

Principles of International Environmental Law

**Elective
Past
Papers**

LL.B. III



GĦAQDA STUDENTI TAL-LIĠI

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2020/2021

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ABOUT GħSL

Għaqda Studenti Tal-Ligi (The Malta Law Students' Society) is a faculty-based, non-profit organisation at the University of Malta that represents all law students within the Faculty of Laws.

The organisation plays a pivotal role in law students' academic and social life at the University of Malta. The organisation has also been responsible for publishing the prestigious *Id-Dritt*, and the *GħSL Online Law Journal*.

Moreover, GħSL boasts its own Thesis Library, located at the GħSL office in the Faculty of Laws. Additionally, GħSL is the only law organisation responsible for the distribution of authoritative law notes and past papers.

For further queries on this set of notes, as well as any other, please feel free to contact our **Resources Officer** at resources@ghsl.org.



Advice from an Alumna

By Dr Priscilla Mifsud Parker

The law course is a long journey, but one that, if well-travelled, will lead to beautiful destinations. In an industry which is today attracting many young individuals looking to develop their career in law, it is important to stay ON the beaten track and remain focused. It may go without saying that it is of great importance for all students to attain good academic grades, to be dedicated to their work, as well as to be determined in this highly-competitive industry in order to fulfil their dream of becoming lawyers one day. However what is crucial is that as students and later on as professionals we are innovative by being sensitive to the changes around us. These changes might be political, economic, environmental, socio-cultural or others; what is for sure is that they all have an impact on the profession of a lawyer. We are members of a dynamic profession which is very sensitive to its surroundings. The type and 'genre' of advice which is required from us is all affected by what is being experienced by the receivers of this advice.

Work experience is considered as a vital part of the staple diet of any prospective lawyer in order to put into practice and refine the knowledge gained from the theoretical reality of the lecture halls and lawbooks into the skills required for a successful career in law. An internship will not only show future recruiters that you have a genuine interest in pursuing a career in this sector, but that you have the practical knowledge and skills to succeed in your role.

Here are some personal suggestions that I feel helped me during my journey:

1. *Being Ambitious*

A powerful trait in any competitive industry, ambition will help you in your law course, in your career as a lawyer, as well as in your life. Whilst the law course can be quite intimidating and challenging, an ambitious individual who is dedicated to learning new things has the potential to understand and realize long-term goals. Do not view the journey as one whole insurmountable mountain but focus on the next small goal and once achieved move on to the next and goal by goal you will reach your final target point.

In this respect, gaining valuable work experience through an internship is an important step taken by an ambitious young lawyer who wants to attain certain skillsets, and remain a step ahead of his/her peers. By being inquisitive, analytical and humble enough to accept guidance and mentoring one is guaranteed a fruitful experience in a law firm. It is also not only a means to start focusing on the direction of your career and to build upon your chosen path, but will undoubtedly expose you to the international world. This is crucial, as most of the traditional legal sectors have been intertwined with new areas of legislation and all these together now present much more opportunity for intra-jurisdictional work.

2. *Networking*

By engaging with counterparty students abroad and in international fora one gains an insight into another reality and is exposed to different cultures, ways of communicating and is able to bridge



the differences between parties to a mundane discussion which will eventually become a transaction or a major project in professional life.

3. Organisational Skills

Organisation is key in any industry. Good organisation skills always stand out to a recruiter when considering potential applicants. Such skills can be obtained by gaining experience either through organising one's own work, study plan, student events or cultural/philanthropic events.

Going hand-in-hand with this, is having a study plan. By planning your studies ahead, one will have a sufficient amount of time to meet all the demands, while also being able to participate in productive outside activities. Reviewing notes or case briefs before class can also help you follow and participate in class discussions better, whilst following case-law allows you to apply them for specific situations. In view of the amount of material involved summarising and carving out the most crucial points is essential to then build your argument in papers.

