

INSTITUTE OF AIR AND SPACE LAW ASSOCIATION - NEWSLETTER

3661 Peel, Montreal, Qc H3A 1X1

http://www.iasl.mcgill.ca

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Message From The Acting Director

This year the **Institute** received its fourty-ninth (49th) class and we have begun to look forward to the preparation of the **Fiftieth Anniversary Celebration** which will take the form of a **Conference at McGill from Friday, September 21 to Sunday, September 23, 2001.** This will be a major conference devoted both to air and space law issues. Sister institutions and major personalities in air and space law and international law will be invited to participate. Above all, it will be an occasion to celebrate the achievements of those who have taught and studied at the Institute over the years. I hope that a great many Institute graduates will attend. Please block off this date in your calendar.

The LL.M. class this year was a strong one with students from the usual variety of points of the globe. Basic courses in air and space law were given by Professors Milde and Jakhu respectively. Professor Richard Janda taught his course on Government Regulation of Air Transport. Adjunct Professors Weber, Bunker and Saba taught their course on Comparative Air Law. Professor Jakhu also taught his optional seminar on the expanding subject of Government Regulation of Space Activities. A number of adjunct professors and visiting lecturers, including Mr Jeffrey Wool, enriched the teaching at the Institute with their lectures on a wide variety of important topics in both terms. Dr. Saba led a number of excursions to the offices of various organisations in Montréal and Ottawa concerned with aviation and space law activities. I wish to pay tribute both to my colleagues in the Faculty and to all who served as visiting lecturers. Through them the Institute continues to offer the most complete programme of instruction in air and space law in the World.

As a result of the **Report of the Committee** chaired by former Dean **Roderick Macdonald** and its endorsemnt of the work and mission of the Institute, the Universty's *Vice-Principal Academic* and *Dean of Law* appointed a *University Search Committee* to recommend a candidate for the position of the Director of the Institute. As a mark of its confidence in the Institute, the University has also agreed that the new director shall be the holder of the *Tomlinson Chair* in Global **Governance in Air and Space Law.** The Committee began its work this Spring and I am hopeful that there should be a recommendation by the time of the 50th Anniversary Conference in September.

I have agreed to continue serving as Acting Director until the appointment of the Director.

Professor Armand de Mestral Acting Director

Dean's Message

As we are preparing for the 50th anniversary of the Institute of Air and Space Law, I have some highly positive news to report.

As a result of the excellent work done by the committee, chaired by **Professor R. Macdonald,** the University has agreed to allocate a **Tomlinson Chair** to the next Director of the Institute. Pursuant to this decision and with the support of the University, a University Selection Committee has been struck to recommend a new Director and holder of the **Tomlinson Chair in Global Governance in Air and Space Law**. This committee should be in a position to make its recommendation in the near future. Thanks to the support of the University and many friends of the Institute, we now have a clear idea of what the future of the Institute should be. I am also pleased to assure you of the renewed commitment of the University and the Faculty to the Institute.

The 50^{th} anniversary should thus be an opportunity not only to commemorate a glorious past, but also to project the Institute resolutely into the 21^{st} century.

Peter Leuprecht, Dean Faculty of Law

Come and join us in celebrating the 50th Anniversary of the Institute by participating in: 50TH ANNIVERSARY CONFERENCE

The Challenges to Air and Space Law in the 21st Century
Montreal, September 21-23, 2001

To register see the enclosed programme or visit the IASL's website at: http://www.iasl.mcgill.ca/50th anniv.htm

A Word From The Editor

Hitch your wagon to a star. - Ralph Waldo Emerson

Our INSTITUTE is certainly a most brilliant "star" that acts as a compass for wandering, established and future alumnae/alumni. This "star" radiates four main drawing powers this year. *continued on next page*

INSIDE:	
Message from the Acting Director	1
Dean's Message	1
Word from the Editor	1
Institute News	2
Association News	3
Student News	4
Alumnae/Alumni News	4

A Word from the Editor continued.....

