



McGill

Institute of
Air and Space Law

**QATAR AIRWAYS/MCGILL
RISING SCHOLARS IN AIR AND SPACE LAW
CONFERENCE
2019**

**23 MARCH 2019
MONTREAL, CANADA**

INFORMATION FOR PARTICIPANTS

Welcome!
Bienvenue!

The McGill Institute of Air and Space Law is delighted to have you join us at the inaugural Qatar Airways/McGill Rising Scholars in Air and Space Law Conference. The Conference offers a unique opportunity to all of the affiliated students of the Institute of Air and Space Law – including students in the LLM, DCL, Certificate, Postdoctoral, and Graduate Research Trainee programmes, to showcase their areas of research and scholarship in air law and space law in a collaborative setting. For many of our students, this Conference will be their first academic presentation outside the classroom. We hope that all of our students will find the Conference to be an inspiring experience.

We are immensely grateful to Qatar Airways for funding this educational opportunity for our students, and for endorsing the value of the work that is being done at the Institute by our talented and passionate rising scholars.

The Institute is here to assist you in making your participation and attendance as enjoyable as possible. Below you will find relevant details to facilitate your day with us here. Please feel free to contact our coordinating team if you need any assistance.

Brian F. Havel
Director, Institute of Air and Space Law

- **Venue of the Conference**

The Conference will be held at the **EVO Plaza Centre-Ville** (777 Robert-Bourassa), in the **Victoria Room**, basement level.

- **Meals, Awards Party, and Dietary Restrictions**

All refreshment breaks and lunch will be in the **Victoria Room**.

The Awards Party following the conclusion of the Conference will be at the **Musée James Simon Museum** (3714 Peel Street) the home and studio of one of Quebec's leading portrait artists, located across the street from the Institute, beginning at **1900hrs**.

If not yet provided, please advise us *as soon as possible* about your dietary needs/restrictions, and we will ensure that these are accommodated.

- **Dress Code**

To maintain the spirit of professionalism while our research agendas are being discussed, the dress code of the Conference is **business**.

- **Awards**

Thanks to the generosity of our sponsor, Qatar Airways, there will be five awards for excellence at the Conference, as follows:

1) Best Presenter

Awarded for overall excellence in oral presentation, demonstrated knowledge of the subject, well-structured legal argument, and ability to engage the audience.

2) Best Air Law Presentation

Awarded for exemplary knowledge of air law, identification of key issues and effective articulation of research.

3) Best Space Law Presentation

Awarded for exemplary knowledge of space law, identification of key issues and effective articulation of research.

4) Most Innovative Research

Awarded for most original approach to research topic, using clearly constructed legal argument and effective presentation.

5) Spirit of the Conference

Awarded to presenter who best embodies the spirit and meaning of this collaborative Conference, chosen by the popular vote of the panel presenters.



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RISING SCHOLARS IN AIR AND SPACE LAW CONFERENCE
2019**

PROGRAMME

**23 March 2019
Montreal, Canada**

Venue:

EVO Plaza Centre-Ville
777 Boulevard Robert-Bourassa
Montreal, Quebec
Canada H3C 3Z7

Unless specified, all events take place in the **Victoria Room**,
in the basement of the Plaza Centre-Ville.
The venue will be signposted on the day.

