



PRESIDENT OF THE MALTA MARITIME LAW ASSOCIATION LECTURES AT IMLI

Dr. Ann Fenech (President of the Malta Maritime Law Association and Managing Partner and Head of the Marine Litigation Department of Fenech & Fenech Advocates in Malta) visited the IMO International Maritime Law Institute (IMLI) on 19 October 2017 and delivered a set of lectures on ‘the Role of the Maritime Law Practitioner: Local and International’ to the IMLI Class of 2017-2018.



Dr. Ann Fenech (President of the Malta Maritime Law Association and Managing Partner and Head of the Marine Litigation Department of Fenech & Fenech Advocates in Malta) with the IMLI Class of 2017-2018

Dr. Fenech began her lecture with a brief introduction of Malta’s historic location as a maritime nation which attracted many maritime activities, including the construction of a naval dockyard now developed into a commercial dockyard. Dr. Fenech gave an insight into the life and role of a maritime law practitioner. She explained how such a role might come in various ways and situations across the entire spectrum of maritime activities. Through her practical examples she explained how and why legal assistance is required from Maritime lawyers in a variety of situations ranging from ship repair contracts to salvage, from towage operations to collisions, from disputes

relating to carriage of goods by sea to registration of vessels, from enforcing securities on behalf of a mortgagee to piracy, from assisting in judicial sales to the privatisation of maritime assets, from arresting vessels to deciding which would be the right jurisdiction in which to sue, from advising on pilotage to advising on other security remedies from advising on ship building contracts to yacht leasing structures.

Furthermore, Dr. Fenech explained the crucial role maritime lawyers play in the registration of vessels. She gave a vivid account of how Malta's Ship Registry successfully developed from one million tons in 1986 to over seven-four million tons today, thus becoming the 7th largest Registry in the world.



Dr. Ann Fenech meeting the IMLI Class of 2017-2018

At the end of a three-hour presentation, Dr. Fenech said that the best advice she could give students was to have confidence in themselves as maritime lawyers when dealing with clients and to admit when they need to tell their clients that they do not have an immediate solution but need to consider the circumstances further. She further advised them to be firm, open-minded and ready to settle disputes in the best interest of clients.

At the end of her Lecture. Dr. Fenech gave the following interview to the Editor of this e-news.

Your appointment to serve as a member of the Comité Maritime International (CMI) Executive Council is no doubt a well-deserved recognition. What does it mean to you personally?

This appointment came to me as a huge surprise because CMI to me, both as a student and a professional, means that international body responsible for drafting international maritime conventions, and to be asked to put in my nomination to be elected to the Executive Council of the CMI was a huge compliment. I felt so humbled by it and thought it was too good to be true. As a practitioner and academician at the same time, I regard CMI as the perfect place where one's practical knowledge can be put to good use in the drafting processes. I truly believe that conventions work when they are drafted by people in academia who have sight of what the real problems are. Many famous legal maritime practitioners are closely associated with the CMI and to be serving on the executive council is one of the highlights of my career.

My election to the Executive Council of the CMI also provides a voice for Malta because for the first time a Maltese is elected to sit on the CMI Executive Council. As a Maltese, I realised in my career that when I act in cases or speak at conferences, it is not only for myself, I represent my country as well. So I am glad that tiny Malta is present on the Executive council of the CMI.

On her long relationship with IMLI and the choice of her lecture topic, Dr. Fenech had this to say:

My relationship with IMLI started in 1993/1994 academic year when I started by teaching Carriage of Goods by Sea. However, with the timekeeping challenges associated with practising maritime law I could no longer take on such a commitment and conducted tutorials. I was then asked whether I could give the introductory lectures on, the typical role played by maritime lawyers. This is a subject I love because I feel I can really share all my experiences in a very pictorial manner with the students. Thus, the topic of my lecture 'the Role of the Maritime Law Practitioner: Local and International' is very relevant indeed in present-day maritime shipping and provides the ground for all the other lectures to follow during the academic year.

It has been an absolute pleasure for me to see IMLI grow from strength to strength. When I give lectures overseas on maritime Malta, I dedicate part of it to maritime education in Malta, and IMLI's enormous success features as one of the facets of maritime Malta. There are so many academic maritime institutions all over the world which are well renowned. However, I struggle to think of any other which offers the student such a broad cross-section of the subject aside from IMLI. In life, this is what you need on a number of occasions. You need the intro, the tester of the various subjects and that itself constitute food for further thought or specialisation in the event that you want to pursue a career in maritime law. From the practitioner's point of view, having an IMLI graduate is a very attractive proposition when it comes to offering work placements because such a graduate goes through the whole spectrum of public and private maritime law and very often have the top professionals in maritime practice explained these things to them. It is not just what you know but where to find more information and this is what IMLI teaches you. Another huge advantage which IMLI offers is the diversity of its graduates who came from all over the world. These graduates would have local knowledge of their respective jurisdictions and could be of

immense help to each other if as practitioners they have shipping case which occurs in a jurisdiction far away. You cannot put a value to that sort of intelligence.

Dr. Ann Fenech obtained an LL.D. from the University of Malta in 1986 and immediately joined the international shipping law firm of Holman Fenwick and Willan in London where she stayed until 1991 prior to joining Chaffe, McCall, Phillips Toler and Sarpy, in New Orleans, the United States of America. In 1992, she joined Fenech and Fenech Advocates (Malta) where she set up the Marine Litigation Department and was appointed Managing Partner in 2008. In 1989 she obtained her LLM in Maritime Law from the University of London.

She has been involved in the drafting of numerous shipping laws in Malta such as the Pilotage Regulations and amendments to existing laws including the Merchant Shipping Act and the Code of Organisation and Civil Procedure, where she introduced the rules governing the jurisdiction in rem for the Maltese Courts. She has held and holds several portfolios in her career including Council Member of the European Maritime Law Association and President of the Malta Maritime Law Association. She was awarded Best in Shipping Law at the European Women in Business Awards in 2012 and 2014 respectively. In June 2014, Dr. Fenech was elected to the Executive Council of the Comité Maritime International. At CMI she also chairs the international working group on Ship Finance Security Practices.

Dr. Ann Fenech lectures on Maritime Law at the University of Malta and abroad.

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