tiziana Filletti, Professor P Baldacchino and Dr David Fabri (course co-ordinator) as assisted by Ms Brenda Borg. During these meetings the performance of students during examination was discussed, any student requests attended to and any matters relating to study units were discussed.

### **5.2 Other commitments**

During 2022/2023, Dr Tiziana Filletti and Dr Ilona Schembri attended all meetings of the Faculty Board and served as necessary in meetings and on Faculty sub-committees. The undersigned, also attended all Heads of Department and Dissertations Committee meetings.

### **5.3 Departmental Meetings**

A number of meetings were held by the Department with the numerous lecturers in order to discuss progress in the various study-units, mode of teaching, mode of assessment, plagiarism reports and other related issues.

## **Section 6: Planning Profile**

Among other things the Department has planned to reach out and develop further ties with other foreign universities, stakeholders and student organisation. The following include some of the future projects in which the Department will be involved in:

- Dr Tiziana Filletti is to present a paper in October 2023 during the Corporate Registry Forum entitled “The Green Economy and Sustainability”.
- Dr Tiziana Filletti is to present a paper in October 2023 during the Quarterly Law Seminars entitled “Insolvency Practitioners: Legitimate Expectations” organised by the Chambers of Advocates.

Dr Filletti is working on the publication of 2 projects:

- Kluwer International Law, International Encyclopaedia of Laws, Corporations and Partnerships;
- Cases & Materials on Maltese Corporate Insolvency Law.

- The Department is to convene a conference aimed at students in order to keep them updated with the latest developments in commercial law in collaboration with Gh.S.L and the Malta Business Registry.

TIZIANA FILLETTI

HEAD, DEPARTMENT OF COMMERCIAL LAW

30 September 2023

This annual report for the Department of Criminal Law covers the period September 2022 till August 2023.

Annual General Meeting held virtually on the 21/08/23

Members Present:

Dr Stefano Filletti (Acting Head)  
Dr Anne Marie Cutajar  
Dr Lucio Sciriha  
Dr Martin Fenech  
Dr Kathleen Grima

Excused:

Mr Justice A Bugeja  
Dr Chris Soler  
Dr Jason Azzopardi  
Mag Elaine Mercieca

Minutes of previous meeting were read and approved.

Matters discussed:

**1. Reassignment of Duties**

Lecturing duties were reassigned following student feedback to maximise on lecturing successes. The overall reviews were positive.

Duties were reassigned in the light of the new challenges posed by virtual teaching

**2. Tutorials & Practicals**

Tutorials and more importantly practicals were reviewed to meet the demands of post-online lectures.

**3. Examination**

It was decided that the exam format should be a physical written exam.

**4. New Elective – To be continued**

It was decided that the new elective on Anti-Money Laundering would be retained.

It was decided that new elective on Drug Laws and specialised proceedings be drawn up.

The Department also noted the success of the paid evening certificate course on Money-Laundering run for police officers. Another such course would also be rerun the coming academic year.

Dr Stefano Filletti  
Head, Department of Criminal Law

## **Department of International Law Annual Report 2022-2023**

### **Section 1: Summary of Entity Profile**

The Department of International Law's main aims are to teach, disseminate and promote international law. The Department is led by a Head of Department who is answerable to the Dean and ultimately the Faculty Board.

The Department held regular staff meetings throughout the year to administer and run the Department and deal with student requests. The Department was also actively involved in working together with other international institutions on promoting the teaching and research of international law, with a particular emphasis on its areas of specialization. Indeed, members have often been invited to address conferences and participate in multi-national research projects (See Sections 2 and 6). The Department's members have participated in Faculty Board and other University Committees such as the University Assessment Disciplinary Board and SEA-EU Committees, currently SEA-EU 2.0.

The Department has coordinated the teaching of different programmes at bachelor and master levels (See Section 5). It also serviced the international law components of study-units offered by other Departments such as International Relations and the Mediterranean Academy of Diplomatic Studies. Members of staff supervised and examined numerous dissertations and research projects (See Section 5). The Department was also responsible for examining the various tests, exams and assignments. Members of the Department offered guidance to students who wished to further their studies in international law both in Malta and overseas, facilitating the process in the latter case through its network of established contacts.

Members of the Department were invited to lecture at conferences locally and abroad. In some cases, members of the Department were invited to moderate international panels. The Department cooperated on various projects with international institutions and Universities including the University of London Queen Mary, University of Copenhagen, the US Naval War College, the University of Milano-Bicocca, University of Basel, the University of Cadiz, the University of Western Brittany (France), the University of Kiel, the University of Gdansk, the University of Split, University of Naples Parthenope, University of Algarve, NORD University, Tbilisi State University, Batumi State Maritime Academy, the IMO International Maritime Law Institute, the British Institute of International and Comparative Law, the International Ocean Institute and the International Institute for Justice and the Rule of Law. Members of the Department were also asked to give advisory opinions to governmental and non-governmental entities.

Members of the Department have published research in learned journals and books (See Section 4). They were involved in editing a Research Handbook on Ocean Governance Law to be published by EE Publishers and launched by the President of the Republic in July 2023.

For a summary of the major developments/initiatives envisaged for this year, please refer to Section 6: Planning Profile.

### **Section 2: Staff Profile**

Admin and Support Staff: Ms. Emilia De Martino Administrator II

Resident Academics: 3  
Professor Patricia Vella de Fremeaux  
Dr Omar Grech (on sabbatical in the academic year 2022-2023)  
Dr Felicity Attard

For bibliographical details and additional outputs of academic staff. Please see below.

**Professor Patricia Vella De Fremeaux BA, LL.D, BCL (Oxon), PhD (IMLI)**  
**Associate Professor and**  
**Head, Department of International Law**

**Selected Publications:**

‘Smuggling of Migrants and Trafficking in Persons by Sea’ (with F.G. Attard) in Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds) *Research Handbook on Ocean Governance Law* (Edward Elgar Publishing, 2023)

Introduction to the Research Handbook on Ocean Governance Law Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G Attard (eds) *Research Handbook on Ocean Governance Law* (Edward Elgar Publishing, 2023)

Monograph on ‘International Law the Maltese Perspective’ co-authored with Dr Felicity Attard (in progress)

Work on the second edition of Volume I of David Joseph Attard’s ‘The Maltese Legal System’ edited by Professor Kevin Aquilina (University of Malta Press).

**Editorship:**

Co-Editor, *Research Handbook on Ocean Governance Law* (E. Elgar Publishing, 2023)

Maltese Corresponding Editor of International Legal Materials (a publication of the American Society of International Law, Washington DC, USA) (2013 - 2014; 2020 -)

Member of Board of Editors of the Comparative Maritime Law Journal (Croatian Academy of Sciences and Arts) 2022 –

Peer Reviewer, *Israel Law Review* (Cambridge University Press)

Peer Reviewer, *Marine Policy* (Elsevier) 2022 –

**Book review on above publication:**

Jason Lowther, Professor of Law, School of Society and Culture, University of Plymouth, UK ‘Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds), *Research Handbook on Ocean Governance Law*, Edward Elgar 2023’ *Environmental Law Review* 2023 Vol.25(2) 193–195

**Appointments, Fellowships and Memberships:**

Board Member, Faculty of Laws Board, University of Malta

Board Member, Law Faculty Doctoral Committee

Board member, Master of Advocacy Board of Studies

Board member, Master of Arts International Law Board of Studies

Board Member, Master of Arts in Ocean Governance

Board Member, Award Classification Board, Master of Arts in Ocean Governance

Board Member, University Assessment Disciplinary Board

Law Faculty Representative, University Maritime Platform

Board Member, Centre for the Study and Practice of Conflict Resolution

Member, Periodic Programme Review (PPR) Committee for the MA Conflict Resolution programme.

SEA-EU, member of Education Sub-Committee

SEA-EU, LOCs UM Coordinator

SEA-EU MOOCs UM Coordinator

Co-adviser on Harassment and Bullying, University of Malta

Visiting Fellow, IMO International Maritime Law Institute

PhD Examiner, IMO, International Maritime Law Institute

Fellow, Centre for European Legal Studies on Macro-Crime, Università degli Studi di Ferrara, Dipartimento di Giurisprudenza

Member of Organising Committee, BIICL's Teaching IL Webinar Series

Senior Consultant, People for Change Foundation

Member, Malta Maritime Law Association

Member, European Migration Network

Member, European Society of International Law

Member, American Society of International Law

SEA-EU 2.0 UM Observatory Ambassador for the Migration and Human Rights Observatory.

National Expert for Malta, Legal Compliance Assessment and Legal Consultancy Studies in the Area of Migration and Home Affairs, European Commission.

IMO International Maritime Law Institute, Visiting Fellow

NOHA, Lecturer

MEDAC, Guest lecturer

### **Projects and Workshops:**

HOPE Project (with University of Milano-Bicocca): The project, entitled ‘Human Oceans Professional Experts’ (HOPE) would aim at training early stage (doctoral) researchers to amalgamate an in-depth knowledge of law of the sea, maritime law, and other legal and policy fields that relate to the human element in maritime activities and sea uses.

With Queen Mary University, London and IMO, International Maritime Law Institute: Member of the organising committee of tripartite Summer Academy on Public International Law with Queen Mary University, London and IMO International Maritime Law Institute.

SEA-EU / SEA-EU 2.0 University of Cadiz (Spain), University of Brest (France), University of Kiel (Germany), University of Gdansk (Poland), University of Split (Croatia), University of Malta (Malta), University of Naples Parthenope (Italy), University of Algarve (Portugal), NORD University (Norway).

Member of organising committee for the establishment of a SEA-EU Masters on Port Management and Logistics (2022).

Department of International Relations, University of Malta, Professor Christian Bueger, Department of Political Science, University of Copenhagen Ocean Infrastructures - Searching for a new vision for global ocean politics’ (11 November 2022).

Hosted various meetings with representatives from Tbilisi State University and the Batumi State Maritime Academy to discuss possible areas of cooperation. It was agreed that both sides would work to cooperate in establishing closer links supporting staff and student mobility programmes, including an Erasmus exchange agreement.

COST-Action Proposal on Human Rights at Sea to be resubmitted in 2023.

Leads: Prof Anna Petrig (Professor of International Law, University of Basel) and Prof Irini Papanicolopulu (BA Global Professor of International Law at SOAS University of London)

### **Collaboration with Third Parties:**

IMO, International Maritime Law Institute

Ghaqda Studenti Tal-Ligi

European Law Students Association

European Society of International Law

American Society of International Law

People for Change Foundation

British Institute of International Comparative Law

International Maritime Organization

Universita degli Studi di Milano-Bilocca

International Ocean Institute

Malta Maritime Law Association

International Academy of Comparative Law

European Migration Network

International Federation of Shipmasters' Associations (IFSMA)

International Institute for Justice and the Rule of Law

Queen Mary, University of London

SEA-EU 2.0 University of Cadiz (Spain), University of Brest (France), University of Kiel (Germany), University of Gdansk (Poland), University of Split (Croatia), University of Malta (Malta), University of Naples Parthenope (Italy), University of Algarve (Portugal), NORD University (Norway).

University of Copenhagen

University of Basel

Tbilisi State University

Batumi State Maritime University

U.S. Naval War College

**Dr Felicity Attard, LL.B.(Melit.), LL.M.(IMO-IMLI), M.A.(Lond.), LL.D.(Melit.),  
Ph.D. (IMO-IMLI)  
Lecturer**

### **Selected Publications**

Patricia Mallia Vella de Fremeaux and Felicity G. Attard, ‘Smuggling of Migrants and Trafficking in Persons by Sea’ in Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds), *Research Handbook on Ocean Governance Law* (EE Publishing 2023).

Patricia Mallia Vella de Fremeaux and Felicity G. Attard, ‘Smuggling of Migrants and Trafficking in Persons by Sea’ in Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds), *Research Handbook on Ocean Governance Law* (EE Publishing 2023).

Patricia Mallia Vella de Fremeaux and Felicity G. Attard, *International Law: The Maltese Perspective* (in progress).

### **Editorship and Peer Reviewer**

Co-Editor, *Research Handbook on Ocean Governance Law* (EE Publishing 2023).

Peer Reviewer, *Ocean Yearbook* (Brill | Nijhoff).

Peer Reviewer, *Maritime Safety and Security Law Journal* (Institute for International Legal Studies).

Peer Reviewer, *Leiden Journal of International Law* (Cambridge University Press).

### **Book Review on above Publication**

Jason Lowther, Professor of Law, School of Society and Culture, University of Plymouth, United Kingdom, ‘Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds), *Research Handbook on Ocean Governance Law*, Edward Elgar 2023’ (2023) 25(2) *Environmental Law Review* 193–195 (United Kingdom).

### **Speaking Engagements and Academic Appointments**

#### **Keynote speaker**

Oration, ‘The Role of Small Island States in the Development and Implementation of International Law’ Ceremony for Conferment of Masters Degrees, **University of Malta** (March 2023).

Keynote speaker, ‘Reflections on the Protection of Life at Sea: Forty Years Since the Adoption of the 1982 United Nations Convention on the Law of the Sea’, V **Brazilian Congress of the Law of the Sea**, CEDMAR-USP (December 2022).

Keynote speaker, ‘Rebalancing the Scales: A MaltMUN Debate on Migration’, **Malta Model United Nations Society** (March 2021).

Keynote speaker, ‘Contemporary Challenges facing the Duty to Render Assistance at Sea’, **IV Brazilian Congress of the Law of the Sea**, CEDMAR-USP (November 2020).