09:30-09:50	<p>Opening Ceremony</p> <ul style="list-style-type: none">• Professor Brian F. Havel <i>Director, Institute of Air and Space Law</i>• Mr. Fathi Atti <i>Senior Vice President, Aeropolitical and Corporate Affairs, Qatar Airways</i>• Professor Ram S. Jakhu <i>Associate Professor, Institute of Air and Space Law</i>• Mr. Bruno Savoie <i>Editor, McGill Annals of Air and Space Law Student-at-Law, Borden Ladner Gervais</i>
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9:50-11:00	<p>Panel 1: NEW THINKING IN AIR LAW I: PRIVATE INTERESTS AND INNOVATION</p> <p>Moderator: Professor Paul Fitzgerald <i>Adjunct Professor, McGill University</i></p>
11:00-11:10	Q&A Session
11:10-11:30	<i>Morning break</i>
11:30-11:40	<p>Commentary by Mr. Gilles Doucet <i>Consultant, Spectrum Space Security</i></p> <p>Topic: How Space Technology is Challenging Space Law</p>
11:40-12:50	<p>Panel 2: NEW THINKING IN SPACE LAW I: RESOLVING THE ENDURING ISSUES</p> <p>Moderator: Mr. Gilles Doucet</p>
12:50-13:00	Q&A Session
13:00-14:00	<i>Lunch</i>
13:30-14:00	<p>A Lunchtime Conversation: Rising Aviation Professionals in Government Service</p> <p>Interlocutor: Professor Brian F. Havel</p> <ul style="list-style-type: none"> · Mr. Julian Rotter <i>Director, International Affairs, Polish Civil Aviation Authority</i> · Mr. René David-Cooper <i>Corporate Advisor / Air Investigations, Transportation Safety Board of Canada</i>
14:00-15:10	<p>Panel 3: NEW THINKING IN AIR LAW II: GLOBAL AND NATIONAL PUBLIC INTERESTS</p> <p>Moderator: Professor Brian F. Havel</p>

15:10-15:20	Q&A Session
15:20-15:40	Commentary by Professor Jerome Beaugrand-Champagne, <i>Adjunct Professor, McGill University</i> Topic: Aviation Issues in China
15:40-16:00	<i>Afternoon break</i>
16:00-17:00	Panel 4: NEW THINKING IN SPACE LAW II: THE COMING CHALLENGES OF 'HARD' AND 'SOFT' SPACE TECHNOLOGY Moderator: Professor Ram S. Jakhu
17:00-17:10	Q&A Session
17:10-17:20	Panelists vote for Spirit of the Conference Award
17:20-17:30	Closing Remarks Professor Brian F. Havel

19:00	Dinner and Awards Ceremony at <i>Musée James Simon Museum</i> 3714 Peel Street, H3A 1W9.
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PROGRAMME OF PANELS & PRESENTERS

NEW THINKING IN AIR LAW I: PRIVATE INTERESTS AND INNOVATION

1. Andrea Buitrago Carranza (LLM Candidate 2019): *Fragmentation During Flight: Is the Warsaw System for Liability of Air Carriers Compatible with International Human Rights Law?*
2. Anne-Valentine Rensonnet (LLM Candidate 2019): *Air Passenger Regulation in Canada*
3. Polly Avern (LLM Candidate 2019): *Assessing the Accommodation of Disabilities by the Airline Industry*
4. Vito Di Mei (DCL Candidate 2021): *Implementing Foreign Investment Restrictions in Airports: A Private Law Solution Through Corporate Governance*
5. Tobias Pang (LLM Candidate 2019): *A Comparative Analysis of Airline Consumer Protection: East and West*
6. Luz Hidalgo Figueroa (LLM Candidate 2019): *Autonomous Flying Taxis: Another System of Urban Transportation in the UAE*
7. Sade Odutola (Former Director, Air Transport Bureau, ICAO): *Politicising International Air Law and the Challenge of Adjudication*

NEW THINKING IN SPACE LAW I: RESOLVING THE ENDURING ISSUES

1. Bayar Goswami (DCL Candidate 2021): *Constitutionalization v. Fragmentation of International Law: Situating Space Law in the Tussling Regimes of International Law*
2. Sanghoon Lee (LLM Candidate 2019): *Masking The Legal and Political Uncertainty of the Delimitation Issue: Global Coordination on Safety and Navigation Matters for Civil Aerospace Flights*
3. Harshita Khera (LLM Candidate 2019): *The Principle of Peaceful Purposes and its Application in Outer Space*

