
PROGRAMME OF THE COURSE

INTERNATIONAL AVIATION LAW

Lecturer: Prof. dr. Regina Valutyte,
Institution: Mykolas Romeris University, Vilnius, Lithuania
Duration of the course: 10 contact hours
Start and end of the lectures: tbc
Place: Distance learning (Zoom or alternative platform, tbc)
Assessment: Exam (multiple choice test) or written paper (upon student's choice)
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Purpose of the course unit

The general aim of the course is to provide an insight into the fundamentals of international aviation law. The course covers the main legal and regulatory issues that are being faced by the airline industry, emphasizing aviation security and liability issues.

Methodology: Practice-oriented knowledge transfer through lectures

Main topics to be discussed:

1. Chicago system: main characteristics
2. The international air law-making institutions and processes
3. The legal regime of the national and international air space
4. Airlines & passengers (carriage operations)
5. Airlines & passengers (liability issues)
6. Aviation security

Literature

- + [1944 Convention on International Civil Aviation](http://www.icao.int/safety/airnavigation/NationalityMarks/annexes_booklet_en.pdf) (Chicago), its protocols and summary of the Annexes: http://www.icao.int/safety/airnavigation/NationalityMarks/annexes_booklet_en.pdf
- + Annex 2: http://www.icao.int/Meetings/anconf12/Document%20Archive/an02_cons%5B1%5D.pdf
- + Annex 7: <http://www.pilot18.com/icao-annex-7-ac-reg/>
- + 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo), in force since 1969: <https://www.icao.int/Meetings/LC35/References/Tokyo%20Convention.EN.FR.SP.pdf>
- + 2014 Protocol to amend the Convention on on Offences and Certain Other Acts Committed on Board Aircraft (Montreal): http://www.icao.int/Meetings/AirLaw/Documents/Protocole_mu.pdf

- + 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal), in force since 1973: <http://hrlibrary.umn.edu/instree/civilaviation.html>
- + 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal), in force since 1989: <https://www.un.org/ruleoflaw/blog/document/protocol-on-the-suppression-of-unlawful-acts-of-violence-at-airports-serving-international-civil-aviation-supplementary-to-the-convention-for-the-suppression-of-unlawful-acts-against-the-safety-of-civ/>
- + 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Hague): <https://treaties.un.org/doc/Publication/UNTS/Volume%20860/volume-860-I-12325-English.pdf>
- + 2010 Protocol supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing): https://www.icao.int/secretariat/legal/Docs/beijing_protocol_multi.pdf
- + Beijing Convention - Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation: https://www.icao.int/secretariat/legal/Docs/beijing_convention_multi.pdf
- + 1999 Montreal Convention for the Unification of Certain Rules for International Carriage by Air (Montreal): [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22001A0718\(01\):en:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22001A0718(01):en:HTML)
- + revisions of limits of liability: http://www.icao.int/secretariat/legal/Administrative%20Packages/mt199_en.pdf
- + Regulation 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004R0261>
- + Diana M. Stancu. AVSEC: beyond Chicago until Beijing. <http://www.3skies.eu/AVSEC%20Conventions%20PUBLISHED%20article.pdf>
- + P. Dempsey, Public International Air Law (2008):
 - + <https://drive.google.com/file/d/1MRUxDSDASIJdq2aZPcEHWrAgloPR2z9N/view?usp=sharing>
 - + <https://drive.google.com/file/d/1MRUxDSDASIJdq2aZPcEHWrAgloPR2z9N/view?usp=sharing>
 - + <https://drive.google.com/file/d/1si7xDNRRPM9HraMIR2eq8YgWhsvNIZrZ/view?usp=sharing>

Essay requirements

An essay is a three-part paper that develops certain position in response to the essay question. The essay should be more than a narrative description of events or a statement of opinion, it should demonstrate deep knowledge about critical issues raised in the essay question supported by scholarly arguments¹.

Introduction: Introduce the essay question and state the goal of your essay. Body: identify the problems and develop your arguments and assertions using research and analysis. The analysis may include comparing and contrasting, differentiating among several ideas or events, critiquing a variety of perspectives, interpreting results, or drawing inferences.

