

FOREWORD

*Dr Simone Borg**

It was indeed an honour and a privilege for me to be invited to write the foreword for this third edition of the *ELSA Malta Law Review*. I have eagerly accepted to do so to express my deep appreciation for this remarkable initiative taken way back in August 2010 and which has seen the launch of the first and second edition in regular succession in the years that followed. ELSA have, with prodigious regularity for the third year running, launched a formidable collection of original legal articles, case comments and updates from local and foreign law students, academics and legal practitioners alike. Furthermore, this collection of works is student-edited and subjected to a painstaking, two-phased editorial review process, namely, a student review and a peer review.

The third volume of the *ELSA Malta Law Review* features a broad mix of contributions that demonstrates how the law in its infinite variety develops to regulate social relationships, human activities and events that reflect contemporary anthropogenic behaviour. The contents of this third edition could not have underlined better the interdisciplinary approach which the study, formulation and application of various aspects of the law, entails. The papers range from a critical appraisal on the application of International law to Cyber Warfare by Myrna Azzopardi, to criminal liability in medical practice from an Italian law and International law perspective by two Italian law students, Funghi and Rosanò. Emma Grech's paper delves into the emerging role of the non executive director under Maltese corporate law whilst Kristina Miggiani's contribution discusses the controversial legal interpretation and regulation (or the lack thereof) of Piracy, as an aspect of both maritime security under the Law of the Sea and of universal jurisdiction under International law. John-Claude Mizzi's paper provides an interesting proposal for a Council of State in Malta at a time when the our constitutional system is being reviewed and a number of committees have been set up to study the prospects of better regulation under Public law to ensure good governance. The paper by Oscar Sang provides an inspiring case study on the South African Constitutional Court, giving readers a valuable insight on the role of the Judiciary in securing the separation of powers in a State. Iveta Stefankova's paper on the United States as a case study for the evaluation of the international versus the national regulation of offshore oil exploration, not only discusses the advantages International law may have over Municipal law and vice versa but also manifests the challenging and often incoherent interface between maritime law,

* Dr Simone Borg LL.D., M.Jur (Int.Law), Ph.D. (IMLI) is Deputy Dean at the Faculty of Laws, University of Malta. Dr Borg is also the Head of Department of Environmental and Resources Law at the Faculty of Laws, University of Malta, and is a Senior Lecturer within the same department.

energy law and environmental law. Additionally, David Testa's contribution provides an important evaluation of a legal instrument under European Law that attempts to reconcile the interests of various stakeholders in the leisure industry. Last but not least Dr Ivan Mifsud's Case Comment on 'Said v Commissioner of Police and the role of the Administrative Review Tribunal as a Forum for Review of Administrative Review' with contributions made by Professor Kevin Aquilina, Dean at the Faculty of Laws, University of Malta and Deputy Commissioner of Police Mr Joseph Cachia, examines carefully the current state of play of our legal system when providing judicial review of decisions taken by administrative bodies.

The third edition of the *ELSA Malta Law Review* is indeed a compendium of legal papers that showcases the importance of 'research and innovation'; to use an over-used and much abused catch phrase that is unfortunately seldom applied with respect to the social sciences. Nothing could be further from the truth and this third edition of the *ELSA Malta Law Review* serves to contradict this way of thinking. It provides a series of articles that express the vibrant nature of the law and the crucial need to renovate it and adapt it to the contemporary requirements of both society at large and individual needs. I augur ELSA to remain on the forefront in promoting legal research and publications and sincerely hope that other law students and legal practitioners will follow in their footsteps. Malta's long standing tradition of excellence in legal scholarship and practice also depends upon the published works of its members. Thankfully it appears that the younger generation of our legal profession is leading by example and one has witnessed these last few years a proliferation of legal publications on the Maltese legal system.

We are undergoing a rapid metamorphosis of the legal profession, dictated by current trends and developments in a globalised society that has access to information at the mere touch of a button. Such a situation presents numerous challenges and opportunities to law students and members of the legal profession. As always, the prowess of the academic with his/her students or of the practitioners in court, the board room or negotiating fora will serve to uphold the Rule of Law in our society but in this day and age, peer reviewed legal publications have become equally indispensable and influential. It is with this thought in mind that I encourage students, academics and practitioners alike to take up and read through the pages of this formidable publication.