

22 January 2007

**Address by Deputy Prime Minister and Minister for Justice and Home Affairs Tonio Borg on the occasion of Third Anniversary of the founding of the Judicial Studies Committee**

Your Lordships,  
Ladies and Gentleman,

On this happy occasion in commemoration of the Third Anniversary of the Judicial Studies Committee, I would like to express my appreciation of the efforts which have been made, in order to offer training to the members of our judiciary in the past few years. Even though these services, offered by the hard working Committee, need to be developed further, they have given an opportunity to the members of the Bench to feel more prepared for the challenges ahead in the legal and judicial field.

Our Constitution provides, as a minimum requirement for the appointment of a member of the judiciary, practice, for a number of years, as an advocate in Malta. But few in the legal profession and elsewhere realise that the change from a role of an 'ex parte' legal counsel, to one of an impartial 'super partes' adjudicator, is not altogether easy. It certainly requires strength of character; but a member of the judiciary needs to feel detached, without being ignorant of what is happening around him; in a tightly-knit community like Malta, the relevance of appearing and acting impartially is even more important, for there are eyes and ears everywhere, and the burden and inconvenience of detachment are even harsher.

For a long time, training of judges and magistrates took place through a painful, process of self-education. One particular former Magistrate told me that following his appointment he spent practically four weeks, popping in at the offices of two experienced magistrates, observing every word and action, to prepare for the arduous task ahead.

There are some professions where training is required before assuming office. In the field of the judiciary – as in politics – one is suddenly immersed in the workings of the profession, and left to find one's way through **motions, pleas, decrees**, and the nightmare of any member of the judiciary: keeping up with the constant changes in law and procedures regularly enacted by the legislature.

The enactment of the European Union Act, 2003, making any EU Regulation directly enforceable in Malta – on the lines of UK European Communities Act, 1972, - means that no judge or magistrate, particularly in the civil and commercial litigation, can ignore the reality that laws, some of which might not even have been formally enacted through local legislature; would have to be interpreted and applied, in preference to domestic legislation. The raising of an issue which might

be within the competence of the European Court of Justice in Luxembourg requires the member of our Bench to be alert and prepared to this new experience.

The Judicial Services Committee, aided by public funds, and contributions from the European Commission, the British High Commission, the United States and Netherlands Embassies, has done its very best to provide essential training in a number of subjects, practical and academical, which should prove to be useful to members of the Bench. I look forward to the implementation of the Twinning Light Project which should provide the necessary tools to strengthen the Committee's capacity to implement its programme.

A strengthening of judicial training in the future will probably occur this year, with the admission of Malta to the Academy of European Law in TRIER, Germany. The Academy was founded in 1992 on the initiative of the European Parliament and promotes the awareness, understanding and good practice of EU law by providing legal professionals, with training and a forum for debate. It thus enables judges, lawyers in private practice, business and public administration, academics and others, who encounter legal issues in their work, to gain a wider and deeper knowledge of the diverse aspects of European law.

After three years from its inception, the Committee needs a fresh thrust to meet the challenges ahead. The opportunities created by our EU membership in this field, and particularly our participation in the European Judicial Training Network must be fully utilized. Improving the state of legal preparedness of our judges and magistrates, is not only a question of preserving the dignity and prestige of judicial office in Malta, but also of ensuring the best possible quality in decisions and judgments delivered – particularly in the pastures new which we have ventured.

European Commissioner Franco Frattini addressing the European Network of Councils for the Judiciary last Spring rightly observed that:

“Judiciaries everywhere are faced with a paradoxical situation: while demand from citizens for access to quality justice is growing, the workload of judicial systems is also increasing, making ongoing adaptation of working methods and resources essential; at the same time mutual trust between Member States is essential to mutually recognize judicial decisions, and such trust goes hand in hand with the confidence that citizens must have in their judiciary, and that primarily depends on the quality of justice.”

For this purpose the European Union has decided to increase the funding available for judicial training with effect from the current year

The challenges are interesting and ahead of us. You can rest assured of Government's support in enhancing what we have today, and improve the Committee's capacity to move ahead and build on the success it has achieved in the past.