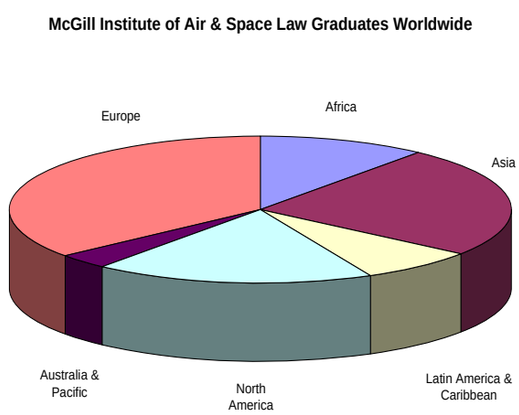
McGill University's Institute of Air & Space Law: Educating the Next Generation of Space Lawyers*

by
Ram Jakhu**
and
Paul Stephen Dempsey***

INTRODUCTION

Recognizing the critical role that legal education would play in facilitating integration of legal standards globally, in 1951, McGill University established the Institute of Air and Space Law (IASL) to provide graduate legal education for students from around the world. The IASL is a part of McGill University's Faculty of Law, which is more than 150 years old, and among the most respected legal educational institutions in the world. The Institute of Air and Space Law is situated in Montreal, a bi-lingual and multi-cultural cosmopolitan city, and headquarters to airlines, aircraft manufacturers, the U.N. International Civil Aviation Organization, and the Canadian Space Agency. It is bi-legal, an area where the civil and common law converge.

In 1963, the Institute became the first institution in the world to offer a course in Space Law. Today, its Space Law Program is the most comprehensive in the world. In the past half century, the IASL has educated some 900 students from 120 countries. Today, our graduates hold some of the highest positions in international organizations, governmental ministries, space agencies, airlines, and law firms around the world.



The Institute's Mission Statement is to:

- Educate the next generation of air and space lawyers to serve the needs of the air and space community worldwide;
- Offer our students the best graduate education in air and space law available anywhere in the world;
- Carry out and publish interdisciplinary research valuable to governmental and multinational institutions, the airline and aerospace industries, and the legal profession;

---

* A presentation made at the United Nations/Ukraine Workshop on Space Law on "Status, Application and Progressive Development of International and National Space Law", hosted by the Government of Ukraine and co-organized by the International Center for Space Law (ICSL) and held on 6-9 November 2006 in Kyiv, Ukraine.

** B.A., LL.B., LL.M., Panjab University; LL.M., D.C.L. McGill University; Associate Professor, Institute of Air and Space Law, Faculty of Law, McGill University, Montreal, Canada; was a member of the Senate of McGill University (during 2003-05); Member of the Board of Directors, International Institute of Space Law, Paris, France; and formerly, the first Director of the Master of Space Studies Program of International Space University, Strasbourg, France.

*** A.B.J., J.D., University of Georgia; LL.M., George Washington University; D.C.L., McGill University; Tomlinson Professor of Law, and Director, Institute of Air & Space Law, McGill University, Montreal, Canada; author of *Space Law* (five volumes, Oceana, updated annually).

- Serve the professional educational needs of the global aviation and space law community; and
- Create a thriving intellectual environment and professional global network for our faculty, our students, our graduates, and experts in the field.

This essay briefly describes McGill University's perspective on Space Law education and the approach we have been taking in this direction.

ACADEMIC PROGRAMS

The IASL's educational emphasis is graduate in character and international in scope. A guiding principle of both private and public international Space Law has been to create a standard and universal legal regime.

Though we have been teaching air and space law at McGill University for more than half a century, we constantly strive to improve our educational program. This we seek to achieve by offering an interdisciplinary curriculum relevant to the needs of our students. Rigorous classroom instruction is coupled with a research and writing requirement, which enables our students to wade deeply into complex issues of Space Law. Being located in Montreal offers the benefit of being in a Law Faculty adept at comparative law in a bi-lingual civil law province in a common law country. Our courses are taught by some of the world's most accomplished academics in their respective fields, and supplemented by experienced practitioners.

Certificate and Degree Programs

The Institute's core degree-granting educational program leads to graduate certificates, as well as masters and doctoral degrees.

- The Graduate Certificate in Air and Space Law is awarded after at least one term (4 months) of residence and on completion of a minimum of 15 credits of course work;

- The Master of Laws (LL.M.) in Air and Space Law is a 45-credit program with a minimum duration of three academic terms (full-time); and

- The Doctor of Civil Law (D.C.L.) is a research degree and the principal basis for evaluation is that a doctoral thesis must constitute an original contribution to legal scholarship.

Admission Standards

Candidates for admission must possess a Bachelor of Laws degree or an equivalent law degree from an accredited university. However, applicants for the Graduate Certificate in Air and Space Law who do not hold a law degree must fulfill the following two requirements:

- have an undergraduate university degree in another discipline, and
- possess sufficient professional experience in the fields of Air and/or Space Law to compensate for the lack of a law degree.

Admission to the D.C.L. program occurs only when:

- the candidate has completed a graduate law degree with thesis at McGill or at another university, and
- the Graduate Admissions Committee is satisfied that the quality of his or her previous research is sufficient to justify admission to a doctoral program.