4. Upasana Dasgupta (DCL Candidate 2021): *Preventing Collisions in Outer Space: Towards A Better Regime of State Responsibility*
5. Adam Mudge (LLM Candidate 2019): *The Case for and Challenges Frustrating Active Debris Removal*
6. Neil Wolf (LLM Candidate 2019): *A Historical Tour of Space Programs and Technology (Mostly United States): Reinterpreting "the Space Race" With A Technological Compass (With or Without Revisionism)*
7. Maria Manoli (DCL Candidate 2020) & George Kyriakopolous (Visiting Prof. 2019): *The Space Treaties at Crossroads: Considerations De Lege Ferenda*

NEW THINKING IN AIR LAW II: GLOBAL AND NATIONAL PUBLIC INTERESTS

1. Tjasa Kriznik (LLM Candidate 2019): *GASOS: ICAO's Global Aviation Safety Oversight System*
2. Torridon Linskaill (LLM Candidate 2019): *Possible Consequences of Brexit for Aviation*
3. Juan Puerta (LLM Candidate 2019): *Air Navigation Services: The Public/Private Dilemma and Legal Implications on Conflicts of Interest*
4. Mariusz Pyżyński (GRT 2019): *The Crucial Components of International Civil Aviation Cybersecurity: Enhanced Industry Collaboration and Information Sharing*
5. Arnold Agaba (LLM Candidate 2019): *Moving the Dial on Liberalisation: What Next for the East African Airline Sector?*
6. Isabella Vilhena (LLM Candidate 2019): *The Cape Town Convention and the Aircraft Protocol: the Challenge of Achieving Compliance by the Contracting States*
7. Artur Eberg (DCL Candidate 2023): *Nationality of and Control Over Airlines – Modern Trends (Let Them Go!)*

NEW THINKING IN SPACE LAW II: THE COMING CHALLENGES OF HARD AND SOFT TECHNOLOGY

1. Nishith Mishra (LLM Candidate 2019): *Liability for the Use of AI/Intelligent Space Objects in Outer Space*
2. Silvana Gomez Castillo (LLM Candidate 2019): *Protecting Spaceflight Operators from Claims of Bodily Injury Sustained by Space Tourists: Is Insurance the Answer?*
3. Mike Bilodeau (LLM Candidate 2019): *Risk of Cyberattacks Against Outer Space Assets*
4. Georgia Yolanda Kalogirou (LLM Candidate 2019): *Safety and Security Issues in Suborbital Flights: State Responsibility Concerns*

5. Julia Selman (DCL Candidate 2021): *Filling the Void: Dispute Avoidance in International Space Law*
6. Shakeel Ahmad (Arsenault Post-Doc Fellow 2019): *Negotiating Customary International Law in International Outer Space Law*



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ABSTRACTS OF PRESENTATIONS

NOTE: THESE ABSTRACTS ARE LISTED IN THE ORDER IN WHICH PRESENTATIONS WILL BE MADE

1. **Andrea Buitrago Carranza (LLM Candidate 2019) - Fragmentation During Flight: Is the Warsaw System for Liability of Air Carriers Compatible with International Human Rights Law?**

An essential component of the Warsaw System for liability of air carriers is its exclusivity. However, this exclusivity can result in breaches by a signatory State of its co-existing obligations under International Human Rights Law (IHRL). Breaches can include the non-discrimination principle and the rights of persons with disabilities. In the long term, these breaches could threaten the legitimacy and legal validity of the Warsaw System. Within the context of fragmentation of Public International Law, this presentation considers the relationship between the exclusivity clauses of the Warsaw and the Montreal Conventions, and the incompatibility that these clauses impose upon States to simultaneously comply with obligations under IHRL. The presentation will argue that upon a challenge before the International Court of Justice, the exclusivity clauses of both the Warsaw and the Montreal conventions are likely to be found void to the extent that they breach IHRL, especially in relation to *jus cogens* and general principles of international law. Therefore, it is necessary to explore avenues that would allow the Warsaw System to continue to operate in the event of a challenge. Avenues for consideration include amendments to the clauses and/or allowing for reservations in relation to compliance with IHRL.

