



**INSTITUTE AND CENTRE OF  
AIR & SPACE LAW**

**ANNUAL REPORT  
2008-2009**

*Prepared by*  
***Professor Dr. Paul Stephen Dempsey***  
Director

<http://www.mcgill.ca/iasl/>



- **This was the second year of a commitment made by the Boeing Company to a grant of \$500,000, one fifth of which is to be distributed to the McGill University Institute of Air & Space Law [IASL] each year of the five year term (2007-2012). The Boeing**



ubiquitous legal regime. By sending the IASL graduates far and wide with a solid educational background, McGill has facilitated that important objective of worldwide law harmonization.

- ***Offer the IASL students the best graduate education in Air and Space Law available anywhere in the world.*** Though the IASL has been teaching Air and Space Law at McGill University for more than half a century, the Institute constantly strives to improve its educational programme. It has designed a curriculum relevant to the needs of its graduates, to provide a base of relevant practical and theoretical information and analytical and communications skills to enable its graduates to perform their professional duties proficiently.
- ***Publish interdisciplinary research valuable to governmental and multinational institutions, the airline and aerospace industries, and the legal profession.*** Since 1976, the IASL Centre for Research in Air & Space Law has published the *Annals of Air & Space Law* as well as books, reports, studies, and conference proceedings; the IASL faculty publishes widely in other legal periodicals as well. Our faculty also assists international organizations and governmental institutions in their efforts to advance Air and Space Law and policy.
- ***Serve the professional educational needs of the aviation and space law bar.*** The IASL's workshops, conferences and seminars are attended by legal practitioners, government officials, industry leaders and professors from around the world. Over the years, the Institute has been visited by delegates from many nations seeking cutting edge information on emerging developments in Air and Space Law.
- ***Create a thriving intellectual environment and professional global network for the IASL faculty, students, graduates, and experts in the field.*** The IASL brings together some of the world's

**additional semester for completion of the thesis. The LLM normally takes about 18 months to complete.**

**3. The *Doctor of Civil Laws* degree is a research degree, and requires the**



CERT	C-ASL	Air and Space Law	2	0	2
<b>GRAND TOTAL</b>			<b>55</b>	<b>80</b>	<b>135</b>

**Academic year 2008-2009**

IASL program	#apps	#admitted	#accepted	#deferred
DCL/IASL	5	2	2	0
LLM-T/IASL	17	12	8	1
LLM-NT/IASL	10	10	7	1
GC/IASL	9	6	2	1



**IASL CLASS OF 2008-09. Front row: Md Ahmad (Bangladesh), Kiattipon Tantikul (Thailand), Jose Ibanez (Chile). Second row: Rachel Pachoud (France), Bka9P8WWPEW; dñ"%p-PBjk)92F8PC4Fk,9-8-E4C;P**



**Second Term Courses**

- [ASPL 613](#) Government Regulation of Air Transport (3 credits) (Prof. Fitzgerald)
- [ASPL 614](#) Airline Business and Law (3 credits) (Prof. Dempsey & Bunker)
- [ASPL 638](#)



*Several students also took part in and spoke at the **Workshop and Conference on Air Transport, Air & Space Law and Regulation**, from 12 to 16 April 2009, in Abu Dhabi, UAE.*

A few of the students attended the **2009 ICAO Diplomatic Conference on Compensation for Damage Caused by Aircraft to Third Parties Arising from Acts of Unlawful Interference or from General Risks (DCCD)**, held in Montreal, from April 20<sup>th</sup> to May 2<sup>nd</sup>, 2009. And other few new and returning students also attended the **34<sup>th</sup> session of the Legal Committee**, from September 9<sup>th</sup> to 17<sup>th</sup>, 2009.

**International & Interdisciplinary Roundtable on Space Governance and International Interdisciplinary Congress on Space Debris, 6-9 May, 2009.** Many first year and returning students got involved in helping organizing the congress and roundtable, taking notes of everything that has been said and/or attending it. The IASL did not charge the students for their attendance, making therefore this event very attractive to them.