First, you are all invited to follow this sparkling "star" back to our world renown **Institute** this fall as we celebrate its 50th anniversary with a major Conference in Montreal. This Conference will be held between **Friday September 21 to Sunday September 23** and focus on *The Challenges to Air and Space Law in the 21st Century*. For further information on the Conference, hotel accommodation and registration please refer to the insert accompanying this Newsletter or contact **Ms. Maria D'Amico: Tel. (514) 398-5095; Fax: (514) 398-8197; Email:** damico@falaw.lan.mcgill.ca. We are looking forward to seeing you in Montreal for this wonderful event!

Second, the 49th class (2000-2001) is now on track to become the newest alumnae/alumni to follow the Institute "star". The students completed their course work in April and generally are working on their theses prior to graduation. Since I wear another hat as one of the Professors of the students, I want to tell you that I truly enjoyed not only lecturing to them but also accompanying them on field trips to Aeroports de Montreal; Bombardier Aerospace manufacturing facilities; the Canadian Space Agency; the International Civil Aviation Organization; the Civil Aviation Tribunal (Ottawa); the **David** Florida Laboratory (Ottawa); and Transportation Safety Board (Ottawa). I thank all the alumnae/alumni that help make these annual visits so worthwhile. This was a rewarding year for all of the faculty, students and those who interacted with us.

Third, the Institute "star" will have a clearer direction when the permanent Director position gets filled. We are hopeful that the Selection Committee will be making an announcement of the appointment of the new Director by this autumn. **Professor Armand de Mestral** deserves our appreciation and praise for the admirable job that he is performing as the Acting Director until a new Director is selected and appointed.

Fourth, the Finance Campaign to raise money for our Institute continues to draw in money to our Institute "star." We as the *alumnae/alumni* have a key role in supporting our Institute. To forward an individual and/or corporate tax-deductible gift, please contact **Maria D'Amico.**

On a personal note, I want to say "Thank you" to two colleagues on the IASL Association Board of Governors who recently resigned after many years of dedicated voluntary service to our Institute and Association. First, our **President George Petsikas** has resigned effective September 1, 2001. He has been an untiring leader and inspiration to all of us who have worked with him. We look forward to his assistance in future activities since we hope that he will remain as a non-officer member of our Board of Governors. If you have suggestions for a Montreal-based successor in the President position, please contact me (the Association Secretary-Treasurer) at the Institute, through Maria D'Amico or at **iesaba@hotmail.com.**

Second, I want to thank **Mr. Geoffrey Pratt** for being such a cooperative and supportive Association **Vice President** the last few years. We wish him much success as he moves to Kingston, Ontario, after retiring from being *Senior Solicitor at Air Canada*. I look forward to working with **Dr. Ruwantissa Abeyratne**, *Assistant-Director in the Air Transport Bureau of ICAO*, as the new Vice President.

On behalf of the Board of Governors of the IASL Association, I pass on our best wishes for a prosperous and happy summer. I always welcome your comments and input by mail at the Institute's address or by e-mail at jesaba@hotmail.com.

Dr. John Saba Editor

Institute News-

IN MEMORIAM

ARNOLD W. G. KEAN, CBE (1914 - 2000)

Arnold Wilfred Geoffrey Kean, CBE died on 18 January, 2000 at the age of eighty-five. On that day, the world lost one of the leaders of a generation that witnessed dramatic technological progress in the field of civil aviation and actively helped to advance its international regulation.

The Institute of Air and Space Law lost in him a great friend, visiting Professor and enthusiastic member of the Advisory Committee. He touched the lives of thousands of friends, colleagues and students around the world, in the International Civil Aviation Organization (ICAO) and the United Nations. He was a brilliant lawyer, scholar, author, civil servant and representative of the United Kingdom at many international law-making conferences.

He attended his first session of the ICAO Legal Committee in 1953 (and eventually became its Chairman) and over the years contributed significantly to the unification of international air law. In 1977, he was appointed CBE. In 1993, he became the laureate of the prestigious Edward Warner Award granted to him by the ICAO Council "for eminent contribution to the development of international air law." He served as member and later President of the United Nations Administrative Tribunal.

He will be remembered for his intellectual leadership, warm personality, tolerance, humility and a delightful sense of humour. His friends around the world treasure his memory and feel privileged to have known him and to have learned from him.