### **Panelist**

Panelist, ‘Maritime Search and Rescue’, Workshop: Cooperation for Maritime Safety, **Max Planck Foundation for International Peace and the Rule of Law** (July 2023).

Panelist, ‘The Rendering of Assistance at Sea: An Incomplete Duty under International Law?’, 5<sup>th</sup> Annual Alexander C. Cushing International Law Conference, **U.S. Naval War College** (May 2023).

Panelist, ‘Simulation of the ICJ Case: *The Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*’, **Malta Model United Nations Society** (December 2022).

### **Academic Appointments**

Visiting Fellow, ‘The Duty to Render Assistance at Sea: Balancing Safety Obligations with Security Concerns’, IMO International Maritime Law Institute, IMLI Course on Maritime Security Law (April 2023).

Visiting Lecturer, ‘Irregular Maritime Migration: Contemporary Challenges for International Shipping’ International Ocean Institute, Malta Training on Regional Ocean Governance (November 2022).

Panelist, ‘Let’s Talk: One-to-One Brainstorming Session’, ELSA Malta (December 2022).

Panelist, ‘Law Assignment Writing and Research’, ELSA Malta (November 2022).

Visiting Lecturer, ‘The Role of Treaty Law in the Development of the Duty to Render Assistance’,

LLM Module Fundamental Questions in the Law of Treaties, Queen Mary University of London (October 2023)

### **Media**

Think Magazine, ‘Adrift at Sea: Laws, Morals, and Policies in Malta’s Search and Rescue Region’ by Daniel Mainwaring, available at <<https://thinkmagazine.mt/adrift-at-sea-laws-morals-and-policies-in-maltas-search-and-rescue-region/>>.

### **Appointments and Memberships**

Member, **Committee of Discipline (regarding Students' Misconduct)**.

University of Malta Observatory Ambassador for the Migration and Human Rights Observatory, SEA-EU 2.0 Observatory on Migration and Human Rights.

Fellow, Centre for European Legal Studies on Macro-Crime, Università degli Studi di Ferrara, Dipartimento di Giurisprudenza.

Visiting Fellow, IMO International Maritime Law Institute.

NOHA, Lecturer.

MEDAC, Guest Lecturer.

International Advisor, Jindal Society of International Law.

Board Member, Faculty of Laws Board, University of Malta.

National Expert for Malta, Legal Compliance Assessment and Legal Consultancy Studies in the Area of Migration and Home Affairs, European Commission.

Member, American Society of International Law.

Member, SEA-EU European University of the Seas Internal Mobility Subcommittee.

Member, European Migration Network.

Member, Maritime Platform, University of Malta.

Member, Malta Maritime Law Association.

### **Collaboration with Third Parties**

International Ocean Institute.

European Law Students Association.

Għaqda Studenti Tal-Liġi.

Malta Maritime Law Association.

Malta Model United Nations Society.

British Institute of International and Comparative Law.

University of London Queen Mary.

University of Milano-Bicocca.

University of Copenhagen.

University of Basel.

U.S. Naval War College.

IMO International Maritime Law Institute.

International Maritime Organization.  
Jindal Society of International Law.

European Migration Network.

International Institute for Justice and the Rule of Law.

Tbilisi State University.

Batumi State Maritime Academy.

### **Projects**

HOPE Project (with University of Milano-Bicocca). The project, entitled ‘Human Oceans Professional Experts’ (HOPE) would aim at training early stage (doctoral) researchers to amalgamate an in-depth knowledge of law of the sea, maritime law, and other legal and policy fields that relate to the human element in maritime activities and sea uses.

Queen Mary University of London and the IMO International Maritime Law Institute.  
Member of the organising committee of tripartite Summer Academy on Public International Law with Queen Mary University, London and IMO International Maritime Law Institute.

SEA-EU / SEA-EU 2.0 University of Cadiz (Spain), University of Brest (France), University of Kiel (Germany), University of Gdansk (Poland), University of Split (Croatia), University of Malta (Malta), University of Naples Parthenope (Italy), University of Algarve (Portugal), NORD University (Norway).

Member of organising committee for the establishment of a SEA-EU Masters on Port Management and Logistics (2022).

Hosted various meetings with representatives from Tbilisi State University and the Batumi State Maritime Academy to discuss possible areas of cooperation. It was agreed that both sides would work to cooperate in establishing closer links supporting staff and student mobility programmes, including an Erasmus exchange agreement.

COST-Action Proposal on Human Rights at Sea resubmitted in 2023.

Leads: Professor Anna Petrig (Professor of International Law, University of Basel) and Professor Irini Papanicolopulu (BA Global Professor of International Law at SOAS University of London).

### **Conferences, Workshops, Seminars and Courses**

Government of Malta, Ministry for Foreign and European Affairs, ‘AOSIS SIDS Webinar Series Sustainable Fisheries and IUU Fishing: A SIDS Perspective’ (27 July 2023).

SEA-EU 2.0 Observatory for Migration and Human Rights, ‘Building an International Network on Migration and Human Rights’ (23 June 2023).

University of Essex, 'International Environmental Law: Text, Cases and Materials' (17 January 2023).

International Maritime Law Institute, 'UNCLOS at 40 – The Instrumentality of the Convention for Sound Ocean Governance' (16 December 2022).

University of Oxford, 'PIL Discussion Group, Thursday 1 December 2022 - Professor Natalie Klein: Geneva Declaration on Human Rights at Sea: Informal Lawmaking in Action?' Public International Law Discussion Group (1 December 2022).

British Institute of International and Comparative Law, 'Are States Still Masters of their Treaties? The Role of Subsequent Agreements and Subsequent Practice in Treaty Interpretation' (15 November 2022).

International Maritime Organization, 'UNCLOS and IMO – 40 years of cooperation' (28 November 2022).

World Maritime University, 'International Law and the Nord Stream Leaks: An Academic Roundtable' (18 November 2022).

Department of International Relations, University of Malta, Professor Christian Bueger, University of Copenhagen, 'Ocean Infrastructures - Searching for a new vision for global ocean politics' (11 November 2022).

University of Malta, Continuing Professional Development Course: Foundations of University of Teaching & Learning (September 2022-February 2023).

### **Section 3: Learning and Teaching Programmes Profile**

#### **Programmes of study offered or serviced by the Department**

POS of LLB Hons –

<https://www.um.edu.mt/courses/programme/UBLAWHFT-2022-3-O>

POS of Master of Arts in Ocean Governance -

<https://www.um.edu.mt/courses/programme/PMAOGVFTT3-2022-3-O>

POS of Master of Advocacy –

<https://www.um.edu.mt/laws/programme/PMADVFTT6-2022-3-O>

POS of Master of Laws in International Law –

<https://www.um.edu.mt/laws/programme/PMLINLFTR0-2022-3-O>

POS of Master of Arts in Law -

<https://www.um.edu.mt/intranet/overview/laws/PMALAWFTR9-2022-3-O>

POS of Master of Laws in the Prevention and Suppression of International Crime at Sea -

<https://www.um.edu.mt/intranet/overview/laws/PMLPVSFTT0-2022-3-O>

POS of Bachelor of Arts in International Relations -  
<https://www.um.edu.mt/intranet/overview/arts/UBAHIRLFT-2021-2-O>

POS of Master of Arts in Humanitarian Action-  
<https://www.um.edu.mt/arts/programme/PMAHMAFET12-2022-3-O>

POS of Master of Arts in International Humanitarian Action -  
<https://www.um.edu.mt/intranet/overview/arts/PMAIHAFET7-2021-2-O>

Number of students following each programme:

### **INL2004 International and Public Law for International Relations**

Total number of students: 31

Male: 14

Female: 17

Local students: 22

International students: 9

### **LLB Hons**

### **INL2000 Basic Principles of International Law**

Total number of students: 165

Male: 31

Female: 134

Local students: 152

International students: 13

### **INL3000 Selected Topics in International Law**

Total number of students: 164

Male: 55

Female: 109

Local students: 164

International students: 0

### **INL2003 Basic Notions of International Law**

Total number of students: 6

Male: 2

Female: 4

Local students: 2

International students: 4

### **INL4001 Global Maritime Security and International Law**

Total Number of students: 67

Male: 16

Female: 51

Local students: 60  
International students: 7

### **INL4003 Selected Topics in International Law of the Sea**

Total Number of students: 53  
Male: 17  
Female: 36  
Local students: 47  
International students: 6

### **Master of Laws International Law**

#### **INL5001 Dissertation**

One student: Male, Local.  
The student enrolled in October, 2019.  
The student is to submit his dissertation under resit conditions by Friday, 1st September.

### **Master of Advocacy**

#### **INL5007 International Migration Law**

Total number of students: 33  
Male: 11  
Female: 22  
Local students: 33  
International students: 0

### **Master of Arts in Ocean Governance**

The course did not open in Academic Year 2022/3.

#### **INL5027 International Law and Forced Migration**

Total Number of students: 19  
  
Male: 5  
Female: 14  
Local students: 0  
International students: 19

### **Master of Laws in the Prevention and Suppression of International Crime at Sea**

The course did not open in Academic Year 2022/3.

### **Titles of Final Year Bachelor of Laws (Honours) Dissertations:**

Attard Nicole  
469901L

Human Trafficking: Creating Indicators for the Hospitality Sector to Combat the Crime  
Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Bonett Thea  
122501L

The Interpretation and Application of Reservations in Human Rights Treaties: The Approach of the ICJ, the ECtHR, and the HRC  
Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Bruno Petra  
254694M

The Efficacy of Provisional Measures by the International Court of Justice  
Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Buttigieg John Paul  
5401H

The International Law Protection on Civilians from Sexual Abuse and Exploitation Committed by the United Nations Peacekeepers  
Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Caligari Nicholas  
440191M

The Prohibition of Use of Force in International Law: The Role of the United Nations  
Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Callus Gatt Matthias  
178300L

The Single European Sky and Disruptive Aviation Technology: Present and Future Legal Implications  
Dr Roberto Cassar

Casha Ariana  
188697M

An Analysis of the Relationship between Mass Migration by Sea and Major Branches of International Law  
Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Catania Rudy  
371189M

The Protection of Medical Personnel in Armed Forces under International Humanitarian Law (IHL)  
Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Craus Liam  
13599M

The Exercise of Jurisdiction over Stateless Vessels in Combatting Migrant Smuggling on the High Seas  
Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Debono Mariah

17901L

Proposals to Improve the International Criminal Court's Cooperation Regime

Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Gatt Emerson

137801L

Medical Non-Refoulement: Its Development and Barriers to International Protection

Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Grech Maegan

119101L

Investigating the Efficiency of International Tribunals in Addressing War Crimes

Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Lewis Owen

266601L

Legal Issues Arising from the Innocent Passage of Warships and Submarines through the Foreign Territorial Sea

Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Mallia Mercieca Kezia

369801L

Analysing the Relationship Between Sovereignty and Humanitarian Intervention under International Law: When Is Humanitarian Intervention Justified?

Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Mormina Mirea

230500L

The Protection of Women Seafarers against Sexual Harassment and Abuse: An International and National Law Analysis

Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Vassallo Francesca

236801L

Monitoring the Implementation of International Human Rights Treaties: An Analysis of the Efficacy of the Current UN Treaty Body System

Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Zahra Edric

185378M

Criminalisation of Human Smuggling - An International and EU Law Perspective

Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

#### **Section 4: Achievements Profile**

The Department is actively involved in the European University of the Seas (SEA-EU) Alliance which was launched in 2019 as part of the flagship 'European University' Initiative of the European Commission. The European Commission has this year approved the project for a further 4 years: SEA-EU 2.0. The Alliance is made up of a consortium of nine universities

covering a large part of the European continent's coastline: The University of Cadiz (which maintains its role as coordinating institution), University of Western Brittany (France), University of Kiel (Germany), University of Gdansk (Poland), University of Split (Croatia) and University of Malta, the University of Algarve (Portugal), the University of Naples Parthenope (Italy) and the Nord University (Norway). The vision of the European University of the Seas (SEA-EU) is to establish a distinctly international, pluri-ethnic, multilingual and interdisciplinary European University. SEA-EU aims to strengthen the links between teaching, research, innovation and knowledge transfer.

Members of the Department have been appointed on various SEA-EU Committees including the Education Committee and Internal Mobility Sub-Committee. The Internal Mobility aims to increase European Mobility of students and staff. It seeks to manage collaboration between different departments of partner universities involved in mobility, ensure convergence of practices to facilitate the mobility process and set up training courses and activities to develop virtual mobility in collaboration with the Education Subcommittee. Members of the Department have also been appointed as UM Coordinators of the LOCs and MOOCs.

Professor Patricia Vella de Fremeaux and Dr Felicity Attard have been appointed as UM Observatory Ambassadors for the Migration and Human Rights Observatory. The Observatory is a multidisciplinary and international team addressing the current challenges of EU governance and policy on migration matters and the changes in the protection of migrants' rights. Members of staff regularly attend and present at meetings organised by the Observatory.

Members of the Department delivered a workshop on maritime migration in the Mediterranean to the students of the Mediterranean Academy of Mediterranean Studies in March 2023. This was a segment forming part of the International Law with a Mediterranean perspective portion of the course.

Professor Patricia Vella de Fremeaux and Dr Felicity Attard provided feedback on the revision of the EU Maritime Security Strategy and Action Plan in December 2022.

## **Section 5: Governance Profile**

The Department holds regular staff meetings and its members keep in constant communication to ensure a prompt and effective response to University issues, student requests and international opportunities.