## **II - Attendance at other conferences**

As part of the non-IASL events some students also attended the *Conference on the Economics of Airports and Air Navigation Services (CEANS)*, organized by ICAO in Montréal from 15 to 20 September 2008, or the 13th Annual

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**programs of study, their ensuing careers, the value of theses to those careers and what role, if any, an internship program could play in the IASL's curriculum. Ms. Howard created a database using the information available in the survey. She incorporated here database into the larger IASL database and reworked the fields (which allowed for the targeted mailings). It was decided to send the general untargeted letter to the entire database with an**



**scholarship in the unique field of air and space law. Thanks to numerous**





**developed for each activity. These plans were shared with the donor, Toby Moneit (Development Officer), and Dean Kasirer.**

*First year activities*

**In June 2008, the IASL started working on the activities for the first year of the project (i.e. June 2008 – July 2009) and have completed them as required. A summary is set forth below.**

**The principal activity of the first year was the organization on 7-9 May 2009 of the International and Interdisciplinary Congress on Space Debris. The Congress was attended by experts in various disciplines (e.g. science, technology, policy, international relations and law) from several countries, governmental agencies and ministries, armed forces, academic institutions, and private companies. This event was reported widely in national and foreign media. The Congress was a great success and has been judged by several participants to be “an intellectually rich, productive and rewarding conference”; and “a very worthwhile initiative, with an impact well beyond the number of participants.” At the end of the Congress, which was convened along with the Space Security Working Group Meeting and a high-level International and Interdisciplinary Roundtable on Space Governance, Dean Nicholas Kasirer wrote to Professor Jakhu: “you did McGill very proud last week, both in your leadership role in these three major events, and in devoting your few moments of leisure between them to the numerous radio, television and print media requests for interviews. McGill and the security in space have rarely been so well represented.”**

**On 26 July 2009, in Denver, Professors Dempsey and Jakhu briefed the donor about these first-year activities and our future plans; they were quite pleased to see their money being well spent.**

**Due to the importance of the project to the IASL, the expectation of the donor, and the time-sensitivities involved in the performance of**

<u>Responsible</u>	<u>Activity/Year/Allocated</u>	<u>First Year</u>
	<u>Budget</u>	<u>1 July 2008</u>
		-

**ACADEMIC STAFF**

McGill's Institute of Air & Space Law's educational program is solid, and taught by some of the most knowledgeable experts in the world. In addition to the IASL expertise on the regular faculty (including Professors Jakhu, Janda, Walsh, de Mestral and Dempsey), and the IASL's adjunct faculty, many experts come from around the world to lecture at McGill.

**DEMPSEY, Paul Stephen, Professor and Director**

**JAKHU, Ram, Associate Professor**

**JANDA, Richard, Associate Professor**

**VLASIC, Ivan, Professor Emeritus**

**WALSH, Catherine, Professor**

**Part-time and auxiliary staff****Sessional Lecturers**

**BUNKER, Donald, Adjunct Professor**

**ERIKSSON, Stephan V. – Adjunct Professor**

**FITZGERALD, Paul – Sessional Lecturer**

**HARAKAS, Andrew, Adjunct Professor**

**MARGO, Rod D., Adjunct Professor**

**NEGOS, Peter, Adjunct Professor**

**SABA, John, Adjunct Professor**

**SCHUBERT, Francis, Adjunct Professor**

**VAN FENEMA, H. Peter, Adjunct Professor**

**WEBER, Ludwig, Adjunct Professor**

**INVOLVEMENT IN THE COMMUNITY**

The IASL has been active in the Montreal community, and the international community. Over the last year, IASL co-sponsored or planned seminars, conferences, workshops and publications with the following organizations:

- The International Civil Aviation Organization;
- The International Air Transport Association;
- The International Institute of Space Law;
- Airports Council International;
- Leiden University (The Netherlands);

- **Institute of Air and Space Law, University of Cologne (Germany);**
- **Concordia University John Molson School of Business;**
- **The Conference Board of Canada;**
- **Social Sciences and Humanities Research Council of Canada;**
- **Spacesecurity.org;**
- **Secure World Foundation;**
- **Arsenault Family Foundation;**
- **Donner Foundation;**
- **Project Ploughshares;**
- **Cypress Fund for Peace and Security;**
- **Space Generation Foundation;**
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- **Workshop on Introduction to Air Transport, Air & Space Law and Regulation** – April 12-14, 2009, Abu Dhabi, United Arab Emirates.
- **International Conference on Air Transport, Air & Space Law and Regulation** – April 14-16, 2009, Abu Dhabi, United Arab Emirates.