Professor Dr. Michael Milde (Extracts from ANNALS OF AIR AND SPACE LAW, Vol.25, 2000)

Association News

MESSAGE FROM THE PRESIDENT

IT'S TIME TO DEMONSTRATE OUR FINANCIAL SUPPORT!!

As many of you are aware, the Faculty of Law of McGill University has embarked on a campaign to raise money for our world renown Institute of Air and Space Law (IASL). This funding will be used to further the Institute's academic and research objectives over the long term by ensuring that the human and material resources needed in this regard are always available.

While this fund-raising campaign will target many different individuals and organizations, it is my belief that financial support should be built on that core group of persons who know the IASL best and quite likely appreciate it the most – its graduates. Over the years, the number of graduates produced by the IASL has totaled just over 800. Although this is a relatively modest number, the fact remains that these graduates are spread out over 115 countries worldwide (an unparalleled figure among most of the world's academic institutions) and have enjoyed in many cases great success in the fields of aviation and space related activities. Moreover, my experience has shown that this IASL "mafia" is united by their pride at being IASL graduates, and by their genuine fondness for their time spent studying at the Institute.

It is on this group that I call upon to take a leading role in supporting McGill University's fund-raising campaign for the IASL. Momentum is a key element in fund-raising, and the IASL's alumnae/alumni can play a critical role in this regard. Every little bit of money and effort helps. Get your company or firm to make a corporate gift. Talk to people who may be less familiar with the IASL about its rich history and achievements and get them to contribute. Pull out your own checkbook and start writing your contribution. It is time to replace sympathetic words with tangible support.

If you wish to have more information on McGill's fundraising effort for the IASL, or simply want to know where to send a check, please contact **Maria D'Amico.**

This is my last message as **President of the IASL Association** since I will be resigning my position effective September 1, 2001. I would like to thank the Board of Governors and the membership for their valuable support. In the meantime, I invite anyone who may be interested in replacing me on the Board of Governors to contact the **Association Secretary, Dr. John Saba** <code>jesaba@hotmail.com</code> or <code>myself gpetsikas@airtransat.com</code>.

George Petsikas President, IASL Association

MESSAGE FROM THE VICE PRESIDENT IASL ALUMNI ASSOCIATION

I am very pleased to assume duties as Vice President of the IASL Alumni Association, particularly at a time when graduate studies in air and space law have entered a critical juncture, bringing to bear the need to transcend fundamental postulates and theory while moving toward the exploration of issues at the cutting edge of aerospace law and economics.

I believe the foremost responsibility of an alumni association in an institution of higher learning is to offer guidance and encouragement to students and graduates of that institute. Senior alumni, particularly those holding positions of responsibility, have an obligation toward this end. In our context, this obligation need not necessarily begin and end with a student's course of study at the Institute of Air and Space Law.

I encourage a culture of sustained guidance for the young and inexperienced, in order that the Institute of Air and Space Law may continue to produce exemplary exponents of aerospace law. Senior members of the Alumni Association can lead by example, in the manner in which we carry the mantle of stewardship and guidance, forging new dimensions of collegial excellence in aerospace legal research. We should live up to the highest traditions of leadership in the field of air and space law research and professionalism that the Institute of Air and Space Law is best known for.

As Vice President of the Alumni Association, I pledge my highest consideration to the President of the Association and other office bearers in making real the expectation that the Association will do its utmost to assist its members and students of the IASL through their chosen careers and academic pursuits.

Dr. Ruwantissa Abeyratne DCL, FRAeS FCIT LL.M

NEW LIFETIME IASLA MEMBERS:

At the Annual Dinner, **Dr. John Saba**, IASLA Secretary-Treasurer, presented IASLA Life Membership cards to the following students:

Addy, Naa Adoley Ghana
Bunker, Thomas Canada
De Ryck, Kristina Belgium
Giesecke, Christian Germany
Grossman, Louis U.S.A.

Hornik, Jiri Czeck Republic

Lelieur, Isabelle France
Petras, Christopher U. S. A.
Van de Velden, Aster Holland

STUDENT NEWS

REPORT OF THE CLASS OF 2000/2001 'Tempus ruit, hora fluit...'