¹ Read more about academic writing:

http://www.une.edu.au/_data/assets/pdf_file/0010/12313/WE_Paragraphs_Academic-writing.pdf;

http://www.une.edu.au/_data/assets/pdf_file/0003/11397/WE_Paragraphs_Connecting-your-ideas.pdf; http://www.une.edu.au/_data/assets/pdf_file/0003/13458/WE_Paraphrasing-and-summarising.pdf

Conclusion: summarize the research and analysis presented in the essay and set forth your main inferences and recommendations.

Important: **identify the sources of your information or ideas, otherwise the work may be considered as plagiarized²**. For identification of the sources use a Chicago citation style³. Use footnotes to give credit to the sources of your information or ideas. Also include a bibliography for the works that you have cited in your essay. All footnotes made in the body or the introduction of your essay must appear in the bibliography. **If plagiarism is detected the paper is not evaluated.**

Use a variety of sources - academic journals (e.g. Air and Space law), books, government documents, publications from organizations, legal acts, etc. General encyclopedias (e.g. Wikipedia) are not acceptable as sources unless you refer to certain facts (e.g. historical event). General Websites (e.g. the website of icao.int) cannot be the only source of information for your essay. When citing Internet sources, include the following information: author(s), title of work, Internet address, and date information was accessed.

The essay must:

- 1) have a title page with a title, name of the author, year of studies and page numbers in the whole document;
- 2) have not less than 2500 and no more than 4000 words. The word count limit includes all words in the text but does not include the bibliography;
- 3) follow accepted citation standards;
- 4) must have the margins of 2.5 all around;
- 5) use Times New Roman font and size 12 for the text and 14 for headings.

Evaluation criteria

Requirements
Proper Style and Format
<ul style="list-style-type: none"> • The paper includes a title page and page numbers; • The paper is produced in an academic language; • The author properly follows font requirements; • Essay is of adequate length; • Citations are correct and follow the style.
Structure and Organization
<ul style="list-style-type: none"> • Statement of the problem and the goal is clear; • Logical development of the discussion from one idea to the other in the whole text; • Conclusion summarizes the arguments presented in the body, and negotiates the perspectives in the essay so that the reader is left with a clear impression of what is accomplished in the essay.
Proper Use and Relevance of Research
<ul style="list-style-type: none"> • The essay relies on contemporary and insightful research; • All arguments have appropriate literature to support them; • Enough sources are used in each paragraph or section to support the arguments.
Level of Analysis and Substantive Adequacy
<ul style="list-style-type: none"> • The student displays a strong grasp of the topic;

² <https://en.wikipedia.org/wiki/Plagiarism>

³ http://www.chicagomanualofstyle.org/tools_citationguide.html

- The essay draws out major issues and arguments;
- Arguments are relevant to the essay problem and the goal;
- The arguments present adequate depth;
- The essay reflects careful analysis.

Questions for essays (more than one students can choose the same topic)

1. The Annexes to the Chicago Convention: soft or hard law?
2. Civil or state aircraft: how to distinguish?
3. The rights and obligations of the state of operator in contrast to or comparison with the state of registration of the aircraft.
4. The rights and obligations of the state over which the aircraft is flying
5. Is it a right or an obligation to restrict or close the airspace from flying in time of war?
6. Extraordinary circumstances. When the obligation to pay compensation under Regulation 261/2004 does not arise?
7. Flight delay compensation under Regulation No 261/2004 and MC99. To what extent the damage can be compensated?
8. To what extent Chicago Convention represents international customary law?
9. Investigating aircraft. Who is responsible and to which extent?
10. Shutting down a high-jacked civilian aircraft – is it in line with law?
11. Can moral (non-material) damage be compensated under MC99?
12. Problematic aspects that remain unsolved by Tokyo-Montreal-Hague conventions.
13. Proving damage to baggage: problematic aspects
14. Civil liability in tort for criminal offences aboard the aircraft
15. Ignoring SARPs: any consequences to the states?
16. What is accident under MC99?
17. Personal injury and death claims: problematic aspects.
18. Punishing for smoking aboard the aircraft: issues of jurisdiction.