

## EDITORIAL

*Nicola Jaccarini\**

### 1. Introduction

When the *ELSA Malta Law Review* was launched in August 2010 and the first edition of the Law Review was published a year later, hopes and expectations of all involved were quietly optimistic that this young Maltese project would establish itself as a highly esteemed annual legal publication, synonymous with high quality and strictness. . As third Editor-in-Chief of the *ELSA Malta Law Review*, I proudly present to you the third edition of the *ELSA Malta Law Review*, a publication which has exceeded all initial expectations.

This third edition features a total of nine contributions: a varied mix of seven articles, one legal update and one case comment. The areas of law treated cover both local and international topics, remaining true to the multinational dimension of the *ELSA Malta Law Review*. Featured therein include a number of winning essays from a variety of essay competitions, organised by the *ELSA Malta Law Review* as well as by our counterparts abroad, namely ELSA Italy. The *ELSA Malta Law Review* is read not only by Maltese students, practitioners and academics and ELSA members across the European continent, but is also a point of reference for legal minds across the globe. It is the aspiration of the Editorial Board that through our endeavours, we have remained true to the proclamation by Natalie C Cotton, that ‘by their processes and procedures, law reviews contribute to a robust and innovative body of legal scholarship.’<sup>1</sup>

### 2. Gearing up for the year ahead

The role of students as editors of law reviews has raised some eyebrows,<sup>2</sup> as not all are convinced about the competence of students ‘evaluating and editing interdisciplinary articles’.<sup>3</sup> While acknowledging our limited expertise and knowledge, this year’s editorial board sought to arm itself with the right tools and know-how before the editing process commenced. In November 2012, an editorial board workshop was organised, where past members of the editorial board of the *ELSA MALTA Law Review*

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<sup>1</sup> Natalie C Cotton, ‘The Competence of Students as Editors of Law Reviews: A Response to Judge Posner’ (2006) 154 4 University of Pennsylvania Law Review 951 <[https://www.law.upenn.edu/journals/lawreview/articles/volume154/issue4/Cotton154U.Pa.L.Rev.951\(2006\).pdf](https://www.law.upenn.edu/journals/lawreview/articles/volume154/issue4/Cotton154U.Pa.L.Rev.951(2006).pdf)> accessed 6 August 2013.

<sup>2</sup> Please see Cotton (ibid), who cites Judges Posner, James Lindgren and Roger Cramton as individuals not being entirely convinced of students’ roles in this regard.

<sup>3</sup> ibid 951.

delivered a theoretical yet practical workshop. This was aimed at preparing the new members, as much as was possible, not only with regard to technicalities regarding the editorial review itself, but also for any future challenges or obstacles which may surface throughout the year. Although nothing may replace experience itself, such initiative served to wean the newcomers into the editorial review process, with the ultimate aim of reaching the highest of standards for the *ELSA Malta Law Review*.

### **3. Peer Review**

The pivotal focus point of this edition was the development of the peer review system, which was initiated by the previous editorial board. The Editorial Policy of the *ELSA Malta Law Review* requires that all submissions which successfully pass through the plagiarism detection software are assigned to a member of the Editorial Board for editorial review. It is only those submissions which are recommended for the next stage of review by such member, that proceed to be expertly reviewed as part of the peer review process.

As Editor-in-Chief, I strived to assign at least two peer reviewers to each submission which passed the editorial review stage, which peer reviewers featured a perfect mix of academics and practitioners well-versed in the field of law under review. After many hours of brain storming, internet trawling and sending out numerous solicitation emails, I can proudly attest that we had the privilege of receiving twenty-one peer reviewer opinions on a total of eight submissions, averaging over two peer reviewer opinions per submission. It was indeed a great honour for us student editors to witness a level of review that we can only hope to achieve in the future. While wishing to maintain the anonymity of these experts, it gives give great pleasure to announce that our peer reviewers hailed from across the globe. Experts from Malta, the United Kingdom, South Africa, Norway, Estonia, Germany, Italy and Australia all sent in their opinions and helped us student editors produce a Law Review of the highest quality.

As outgoing Editor-in-Chief, it is my wish for the *ELSA Malta Law Review* that our peer review system keeps on being formalised and improved. In this way, not only may authors be given the opportunity to produce work of the most supreme quality, but also in the hope that the *ELSA Malta Law Review* truly secures itself as an asset to the world of legal publications.

### **4. Essay Competitions**

The editorial board is entrusted, not only with the publication of the Law Review itself, but also with the organisation of essay competitions and other similar activities through which legal writing may be fostered and promoted. This academic year, the *ELSA Malta Law Review* organised three essay competitions, spanning a wide variety of topics.

The Bio Law and Human Rights essay competition kick-started this year's legal writing events. Organised under the patronage of Professor Kevin Aquilina, Dean at the Faculty

of Laws, University of Malta, the competition was kindly sponsored by the Malta Council for Science and Technology (hereinafter 'MCST'). The competition was open to all ELSA members across Europe, attracting a potential reach of over 38,000 students.