2. **Anne-Valentine Renonnet (LLM Candidate 2019) - Air Passenger Regulation in Canada**

In May 2018, the Canada Transportation Act (Act) was amended and now requires the Canadian Transportation Agency (CTA) to create new air passenger protection regulations. This presentation will highlight the similarities and the differences

between the new Canadian regime that will enter into force on July 1, 2019, and the current European Union regime, Regulation 261/2004. The presentation will focus on the scope of application of these regulations, on the different kinds of flight disruptions (cancellation, denied boarding, delay and tarmac delay), and on the compensation regime in case of flight disruptions.

3. **Polly Avers (LLM Candidate 2019) - Assessing the Accommodation of Disabilities by the Airline Industry**

A multitude of problems arises for those passengers with disabilities wishing to travel on airlines. Not only does the distinctive and unique corporate nature of the airline industry make the problems themselves complex, but the resolution of the problems by airlines is also problematic. This presentation will address and evaluate these existing issues. It will be limited to the obstacles presented for wheelchair users on airlines, i.e. accessibility to lavatories. This will be considered under the domestic application of international human rights laws, focusing largely on the United States and recent domestic U.S. changes to regulations.

4. **Vito Di Mei (DCL Candidate 2021) - Implementing Foreign Investment Restrictions in Airports: A Private Law Solution Through Corporate Governance**

Because of national security concerns and partly thanks to commercialization and privatization, the issue has emerged of how prudentially to restrict foreign investment in airports. Inspired by the Australian regulations on foreign ownership restrictions on airports which symbolises a shared attitude of many other States towards this issue, this presentation will suggest that to effectively safeguard the protected values in airports the conventional approach of equity limitation, *i.e.*, imposing a ceiling on the number of a State's airports open to foreign investment, may not be cost-efficient. A developing substitute is corporate governance, where the values concerned are re-identified as corporate stakeholder interests and include director regulation, issuance of shares with special rights, and reinforcement of corporate social responsibility.

5. **Tobias Pang (LLM Candidate 2019) - A Comparative Analysis of Airline Consumer Protection: East and West**

This presentation will discuss the issues of consumer protection for air travel consumers in the East and West. In Hong Kong, the presenter has repeatedly witnessed several unruly passengers heading to China. China only opened around 20% of its territorial airspace and flight delays for short haul have been rampant. There have been a lot of unruly passengers causing disturbance both on the aircraft and at the gate when there are delays and cancellations by the airlines. The presentation will outline a normative comparative analysis as to whether the European flight delay compensation model (EC261/2004) or the models under the Warsaw and Montreal Conventions should be emulated in the Far East. The role of governments in formulating consumer protection regimes will be a particular focus.

6. **Luz Hidalgo Figueroa (LLM Candidate 2019) - Autonomous Flying Taxis: Another System of Urban Transportation in the UAE**

Manned and unmanned aviation technology is quickly advancing and has potentially wide-ranging implications across society. While manned aviation is now greatly regulated within States and internationally, commercial interest in unmanned aircraft technology and especially autonomous flying taxis has seen a steady increase over the last decade. This represents a challenge for States in accommodating the integration of these technological operations in congested national airspace systems. Significant efforts to allow the development and use of this technology are already under way. However, the regulatory framework for these innovations is only in its early stages of development. The presentation will explore the regulatory challenges and viable solutions that will make possible the operation of autonomous flying taxis in the United Arab Emirates.

7. **Sade Odutola (Former Director, Air Transport Bureau, ICAO) - Politicising International Air Law and the Challenge of Adjudication**

Air and space law is a highly specialized field. All aspects of air and space activities engender the prospects of litigation. International law and politics are intertwined, while political conflict and dispute impact on economic activities. The emphasis of this presentation will be on international air transport, which has become highly politicised in times that are far being “normal.” Denial of enjoyment of economic

benefits of air transport can easily be used as a weapon against real or perceived adversary nations. Rising scholars in air and space law will thus be increasingly facing these extreme legal challenges. For instance, the matter of the rightful authority/agency to adjudicate in the event of disputes of this nature is an issue that is worthy of close examination.