The language of instruction at McGill is English, but students can write essays, examinations and theses in French.

The Faculty

Our faculty is comprised of some of the leading air and space lawyers, scholars, and educators from Europe, Asia, and North America. We also rely on the services of adjunct professors and visiting and guest lecturers and scholars to keep the students exposed to up-to-date information and contacts with prominent practicing experts. Nearly all of our faculty members hold doctoral degrees in law from well-recognized universities. The size of the faculty directly involved in our teaching and research is about 10 FTE (full time equivalent) comprising of full-time and part-time professors, visiting lecturers as well as distinguished speakers. The former directors of the Institute also include several prominent Space Law pioneers, including Prof. John Cobb Cooper, Prof. Ivan A. Vlasic, and Prof. Nicholas Mateesco Matte.

Space Law Courses Offered

- *General Principles of Space Law*: This course examines the role of international law in the regulation of outer space activities. It covers the following topics: current and potential future uses of outer space; the law-making process relating to space activities and the international institutions that are involved in this process; the legal regime of outer space and celestial bodies including the exploitation of their natural resources; the legal status of spacecraft including their registration; liability for damage caused by space activities; assistance to astronauts and spacecraft in distress; and settlement of space-related disputes.

- *Law of Space Applications*: This course deals with the international legal aspects of various space applications. In particular, it examines the international law related to satellite telecommunications, the role therein of various international organizations, and satellite broadcasting, navigational services, remote sensing by satellites, space stations, space travel. Certain specific aspects of international law are discussed as they relate to international technology transfers, military uses of outer space, trade in space products, satellite telecommunications, and launch services.

- *Government Regulation of Space Activities*: The course focuses on the national regulatory frameworks governing space activities, particularly those that are carried out by private entities for commercial purposes. Specific topics include: the rationale for government regulation; licensing requirements for launch activities, satellites, telecommunications and remote sensing purposes; introduction of competition in domestic and international satellite telecommunication services as well as launch services; intellectual property rights under domestic laws; national export controls on space products; risk management; law and contracts related to satellite procurement, launch services, leasing of capacity, financing of space ventures, space insurance, as well as contractual relationship between space agencies and space industry. The relevant laws and appropriate regulations of certain selected countries are discussed (e.g. Australia, Canada, Russia, Sweden, South Africa, the United Kingdom and the United States)

In brief, there is no aspect of Space Law that we do not cover in our educational program. In addition, students are encouraged to take courses, in the Faculty of Law that are considered necessary for gaining broader and proper knowledge of Space Law, such as public international law, private international law, international organizations, international development law, international trade law, the law of the sea, communications law, and intellectual property law, as well as the Institute's many courses in Public and Private International Air Law.

Our pedagogical approach is that Space Law education must not only comprise international Space Law, but also national space laws and foreign law. A comparative discussion of applicable laws of various jurisdictions helps students understand legal principles and rules and equip them to work competently not only as practicing lawyers, but also as governmental officials and industry executives. Teaching and learning Space Law should be interdisciplinary to the maximum possible extent, for knowledge of relevant technological, economic and political issues is indispensable for broader and appropriate Space Law education.

Distinguished Guest Lecturer Series

The Institute conducts a regular Series of Lectures by Distinguish and Accomplished lecturers. For example, recently Mr. Robert Gordon, Vice President – Space & Defense of Boeing Capital Corp and Adjunct Professor Peter N. Nesgos from the Law Office of Milbank Tweed Hadley & McCloy in New York delivered a lecture on “Financing of Space Projects”. Steve Bochinger, Manager - Institutional Affairs, Euroconsult, gave a lecture on "Key trends in space markets and worldwide prospects". Michel Bourbonnière, Legal Counsel at Justice Department of Canada, spoke to our students on "Law of Armed Conflict and Rules of Engagement Related to Space.”

RESEARCH AND PUBLICATIONS

The Center for Research in Air & Space Law

McGill pursues an aggressive interdisciplinary Space Law research and scholarship agenda. Since 1976, the McGill University Center for Research in Air & Space (CRASL) Law has published the *Annals of Air & Space Law*, and numerous books, reports and studies; our faculty publishes widely in other legal periodicals as well. Our faculty also assists international organizations and governmental institutions in their efforts to advance space law and policy.

The IASL and the CRASL have carried out analyses, submitted reports with recommendations, organized symposia, workshops, seminars and conferences, and produced numerous publications on issues pertaining to civil, commercial and military uses of outer space. These multidisciplinary studies, mainly funded by research and governmental institutions, and the private sector, were concluded from legal, technical, political and economic perspectives.

Our students are regularly engaged in our research activities. They are also regularly involved in the convening of our seminars, workshops and conferences, the preparation of documentary materials and research, and the editing of our scholarship. This not only helps them in gaining research experience and enjoying networking opportunities, but also in earning financial support.

Library and Information Sources

Currently, our library possesses the most comprehensive, invaluable and unique collection of space law documents, books, periodicals and manuscripts, including master and doctoral theses related to the field of space law and policy, in the world. McGill University is fully equipped with the latest high speed communication links and computer capabilities available to our students. Through our library, our students have access to comprehensive electronic data bases and other pertinent information sources which are valuable compendium for important research.