***Air & Space Law: A Global Perspective  
September 17-20, 2008, in Montreal, Canada***

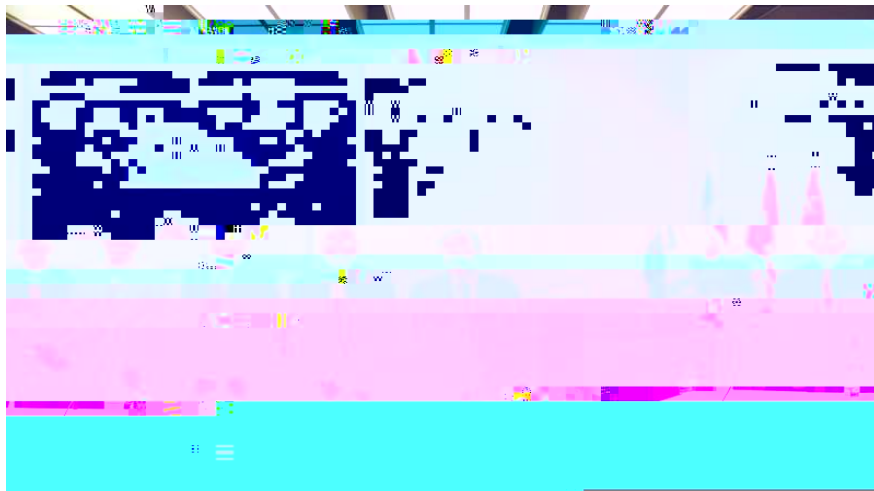






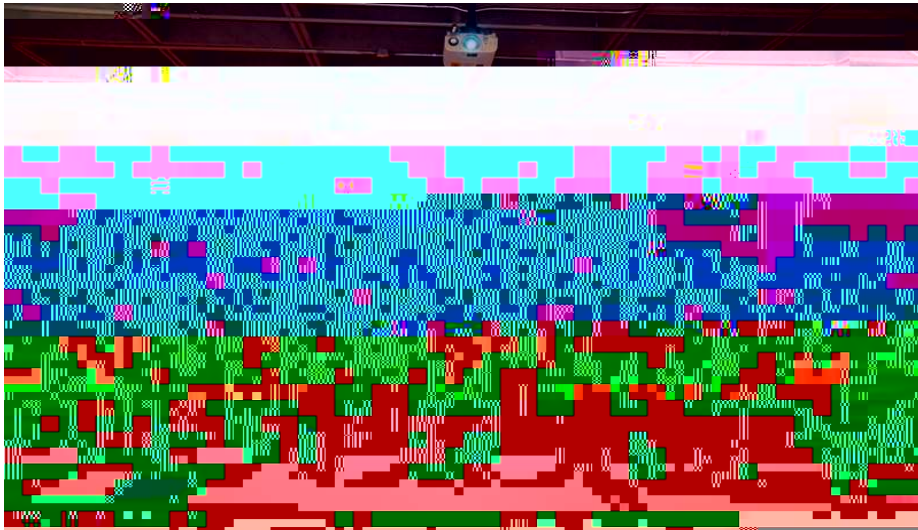
The Workshop had been supported by: Secure World Foundation, International Security Research and Outreach Program of the Department of Foreign Affairs and International Trade, Canada, Social Science and Humanities Research Council of Canada, Ploughshares Fund and Nicolas Mateesco Matte Fund. The Research Director of the SSI is Prof. Ram Jakhu, Institute of Air and Space Law, McGill University.