4. Taking your own class notes

It is always important to take down your own notes as laws are always evolving and passed-down notes would provide the context but are not ideally used for the detail. Researching the particular topic and comparing Malta's law with that of other jurisdiction gives one a completely different outlook and commenting on these variances in an exam paper, dissertation or assignment would distinguish one student from another. Not to be overlooked are also the consultation papers, commentaries and other official public documents that are issued by local authorities from time to time on different areas of law and industry. Being abreast of what is happening in industry will help putting the particular law or regulation in context.

5. Participation

Participation is a main element of the learning process. Being actively involved during seminars and lectures and participating in legal debate sessions, mock trial competitions and moot courts are essential in order to improve your persuasive and presentation skills. If you find this very difficult (all of us have different characters and traits), then try to focus on participation in other events which will expose you to public speaking starting off in smaller groups in a more familiar environment and trying out new experiences and larger audiences as you go along.

6. Practice is the key to success

This leads us to our next point – practice. Attaining good grades is undoubtedly an important part of the law course, however, in themselves, they are not enough to show that you have substantial material to succeed. Working within a law firm introduces you to the world of work, and allows you to gain specific industry-related skills which one will only ever be able to learn in a workplace setting.

Work experience can provide you with valuable insight which will help you decide what your career aspirations are and in which areas you would like to further delve into.

3) An international outlook

Today's work environment is predominantly international. Even those areas which were traditionally associated with local litigation, such as civil and family law, have been distinctly tinged with an international flavour due to the application of EU and cross border legislation. Interest in foreign cultures including language is definite plus points in working in a law firm that deals with foreign clients on a daily basis. Participation in student bodies which allow the opportunity of exchange trips and organisation of events overseas stand out in an application as a welcome advantage.

4) Commercial know-how

This is a tricky one and entails a maturity that often comes with work experience itself. However developing as early as possible one's general knowledge to what is happening in the country you live in and in the world around you can serve as a valuable tool in sniffing out new markets to target. It can also help you notice development in legislation which will ultimately translate in the provision of new legal services to clients. Reading up on local and international news is one way of keeping abreast with current affairs, while tying these up with existing and emerging legal sectors in article writing, assignments and dissertations significantly raises the quality of the material you produce.

5) Impeccable writing

Though obvious, the bad use of the written language and the inclusion of spelling mistakes render even the most star studded application, together with its author, look sloppy and careless. Take time to draft your application properly, checking spelling when in doubt. This will indicate to the reader whether you have the necessary writing skills and eye for detail which are crucial in working in a law firm. The review of legal documents and agreements require precision since even the slightest mistake or oversight can prove costly to your client and ultimately, your career.

6) Organisational skills

Employment with a law firm is not limited to the carrying out of legal work per se, there are clients to manage, meetings to organise and social events to help out in. Highlight your involvement and experience in organising student events and work events during your summer job experience as a student since these tend to stand out to a potential recruiters' attention.

UNIVERSITY OF MALTA
FACULTY OF LAW
LL.B. III YEAR
ERL 3000 - PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW
MAY/JUNE 2013

WEDNESDAY 5TH JUNE 2013

10.30AM – 12.30PM

ANSWER TWO (2) QUESTIONS. ALL QUESTIONS CARRY EQUAL MARKS.

1. International environmental agreements gave rise to a number of regulatory systems. Do you believe that this is an appropriate regime of governance when it comes to address environmental matters?

2. *“A primary obligation under the 1989 Basel Convention is to manage the transboundary movement of hazardous waste in an environmentally sound manner.”* Discuss the obligations emanating under the Convention and its failures if any.

3. Discuss the duty of states to prevent transboundary environmental pollution in the light of the Trail Smelter arbitration.

4. Discuss how international law is used to address one of the major challenges of our times: climate change.

5. The provisions dealing with the protection and preservation of the marine environment in the 1958 Geneva Conventions on the Law of the Sea are often described as *“scant”* and *“sporadic”*. What changes did the 1982 United Nations Convention on the Law of The Sea introduce with regard to the marine environment?

6. Discuss the relationship between the flag state, coastal state and port state in the prevention, reduction and control of pollution of the marine environment.