OUTREACH

Space Law Related Seminars and Conferences

The IASL attempts to serve the professional educational needs of the global space law community. Our conferences and seminars are attended by hundreds of legal practitioners, government officials, industry leaders and professors from around the world. Over the years, the Institute has been visited by delegates and academics from many nations seeking cutting edge information on unfolding developments in air and space law.

We create a thriving intellectual environment and professional global network for our faculty, our students, our graduates, and experts in the field. Working with other national and international organizations enables the Institute to enjoy some of the most provocative and stimulating intellectual interactions on academic as well as practical industry issues and new legal and policy challenges raised by privatization, commercialization, deregulation, and globalization.

In addition to its many Air Law Conferences, the Institute has organized and co-sponsored the following space law related workshops, seminars and conferences during the last two years:

- IASL-IAASS Workshop on Space Safety and "ICAO for Space" research work, July 2006;

- IASL-IISL International and Interdisciplinary Workshop on Policy and Law Relating to Outer Space Resources: The Example of the Moon, Mars & Other Celestial Bodies, held on 29-30 June 2006;

- Workshop on Space Security Index – May 1-2, 2006 (sponsored by Ploughshares Project, the Secure World Foundation, Foreign Affairs Canada and SSHRC)

- American Bar Association Forum on Air & Space Law and McGill University Institute of Air & Space Law Conference on Aviation & Space: Are the Skies Brightening? September 29-October 1, 2005;

- Workshop on Space Security Index – Feb. 25 – 26, 2005 (sponsored by the Arsenault Family Foundation, Ploughshares Project, Foreign Affairs Canada and SSHRC); and

- Workshop on Militarization of Space – September 23-24, 2004 (sponsored by SSHRC and Foreign Affairs Canada).

Involvement in the Community

The IASL has been active in Montreal and the international community. In recent years, IASL co-sponsored or organized seminars, conferences, workshops and publications with the following organizations:

- Concordia University;
- The International Civil Aviation Organization;
- The International Air Transport Association;
- Airports Council International;
- Leiden University (The Netherlands);
- The University of Leuven (Belgium);
- The University of Macau (China);
- Cologne University (Institute of Air and Space Law);
- University of Mississippi (National Remote Sensing and Space Law Centre);
- Singapore Aviation Academy;
- The Conference Board of Canada;
- The International Institute of Space Law
- Non-Proliferation, Arms Control & Disarmament Division of Foreign Affairs Canada
- Social Sciences and Humanities Research Council of Canada
- Spacesecurity.org
- Project Ploughshares;
- the Cypress Fund for Peace and Security;
- the Space Generation Foundation;
- the Simons Centre for Disarmament and Non-Proliferation Research at the Liu Institute for Global Issues, UBC; and
- the International Security Research and Outreach Program at Foreign Affairs Canada.

Alumni Relations

Our students maintain their loyalty to the Institute with pride of having graduating from it. It is not merely the quality of the educational experience they remember and value, it is also the sense of belonging to an intimate group of people, and a worldwide network of colleagues, many in senior positions in government, law firms and industry. Many of our graduates make friends at the Institute that they keep in touch with for life. Such close networking helps our

graduates in their professional lives as well.

The Institute maintains communications to our graduates via e-mail as regular correspondence designed to keep our graduates informed of, and engaged in, latest developments in Air and Space Law as well as our activities. The Institute has updated and expanded its web site: http://www.mcgill.ca/iasl/ The Institute actively cooperates with our graduate associations. For example,

- *In Montreal*: our IASL Alumni(ae) Association hosted a educational session on Masters Thesis research and writing approaches for our LL.M. students.

- *In Bucharest, Romania*: On May 18-20, 2006, the European IASL Alumni(ae) Association held its best attended meeting in history. Prior meetings were held in other major European cities, such as Zurich, Rome and Vienna.

- *In Macau, China*: Macau has agreed to organize the next meeting of the Asia-Pacific IASL Alumni(ae) Association in Macau, during the week of April 16, 2007. We are planning a three day intensive workshop on Basic Principles of Air & Space Law, followed by a two-and-one-half day seminar on Contemporary Issues in Air & Space Law. A prior Asia-Pacific IASL Alumni(ae) conference was held in Dubai.

Invited Talks and Papers by Faculty

Our faculty members are regularly invited around the world to give special talks and present papers. The average number of such visits is usually 20 to 25 per year.

CONCLUSIONS

The McGill University's Institute of Air and Space Law, as the pioneer in Space Law, has become a global leader in education, research and scholarship and public service in a dynamic field of Space Law. We have achieved this status by:

- constantly updating and improving our teaching methodology, as well as maintaining rigorous standards in our educational programs;

- consistently pursuing international and interdisciplinary teaching and research;

- actively involving in international outreach and professional consulting; and

- working closely with our students and maintaining active professional contacts with our alumni(ae).

We are proud of what McGill University's Institute of Air & Space Law has accomplished, and encourage the reader to join us in our many activities.