***International & Interdisciplinary Roundtable on Space Governance  
6 May, 2009, Faculty of Law, McGill University***



***Left to right: Prof. Ram Jakhu, Dr. K. Doetsch, President, Doetsch International Space Consultants, Canada; Prof. Paul Dempsey, Dr. Gerard Brachet, Advisor to the Ministry of Foreign Affairs, France (former Director General of CNES) ; Dr. R. Williamson, Executive Director, Secure World Foundation, U.S; and . Dr. K. Kasturirangan, Director, National Institute of Advanced Studies, India (former Chairman of Indian Space Research Organisation)***





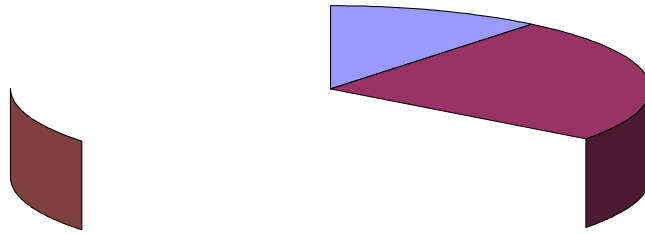
***Alumni Relations***

**In November 2008, our IASL Alumni(ae) Association hosted a educational session on Masters Thesis research and writing approaches for our LL.M. students, and in April 2009, hosted a graduation dinner for the 2008-09 class. Secretary General Tissa Abeyratne and Secretary John Saba organized these events. At the annual graduation dinner, Ghislane Richard was inaugurated as Secretary General of the IASL Alumni(ae) Association. In 2010, the European IASL Alumni(ae) Association will meet in Prague, Czech Republic.**



At this year's Annual IASL Graduation Dinner, Prof. Paul Dempsey presents Dr. Tissa Abeyratne with a plaque in appreciation for his loyal and dedicated service as President of the IASL Alumni(ae) Association, 2003 – 2009.







- **Phase 3 (Project 3) is an online Air & Space Law Resource Center. As currently envisioned this Center will have legal and scholarly materials (such as articles, laws, treaties, theses) available to the public. Also, the Center will house an IASL alumni networking tool (the exact nature of which is still being considered).**
- **Phase 4 (Project 4) is an online *digital* publication system for the Annals. This is our attempt to maintain financial control of the Annals while still ‘getting them online.’**

**Current Status:** There are four possible status levels for these projects: (1) Working Group, (2) Bid Proposal, (3) Construction, (4) Testing and Operations.

- **Phase 1 (Bid Proposal Stage):** We are currently soliciting project proposals. We anticipate selecting contractors by Oct. 1<sup>st</sup>, 2009 with a deadline for project completion by Dec. 21<sup>st</sup>, 2009. [See Attached Request for Proposals] We anticipate the financial cost for Phase 1 ranging from \$2000 - \$4500 CAD.
- **Phase 2 – 4 (Working Group Stage):** Once Phase 1 is in the Testing and Operations stage, we will finalize Phase 2 and solicit requests for proposals. Phase 3 and Phase 4 will follow in sequential order.

**Projected Timeline:**

- Phase 1: Completed by Dec. 2009.
- Phase 2: Completed by April 2010.
- Phase 3: TBD
- Phase 4: TBD

***Invited Talks and Papers:***

**Professor Paul Dempsey:**

- **Papers on Safety, Security, Environmental Law, Foreign Ownership, Carrier Liability, Airline Economics and Law Making in International Organization presented at the Workshop on Introduction to Air Transport, Air & Space Law and Regulation & International Conference on Air Transport, Air & Space Law and Regulation, Abu Dhabi, United Arab Emirates, UAE, ESjé “SPapers on Safety, Security, Carrier Liability, Airline Economics and Law Making in International Organization presented at the Workshop on Introduction to Air Transport, Air & Space Law and Regulation & International Conference on Air Transport, Air & Space Law and Regulation, Abu Dhabi, United Arab Emirates, UAE, ESjé**

- **Aviation Safety and Security, presented at the International Conference on Air Transport and Space Activities, China University of Political Science & Law, Beijing, China;**
- **Aviation Liability issues presented at the Civil Aviation University of China, Tianjin, China;**
- **Papers on Safety, Security, Environmental Law, Foreign Ownership, Carrier Liability, Airline Economics and Law Making in International Organization presented at the Singapore Aviation Academy, Singapore;**
- **Clash of the Titans: International Aviation Liability presented at the PEOPIIL Conference on Aviation Liability, Strasbourg, France;**
- **Air Law and Space Law: Where Do We Draw the Line?, presented at the Symposium on Space Solutions to Earth's Global Challenges, International Space University, Strasbourg, France.**