## **Section 6: Planning Profile**

A major strategic plan which was initiated this year and will continue to be implemented in the forthcoming year relates to providing law students with the first published study on international law, with a particular focus on Maltese practice. Currently, our students largely refer to UK textbooks which, although excellent works, refer mainly to the practice of the United Kingdom. As a result, there is a heavy reliance on English practice and case-law. The Department already teaches international law, focusing on Maltese practice, particularly legislation and case-law. The project will provide a commentary on international law branches which are taught throughout the Faculty programmes as reflected in the relevant syllabi. The project will provide a reference work covering these subjects, both from an international perspective (for example, references to decisions of the United Nations and its agencies, treaties, international jurisprudence, such as International Court of Justice, the International

Tribunal for the Law of the Sea and the European Court of Human Rights) and Maltese practice (for example, Maltese legislation, case-law, governmental statements, statements made by Maltese diplomatic officials). Apart from providing students with Malta-specific perspectives, it is expected that this work will be particularly important in the light of Malta's active membership in international organisations and its election to the United Nations Security Council and International Maritime Organization (IMO) Council.

In order to consolidate the Department's interest in international migration law at sea, the Department is forging academic links with international institutions. A major example of this is the tripartite agreement it has entered with Queen Mary University of London and the IMO International Maritime Law Institute. It is planned that this collaboration will lead in the forthcoming year in the establishment of a summer academy on international law. Given the Department's established reputation, the sponsoring institutions have allocated the teaching of migration at sea law to the Department.

The Department intends to consolidate further its expertise in international maritime law through international projects. The Department is in the final stages of completion of project entitled 'Human Oceans Professional Experts' (HOPE) to be submitted under the MSCA-ITN call of the European Commission to be resubmitted on new call. The project aims to train early stage (doctoral) researchers to develop knowledge and expertise in the law of the sea, maritime law and other legal and policy fields concerning the human dimension of international maritime law.

The Department is working with Prof Anna Petrig (Professor of International Law, University of Basel) and Prof Irini Papanicolopulu (BA Global Professor of International Law at SOAS University of London) on a COST-Action Proposal on Human Rights at Sea resubmitted in 2023. The aim of this project is to create an international network that will bring together all those who are interested in the protection of human rights at sea or who want to engage in this new and fast-growing field. The research project, through its activities, aims at sharing knowledge and building synergies, so as to contribute to the changes in law and practices that are necessary to bring about protection for human rights for all those persons who are at sea.

The Department will continue its active participation in the SEA-EU 2.0 initiatives, in particular the establishment of a Masters on Port Management and Logistics to be offered in 2024.

Professor Patricia Vella de Fremeaux and Dr. Felicity Attard were contacted and subsequently hosted a delegation from the Tbilisi State University and the Batumi State Maritime Academy to discuss possible areas of cooperation. The delegation was composed of Professor Dr. Irine Kurdadze, Director of the International Law Institute, Faculty of Law, Tbilisi State University, Professor Tamar Zarandia, Dean of the Faculty of Law, Tbilisi State University, Professor Dr. Eka Siradze, International Law Institute, Faculty of Law, Tbilisi State University, and Ms. Mary Chakvetadze, Manager for International Relations and Cooperation with Partners, Batumi State Maritime Academy. It was agreed that both sides would work to cooperate in establishing closer links supporting staff and student mobility programmes. Relations are positive and an Erasmus exchange agreement is being finalised by the respective Departments.

Given Malta's important strategic membership of the United Nations Security Council, the Department intends to follow and promote research on the positions taken by Malta in the Security Council deliberations.

## **Department of International Law Annual Report 2022-2023**

### **Section 1: Summary of Entity Profile**

The Department of International Law's main aims are to teach, disseminate and promote international law. The Department is led by a Head of Department who is answerable to the Dean and ultimately the Faculty Board.

The Department held regular staff meetings throughout the year to administer and run the Department and deal with student requests. The Department was also actively involved in working together with other international institutions on promoting the teaching and research of international law, with a particular emphasis on its areas of specialization. Indeed, members have often been invited to address conferences and participate in multi-national research projects (See Sections 2 and 6). The Department's members have participated in Faculty Board and other University Committees such as the University Assessment Disciplinary Board and SEA-EU Committees, currently SEA-EU 2.0.

The Department has coordinated the teaching of different programmes at bachelor and master levels (See Section 5). It also serviced the international law components of study-units offered by other Departments such as International Relations and the Mediterranean Academy of Diplomatic Studies. Members of staff supervised and examined numerous dissertations and research projects (See Section 5). The Department was also responsible for examining the various tests, exams and assignments. Members of the Department offered guidance to students who wished to further their studies in international law both in Malta and overseas, facilitating the process in the latter case through its network of established contacts.

Members of the Department were invited to lecture at conferences locally and abroad. In some cases, members of the Department were invited to moderate international panels. The Department cooperated on various projects with international institutions and Universities including the University of London Queen Mary, University of Copenhagen, the US Naval War College, the University of Milano-Bicocca, University of Basel, the University of Cadiz, the University of Western Brittany (France), the University of Kiel, the University of Gdansk, the University of Split, University of Naples Parthenope, University of Algarve, NORD University, Tbilisi State University, Batumi State Maritime Academy, the IMO International Maritime Law Institute, the British Institute of International and Comparative Law, the International Ocean Institute and the International Institute for Justice and the Rule of Law. Members of the Department were also asked to give advisory opinions to governmental and non-governmental entities.

Members of the Department have published research in learned journals and books (See Section 4). They were involved in editing a Research Handbook on Ocean Governance Law to be published by EE Publishers and launched by the President of the Republic in July 2023.

For a summary of the major developments/initiatives envisaged for this year, please refer to Section 6: Planning Profile.

### **Section 2: Staff Profile**

Admin and Support Staff: Ms. Emilia De Martino Administrator II

Resident Academics: 3  
Professor Patricia Vella de Fremeaux  
Dr Omar Grech (on sabbatical in the academic year 2022-2023)  
Dr Felicity Attard

For bibliographical details and additional outputs of academic staff. Please see below.

**Professor Patricia Vella De Fremeaux BA, LL.D, BCL (Oxon), PhD (IMLI)**  
**Associate Professor and**  
**Head, Department of International Law**

**Selected Publications:**

‘Smuggling of Migrants and Trafficking in Persons by Sea’ (with F.G. Attard) in Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds) *Research Handbook on Ocean Governance Law* (Edward Elgar Publishing, 2023)

Introduction to the Research Handbook on Ocean Governance Law Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G Attard (eds) *Research Handbook on Ocean Governance Law* (Edward Elgar Publishing, 2023)

Monograph on ‘International Law the Maltese Perspective’ co-authored with Dr Felicity Attard (in progress)

Work on the second edition of Volume I of David Joseph Attard’s ‘The Maltese Legal System’ edited by Professor Kevin Aquilina (University of Malta Press).

**Editorship:**

Co-Editor, *Research Handbook on Ocean Governance Law* (E. Elgar Publishing, 2023)

Maltese Corresponding Editor of International Legal Materials (a publication of the American Society of International Law, Washington DC, USA) (2013 - 2014; 2020 -)

Member of Board of Editors of the Comparative Maritime Law Journal (Croatian Academy of Sciences and Arts) 2022 –

Peer Reviewer, *Israel Law Review* (Cambridge University Press)

Peer Reviewer, *Marine Policy* (Elsevier) 2022 –

**Book review on above publication:**

Jason Lowther, Professor of Law, School of Society and Culture, University of Plymouth, UK ‘Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds), *Research Handbook on Ocean Governance Law*, Edward Elgar 2023’ *Environmental Law Review* 2023 Vol.25(2) 193–195

**Appointments, Fellowships and Memberships:**

Board Member, Faculty of Laws Board, University of Malta

Board Member, Law Faculty Doctoral Committee

Board member, Master of Advocacy Board of Studies

Board member, Master of Arts International Law Board of Studies

Board Member, Master of Arts in Ocean Governance

Board Member, Award Classification Board, Master of Arts in Ocean Governance

Board Member, University Assessment Disciplinary Board

Law Faculty Representative, University Maritime Platform

Board Member, Centre for the Study and Practice of Conflict Resolution

Member, Periodic Programme Review (PPR) Committee for the MA Conflict Resolution programme.

SEA-EU, member of Education Sub-Committee

SEA-EU, LOCs UM Coordinator

SEA-EU MOOCs UM Coordinator

Co-adviser on Harassment and Bullying, University of Malta

Visiting Fellow, IMO International Maritime Law Institute

PhD Examiner, IMO, International Maritime Law Institute

Fellow, Centre for European Legal Studies on Macro-Crime, Università degli Studi di Ferrara, Dipartimento di Giurisprudenza

Member of Organising Committee, BIICL's Teaching IL Webinar Series

Senior Consultant, People for Change Foundation

Member, Malta Maritime Law Association

Member, European Migration Network

Member, European Society of International Law

Member, American Society of International Law

SEA-EU 2.0 UM Observatory Ambassador for the Migration and Human Rights Observatory.

National Expert for Malta, Legal Compliance Assessment and Legal Consultancy Studies in the Area of Migration and Home Affairs, European Commission.

IMO International Maritime Law Institute, Visiting Fellow

NOHA, Lecturer

MEDAC, Guest lecturer

### **Projects and Workshops:**

HOPE Project (with University of Milano-Bicocca): The project, entitled ‘Human Oceans Professional Experts’ (HOPE) would aim at training early stage (doctoral) researchers to amalgamate an in-depth knowledge of law of the sea, maritime law, and other legal and policy fields that relate to the human element in maritime activities and sea uses.

With Queen Mary University, London and IMO, International Maritime Law Institute: Member of the organising committee of tripartite Summer Academy on Public International Law with Queen Mary University, London and IMO International Maritime Law Institute.

SEA-EU / SEA-EU 2.0 University of Cadiz (Spain), University of Brest (France), University of Kiel (Germany), University of Gdansk (Poland), University of Split (Croatia), University of Malta (Malta), University of Naples Parthenope (Italy), University of Algarve (Portugal), NORD University (Norway).

Member of organising committee for the establishment of a SEA-EU Masters on Port Management and Logistics (2022).

Department of International Relations, University of Malta, Professor Christian Bueger, Department of Political Science, University of Copenhagen Ocean Infrastructures - Searching for a new vision for global ocean politics’ (11 November 2022).

Hosted various meetings with representatives from Tbilisi State University and the Batumi State Maritime Academy to discuss possible areas of cooperation. It was agreed that both sides would work to cooperate in establishing closer links supporting staff and student mobility programmes, including an Erasmus exchange agreement.

COST-Action Proposal on Human Rights at Sea to be resubmitted in 2023.

Leads: Prof Anna Petrig (Professor of International Law, University of Basel) and Prof Irini Papanicolopulu (BA Global Professor of International Law at SOAS University of London)

### **Collaboration with Third Parties:**

IMO, International Maritime Law Institute

Ghaqda Studenti Tal-Ligi

European Law Students Association

European Society of International Law

American Society of International Law

People for Change Foundation

British Institute of International Comparative Law

International Maritime Organization

Universita degli Studi di Milano-Bilocca

International Ocean Institute

Malta Maritime Law Association

International Academy of Comparative Law

European Migration Network

International Federation of Shipmasters' Associations (IFSMA)

International Institute for Justice and the Rule of Law

Queen Mary, University of London

SEA-EU 2.0 University of Cadiz (Spain), University of Brest (France), University of Kiel (Germany), University of Gdansk (Poland), University of Split (Croatia), University of Malta (Malta), University of Naples Parthenope (Italy), University of Algarve (Portugal), NORD University (Norway).

University of Copenhagen

University of Basel

Tbilisi State University

Batumi State Maritime University

U.S. Naval War College

**Dr Felicity Attard, LL.B.(Melit.), LL.M.(IMO-IMLI), M.A.(Lond.), LL.D.(Melit.),  
Ph.D. (IMO-IMLI)  
Lecturer**

### **Selected Publications**

Patricia Mallia Vella de Fremeaux and Felicity G. Attard, ‘Smuggling of Migrants and Trafficking in Persons by Sea’ in Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds), *Research Handbook on Ocean Governance Law* (EE Publishing 2023).

Patricia Mallia Vella de Fremeaux and Felicity G. Attard, ‘Smuggling of Migrants and Trafficking in Persons by Sea’ in Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds), *Research Handbook on Ocean Governance Law* (EE Publishing 2023).

Patricia Mallia Vella de Fremeaux and Felicity G. Attard, *International Law: The Maltese Perspective* (in progress).

### **Editorship and Peer Reviewer**

Co-Editor, *Research Handbook on Ocean Governance Law* (EE Publishing 2023).

Peer Reviewer, *Ocean Yearbook* (Brill | Nijhoff).

Peer Reviewer, *Maritime Safety and Security Law Journal* (Institute for International Legal Studies).

Peer Reviewer, *Leiden Journal of International Law* (Cambridge University Press).

### **Book Review on above Publication**

Jason Lowther, Professor of Law, School of Society and Culture, University of Plymouth, United Kingdom, ‘Simone Borg, Patricia Mallia Vella de Fremeaux and Felicity G. Attard (eds), *Research Handbook on Ocean Governance Law*, Edward Elgar 2023’ (2023) 25(2) *Environmental Law Review* 193–195 (United Kingdom).

### **Speaking Engagements and Academic Appointments**

#### **Keynote speaker**

Oration, ‘The Role of Small Island States in the Development and Implementation of International Law’ Ceremony for Conferment of Masters Degrees, **University of Malta** (March 2023).