February 2013 saw the launch of the second essay competition of the year. Organised under the patronage of Professor Peter G. Xuereb, Head of the Department of European and Comparative Law at the Faculty of Laws, University of Malta, the third edition of the EU Law essay competition was open to all Bachelor and Doctor of Laws students at the University of Malta. The aim behind this competition was, as expressed by Professor Xuereb himself, to foster an interest and enthusiasm for EU law among Maltese law students.

In July, the Science and Technology Law essay competition was launched, and which is still ongoing at the time of publication of the Review. Again, this was open to all ELSA members worldwide, and is seeking essays covering any aspect of law which falls within the remit of Science and Technology Law. The competition is organised under the patronage of Professor Kevin Aquilina, while the MCST also extended their sponsorship to this competition.

Legal writing opportunities, being an integral part of a student's education,<sup>4</sup> present an innovative means to not only diversify legal knowledge and develop written legal skills, but also serve as a viable way to begin establishing a name for oneself in the legal world, extending past local boundaries. All of these competitions give the winning essay and other meritorious essays the chance to be published in the *ELSA Malta Law Review*. I truly wish that my successor and the next Editorial Board will continue working towards organising similar essay competitions on a broad array of subjects appealing to all law students, providing them with a venue to move past the usual University assignment writing, and leave their mark indelibly in some form or another, on the legal world.

## 5. No tolerance for Plagiarism

The editorial board has adopted a firm stance against all forms of plagiarism. Not only is it an offence in its own right, but it serves to severely reduce the quality and integrity of the publication itself. Readers deserve honesty when reading a published piece of work. The *ELSA Malta Law Review* prides itself in being a well-respected and highly-regarded publication and it is through the use of the plagiarism detection software, use of which is kindly granted to us by the Faculty of Laws at the University of Malta, that editors and readers alike can ensure that what is being published is truly the work of the author in question. Integrity and respect is earned not through the frequent publication of a review whose spine is bursting due to the plethora of contributions featured therein. On

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<sup>4</sup> Jim Chen, 'Why Legal Writing Matters' (27 October 2008) <<http://money-law.blogspot.com/2008/10/why-legal-writing-matters.html>> accessed 2 August 2013.

the contrary, integrity and respect is secured through constant adherence to morals and values and the constant desire for honesty and openness.

## 6. A word of thanks

In conclusion, a sincere word of thanks goes to a number of individuals whose invaluable contribution goaded the publication of this edition of *the ELSA Malta Law Review*. In no order of preference, a heartfelt thank you is directed at Clement Mifsud Bonnici, my preceding Editor-in-Chief. Although leaving me with very big shoes to fill, through his patient, unwavering help and countless answers to my countless questions, I was able to overcome the initial overwhelming feeling of taking on a new role and managed to lead this project to fruition. I would also like to thank Anna Abela and Lena Sammut, who, together with Clement, formed part of the first Advisory Board of the *ELSA Malta Law Review*, and who dispensed much appreciated words of advice.

Thanks goes also to the outgoing President of ELSA Malta, Tessa Mallia Borg, and the incoming President, Karl Tanti, for always providing a helping hand.

Myself, together with my fellow editorial board members are eternally grateful to Professor Kevin Aquilina, Dean at the Faculty of Laws at the University of Malta for his unfailing availability and interest in our student activities and publication. A thank you is also due to Nathalie Cauchi, Administrative Officer at the Faculty of Laws, University of Malta, and Elisa Attard, Administrative Assistant at the Faculty of Laws, University of Malta, for always being so efficient and helpful.

Acknowledgement is also due to Professor David J. Attard, Director at IMLI and Professor Peter G. Xuereb, Head of Department of European and Comparative Law at the Faculty of Laws, University of Malta, for their constant support and assistance, year after year.

I would also like to extend my appreciation to Dr Austin Bencini, Head of Department and Senior Lecturer at the Department of Public Law, Faculty of Laws, University of Malta, for his help, enthusiasm and conviction in the *ELSA Malta Law Review*.

The editorial board is much obliged to the twenty-one peer reviewers who submitted their peer reviewer opinions, as part of the peer review process. It is a great honour to have been in contact with all of you, and to have had the privilege of you reviewing our submissions, notwithstanding your doubtlessly busy schedules. The high quality of the *ELSA Malta Law Review* could not have been achieved without your expertise.

A word of thanks goes to all the authors who submitted their written work to the *ELSA Malta Law Review*. It is through your endeavour and enterprise that the Editorial Board is also to procure this publication. Thank you for your patience and timeliness in complying with the Board's rigorous editorial review process.

Last but not least, gratitude also goes to my peers, the four editors who completed this year's editorial board: Matthew Borg, Elise Dingli, Martina Farrugia and Chiara Frendo. The publication of this edition would certainly not have been possible without their help and input. I would like to congratulate each one of them for their achievement in contributing to this publication, and for handling my sometimes difficult and demanding ways.