



Università
degli Studi di
Messina

DIPARTIMENTO DI GIURISPRUDENZA
"SALVATORE PUGLIATTI"



Laudatio
of Professor Francesca Pellegrino
for the award of the
Ph.D *honoris causa* in Legal Sciences
to Professor David Joseph Attard



(University of Messina, 4 April 2024)

Magnifica Rettrice, illustrissimi componenti del Senato Accademico, Decano e Direttore Generale, Autorità, stimata famiglia Attard, carissimi Direttore del Dipartimento di Giurisprudenza, Coordinatrice del Dottorato in Scienze Giuridiche, Colleghe e Colleghi, Studentesse e Studenti, Signore e Signori,

col Vostro permesso pronuncerò la *laudatio* in lingua inglese per rispetto nei confronti del Professor Attard e degli illustri ospiti stranieri, presenti e collegati da remoto, tra cui, per dell'Università di Malta:

Distinguished Professors Alfred Vella, Rector Magnificus, Ivan Mif-sud, Dean of the Faculty of Laws and Norman Martinez Gutierrez, Director of IMLI, thank you for your significant participation.

The awarding of an honorary academic title is always an event of particular scientific relevance for the Department that promotes it and for the entire University, but today it is really an immense honor and a great emotion for me to have the special occasion to performe the *laudatio* for the conferral of the well-deserved title of Research Doctor *honoris causa* in “*Legal Sciences*” to Professor David Joseph Attard, an eminent university professor, an international judge and a personality well-known by the international community.

I will try to briefly define the very prestigious profile of Professor Attard, which is not an easy task, considering his broad and impressive *curriculum vitae*.

Born in Sliema, Malta in 1953, Professor Attard obtained both a Law Degree and a Diploma Notary Public (1978) from the University of Malta.

After receiving his doctorate from the University of Oxford, he started his *extraordinary* academic career, dedicating all his life to the study of international law, with particular attention to the law of the sea and to the international environmental law.

After being an associated professor in the Department of Public Law, in 1988 – at a very young age – he became the first full Professor of Public International Law at the Malta University.

Inter alia, he was responsible for establishing the International Human Rights Research Unit and Programme at his University, in cooperation with the Council of Europe.

To commemorate the twentieth anniversary of Professor Attard's academic career, a collection of essays, called "*Serving the Rule of International Law*", was published.

Now, his academic career has reached its peak, since he is the current Chancellor at the same University.

In addition, he was an Advocate in Malta and a Barrister at Middle Temple in London.

And, since 2011 he is also a judge of the International Tribunal for the Law of the Sea, based in Hambourg, the Court that, in 2015, made a decision on the *Italian Maro Case*. In particular, from 2017 to 2020 he has been Vice-President of this Tribunal and now he serves_it as *President of the Chamber for Marine Environment Disputes*.

From the 80s, he has been an active contributor to the work of IMO (U.N. *International Maritime Organization*) as Advisor to the Secretary-General and member of the Maltese Delegation. I would like to remember the Delegation of the Diplomatic Conference which adopted the 1990 International Convention on Oil Pollution Preparedness, Response and Co-operation.

I would like to also remember that in 2005 a past Secretary-General of the IMO, Admiral E. Mitropolos, was awarded an honorary degree in Economics at this University, at the proposal of Professors Giuseppe Vermiglio and Adele Marino. In 2015 this University organized the *World Maritime Day* on “*Carriage of Dangerous Goods by Sea*”, under the auspices of IMO. In addition, many doctoral students of this University spent fruitful internship periods at the IMO, in London: first of all, I would like to mention my colleagues Cinzia Ingratoci and Federico Franchina.

Professor Attard was the *first Chair* of the Legal Committee of the Intergovernmental Panel on Climate Change (IPCC) and has been appreciated for promoting the 1988 Maltese UN Initiative, which led to the recognition of climate change as a *common concern of humankind*. This proposal led to the first UN Assembly Resolution on Climate Change and culminated in the adoption of the 1992

Framework Convention on Climate Change, by the Rio Conference, followed by the Kyoto Protocol.

In 1988, after the *International Maritime Law Institute* (IMLI) was set up at the University of Malta, under the auspices of the IMO, initially, Professor Attard served as an advisor to the founding Director and as an active teacher, but, only one year later, he became a Member of the Governing Board. From 1992, for three decades, he was appointed as Director of this prestigious Institute, established to train government officials, mainly from developing States, in the whole spectrum of international maritime law. In particular, participants are trained in the techniques of incorporating and implementing international maritime treaty rules into their domestic legal systems.

This outstanding research and training Institute has established close and fruitful relationships with this University and, in particular, with the CUST Euromed named after Professor Elio Fanara, my late Master who first promoted international cooperation between euro-mediterranean universities.

In fact, my Colleague Maria Piera Rizzo was invited from Professor Attard as visiting fellow at IMLI and I myself was warmly hosted twice there, as visiting researcher, with access to its excellent international library.

Professor Attard has also helped to establish a close cooperation between IMLI and the *World Maritime University* of Malmo (Sweden), another global training institution of excellence, established by IMO, in which I

myself and my Colleague Cinzia Ingratoci had the honor to give maritime safety lessons.

In 1989, on the advice of Professor Attard, the Maltese and Swiss Governments established the prestigious Mediterranean Academy for Diplomatic Studies (MEDAC) at the University of Malta and then he was appointed the first holder of the UNEP (United Nations Environmental Programme) *Chair of Environmental Diplomacy*.