Keynote speaker, ‘Reflections on the Protection of Life at Sea: Forty Years Since the Adoption of the 1982 United Nations Convention on the Law of the Sea’, V **Brazilian Congress of the Law of the Sea**, CEDMAR-USP (December 2022).

Keynote speaker, ‘Rebalancing the Scales: A MaltMUN Debate on Migration’, **Malta Model United Nations Society** (March 2021).

Keynote speaker, ‘Contemporary Challenges facing the Duty to Render Assistance at Sea’, **IV Brazilian Congress of the Law of the Sea**, CEDMAR-USP (November 2020).

### **Panelist**

Panelist, ‘Maritime Search and Rescue’, Workshop: Cooperation for Maritime Safety, **Max Planck Foundation for International Peace and the Rule of Law** (July 2023).

Panelist, ‘The Rendering of Assistance at Sea: An Incomplete Duty under International Law?’, 5<sup>th</sup> Annual Alexander C. Cushing International Law Conference, **U.S. Naval War College** (May 2023).

Panelist, ‘Simulation of the ICJ Case: *The Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*’, **Malta Model United Nations Society** (December 2022).

### **Academic Appointments**

Visiting Fellow, ‘The Duty to Render Assistance at Sea: Balancing Safety Obligations with Security Concerns’, IMO International Maritime Law Institute, IMLI Course on Maritime Security Law (April 2023).

Visiting Lecturer, ‘Irregular Maritime Migration: Contemporary Challenges for International Shipping’ International Ocean Institute, Malta Training on Regional Ocean Governance (November 2022).

Panelist, ‘Let’s Talk: One-to-One Brainstorming Session’, ELSA Malta (December 2022).

Panelist, ‘Law Assignment Writing and Research’, ELSA Malta (November 2022).

Visiting Lecturer, ‘The Role of Treaty Law in the Development of the Duty to Render Assistance’,

LLM Module Fundamental Questions in the Law of Treaties, Queen Mary University of London (October 2023)

### **Media**

Think Magazine, ‘Adrift at Sea: Laws, Morals, and Policies in Malta’s Search and Rescue Region’ by Daniel Mainwaring, available at <<https://thinkmagazine.mt/adrift-at-sea-laws-morals-and-policies-in-maltas-search-and-rescue-region/>>.

### **Appointments and Memberships**

Member, **Committee of Discipline (regarding Students' Misconduct)**.

University of Malta Observatory Ambassador for the Migration and Human Rights Observatory, SEA-EU 2.0 Observatory on Migration and Human Rights.

Fellow, Centre for European Legal Studies on Macro-Crime, Università degli Studi di Ferrara, Dipartimento di Giurisprudenza.

Visiting Fellow, IMO International Maritime Law Institute.

NOHA, Lecturer.

MEDAC, Guest Lecturer.

International Advisor, Jindal Society of International Law.

Board Member, Faculty of Laws Board, University of Malta.

National Expert for Malta, Legal Compliance Assessment and Legal Consultancy Studies in the Area of Migration and Home Affairs, European Commission.

Member, American Society of International Law.

Member, SEA-EU European University of the Seas Internal Mobility Subcommittee.

Member, European Migration Network.

Member, Maritime Platform, University of Malta.

Member, Malta Maritime Law Association.

### **Collaboration with Third Parties**

International Ocean Institute.

European Law Students Association.

Għaqda Studenti Tal-Liġi.

Malta Maritime Law Association.

Malta Model United Nations Society.

British Institute of International and Comparative Law.

University of London Queen Mary.

University of Milano-Bicocca.

University of Copenhagen.

University of Basel.

U.S. Naval War College.

IMO International Maritime Law Institute.

International Maritime Organization.  
Jindal Society of International Law.

European Migration Network.

International Institute for Justice and the Rule of Law.

Tbilisi State University.

Batumi State Maritime Academy.

### **Projects**

HOPE Project (with University of Milano-Bicocca). The project, entitled ‘Human Oceans Professional Experts’ (HOPE) would aim at training early stage (doctoral) researchers to amalgamate an in-depth knowledge of law of the sea, maritime law, and other legal and policy fields that relate to the human element in maritime activities and sea uses.

Queen Mary University of London and the IMO International Maritime Law Institute.  
Member of the organising committee of tripartite Summer Academy on Public International Law with Queen Mary University, London and IMO International Maritime Law Institute.

SEA-EU / SEA-EU 2.0 University of Cadiz (Spain), University of Brest (France), University of Kiel (Germany), University of Gdansk (Poland), University of Split (Croatia), University of Malta (Malta), University of Naples Parthenope (Italy), University of Algarve (Portugal), NORD University (Norway).

Member of organising committee for the establishment of a SEA-EU Masters on Port Management and Logistics (2022).

Hosted various meetings with representatives from Tbilisi State University and the Batumi State Maritime Academy to discuss possible areas of cooperation. It was agreed that both sides would work to cooperate in establishing closer links supporting staff and student mobility programmes, including an Erasmus exchange agreement.

COST-Action Proposal on Human Rights at Sea resubmitted in 2023.

Leads: Professor Anna Petrig (Professor of International Law, University of Basel) and Professor Irini Papanicolopulu (BA Global Professor of International Law at SOAS University of London).

### **Conferences, Workshops, Seminars and Courses**

Government of Malta, Ministry for Foreign and European Affairs, ‘AOSIS SIDS Webinar Series Sustainable Fisheries and IUU Fishing: A SIDS Perspective’ (27 July 2023).

SEA-EU 2.0 Observatory for Migration and Human Rights, ‘Building an International Network on Migration and Human Rights’ (23 June 2023).

University of Essex, 'International Environmental Law: Text, Cases and Materials' (17 January 2023).

International Maritime Law Institute, 'UNCLOS at 40 – The Instrumentality of the Convention for Sound Ocean Governance' (16 December 2022).

University of Oxford, 'PIL Discussion Group, Thursday 1 December 2022 - Professor Natalie Klein: Geneva Declaration on Human Rights at Sea: Informal Lawmaking in Action?' Public International Law Discussion Group (1 December 2022).

British Institute of International and Comparative Law, 'Are States Still Masters of their Treaties? The Role of Subsequent Agreements and Subsequent Practice in Treaty Interpretation' (15 November 2022).

International Maritime Organization, 'UNCLOS and IMO – 40 years of cooperation' (28 November 2022).

World Maritime University, 'International Law and the Nord Stream Leaks: An Academic Roundtable' (18 November 2022).

Department of International Relations, University of Malta, Professor Christian Bueger, University of Copenhagen, 'Ocean Infrastructures - Searching for a new vision for global ocean politics' (11 November 2022).

University of Malta, Continuing Professional Development Course: Foundations of University of Teaching & Learning (September 2022-February 2023).

### **Section 3: Learning and Teaching Programmes Profile**

#### **Programmes of study offered or serviced by the Department**

POS of LLB Hons –

<https://www.um.edu.mt/courses/programme/UBLAWHFT-2022-3-O>

POS of Master of Arts in Ocean Governance -

<https://www.um.edu.mt/courses/programme/PMAOGVFTT3-2022-3-O>

POS of Master of Advocacy –

<https://www.um.edu.mt/laws/programme/PMADVFTT6-2022-3-O>

POS of Master of Laws in International Law –

<https://www.um.edu.mt/laws/programme/PMLINLFTR0-2022-3-O>

POS of Master of Arts in Law -

<https://www.um.edu.mt/intranet/overview/laws/PMALAWFTR9-2022-3-O>

POS of Master of Laws in the Prevention and Suppression of International Crime at Sea -

<https://www.um.edu.mt/intranet/overview/laws/PMLPVSFTT0-2022-3-O>

POS of Bachelor of Arts in International Relations -  
<https://www.um.edu.mt/intranet/overview/arts/UBAHIRLFT-2021-2-O>

POS of Master of Arts in Humanitarian Action-  
<https://www.um.edu.mt/arts/programme/PMAHMAFET12-2022-3-O>

POS of Master of Arts in International Humanitarian Action -  
<https://www.um.edu.mt/intranet/overview/arts/PMAIHAFET7-2021-2-O>

Number of students following each programme:

### **INL2004 International and Public Law for International Relations**

Total number of students: 31

Male: 14

Female: 17

Local students: 22

International students: 9

### **LLB Hons**

### **INL2000 Basic Principles of International Law**

Total number of students: 165

Male: 31

Female: 134

Local students: 152

International students: 13

### **INL3000 Selected Topics in International Law**

Total number of students: 164

Male: 55

Female: 109

Local students: 164

International students: 0

### **INL2003 Basic Notions of International Law**

Total number of students: 6

Male: 2

Female: 4

Local students: 2

International students: 4

### **INL4001 Global Maritime Security and International Law**

Total Number of students: 67

Male: 16

Female: 51

Local students: 60  
International students: 7

### **INL4003 Selected Topics in International Law of the Sea**

Total Number of students: 53  
Male: 17  
Female: 36  
Local students: 47  
International students: 6

### **Master of Laws International Law**

#### **INL5001 Dissertation**

One student: Male, Local.  
The student enrolled in October, 2019.  
The student is to submit his dissertation under resit conditions by Friday, 1st September.

### **Master of Advocacy**

#### **INL5007 International Migration Law**

Total number of students: 33  
Male: 11  
Female: 22  
Local students: 33  
International students: 0

### **Master of Arts in Ocean Governance**

The course did not open in Academic Year 2022/3.

#### **INL5027 International Law and Forced Migration**

Total Number of students: 19  
  
Male: 5  
Female: 14  
Local students: 0  
International students: 19

### **Master of Laws in the Prevention and Suppression of International Crime at Sea**

The course did not open in Academic Year 2022/3.

### **Titles of Final Year Bachelor of Laws (Honours) Dissertations:**

Attard Nicole  
469901L

Human Trafficking: Creating Indicators for the Hospitality Sector to Combat the Crime  
Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Bonett Thea  
122501L

The Interpretation and Application of Reservations in Human Rights Treaties: The Approach of the ICJ, the ECtHR, and the HRC  
Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Bruno Petra  
254694M

The Efficacy of Provisional Measures by the International Court of Justice  
Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Buttigieg John Paul  
5401H

The International Law Protection on Civilians from Sexual Abuse and Exploitation Committed by the United Nations Peacekeepers  
Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Caligari Nicholas  
440191M

The Prohibition of Use of Force in International Law: The Role of the United Nations  
Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Callus Gatt Matthias  
178300L

The Single European Sky and Disruptive Aviation Technology: Present and Future Legal Implications  
Dr Roberto Cassar

Casha Ariana  
188697M

An Analysis of the Relationship between Mass Migration by Sea and Major Branches of International Law  
Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Catania Rudy  
371189M

The Protection of Medical Personnel in Armed Forces under International Humanitarian Law (IHL)  
Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Craus Liam  
13599M

The Exercise of Jurisdiction over Stateless Vessels in Combatting Migrant Smuggling on the High Seas  
Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Debono Mariah

17901L

Proposals to Improve the International Criminal Court's Cooperation Regime

Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Gatt Emerson

137801L

Medical Non-Refoulement: Its Development and Barriers to International Protection

Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Grech Maegan

119101L

Investigating the Efficiency of International Tribunals in Addressing War Crimes

Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Lewis Owen

266601L

Legal Issues Arising from the Innocent Passage of Warships and Submarines through the Foreign Territorial Sea

Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Mallia Mercieca Kezia

369801L

Analysing the Relationship Between Sovereignty and Humanitarian Intervention under International Law: When Is Humanitarian Intervention Justified?

Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Mormina Mirea

230500L

The Protection of Women Seafarers against Sexual Harassment and Abuse: An International and National Law Analysis

Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

Vassallo Francesca

236801L

Monitoring the Implementation of International Human Rights Treaties: An Analysis of the Efficacy of the Current UN Treaty Body System

Prof. Patricia Vella de Fremeaux; co-sup: Dr Felicity Attard

Zahra Edric

185378M

Criminalisation of Human Smuggling - An International and EU Law Perspective

Dr Felicity Attard; co-sup: Prof. Patricia Vella de Fremeaux

#### **Section 4: Achievements Profile**

The Department is actively involved in the European University of the Seas (SEA-EU) Alliance which was launched in 2019 as part of the flagship 'European University' Initiative of the European Commission. The European Commission has this year approved the project for a further 4 years: SEA-EU 2.0. The Alliance is made up of a consortium of nine universities

covering a large part of the European continent's coastline: The University of Cadiz (which maintains its role as coordinating institution), University of Western Brittany (France), University of Kiel (Germany), University of Gdansk (Poland), University of Split (Croatia) and University of Malta, the University of Algarve (Portugal), the University of Naples Parthenope (Italy) and the Nord University (Norway). The vision of the European University of the Seas (SEA-EU) is to establish a distinctly international, pluri-ethnic, multilingual and interdisciplinary European University. SEA-EU aims to strengthen the links between teaching, research, innovation and knowledge transfer.

Members of the Department have been appointed on various SEA-EU Committees including the Education Committee and Internal Mobility Sub-Committee. The Internal Mobility aims to increase European Mobility of students and staff. It seeks to manage collaboration between different departments of partner universities involved in mobility, ensure convergence of practices to facilitate the mobility process and set up training courses and activities to develop virtual mobility in collaboration with the Education Subcommittee. Members of the Department have also been appointed as UM Coordinators of the LOCs and MOOCs.