Montreal -- Beyond Air and Space: Our Course in Relativity

Put your hand on a hot stove for a minute, and it seems like an hour. Sit with a pretty girl for an hour, and it seems like a minute. THAT'S relativity." ----Albert Einstein

This year's class learned something very important -- the meaning of relativity, particularly in terms of time and differences among people and places. The academic year started with the usual challenge of studying and learning the basics of air and space law. However, the fringe benefit was to experience and learn about a beautiful country, cosmopolitan city and exciting culture.

As expected, this year's class was as international and diverse as ever. The process of getting to know each other made us realize that borders really are relative -- there are many similarities amongst us and there is so much to learn from each other. The Institute's program offered a unique opportunity for this to happen as once again meaningful bridges were built among many different nations.

The year started out with a wonderful, warm Canadian welcome. The annual luncheon/BBQ sponsored by the Associate Dean (**Professor Steven Smith**) provided the students and faculty with the opportunity to get to know each other better. Early in the autumn, **Dr. Donald Bunker** and his family invited us for a delicious barbecue dinner and relaxing day at their beautiful estate in the foothills of the Laurentians. This made us feel part of the 'IASL club'.

Throughout the year we enjoyed the open doors of many institutions and warm welcome of many people. We thank all of you for making our year truly unforgettable!

Some of our experiences particularly stand out. Professor John Saba took us "under his wings" and made sure that we were exposed to many spectacular 'inside' features of the Air and Space World. He organized fascinating trips to Montreal International Airport (Dorval); the Canadian Space Agency head-office; Bombardier Aerospace's manufacturing facilities; and the International Civil Aviation Organization. An especially fun experience was the trip he organized to Ottawa where we learned about the Canadian Civil Aviation Tribunal, the Transportation Safety Board and David Florida Laboratories. We learned so much about airport customs and airplane de-icing. We were almost able to touch the "CanadArm." We saw and touched airplanes, both being manufactured and after being wrecked... These are only a few of the experiences that made our program more complete and interesting.

The Annual Graduation Dinner -- sponsored by the Institute's Alumnae/Alumni Association -- at the historic University

Club took on special significance this year. We were made life-time Association members *before* we had written our last exam a few days later. We truly appreciated this confidence reposed in us!

We want to express our gratitude to all of the professors, especially **Professors Michael Milde** and **Ram Jakhu** -- their doors were always open and they always listened to our challenges and provided guidance with incredible expertise and inspiration. We also thank the dozens of guest lecturers who gave the program a comprehensive dimension. The Class President, **Christian Giesecke**, also merits our thanks for coordinating so many wonderful activities.

The Institute offered us meaningful tools to confidently step into a promising future in Air and Space Law. Nevertheless, a few of us -- those who still have to write their thesis (who in other words have some difficulty to say a definite good bye yet) -- hope to meet you at the 50th Anniversary this fall (September 20 - 22).

Now, as our Institute study days come to an end, in the tradition of Dr. Milde, who so often expresses important principles in Latin: "Tempus Fugit": Time flies! However, we are all richer from such a beautiful experience. This year will remain with us always.

Aster van de Velden

ALUMNAE/ALUMNI NEWS —

New book by IASL Alumnus

Reviewed by Dr. John Saba

The latest work of **Dr. Ruwantissa Abeyratne** (DCL, 1996) is entitled "*Frontiers of Aerospace Law*" and will be published by Ashgate of London in February 2002.

In this, his 7th book, Dr. Abeyratne introduces issues in aerospace law that are likely to continue to be challenges to be addressed into this the new millennium. There is a broad spectrum of issues that he handles including: space law issues, such as, legal liabilities pertaining to extra-terrestrial intelligence, environmental pollution in outer space, the conduct of persons in outer space and cyber-crimes affecting outer space activities; air law issues like aircraft noise, economic trends of airports and air navigation services, funding for aviation safety projects, emergent aero-medical problems and privacy issues pertaining to airline pilots.

Professor I.H.Ph. Diederiks-Verschoor observes with repect to the book that it "fills a great *lacuna* in the legal literature pertaining to current and future issues in aerospace law that have thus far not been given sufficient attention. It also emphasizes the growing links between air and space activities and attempts to find solutions to problems of great actuality and impact. This is a fascinating, original book and an asset to the existing literature".