Inter alia, he was Chairman of Exploration Committee in the Office of the Prime Minister of Malta (1988), Special Legal Advisor to the Executive Director of the UNEP in Nairobi/Geneva (1989-91), member of the Steering Committee for Human Rights (CDDH) at the Council of Europe, Honorary Adviser to the United Nations Transitional Administration for East Timor, member of the European Union Expert Group on Maritime Policy, titular member of the *Comité Maritime International*, etc. etc.

He was senior visiting lecturer at the College of Foreign Affairs of Beijing, visiting professor at the University of Roma Tor Vergata and at the Faculty of Law of Messina, in which took a memorable *lectio magistralis* on “*The maritime jurisdictional claims in the Mediterranean*” (2009).

He has been visiting senior research fellow on the Law of the Sea at Oxford University, Fulbright Scholar at Yale Law School and visiting professor at l’Université de Paris_I-Panthéon Sorbonne.

He received many awards: the prestigious International Maritime Prize 2021, for the significant contribution given to the work and objectives of the IMO; the “*Dioscuri Prize*”

at Lega Navale of Agrigento in 1998, during the Conference “*La nave e il mare*”, the first time I had the honor and the good fortune to meet Professor Attard; *Certificate of Recognition for his Contribution to the Award of the Nobel Peace Prize to the Inter-governmental Panel on Climate Change* (2007); *Encomienda de Número de la Orden de Isabel la Católica*, España (2009); *Kokka Onorarja* at Malta University for his outstanding career; *Chevalier de l’Ordre National de la Légion d’Honneur*, Paris (2004); *National Order of Merit in Malta* (2007); *Ordine al Merito della Repubblica italiana* (2010).

Now, I would like to focus attention to his excellent publications.

Well, since my first steps in the field of international maritime law, as a young Doctoral student, I have heard about him and his publications, in particular his monumental monography on “*The Exclusive Economic Zone in International Law*”, published in 1987, which was awarded “*Paul Guggenheim Prize*” at Geneva University for its *exceptional quality*.

This book inaugurated the book_series “*Oxford Monographs in International Law*”. In fact, to celebrate the 30 year anniversary of its landmark series, the Oxford University Press invited Professor Attard as guest of honor to comment_it.

His monography, relevant still today, contains a very original and deep analysis of the legal nature of this “*sui generis*” area of the sea, because – as Professor Attard argues

– it's not a part of the high seas, but it can not be assimilated to the territorial sea. In addition, he addresses, with perspicacity and forward-thinking, the complex problems of jurisdiction and delimitation of this area.

As the Author said in his book, since the end of the Second World War, the concept of exclusive economic zone (EEZ) has developed from the desire of a growing number of nations to extend their authority over vast maritime areas, for the purpose of controlling natural resources. The consolidation of the law relating to the Continental Shelf, following the 1945 Proclamation of this area, encouraged many States to claim jurisdiction over the Shelf resources. In a number of cases, these claims brought about boundary disputes.

By the 70s, however, there was firm evidence to suggest that – under customary law – a coastal State had the right to claim an Exclusive Fishery Zone (E.F.Z) within two hundred nautical miles from the coast. This development was complemented by the practice of a growing number of coastal States which claimed an Exclusive Economic Zone, with sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources. This process led to the Third Conference on the Law of the Sea, which – in turn – in 1982, led to the adoption of the UNCLOS or Montego Bay Convention.

On the same topic, I want to also remember several well-known and fundamental articles of Professor Attard, in which

special attention is given to the Libia/Malta judgment of the International Court of Justice, of particular interest for Italy.

Finally also Italy, after years of avoiding to claim its Exclusive Economic Zone, for the benefit of other Mediterranean States, started the process to establish it, thanks to the Law no 91/2021 which authorised its institution.

Professor Attard has also been *General Editor* of *IMLI Manual on International Maritime Law* and *IMLI Treatise on Global Ocean Governance* (both in 3 volumes).

In addition, he is author of the monography “*Maltese Legal System*”, published by the University of Malta, and of a large number of first-class articles published in very important legal journals and collective works. Many of them are focused on the law of the sea: “*Prevention of Oil Pollution in the Mediterranean*”; “*A New Constitution to Govern Ocean Space*”; “*The Universal Constitution for the Oceans*”, “*The New Law of the Sea and the Mediterranean*”; “*A Brief Analysis of the Current Talks on the New Law the Sea*”, “*Joint Developments of Non-Living Marine Resources*”, “*Mare Clausum v. Mare Liberum*”, “*The Law of the Sea and Jurisdictional Issues in the Mediterranean*”, “*The Relevance of the “Consolato del Mare” to the Development of Contemporary International Maritime Law*”, “*The International Regime for the Protection of Archaeological and Historical Objects found at Sea*”, “*The Importance of International Maritime Law in the exercise of*

the Peaceful Uses of the Sea”: just to mention the most important.

In conclusion, with the strong support of all colleagues of my scientific discipline and of the PhD Board, I firmly proposed Professor Attard for the title of Research Doctor *honoris causa* in Legal Sciences, considering his massive contribution – as an eminent university professor, an international judge and a personality in the world – to the interpretation, implementation, enforcement and development of the International Maritime Law, and – *last but not least* – to the international opening and development of this University, of this Department of Excellence and its Doctorate, that – from the current year – also include courses in English, and, in particular, of the Chairs of Maritime Law and of the CUST.

Thank you very much for all this, Great Professor Attard.

“Per i meriti sopra elencati chiedo che al Prof. David Joseph Attard venga conferito il titolo di Dottore di Ricerca Honoris Causa in Scienze Giuridiche”.