Professor Patricia Vella de Fremeaux and Dr Felicity Attard have been appointed as UM Observatory Ambassadors for the Migration and Human Rights Observatory. The Observatory is a multidisciplinary and international team addressing the current challenges of EU governance and policy on migration matters and the changes in the protection of migrants' rights. Members of staff regularly attend and present at meetings organised by the Observatory.

Members of the Department delivered a workshop on maritime migration in the Mediterranean to the students of the Mediterranean Academy of Mediterranean Studies in March 2023. This was a segment forming part of the International Law with a Mediterranean perspective portion of the course.

Professor Patricia Vella de Fremeaux and Dr Felicity Attard provided feedback on the revision of the EU Maritime Security Strategy and Action Plan in December 2022.

## **Section 5: Governance Profile**

The Department holds regular staff meetings and its members keep in constant communication to ensure a prompt and effective response to University issues, student requests and international opportunities.

## **Section 6: Planning Profile**

A major strategic plan which was initiated this year and will continue to be implemented in the forthcoming year relates to providing law students with the first published study on international law, with a particular focus on Maltese practice. Currently, our students largely refer to UK textbooks which, although excellent works, refer mainly to the practice of the United Kingdom. As a result, there is a heavy reliance on English practice and case-law. The Department already teaches international law, focusing on Maltese practice, particularly legislation and case-law. The project will provide a commentary on international law branches which are taught throughout the Faculty programmes as reflected in the relevant syllabi. The project will provide a reference work covering these subjects, both from an international perspective (for example, references to decisions of the United Nations and its agencies, treaties, international jurisprudence, such as International Court of Justice, the International

Tribunal for the Law of the Sea and the European Court of Human Rights) and Maltese practice (for example, Maltese legislation, case-law, governmental statements, statements made by Maltese diplomatic officials). Apart from providing students with Malta-specific perspectives, it is expected that this work will be particularly important in the light of Malta's active membership in international organisations and its election to the United Nations Security Council and International Maritime Organization (IMO) Council.

In order to consolidate the Department's interest in international migration law at sea, the Department is forging academic links with international institutions. A major example of this is the tripartite agreement it has entered with Queen Mary University of London and the IMO International Maritime Law Institute. It is planned that this collaboration will lead in the forthcoming year in the establishment of a summer academy on international law. Given the Department's established reputation, the sponsoring institutions have allocated the teaching of migration at sea law to the Department.

The Department intends to consolidate further its expertise in international maritime law through international projects. The Department is in the final stages of completion of project entitled 'Human Oceans Professional Experts' (HOPE) to be submitted under the MSCA-ITN call of the European Commission to be resubmitted on new call. The project aims to train early stage (doctoral) researchers to develop knowledge and expertise in the law of the sea, maritime law and other legal and policy fields concerning the human dimension of international maritime law.

The Department is working with Prof Anna Petrig (Professor of International Law, University of Basel) and Prof Irini Papanicolopulu (BA Global Professor of International Law at SOAS University of London) on a COST-Action Proposal on Human Rights at Sea resubmitted in 2023. The aim of this project is to create an international network that will bring together all those who are interested in the protection of human rights at sea or who want to engage in this new and fast-growing field. The research project, through its activities, aims at sharing knowledge and building synergies, so as to contribute to the changes in law and practices that are necessary to bring about protection for human rights for all those persons who are at sea.

The Department will continue its active participation in the SEA-EU 2.0 initiatives, in particular the establishment of a Masters on Port Management and Logistics to be offered in 2024.

Professor Patricia Vella de Fremeaux and Dr. Felicity Attard were contacted and subsequently hosted a delegation from the Tbilisi State University and the Batumi State Maritime Academy to discuss possible areas of cooperation. The delegation was composed of Professor Dr. Irine Kurdadze, Director of the International Law Institute, Faculty of Law, Tbilisi State University, Professor Tamar Zarandia, Dean of the Faculty of Law, Tbilisi State University, Professor Dr. Eka Siradze, International Law Institute, Faculty of Law, Tbilisi State University, and Ms. Mary Chakvetadze, Manager for International Relations and Cooperation with Partners, Batumi State Maritime Academy. It was agreed that both sides would work to cooperate in establishing closer links supporting staff and student mobility programmes. Relations are positive and an Erasmus exchange agreement is being finalised by the respective Departments.

Given Malta's important strategic membership of the United Nations Security Council, the Department intends to follow and promote research on the positions taken by Malta in the Security Council deliberations.

FACULTY OF LAWS

# **ENTITY REPORT FOR THE DEPARTMENT FOR ENVIRONMENT AND RESOURCES LAW**

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Academic Year 2022/2023

**Dr. Antoine Grima, B.A. (Hons), M.A. (Sussex), M. Jur. (IMLI), Ph.D. (IMLI)  
Head of Department.**

**REPORT FOR THE ENVIRONMENTAL LAW AND  
RESOURCES LAW DEPARTMENT, FACULTY OF LAWS  
ACADEMIC YEAR 2022/2023.**

**SECTION 1. Summary of Entity Profile**

Answering **6.3.1** The name and distinctive mission of your entity • Its overall governance structure (e.g. Faculty Board, Centre/Institute Board) and its members, as relevant • A summary of its main activities and highlights for the year under review • Any major developments/initiatives envisaged for the year ahead; and • Other point(s) worthy of note. (E.g. members of staff being promoted; members of staff completing their PhD; staff engagement and retirement; etc.)

**1.1. Name and Main Activities:**

The Environmental law and Resources law (ERL) department focuses on the lecturing, tutoring and research in:

- Environmental 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
- Animal Welfare law
- Cultural Heritage law
- Aspects of policy making related thereto.

**1.2. Members of ERL:**

The Department has four resident academics who are:

Prof Simone Borg, (Professor)<sup>1</sup>

Dr Antoine Grima, (Lecturer)

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<sup>1</sup> As from October 2022 Prof. Simone Borg is on a two-year sabbatical.

Dr Louise Spiteri (Assistant Lecturer)

Dr Christopher Attard (Assistant Lecturer)

ERL has one visiting lecturer Dr Perit Robert Musumeci.

### **1.3. Mission:**

ERL department was set up just before the beginning of the academic year 2010/2011. The decision to set up this new Department within the Faculty of Laws was prompted by the vast developments on a national, European and International level in the legal framework addressing the use of natural resources and the environment. The regulation of these sectors is horizontal in nature and impinges upon all of the major legal streams and human activities. The entire mass of norms that fall under Environment and Development Planning law has introduced specialized legal regimes that complement and at times supersede the *lex generalis* like Public law and Civil law under which, they originated. The ERL department enables the Faculty of Laws to keep abreast with the demand for legal learning and research in these legal fields, evolving from statutory sources as well as case law. There is a strong and steady demand for academic learning in these legal fields within the Faculty of Laws, where the subject has been offered since 1994, but also by other faculties, institutes and centres at University, these include:

- SEA-EU Masters Programme (ERL5013 – The Impact of Port Activities on the Environment)
- The Faculty of Theology (ERL5012 - Environmental Ethics in Law and Policy)
- The Faculty of Engineering (ENR 3001- Sustainable Engineering)
- The Institute for European Studies (EST 3190 - European Environmental law and Policy)
- The Faculty of Education (EER 5203- Sustainable Development Law and Policy)
- The Faculty of Science (OMS- 5006 Ocean Governance)
- The Faculty of Medicine and Surgery (CLS1309- Environmental Health Management Policy)
- The Faculty of Architecture and the Built Environment (SPI 1711- Landscape and Human Impact)
- The Faculty of Medicine and Surgery (PHL- 5125 Environmental Health)

## 1.4. Vision

Environmental and resources law is both cross sectoral and multi -disciplinary, necessitating inter-disciplinarity in its approach. Various National Education and Skills Policies have identified environmental studies as one of the national priority areas. Indeed, environmental studies particularly *in the field of renewable energy resources*, the earth sciences and planning *development* are on the increase in Malta as everywhere else in the world. Whereas the Department has maintained this vision and supported interest shown in this area it widened this interest by promoting new areas of research namely space activities, cultural heritage, business and environmental ethics and animal welfare. Furthermore, the department extended its accessibility, in its various forms, to students, particularly undergraduate, with a view to exchange views of mutual interest and divulge further academic knowledge which at first glance might not appear to be considered as the typical “environmental” subject-matter.

## SECTION 2. Staff Profile

Answering 6.4.1 To incorporate: • Number and names of resident and visiting academic staff; number and names of support and administrative staff. • Full bibliographical details of academic publications of each member of staff during the year under review. • Any additional relevant outputs, such as: presentation of papers at conferences; engagement in externally or internally funded projects; involvement in community initiatives; and advisory or consultancy services to public or private entities related to their university work.

### 2.1. The Team.

#### (Academic)

**Prof Simone Borg** is a resident full professor and Head of the Environmental Law and Resources Law department. She is an expert in International Law especially in the field of International Environmental Law and International Maritime Law. Her main expertise in these fields is in Climate law and Living Marine Resources law. She advises the government of Malta especially the Ministry for Foreign Affairs and the Environment Ministry. She has carried out work for the Commission of the European Union, various United Nations bodies as well as the Commonwealth. She serves as Malta’s Ambassador for Climate Action and has been appointed to chair various

national commissions and act as chief negotiator for Malta in various International and EU fora. She is a visiting professor in other Universities and Institutes and has published widely on her topics of expertise.

**Dr Antoine Grima** has been promoted to lecturer after successfully completing his PhD in International Maritime Law from the IMO International Maritime Law Institute in 2021. He works and researches upon the effectiveness of environmental legislation, with particular interest to vulnerable groups of the community. This interest stems from his previous experience at the public service and his direct involvement in a number of voluntary and regulatory bodies. His doctoral thesis focuses on the impact of sea level rise on the organisation of maritime spaces. Indeed, maritime delimitation is his other area of specialisation. In this respect, this year he also published his research in a book entitled “sea Level Change and Maritime Boundaries.” Dr Grima worked for several years with the public service with the Ministry of Foreign Affairs, especially at the EU Directorate which was deeply involved in the EU accession process. Later on he served as Director for Competition within the Consumer and Competition Division.

**Dr. Louise Spiteri** is a resident assistant lecturer at the University of Malta. She has successfully concluded her PhD thesis on climate change law and the insurance market, at Imperial College London. She was also a Board member of the Environment and Resource Authority set up in 2016, and later acted as CEO of the same Authority for various years. Dr Spiteri has acted as adviser to government and the EU Commission in various research projects. She has also worked with government at the Ministry for Foreign Affairs, the Attorney General and the Environment Ministry. She has publications in various areas of environmental law.

**Dr. Chris Attard** is a resident assistant lecturer within the Department of Environmental and Resources Law at the Faculty of Laws. With a background specialisation in international maritime law, Dr. Attard has researched topics such as international maritime criminal jurisdiction, the action in rem under Maltese law and continental shelf resources – particularly maritime delimitation and joint development of offshore oil and gas. Dr. Attard is currently reading for a Ph.D. on the law of submarine cables and pipelines at the International Maritime Law Institute. He

has been successful in his M.Phil and has initiated his research as a PhD candidate with the International Maritime Law Institute.

**Perit Dr. Robert Musumeci**, is a visiting lecturer who lectures ERL 1001 Development Planning Legislation. Dr. Robert Musumeci delivers 22 hours of lectures in this specialized area.

**(Administrative Support Staff.)**

Ms Michela Brincat who is the ERL departmental secretary shared with other departments of the Faculty of Laws.

## **2.2. Academic Staff achievements**

### **Dr Antoine Grima**

#### **University of Malta:**

- Head of Department, Environmental Law and Resources Law Department, Faculty of Laws, University of Malta
- Member on the Platform for Multicultural Organisations of the University of Malta
- Member Faculty Board, Faculty of Laws
- Member FREC, Faculty of Laws
- Member of Board of Studies of MA Mediation
- Member of Board of Studies of M. Adv. Course
- Co-ordinator of the MA Ocean Governance Course

#### **Contributions to society:**

- Provides legal advice to Consumers' Association.
- Parliamentary Committee for Gozo Affairs re. the fast ferry issue on ways how the service can improve for the customer's benefit.

#### **International Appointments and Participation:**

- Member International Law Association sub Committee in International Law and Sea Level Rise

### **Publications:**

Sea level Change and Maritime Boundaries, Routledge, June 2023

<https://www.routledge.com/Sea-Level-Change-and-Maritime-Boundaries/Grima/p/book/9781032340784>

### **Dr Louise Spiteri:**

#### **Publications:**

Kluwer International Environmental Encyclopaedia of Laws: Environmental law in Malta together with Prof Simone Borg, Dr Chris Attard, and David Chetcuti Dimech.

<https://kluwerlawonline.com/EncyclopediaChapter/IEL+Environmental+Law/ENVI20190032>

### **Dr Christopher Attard**

#### **Publications:**

Kluwer International Environmental Encyclopaedia of Laws: Environmental law in Malta together with Prof Simone Borg, Dr Louise Spiteri and David Chetcuti Dimech.

<https://kluwerlawonline.com/EncyclopediaChapter/IEL+Environmental+Law/ENVI20190032>

## **SECTION 3: Learning & Teaching Programme Profile**

Answering 6.5.1 • A list of programmes of study offered and serviced by your entity, starting from certificate courses, through bachelor programmes, master level programmes and doctoral level programmes (if any).