**Professor Ram Jakhu:**

- **“Current Status of the UN Space Treaties and the Vienna Convention on the Law of Treaties in Pacific Rim Nations” presented on 22 May 2009 at the Pacific Rim National Space Law Summit, organized by The University of Mississippi National Center for Remote Sensing, Air, and Space Law, at East West Center in Honolulu, Hawaii, USA, on 20-21 May 2009.**
- **- “Various Regulatory Mechanisms-Options for Space Debris Mitigation” presented on 8 May 2009 at the International and Interdisciplinary Congress on Space Debris, held at the Faculty of Law, McGill University, Montreal, Canada, on 7-9 May 2009.**

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**Conference on Contemporary Issues in Air Transport, Air Law and Regulation, New Delhi, 23 – 25 April 2008**

- **Aircraft Manufacturer and ATC Liability: Current Issues, Presentation given on 25 April 2008 at the International Conference on Contemporary Issues in Air Transport, Air Law and Regulation, New Delhi, 23 – 25 April 2008**
- **Aircraft Finance and Registration of Security Interests, Presentation given on 22 April 2008 at the Workshop on Introduction to Air Transport, Air Law and Regulation, New Delhi, 21 – 23 April 2008**
- **Manufacturer's Liability and Air Traffic Control Liability, Presentation given on 22 April 2008 at the Workshop on Introduction to Air Transport, Air Law and Regulation, New Delhi, 21 – 23 April 2008**
- **Aktuelle Entwicklungen bei der ICAO, Presentation given on 23 October 2008 at the Annual Forum Luft Sicherheit 2008, organized by Forum Institute for Management and Technical University Berlin, Berlin 23 – 24 October 2008**

**ADDITIONAL INFORMATION ATTACHED**

- Appendix I: IASL Students registered in 2008-09**
- Appendix II: Honours, Awards and Prizes**
- Appendix III: Publications**
- Appendix IV: Consulting Activities**

**APPENDIX I**

Name	
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**APPENDIX II – HONORS AWARDS AND PRIZES**

**APPENDIX III – PUBLICATIONS****Professor Ram Jakhu:**

“Space Security and Competition for Radio Frequencies and Geostationary Slots”, *ZLW* 58. Jg. 1 (2009), 74-93. (with Karan Singh).

“The case for enhanced India-Canada space cooperation”, *Space Policy*, (2009), 1-11.

“Development of the Natural Resources of the Moon and Other Celestial Bodies: Economic and Legal Aspects”, *Astropolitics*, 6:3, (2008), 201-250. (with Maria Buzdugan)

**Book Chapters:**

“The 1967 Outer Space Treaty at its 40th Anniversary,” in Anatoly Kapustin and Gennady Zhukov (eds.), *The Contemporary Problems of International Space Law*, Peoples’ Friendships University of Russia, Moscow, 2008, 225-244. (also translated into Russian language, *ibid.* pp. 200-224).

“Commentary on Article II of the Outer Space Treaty” (with Steven Freeland) for the *Cologne Institute of Air and Space Law Commentary on Space Law*, December 2008.

**Prof. Paul Stephen Dempsey****Books:**

**PUBLIC INTERNATIONAL AIR LAW (McGill 2008) – 878 pages**  
**SPACE LAW**

**Jurisdiction and Applicable Law in Cases of Damage from Space in Europe – the Advent of the Most Suitable Choice – Rome II. *IAC 2008 Proceedings* (in co-authorship with Prof. Dr. L.J. Smith)**

**Value of Space Debris Mitigation Guidelines of the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space. *IAASS Proceedings 2008***

**Commons as a Legal Basis for a Broader Access to Remote Sensing Data. *ISI 2009 Conference Proceedings***

**INSPIRE: a real step forward in building an interoperable and unified spatial information infrastructure for Europe? *ESPI Perspectives* (March 2009) online: <<http://www.espi.or.at/images/stories/dokumente/Perspectives/espi%20perspectives%2020%20doldirina.pdf>>**

**Diane Howard, DCL Candidate**

Article, “Including Space Law and Policy in STEM Curricula” 60<sup>th</sup> International Astronautic Congress, (to be published in proceedings, to be presented in Daejeon, South Korea October 2009).