Institute Memories

Editor's Note: As the Institute celebrates it's fiftieth anniversary, I have introduced a section in the Newsletter dedicated to alumnae/ alumni memories of their experiences at the Institute. All readers are welcome to submit 2-3 paragraphs that may be reproduced in future editions.

The first contribution is from Professor Martin Bradley, Associate Professor at McGill's Faculty of Law from 1969-1987; LL.M. (McGill) 1962; LL.B. (Melbourne) 1955. Many alumnae/alumni will have fond memories of classes with him in the 1970's and 1980's

Coming to the Institute in 1956

by: Professor Martin A. Bradley

Today, long distance travel has become a routine and frustrating experience. It no longer has the romance or excitement of many decades ago.

Forty-five years ago, I traveled to Montreal to join the **Institute of Air and Space Law.** This was an "adventure". I had not planned to leave *Australia* -- that was the stuff of wild dreams! The only exception would have been departing for a short-time on a troopship in the manner other members of my family had toured the world.

I left *Melbourne* in late July 1956, by a *Convair CV340* in first class (there was no economy class), to join my overseas transport at *Brisbane*. I went from a cold rainy winter to a warm tropical climate in a different Australian environment. What an improvement! I hoped that this was a symptom of what was coming.

I boarded the *Pioneer Star*, an American registered and manned cargo vessel of 15,000 tons. It cruised at fifteen knots and would take forty-two days to reach *Boston* its home port. It had accommodations for twelve passengers.

On the first night on board the ship the Chief Executive Officer gave me a tutorial on the rules of discipline of this ship. Male passengers were not allowed to berth on the top deck; they lived with the engineering crew on the lower deck. The top deck was reserved for female passengers and officers of the sail. Indeed, three ladies were on board our ship destined for Hamilton, Ontario, after living in Norfolk Island (once the most brutal convict settlements in the British world) for eight years. On the other hand, the only other male passenger was a priest returning to Boston after ten years in the British Solomon Islands Protectorate (this was not the best posting since his principal companion was his pet python that lived in the rafters of his residence).

In fact, only the segregation rule was observed. Other rules were systematically violated including the prohibition of not only the purchase and serving of liquor but also gambling. Ironically, at the first dinner, the CEO plied me with extra dry martinis, an experience which gave me an enduring loathing of gin and a passion, likewise abiding, for olives. Everyone bought liquor aboard. The Chief Engineer was the ship's bookmaker.

Our ship departed from Australia a couple of days later. The first five days were a "dud", because of the stormy weather that is commonly encountered in the *Tasman Sea*. The lower decks were frequently awash. Thereafter, for the next sixteen days on the Pacific the sea was smooth, the weather was fine, the skies cloudless and the nights were filled with stars. Apart from human beings, the sole living creatures we saw were a few seagulls and an albatross that accompanied the

ship for twelve days. The only land we saw crossing the Pacific was *Pitcairn Island*.

This should have been the most boring time. It was not. The apparently limitless sea engenders in one, not apathy, but a sense of timelessness and relaxation, a feeling enhanced by isolation. Nothing intruded on our privacy or the pleasant feeling that flowed out of the sea and sky.

On the 21st day we arrived at the spectacular and beautiful *Panama Canal* where I acquired a supply of liquor to return hospitality. We participated in parties every night on the engineering deck; and I still have an enduring admiration for the engineers.

Next we cruised though the Caribbean Sea, a warm benign sea in contrast to the Pacific Ocean. We docked at *Galveston*, Texas a rather rough and dilapidated town. With two passengers(ladies) from the upper deck I went to Houston. We saw on a wide screen the musical hit-of-the-year "Oklahoma".

New Orleans was the next port-of-call. The delta of the Mississippi sunset was a sight worth seeing. New Orleans was vivacious and quaint with extraordinarily large oysters and a thieving barber.

We finally arrived in *Boston* a few days later. Sadly, I had to leave my new friends.

The overnight train from Boston took me to *Montreal* . I checked in at a gracious hotel that no longer exists. I walked around the city on a glorious August Sunday. I located the Institute; and then just drifted until tired and hot. I sought refuge in the *Church of Mary Queen of the World* - it was being reconstructed at that time, but a master organist was practicing and filled the place with inspiring yet restful music.