### **3.1. Lecturing**

## **Study Units offered by the ERL Department**

### **Undergraduate:**

- ERL 1001- Principles of Planning Law
- ERL 1002- Environmental Justice
- ERL 2003 - Principles of Environmental Law
- ERL 3001 - Principles of International Environmental Law
- ERL 3005 - Occupational Health and Safety Law
- ERL 4000 - Climate Change and International Law

### **Post Graduate: Masters Level**

- ERL 5001 Environmental and Occupational Health and Safety Law (Masters in Project Management)
- ERL 5002 Environmental and Planning Law Relevant to Construction (Masters in Project Management)

## **Study Units ERL team services within Faculty of Laws**

The ERL department services other departments at the Faculty of Laws, mainly International Law dept, European and Comparative Law dept and Commercial Law dept, namely:

- MCT1005- Introduction to Law
- INL 2004 - International Law and Public Law for International Relations
- INL 3001 - Principles of International Law
- INL 4003 - Selected Topics in International law of the Sea
- INL 5014 - International Law of the Sea
- ECL 5038 - Environmental Policy of the European Union
- LAW4010 - Dissertation
- LAW 5012 - Professional Practice for Advocates
- LAW 5076 - Practical Applications in Civil and Commercial Law Mediation

## **Study Units ERL team services in other Faculties and Institutes:**

- ENR 3010 - Sustainable Engineering
- SPI 1711 – Landscape and Human Impact
- EST 3190 - European Environmental law and Policy
- EER 5203 - Sustainable Development Law and Policy
- OMS 5006 - Ocean Governance
- CLS 2304 - Environmental Health Management Policy and Legislation
- MSC 5202 - Sustainable development, Law and Policy
- PHL 5125- Environmental Health
- IRL 2075-SEM1-A-2122: Environmental Issues in International Relations
- GSC5509 – An Introduction to ocean governance and policy-making.

### **3.2. Student Information**

6.6.2 Category: Student information 6.6.2.1 This information can be organised in terms of each specific programme of study. To report should contain the following information: ● The number of students following each programme (indicating: male, female and other students; and local and international students) ● Titles of final year student projects, dissertations or theses ● Student awards and prizes, if relevant

#### **Student Numbers by Gender and Nationality**

The number of students in ERL undergraduate study units for academic year 2022/2023 was as follows:

- ERL1001 Development Planning Legislation - 74 students
- ERL1002 Environmental Justice - 171 students
- ERL2003 Principles of Environmental Law - 10 students
- ERL3001 Principles of International Environmental Law - 39 students
- ERL4000 Climate Change and the Law - 58 students

#### **Postgraduate**

Two ERL study units were offered to the Faculty of Architecture and the Built Environment's Masters in Project Management namely:

- ERL5001 Environmental and Occupational Health and Safety Law – 5 students
- ERL5002 Environmental and Planning Law Relevant to Construction – 5 students

### **Titles of Final year Student Projects, Dissertations or Theses**

#### **Undergraduate:**

- Julia Balzan – The Welfare of Dangerous Dogs – a legal assessment
- Matthew Borg Galea – Regulating the breeding of companion animals to ensure animal welfare
- Julia Depasquale – Illegal breedings of domestic animals: a comparative study of local and foreign legislation with a view to propose amendments and improvements
- Nicole Farrugia – The role of the project supervisor under LN88 of 2018: how effective is it in ensuring safe-work-practice in the construction industry?
- Ryan Portelli – Exploring and Interpreting Animal Welfare under Different Legislations – A Legal Comparative Analysis
- Maya Xuereb – A Comparative analysis of animal abuse penalties within the EU: The case for Maltese legal reform.
- Sarah Abo Shamala – The United Nations' Resolution in Relation to the Global Treaty on Plastic Pollution
- Raoul Ciappara – Animals – sentience and legal rights
- Matthew Mamo – Branching out: Should trees have legal personhood? – a closer look at natural objects and their legal rights

#### **Postgraduate - MAOG:**

- Rosalyn Kamp - Are Mediterranean MPAs Effective in Achieving Their Conservation and Management Goals or Are They Just Paper Parks?
- Elena Victoria Lussi - Paying Due Regard — Balancing Fisheries Conservation and International Development

- Joana Sophia Virag Zubor - A Comparative Analysis on the Effectiveness of Law in Straits Used for International Navigation and Transit Passage in Regard to the Protection of the Marine and Coastal Environment

### **Doctoral Level**

- A PhD candidate Ms Jyothi Thomas who is female and a national of India but residing in Malta, currently awaiting transfer from M. Phil to Ph.D. with a thesis on: *Filling the Gaps in Regulating Marine Plastic Pollution*.

#### **Supervisor: Prof Simone Borg**

- Prof Borg is also currently supervising PhD student for the Institute of Small Island States: Ms Angelique Louise Marie Pouponneau who is a Ph.D. candidate transferring from M.Phil. to Ph.D. with a thesis on: *Legal instruments for enabling investment and funding for a sustainable ocean economy in small island States*.

## **SECTION 4: Achievements Profile**

6.7.1 To portray: ● Achievements in teaching, research, community engagement, collaboration with other entities, funded projects and administrative service (including quality assurance and quality audit activities) to the University. ● Brief details of all projects in which your entity participated, giving an overview of the scope, value and timeframe of the project as well as the input made by the entity.

### **1.3.Affiliations and Achievements of ERL Dept:**

- The ERL Dept 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.
- Coordinates the International Master Programme in Ocean Governance launched in September 2013
- Signatory of an ERASMUS mobility programme 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. The Department strives to academically address and in so doing promote, legal research that may be commissioned by the entities that offer internship.

**Long Term Research by ERL Team:**

**Prof Simone Borg is currently carrying out:**

- Research on Climate Change and Ocean nexus with a number of International academics and UN Institutions.
- Research on Climate Change and Security on behalf of the Ministry for Foreign and EU Affairs and Trade
- Research with Small Island States Institute on the impact of climate change upon small island States
- Participation in COST Programme on Ocean Governance
- Research Project on national position with the Institute for Climate Change and Sustainable Development for the Malta Resources Authority National Communication of Malta to the United Nations Convention on Climate Change
- Research within 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.

- Research within 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.

**Dr Antoine Grima carries out research on:**

- The Impact of Sea Level Rise in International Law
- The delimitation of Maritime Boundaries
- Carries out research on behalf of the International Law Association in specific aspects on the Law of the Sea

**Prof Simone Borg and Dr Louise Spiteri carry out research on:**

- Access to Justice and Citizens Rights in Malta

**Dr Louise Spiteri carries out research on:**

- Market Based Mechanisms for Environmental Regulation Purposes

**Dr Chris Attard carries out research on:**

The Continental Shelf uses under the Law of the Sea

**SECTION 5: Governance Profile**

6.8.1 To comprise: ● List of committee meetings (e.g. Departmental Staff meetings; Boards of Studies meetings; Boards of Examiners meetings) for which minutes have been placed in the UM repository. 6.9 Section 6: Planning Profile 6.9.1 Include: ● A brief account of any strategy/planning initiatives held within the entity

There was 1 ERL departmental meeting on:

27<sup>th</sup> July 2023

FACULTY OF LAWS

# **ENTITY REPORT FOR THE DEPARTMENT OF LEGAL HISTORY & METHODOLOGY**

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Academic Year 2022/2023

**Dr Ivan Mifsud, Acting Head of Department.**

# REPORT FOR THE DEPARTMENT OF LEGAL HISTORY & METHODOLOGY FACULTY OF LAWS

ACADEMIC YEAR 2022/2023.

## SECTION 1. Summary of Entity Profile

Answering 6.3.1 The name and distinctive mission of your entity ● Its overall governance structure (e.g. Faculty Board, Centre/Institute Board) and its members, as relevant ● A summary of its main activities and highlights for the year under review ● Any major developments/initiatives envisaged for the year ahead; and ● Other point(s) worthy of note. (E.g. members of staff being promoted; members of staff completing their PhD; staff engagement and retirement; etc.)

### 1.1. Name and Main Activities:

The Legal History & Methodology (LHM) department focuses on the lecturing, tutoring and research in:

- Maltese Legal History
- Research Methods

### 1.2. Members of LHM:

The LHM department is composed of two full time resident academics from within the Faculty of Laws and one casual member of staff. The Department is also serviced by two full time resident academics from other faculties.

The full timers are:

Prof. Raymond Mangion<sup>1</sup>

Prof. Frances Camilleri Cassar

The casual member of staff is Dr Mario Spiteri

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<sup>1</sup> On sabbatical until September 30<sup>th</sup>, 2023.

The Department is serviced by Prof. Liberato Camilleri from the Faculty of Science, and Dr Joan Abela from the Faculty of Arts.

### **1.3. Mission:**

The Department's mission is to foster a sense of appreciation amongst our law students, insofar as concerns Malta's extremely rich and colourful legal history. Unfortunately most students only think in terms of career opportunities and which area of law they can work in, without realising that a solid basis in legal history serves as a strong foundation for understanding any area of law.

Unfortunately (generally speaking) our students dismiss research methods as 'boring' if not 'useless'. They do not even know how much they do not know, this has to change, and the LHM Department has made it its mission to work on altering this approach.

### **1.4. Vision**

LHM aims at excellence, whether in research or in teaching.

## **SECTION 2. Staff Profile**

Answering 6.4.1 To incorporate: ● Number and names of resident and visiting academic staff; number and names of support and administrative staff. ● Full bibliographical details of academic publications of each member of staff during the year under review. ● Any additional relevant outputs, such as: presentation of papers at conferences; engagement in externally or internally funded projects; involvement in community initiatives; and advisory or consultancy services to public or private entities related to their university work.

### **2.1. The Team.**

**(Academic)**

**Prof. Ray Mangion** is a full-time Professor within LHM and is a renowned legal historian not only within the Faculty of Laws, but beyond; one may in fact say that he is well known nationwide, thanks to his prolific writing and also thanks to the innumerable occasions on which he either presented himself, or has been invited as a guest speaker, on television and radio programmes. He is considered a brand of the University of Malta.

**Prof. Frances Camilleri Cassar** is a full-time Professor within LHM. Throughout her thirty years in academia, Professor Camilleri-Cassar has researched and published widely, and routinely presents papers to scholars and more general audiences, both in Malta and abroad. Her research interests centre around social policy and equality law, and connect with European and International colleagues working within a range of disciplinary and interdisciplinary fields. Her recent monograph titled 'Academic Research Methods for the Law Student: a practical guide' was published by the Faculty of Laws in 2018. Professor Camilleri-Cassar chairs the Research Ethics Committee, and is a member on the Human Rights Law Platform.

**Prof. Liberato Camilleri** is a full-time Professor within the Faculty of Science. His research specialization areas are related to statistical modeling, which include generalized linear models, latent class models, item response models, structural equation models, multilevel models and survival models. He has co-authored a number of peer-reviewed publications in journals and conference proceedings with foreign and local researchers in several fields of application.

**Dr Joan Abela** is a resident Senior Lecturer within the Department of History, Faculty of Arts. Her research interests include Mediterranean History, Early Modern History, Gender Studies, Knights of St John, Archives and Legal Manuscripts.

**Dr Mario Spiteri**, an advocate by profession, is Head of Strategy and Initiatives at the Office of the Attorney General, Malta.

(Administrative Support Staff.)

Ms Celine Agius, departmental secretary shared with the Department of Public Law; in summer 2023 her duties within the LHM Department were taken over by Ms Andrea Cristina Szakacs.

## 2.2. Academic Staff achievements

### **This is a list of recent books published by current members of staff :<sup>2</sup>**

Camilleri Cassar, Frances *Academic Research Methods for the Law Student*

Camilleri Cassar, Frances *No Room at the Top: Gendered Forces behind Women's Lives and their Reflection in Maltese Politics*

Mangion, Raymond *Legislation in Malta, A History, 1918-1928*

Mangion, Raymond *The UN Declaration of Human Rights, Seventy Years On*

Mangion, Raymond *Constitutions & Legislation in Malta 1914-1964 Vol. I*

Mangion, Raymond *Constitutions & Legislation in Malta 1914-1964 Vol. II*

Mangion, Raymond *Documentary Sources of Maltese History*

Mangion, Raymond *Speaker's Rulings in the Parliament of Malta Vol. I*

Mangion, Raymond *Speaker's Rulings in the Parliament of Malta Vol. II*

Mangion, Raymond *Memorji minn San Vincenz de Paul Vol. I*

Mangion, Raymond *Memorji minn San Vincenz de Paul Vol. II*

Mangion, Raymond *Palazzo Ferreria in a Historico-Legal Context*

### **Articles published during this academic year:**

Camilleri-Cassar, F. (2023) 'Leave Policies Country Report: Malta' in Blum, S., Dobrotić, I., Kaufmann, G., Koslowski, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2023*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

Camilleri-Cassar, F. (2022) 'The Doctrine of 'locus standi'' of the CJEU, Id-Dritt

Camilleri-Cassar, F. (2022) 'Conflict of Laws and other Legal Intricacies', Id-Dritt

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<sup>2</sup> Some of these were published during the academic year under report.

**Other academic achievements:**

Prof. Frances Camilleri Cassar

i. Invited Participant as Network Member at the 20th Annual Seminar of the International Network of Leave Policies and Research 2023, ‘Leave Policies in changing times: new patterns of work and care and gender and social equality’, Athens, June 29 – 30, 2023.

ii. Course Co-ordinator (as of 2020): Higher Diploma of Legal Procurator.

iii. Study-unit Co-ordinator: MA Law (as of 2020); Course Co-ordinator (2014 - 2020).

iv. Chair (as of 2017): Faculty of Laws Research Ethics Committee.

v. Member (Senate appointment as of 2019): Human Rights Law Platform, Faculty of Laws.