L.L.M. Thesis “Making do with what we have: creating certainty in private space law” (2009) McGill University, Graduate Programs in Law, Montreal QC Canada (published as a book by VDM Verlag, Germany, ISBN: 978-3-639-17992-7)

Article, “Achieving a Level Playing Field in Space-Related Public-Private Partnerships: Can Sovereign Immunity Upset the Balance?” (2008) 73:4 J. Air Law & Commerce 723 – 57.

**Mark Glynn, DCL Candidate:**

“BIRDS OF A FEATHER: Network carriers flock together in early experiences of Transatlantic Open Skies” - 34 *Annals of Air & Space Law* 207-253.

POLICY CONSIDERATIONS IN THE NEGOTIATION OF A NEW AIR SERVICES AGREEMENT BETWEEN CANADA AND THE EUROPEAN UNION - Strategic Knowledge Clusters Project, Carleton University - Reproduced in *Aviation Law and Regulations* (ICFAI, 2009).

L'IMPORTANCE DE PROCÉDER À UNE MISE EN APPLICATION DILIGENTE DE L'ACCORD EUROCANADIEN SUR LES SERVICES AÉRIENS - Strategic Knowledge Clusters Project, Carleton University.

**Norberto Luongo, DCL Candidate:**

**Book:**

“A *T0E611FU KE09B9)3UrK2)0*”

*"The Fifth Jurisdiction: The American Dream", Annals of Air and Space Law, I.C.A.S.L., McGill University Vol. XXXIV (2009).*

*"Persons with Disabilities and their Right to Fly", Journal of Air & Space Law, Kluwer Law International, Vol. XXXIV, issue # 3 (2009).*

*"The Impact of E-Documents in Air Transportation: E-Ticket", co-authored with Alex Piera, [original in Spanish], LA LEY Paraguay, Sept. 2009*

*"Compensation for Moral Damages in International Air Transportation" [original in Spanish], Revista del Derecho del Transporte, Universidad del País Vasco (Spain), issue # 2 (2009).*

*"The Labor-Airlines Relations. Mutual Influences and Judiciary Challenges" [original in Spanish], El Dial Law Journal, August 20, 2009.*

*"Argentina and Act # 26.451: a long awaited and important step forward" [original in Spanish], El Dial Law Journal, May 15, 2009.*

*"Aerolíneas Argentinas, Mergers & Acquisitions: Substantial Ownership and Effective Control issues in USA, Canada, Europe and Argentina" [original in Spanish], El Dial Law Journal, September 19, 2008.*

*"Aerolíneas Argentinas - An Endless Nightmare" [original in Spanish], El Dial Law Journal, August 15, 2008.*

*"Airlines in Crisis: Laissez Faire or Re-regulation?" [original in Spanish], El Dial Law Journal, July 18, 2008.*

#### **Michael Mineiro – DCL Candidate**

"Assessing the Risks: Tort Liability in the Event of a Commercial Human Space Flight Vehicle Accident" (2009) 74(2) Journal of Air Law and Commerce 371.

"FY-1C and USA-193 ASAT Intercepts: An Assessment of Legal Obligation under Article IX of the Outer Space Treaty" (2008) 34(2) Journal of Space Law 321 (2008).

"Law and Regulation Governing U.S. Commercial Spaceports: Licensing, Liability, and Legal Challenges" (2008) 73 Journal of Air Law and Commerce 759 (2008).

"CISG and the Final Frontier: Contracting for the Sale of Goods that Originate from, Transit through, or are Delivered in Outer Space and Allocating Risk of Loss" (2008) Proceedings of the 51st IISL Colloquium on the Law of Outer Space.

"ICAO's Legal Authority to Regulate Suborbital Flight" (2009) Book Chapter in forthcoming book (Eds. Jakhu & Pelton - Government Regulation of Space Activities) . [Co-author Dr. Paul Dempsey]

#### **Alejandro Jose Piera – DCL Candidate**

"Aircraft Repossession and Enforcement: Practical Aspects in Paraguay" in