I returned to the hotel and slept that afternoon. On the next day I reported to the Institute. But that is another story.

I had my time out. It was a wonderful experience and a prescient and necessary overture to the next twelve months of study.

IASL ASSOCIATION HOSTS ANNUAL RECEPTIONS

By: Dr. John Saba

CHRISTMAS COCKTAIL RECEPTION – DECEMBER 1, 2000

The Annual Christmas Cocktail Reception was held in the Faculty of Law Library Atrium. The mood was upbeat. The attendance was broadly based including students, faculty and alumni/alumnae. We look forward to a similar festivity this coming Christmas!

ANNUAL DINNER OF THE ASSOCIATION - APRIL 27, 2001.

The dinner was held this year at the **University Club** on Mansfield Street and followed the traditional format. Over 50 persons attended including the graduating students, faculty members and alumnae/alumni. The ambience was warm and happy!

George Petsikas, the MC and the IASLA President, entertained the crowd with his sharp humour. Dr. John Saba, Secretary-Treasurer of the Association, presented the IASLA membership cards to the graduating class. The audience was addressed by Prof. Armand de Mestral, the Acting Director of the Institute, Professor Stephen Smith, the Associate Dean for Graduate Studies and Research, and Christain Giesecke, the graduating class President. The Keynote Speaker was J. Clifford MacKay, President and CEO of the Air Transport Association of Canada, who provided an interesting overview of the concerns of Canada's airlines.

Important

In future the *Newsletter* will likely be distributed in electronic form. To ensure that you keep receiving your copy, we urge you to <u>please provide us with your current E-MAIL ADDRESS</u> by completing the attached Data Information Form and mailing it back to the secretary of the Institute at the address below.

Thank you!

How to Contact Us

The IASL Association Newsletter is published twice a year by the Institute of Air and Space Law, McGill University. All contributions and/or suggestions are welcomed.

For further information contact: Dr. John Saba, Editor, IASLA Newsletter Institute of Air and Space Law, McGill University 3661 Peel Street, Montreal, Quebec H3A 1X1 Canada

Tel: (514) 398-5095 – Fax: (514) 398-8197 – email: jesaba@hotmail.com

INFORMATION FORM

IASL ALUMNAE/ALUMNI "NETWORKING" DATABASE

An IASL alumnae/alumni database has been created. Make sure that your name and other information is included so that you and your colleagues may benefit from *networking*. Please return this form to the Institute of Air and Space Law, McGill University, 3661 Peel Street, Montreal, Quebec, Canada, H3A 1X1 or complete the form directly on the web site at: http://www.law.mcgill.ca/alumni/iasl. After completing the form, you will be contacted by the IASL Administrator and provided with a password to access the *Alumni Director*. Please consult the terms of the personal information release agreement at the bottom at this form before completing the form.

A. Name/Nom			
Last name/Nom de Famille		First Name/Prénom	
B. Address/Adresse 1. Home/Domicile			
	et/Rue	Apt.	
City/Ville	Province	Postal Code/Code postal	Country/Pays
Telephone/Téléphone	Fax/Télécopieur _	E-mail	
2. <i>Office/Bureau</i> Name of enterprise/Nom	de l'enterprise		
Your job title/Votre titre _		Specialisation	
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	Fax/Télécopieur	E-mail	
3. Preference: I would pro	efer my mail to be sent to/L'addresse	la plus commode: Home/D	omicile Office/Bureau
C. Academic Informatio	n/Renseignements academiques - I	McGill	
Year graduated/Année de	promotion	Degree/Diplome	
ThesisTitle/Titre de la thè	se		
My signature authorizes	the release of the above informati	on and of my thesis in an IASL "Netw	orking" Directory of Alumnae/Alumni.
	Signature	Date	

RELEASE AGREEMENT:

I authorize the release of all the information to be submitted to the IASL Alumni database, only to other persons registered in the database. The information will not be used by the McGill Faculty of Law for any other purpose. I am aware that the information will also be accessible to the persons maintaining the database.

Postage

Please mail the data information form to:

Secretary, Institute of Air and Space Law McGill University 3661 Peel Street Montreal, Que. H3A 1X1 Canada