**SECTION 3: Learning & Teaching Programme Profile**

Answering 6.5.1 ● A list of programmes of study offered and serviced by your entity, starting from certificate courses, through bachelor programmes, master level programmes and doctoral level programmes (if any).

**3.1. Study Units offered by the LHM Department<sup>3</sup>**

LHM1014	History of Police Law: The British Period 1814-1964	LL.B Hons	12 p. <sup>4</sup>
LHM3000	Research Methods	LL.B Hons	159 p.

<sup>3</sup> It is to be noted that Prof. Raymond Mangion was on sabbatical during said academic year; his study units were not offered. Furthermore, this list does not cover those study units which the same academics offer in other departments within the Faculty of Laws. Thus for example, Prof. Frances Camilleri Cassar lectures in CRL 1008, CRL 2008, CRL 3000, LAW 5001 and PBL 5033 while Prof. Mangion despite being on sabbatical lectured in PBL1015 and sat on a Ph.D. Board of Examination as well (Maurizio Ferrari).

<sup>4</sup> Participants.

### **3.2. Student Information**

6.6.2 Category: Student information 6.6.2.1 This information can be organised in terms of each specific programme of study. To report should contain the following information: ● The number of students following each programme (indicating: male, female and other students; and local and international students) ● Titles of final year student projects, dissertations or theses ● Student awards and prizes, if relevant

#### **Student Numbers by Gender and Nationality**

Said info is not available, but gender in all the courses we offer is predominantly female.

#### **Titles of Final year Student Projects, Dissertations or Theses**

No student opted to write a dissertation in this area.

FACULTY OF LAWS

# **ENTITY REPORT FOR THE DEPARTMENT OF PUBLIC LAW**

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Academic Year 2022/2023

**Dr Ivan Mifsud, Head of Department.**

**REPORT FOR THE DEPARTMENT OF PUBLIC LAW FACULTY OF LAWS  
ACADEMIC YEAR 2022/2023.**

**SECTION 1. Summary of Entity Profile**

Answering 6.3.1 The name and distinctive mission of your entity ● Its overall governance structure (e.g. Faculty Board, Centre/Institute Board) and its members, as relevant ● A summary of its main activities and highlights for the year under review ● Any major developments/initiatives envisaged for the year ahead; and ● Other point(s) worthy of note. (E.g. members of staff being promoted; members of staff completing their PhD; staff engagement and retirement; etc.)

**1.1. Name and Main Activities:**

The Public Law (PBL) department focuses on the lecturing, tutoring and research in:

- Constitutional Law
- Administrative Law
- Human Rights Law
- Private International Law
- Fiscal Legislation
- Tourism Law
- Military Law
- Sports Law
- Industrial Law
- Occupational Health & Safety Legislation

**1.2. Members of PBL:**

The PBL department is composed of three full time resident academics, and several part timers including casual staff.

The full timers are:

Prof Tonio Borg

Dr Ivan Mifsud (Head of Department)

Dr Therese Comodini Cachia

### **1.3. Mission:**

The Department of Public Law teaches and researches in different areas of Public Law. Infact, PBL runs a full range of courses in various aspects of Public Law, at undergraduate and postgraduate level. Apart from undergraduate study units, we offer a Diploma in Laws of Procedure, an M.A. in Human Rights Law & Practice, and even take on Ph.D. students. We also lecture and examine in the Higher Diploma Legal Procurator and Master of Advocacy courses.

PBL also leads the Human Rights Platform, the Maltese chapter of ICON-S and collaborates with London City University in Constitutional Law. Lectures are also offered to the Chamber of Advocates' members (a joined initiative between the Faculty of Laws and said Chamber). This apart from attendance of seminars and publications.

In June 2023 we even collaborated with the Judicial Studies Committee and participated in lectures to the Maltese Judiciary as part of their ongoing training. In August 2023 PBL collaborated with the Department of Artificial Intelligence within the Faculty of ICT, and won an MCST project (commencing in November 2023).

### **1.4. Vision**

PBL aims at excellence, whether in research or in teaching.

## **SECTION 2. Staff Profile**

Answering 6.4.1 To incorporate: ● Number and names of resident and visiting academic staff; number and names of support and administrative staff. ● Full bibliographical details of academic publications of each member of staff during the year under review. ● Any

additional relevant outputs, such as: presentation of papers at conferences; engagement in externally or internally funded projects; involvement in community initiatives; and advisory or consultancy services to public or private entities related to their university work.

## 2.1. The Team.

### (Academic)

**Prof Tonio Borg** is a full-time Associate Professor within PBL. He is a former EU Commissioner, former Deputy Prime Minister, former Minister for Justice. His lecturing career goes back nearly as far as his political one, because he started lecturing in the late 1980s (on a visiting basis) and never stopped lecturing in Constitutional and Administrative Law despite the various positions he has held, apart from the two years he spent in Brussels as an EU Commissioner.

Apart from lecturing, examining and supervising undergraduate LL.B. dissertations, he is a prolific writer, publishing an average of two books per year. He also contributes to *Id-Dritt* and is well known amongst the students' organisations for helping them in various projects they undertake and moot courts which they enter.

**Dr Ivan Mifsud** Senior Lecturer, Head of Department and Dean Faculty of Laws is mostly involved in administration work. Despite this, he lectures and tutors in Constitutional and Administrative Law at LL.B Hons level, and even lectures in the Diploma in Laws of Procedure, an M.A. in Human Rights Law & Practice. He is also an examiner in various PBL study units, and both supervises and examines about twenty LL.B Hons undergrad dissertations every year. He is currently working hard to conclude a long overdue monograph which he plans to publish with MUP.

**Dr Therese Comodini Cachia** Senior Lecturer, a former MEP and former MP lectures in Human Rights and coordinates the M.A. Human Rights Law & Practice course, in which she lectures prolifically as well. She is also the author of a number of publications and books which include *Reforming Malta's Media System* (Midsea 2023).

**Professor Frances Camilleri Cassar** from the LHM Department also lectures in the MA Human Rights Law & Practice course, and is a member of the Constitutional Law (PBL1015) Board of Examiners.

**Professor Kevin Aquilina** from the MCT Department also lectures and examines in various PBL study units both at undergraduate and at postgraduate level.

**Dr Joseph Bugeja** assistant lecturer within the ECL Department, also a full-timer within the Faculty of Laws, contributes to PBL by lecturing and examining in one of the two Private International Law study unit.

**Dr Tiziana Filletti** Senior Lecturer within the Commercial Law Department, also a full-timer within the Faculty of Laws, contributes to PBL by lecturing and examining in the Human Rights Law & Practice Masters course, apart from sitting on various BOEs which fall under the PBL Department.

Other academics include:

**Prof Ian Refalo** who until his retirement in June 2023 lectured on a visiting basis, in Constitutional Law, Human Rights Law, Private International Law and Administrative Law

**Chief Justice Emeritus Vincent De Gaetano** who lectures and examines in the MA Human Rights Law & Practice course

**Dr Austin Bencini** (former full time Senior Lecturer) who chairs the Human Rights Platform and lectures (and examines) in Constitutional Law

**Dr Peter Grech**, former Attorney General who lectures and examines in Administrative Law

**Dr Robert Musumeci**, visiting lecturer, who lectures and examines in Administrative Law

**Dr Robert Dingli**, visiting lecturer and examiner in Sports Law

**Dr Robert Attard**, visiting lecturer and examiner in tax legislation

**Dr Frank Chetcuti Dimech**, visiting lecturer and examiner in Private International Law

**Dr Alex Sceberras Trigona**, visiting Lecturer and examiner in Private International Law

**Dr Jacqueline Tanti-Dougall**, visiting Lecturer and examiner in Tourism Law

**Dr Cory Greenland**, visiting lecturer and examiner in Industrial Law

**Dr David Saliba**, visiting lecturer and examiner in Occupational Health & Safety Legislation

**Dr Francis Zammit Dimech**, who lectures and examines in the MA Human Rights Law & Practice course

**Dr Solange Bonello**, who lectures and examines in the MA Human Rights Law & Practice course

**Dr Ruth Farrugia**, who lectures and examines in the MA Human Rights Law & Practice course

**Dr Nathania Tabone**, who lectures and examines in the MA Human Rights Law & Practice course

**Dr Daniel Bianchi**, who lectures and examines in the MA Human Rights Law & Practice course

**Dr Christopher Soler**, who lectures and examines in the MA Human Rights Law & Practice course

**Dr Claire Azzopardi Lane**, who lectures and examines in the MA Human Rights Law & Practice course.

### **(Administrative Support Staff.)**

**Ms Celine Agius**, departmental secretary shared with other departments of the Faculty of Laws.

## **2.2. Academic Staff achievements**

### **List of recent books published by current members of staff:**

Attard, Robert *Principles of Maltese Income Tax Law* (MIM)

Attard, Robert *Taxation at the European Court of Human Rights* (Wolters Kluwer)

Borg, Tonio *A Commentary on the Constitution* (Kite)

Borg, Tonio *Leading Cases in Administrative Law* (Kite)

Borg, Tonio *Judicial Review of Administrative Action in Malta* (Kite)

Borg, Tonio *Maltese Administrative Law* (Kite)

Borg, Tonio *The Blue Sisters Saga: A Legal and Factual Analysis* (Kite)  
Camilleri Cassar, Frances *Academic Research Methods for the Law Student* (GhSL)  
Comodini Cachia, Therese *Reforming Malta's Media System* (Midsea Books)  
Mifsud, Ivan *Constitutional Law in Malta* (Wolters Kluwer)  
Mifsud, Ivan *Judicial Review of Administrative Action in Malta* (BDL)  
Mifsud, Ivan *The Ombudsman – Too Soft on the Public Administration?* (BDL)  
Musumeci, Robert *Selected Principles of Maltese Planning Law* (Kite)

**List of articles published by current members of staff during the year under report:**

Attard, Robert *Towards a Tax Payer's Rights-Compliant Cross-Boarder Recovery of Tax Sanctions* (World Tax Journal)  
Attard, Robert *Disproportionate Taxation and the Right to Property: Some Recent Judgments of the ECtHR* (EC Tax Review 2022-23)  
Borg, Tonio *Ousting the Ouster Clause* (Id-Dritt)  
Musumeci, Robert *Il-Ligi Kriminali u s-Sinistri Stradali* (Id-Dritt)

**Other achievements**

Borg, Tonio

i. Delivered a lecture at London City University on *Ousting the Ouster Clause*<sup>1</sup>

Comodini Cachia, Therese:

i. Guest Lecturer at Europa-Universitat Viadrina Frankfurt (Oder), Germany, for the Summer Course "The European System of Human Rights Protection", lecturing on Freedom of expression. Lecturing took place in 1st week of September 2022.

ii. Guest speaker at National Forum on Information Law, organised by the Faculty of Media and Knowledge Sciences, held on 31 October 2022. Speech addressed the need for a media law reform which strengthens journalism and public engagement.

iii. Guest speaker at the Media Freedom Rapid Response Summit 2023, held between 29 - 31 March 2023. Speech addressed "Significance of Public Inquiry process in combatting the culture of impunity."

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<sup>1</sup> The contents of which were published in *Id-Dritt*.

iv. Legal Adviser to the Legal Support Programme for Journalists, a project of the Daphne Caruana Galizia Foundation supported by the UNESCO Global Media Defence Fund.

v. Contributed analysis of national legislative framework related to lobbying and the reform needed for the Daphne Caruana Galizia Foundation's input towards the "Lobbying with Integrity Transparency International's inputs to the Draft Revised OECD Recommendation on Transparency and Integrity in Lobbying"

vi. Preparation and drafting of the contribution presented by the Daphne Caruana Galizia Foundation towards the stakeholder consultation document published by the European Commission for the 2023 Rule of Law Report, in particular Section II Anti-Corruption Framework and Section III Media Freedom and Pluralism

vii. Trainer at Workshop on "FOI requests - the ins and outs" held on 22 November 2022, moderator at workshop "Protecting Journalists from Threats", held on 6 September 2022, organised within the Legal Support Programme for Journalists.

viii. Attended training session - "Investigative Journalists, Civil Society, and Law Enforcement Interactions - Respecting each other's roles and benefiting from each other's mission" - organised by OCCRP, 11 May 2023.

ix. Attended workshop "How newsrooms can fight online harassment" organised by the Investigative Journalism for Europe, 10 November 2022

x. 2023 IPI World Congress & Media Innovation Festival, 25 - 26 May 2023.

xi. Outreach and Contribution to Society:

a. Leading the legal representation of the Jean Paul Sofia family in the public inquiry, including the family's previous call for a public inquiry. This is ongoing.

b. Legal representation of Notary Robert Aquilina in human rights claim presented before the Court. Case details is Aquilina v. State Advocate, Appl. 588/2022 FD. Case relates to violations of freedom of expression and fair trial rights.

c. Appointed member of the Governance Committee of the Public Interest Litigation Network. The network coordinates and provides free legal support to victims of strategically important cases of public interest.

Tanti-Dougall, Jacqueline :

i. October 2022 – April 2023 Assigned to review and update the Tourism Law of the Republic of Armenia, which amendments and recommendations were subsequently approved by the Parliament of Armenia.

ii. 28 th November - 1st December 2022 As President of the International Forum of Travel and Tourism Advocates (IFTTA), Dr Tanti-Dougall organised the 33 nd IFTTA World Annual Conference which was held at the Old University of Malta, Valletta. At the Annual General Meeting, Dr Tati-Dougall was re-elected as President for another two-year period.

iii. 27 th March 2023 Stephen Mason, Senior Counsel at Travlaw, and author of various Travel Law Books, organised an ITLN on-line conference, and was invited as a speaker on two subjects: (a) Financial security – are the authorities making this harder for travel companies? And (b) Recent cases in Malta regarding Package Travel Directive particularly in the Consumer Claims Tribunal.

iv. 3 d – 4 th July 2023 was invited to present a paper entitled Maltese Tourism Law at Universite` Paris 1 Pantheon - Sorbonnes, Paris, whereby the Conference was entitled: 20 Ans Du Droit Du Tourisme et Des Transports, under the patronage of United Nations World Tourism Organization.

### **SECTION 3: Learning & Teaching Programme Profile**

Answering 6.5.1 ● A list of programmes of study offered and serviced by your entity, starting from certificate courses, through bachelor programmes, master level programmes and doctoral level programmes (if any).

### 3.1. Study Units offered by the PBL Department

PBL1009	Local Government Law	LL.B Hons	23 p. <sup>2</sup>
PBL1011	Parliament: Functions, Procedure, Practice & Field Studies	LL.B Hons	22 p.
PBL1015	Constitutional Law	LL.B Hons	174 p.
PBL1018	Constitutional Law & Administrative Law	LL.B Hons	18 p.
PBL1019	Quasi Judicial Tribunals	LL.B Hons	15 p.
PBL2000	Tourism Law	LL.B Hons	58 p.
PBL2012	Judicial Review of Administrative Action & Redress of Grievances	LL.B Hons	12 p.
PBL2015	Administrative Law	LL.B Hons	172 p.
PBL2016	Topics in Health & Safety Law	LL.B Hons	23 p.
PBL 2021	Sports Law	LL.B Hons	41 p.
PBL2022	Basic Notions of Administrative Law	HDLP	5 p.
PBL2023	Basic Notions of Conflicts of Laws	HDLP	5 p.
PBL2024	Basic Notions of Constitutional & Administrative Procedure	DLoFP	6 p.
PBL3003	General Introduction to Principles of Taxation	LL.B Hons	157 p.
PBL3010	Introduction to Private International Law	LL.B Hons	169 p.
PBL3014	ECHR Caselaw relevant to Malta	LL.B Hons	25 p.
PBL3016	International & EU Sports Law	LL.B Hons	27 p.
PBL3019	National Security Law	LL.B Hons	44 p.
PBL3022	The Law Regulating Armed Forces	LL.B Hons	18 p.
PBL4013	Private International Law	LL.B Hons	167 p.
PBL4015	Due Process in International Human Rights Law	LL.B Hons	167 p.
PBL4018	Human Rights & Criminal Proceedings	LL.B Hons	27 p.

<sup>2</sup> Participants.

PBL4019	Employment Relations Legislation	LL.B Hons	11 p.
PBL5028	Constitutional & Human Rights Procedure	M.Adv.	138 p.
PBL5030	Human Rights Theory & Political Philosophy	MAHR	6 p.
PBL5031	Human Rights within the National Legal Framework	MAHR	6 p.
PBL5032	Human Rights Obligations & State Institutions	MAHR	6 p.
PBL5033	Methodology, Research Skills & Legal Analysis	MAHR	6 p.
PBL5034	International Protection of Human Rights	MAHR	6 p.
PBL5035	Rights & Freedoms: Civil, Political, Social, Economic & Cultural	MAHR	6 p.
PBL5036	Judicial Enforcement of Human Rights	MAHR	6 p.
PBL5037	Non-Judicial Enforcement of Human Rights	MAHR	6 p.
PBL5038	Human Rights Advocacy	MAHR	6 p.
PBL5039	Family, Family Life & Children in Human Rights Law	MAHR	6 p.
PBL5040	Communication Freedoms	MAHR	6 p.
PBL5041	Dignity in Health Care, Ethics, Morality & Human Rights	MAHR	6 p.
PBL5042	Development & Environment – Human Rights Issues	MAHR	6 p.
PBL5043	Equality & Non-Discrimination	MAHR	6 p.
PBL5044	Human Rights: Migration, Human Trafficking & Human Smuggling	MAHR	6 p.
PBL5045	Criminal Justice, International Criminal Law & Human Rights	MAHR	6 p.

### 3.2. Student Information

6.6.2 Category: Student information 6.6.2.1 This information can be organised in terms of each specific programme of study. To report should contain the following information: ● The number of students following each programme (indicating: male, female and other

students; and local and international students) ● Titles of final year student projects, dissertations or theses ● Student awards and prizes, if relevant

### Student Numbers by Gender and Nationality

Said info is not available, but gender in all the courses we offer is predominantly female.

### Titles of Final year Student Projects, Dissertations or Theses

#### A. LLB Hons.

	Name and Surname	Dissertation Title	Dept.	Supervisor
1.	Agius Monique	'Aliens', Citizenship Process and Ministerial Discretion: A Critical Analysis of Malta's Naturalisation Process	PBL	Dr Carla Camilleri
2.	Aquilina Julia	The Practical Implementation of the European Union Whistleblower Directive into Maltese Law, and Issues Arising Therefrom	PBL	Dr David Fabri
3.	Azzopardi Benoit	The State's Obligation to Prevent Self-harm and Suicide of Persons in Custody: An Appraisal of the Case-law of the European Court of Human Rights on the Right to Life and of Its Implications on Maltese Law	PBL	Dr Therese Comodini Cachia
4.	Ben Taher Shaban	Non-Gambling Related Match Fixing: Can It Be Tackled?	PBL	Dr Robert Dingli
5.	Bonnici Alexia	An Analysis on the Effect Covid-19 Has Had on Legal Systems in the EU	PBL	Prof. Tonio Borg
6.	Bonnici Luke	The 'Unshell' Directive: ATAD 3 and the Maltese Tax System	PBL	Dr Miraine Falzon
7.	Borg Chantal	An Analysis of the Legislation Regulating Cannabis for Personal Use in Light of Malta's Legal Reform	PBL	Dr Ivan Mifsud

	Name and Surname	Dissertation Title	Dept.	Supervisor
8.	Borg Mariah	How Does the Criminal Code Promote Positive Discrimination in Favour of Minority Groups?	PBL	Dr Stefano Filletti
9.	Cachia Hannah	The Implications of Covid-19 on Fundamental Human Rights: A Comparative Analysis of Maltese and Foreign Response	PBL	Dr Therese Comodini Cachia
10.	Cachia Nicholas	Breakaway Leagues in Football: Is the Actual Formation of a European Super League Compatible with EU Competition Law?	PBL	Dr Robert Dingli
11.	Camilleri Matthew	The Interplay between Vested Rights, Legitimate Expectations and Government's Right to Govern and Change Policy - With Particular Focus on Development Planning Legislation	PBL	Dr Robert Musumeci
12.	Caruana Montaldo Martina	Freezing Orders; A Human Rights Perspective	PBL	Mag. Leonard Caruana
13.	Cauchi Karl	Accessibility as a Fundamental Human Right: Does the Law Offer Adequate Protection to Persons with Disability?	PBL	Dr Ivan Mifsud
14.	Cilia Rebekah	Should Article 70 of the Development Planning Act Be Revised?	PBL	Dr Robert Musumeci
15.	De Maria Casabene Julia	Gender Quotas and the Under-Represented Sex in Maltese Parliament: An Analysis into the 2021 Constitutional Amendments	PBL	Prof. Tonio Borg
16.	Desira Philippa	An Analysis of the Implications of Article 1 Protocol 1 on Direct and Indirect Expropriation under Maltese Law	PBL	Prof. Tonio Borg; <b>co-sup:</b> Dr Kurt Xerri
17.	Gulia Luigi	Rebalancing the Publicity of Trials and the Right to Private Life	PBL	Dr Stefano Filletti
18.	Micallef Blake Kirsty	The Exhaustion of Ordinary Remedies in Fundamental	PBL	Dr Therese Comodini Cachia

	<b>Name and Surname</b>	<b>Dissertation Title</b>	<b>Dept.</b>	<b>Supervisor</b>
		Human Rights - An Analysis and Recent Developments		
19.	Mifsud David	Is Malta's Method of Insolvency Protection, in Line with Directive 2015/2302, Protecting Travellers Sufficiently? A Comparative Analysis	PBL	Dr Jacqueline Tanti Dougall
20.	Mizzi Shaunee	The Gender Corrective Mechanism: A Legal and Comparative Analysis	PBL	Prof. Tonio Borg
21.	Oliva Trisianne	Article 31 of Chapter 573 of the Laws of Malta - A Critical Appraisal	PBL	Dr Robert Musumeci
22.	Pace Michela	The Daphne Caruana Galizia Inquiry: A Legal Analysis	PBL	Prof. Tonio Borg
23.	Portelli Katrina	An Analysis of the Legislative Reform against SLAPP Suits	PBL	Dr Therese Comodini Cachia
24.	Psaila Josela	Human Rights and Money Laundering in Malta: A Legal Analysis	PBL	Dr Ilona Schembri
25.	Sammut Bradley	Legal Issues Arising from the Interception of Communications	PBL	Prof. Tonio Borg
26.	Sladden Alec	Article 80 of the Development Planning Act - A Critical Analysis	PBL	Dr Robert Musumeci
27.	Spiteri Naomi	Facing the Future - The Interplay between Sports and Technology with a Specific Focus on Techno-doping	PBL	Dr Abigail Gauci
28.	Spiteri Lucas Krista	Freezing Orders - A Draconian Measure?	PBL	Dr Stefano Filletti
29.	Stellini Britney	Judicial Review of Administrative Tribunals in Malta: A Legislative Proposal	PBL	Prof. Tonio Borg
30.	Tabone Suzana-Marie	Legal Issues Arising from Malta's Legislation on Home Education	PBL	Prof. Tonio Borg
31.	Tanti Liam	The Istanbul Convention: A Comparative Analysis of the Amendments Made to Article 198 of the Criminal Code through Act XIII of 2018 and Act LXIV of 2021	PBL	Magistrate Leonard Caruana

	<b>Name and Surname</b>	<b>Dissertation Title</b>	<b>Dept.</b>	<b>Supervisor</b>
32.	Vassallo Michela	An Analysis of the Right to a Fair Trial Before the Court of Criminal Inquiry	PBL	Prof. Tonio Borg
33.	Vella Sarah	Right to a Fair Hearing in Relation to Reports by Child Advocate	PBL	Prof. Tonio Borg
34.	Xuereb Sarah	Anti-SLAPP Legislation and Its Human Rights Considerations	PBL	Prof. Tonio Borg
35.	Zahra Kurt	Access to Drugs Court - A Legal Analysis of Article 8 of Chapter 537 of the Laws of Malta in Terms of Human Rights Obligations	PBL	Madame Justice Consuelo Scerri Herrera
36.	Zammit Anthea	A Critical Appraisal of Article 11 of Chapter 551 of the Laws of Malta	PBL	Dr Robert Musumeci
37.	Zammit Luca	Match-Fixing and Doping in Football: How Does Malta Deal with These Issues in Comparison with the Rest of Europe?	PBL	Mag. Joseph Mifsud

### **B. M.A. Human Rights Law & Procedure**

	<b>Name</b>	<b>Title</b>	<b>Supervisor</b>
1.	Barwari Ryan	To What Extent Does the Admissibility of Illegally Obtained Evidence Tarnish the Element of Fairness in One's Rights Under Article 6 of the European Convention on Human Rights?	Dr Jason Azzopardi
2.	Callus Christa	Closing the Impunity Gap for Conflict-Related Sexual Violence	Dr Tiziana Filletti

3.	Camilleri Joseph	An In-Depth Analysis of Article 1 Protocol 1 of the European Convention of Human Rights – Referencing Malta’s Rental Scenario Through the Latest Legislative Amendments	Dr Therese Comodini Cachia
4.	Lócsé Terezia Emese	State Obligations in International Human Rights Law on Human Trafficking – Case Study Poland	Dr Tiziana Filletti
5.	Ouseini Mariam	State Obligations Towards Asylum Seekers In Terms of Article 3 of the European Convention on Human Rights.	Dr Ibtisam Sadegh
6.	Scicluna Julian	Does Life Imprisonment Without the Possibility of Parole Breach Article 3 of the European Convention on Human Rights? A Comparative Analysis	Prof Tonio Borg

#### **SECTION 4: Achievements Profile**

6.7.1 To portray: ● Achievements in teaching, research, community engagement, collaboration with other entities, funded projects and administrative service (including quality assurance and quality audit activities) to the University. ● Brief details of all projects in which your entity participated, giving an overview of the scope, value and timeframe of the project as well as the input made by the entity.

#### **1.3. Affiliations and Achievements of PBL Dept:**

The PBL Department runs the Human Rights Platform and ICON-S Malta Chapter. In terms of achievements, our biggest possible achievement this year was the winning of the MCST

18-month project on the use of artificial intelligence in the law courts. In terms of collaboration, we have actively collaborated with our three student organisations: ELSA (Malta), GhSL and JCA. We also have continuous collaboration with London City University.

## **SECTION 5: Governance Profile**

6.8.1 To comprise: ● List of committee meetings (e.g. Departmental Staff meetings; Boards of Studies meetings; Boards of Examiners meetings) for which minutes have been placed in the UM repository. 6.9 Section 6: Planning Profile 6.9.1 Include: ● A brief account of any strategy/planning initiatives held within the entity

### Board of Studies Meetings:

Full plenary meetings are never held, because the interests of the lecturers varies so much. However several meetings are held with different lecturers in the different study units.