8. **Bayar Goswami (DCL Candidate 2021) - Constitutionalization vs. Fragmentation of International Law: Situating Space Law in the Tussling Regimes of International Law**

In addition to international space law, there are numerous other regimes under international law that apply to govern the activities carried out in the exploration and use of outer space. This application of multiple regimes to outer space results in conflict of laws and overlap of jurisdiction over the subject matter involved, which becomes particularly problematic when both conflicting regimes are *lex specialis*. This presentation will focus on understanding and analysing such inter-regime conflicts and propose mechanisms to resolve inter-regime conflicts so as to aid effective governance of outer space by ensuring consistent interpretation and application of international law in relation to outer space.

9. **Sanghoon Lee (LLM Candidate 2019) - Masking the Legal and Political Uncertainty of the Delimitation Issue: Global Coordination on Safety and Navigation Matters for Civil Aerospace Flights**

The increasing popularity of aerospace vehicles including suborbital vehicles (e.g., SpaceShipOne from Virgin Galactic) is attributed to its fungible nature utilising both aerodynamics and ballistic trajectories. However, the international community seems to have raised the issue of demarcation of sovereign airspace once again and there are calls for regulation to ensure proper allocation of the risk. To strike a balance between a State's exclusive sovereign right above its own airspace and the intensification of suborbital traffic, therefore, it is important that the delimitation issue be debated in advance. Furthermore, "safety" and "navigation" should be considered for baseline coordination even when consensus cannot be reached.

10. Harshita Khera (LLM Candidate 2019) - The Principle of Peaceful Purposes and its Application to Outer Space

This presentation aims to ascertain the meaning of the term “peaceful purposes” in the context of outer space and to find where the national interests of States may conflict with their international obligations. The antecedents of the doctrine of reservations for peaceful purposes within international law will also be examined. The presentation will suggest that the provisions must be interpreted not as banning all military activities but only those which are incompatible with the prohibition of the use or threat of force in the Charter of the United Nations, while at the same time challenging the popular notion of the inevitability of armed conflict in outer space.

11. Upasana Dasgupta (DCL Candidate 2021) - Preventing Collisions in Outer Space: Towards a Better Regime of State Responsibility

This presentation will explore the nuances of the law of State responsibility with the particular focus of preventing collisions between space objects in outer space. The outer space environment must be protected from the effects of excessive commercialisation and globalisation through the mechanism of enforcing State responsibility. This presentation will focus on the introductory chapter of the presenter’s thesis.

12. Adam Mudge (LLM Candidate 2019) - The Case for and Challenges Frustrating Active Debris Removal

The space environment is congested with man-made objects. More than 22,000 pieces of debris are categorized and tracked, and there are an estimated 900,000 additional pieces ranging from 1-10cm. Despite a concerted international focus on debris mitigation over the last 15 years, the problem is worsening: both the total number and overall mass of debris continue to increase year-on-year. Active debris removal, at least of large mass or high-risk orbital debris, is necessary to protect the space environment, but several legal and non-legal challenges complicate these efforts. This presentation will explore those challenges and suggest a few possible solutions.

13. Neil Wolf (LLM Candidate 2019) - A Historical Tour of Space Programmes and Technology (Mostly United States): Reinterpreting “the Space Race” with a Technological Compass (With or Without Revisionism)

A regrettable but nevertheless factual observation is that in nearly all recent and contemporary discourse pertaining to the advancement, modification, or other material and significant change in international law regimes applicable to space programs and technologies, attention given to the history of the Space Age is scant, and the fidelity to the lessons of that history is sparse. Yet viewed from a standpoint -- whether in space (for example on the surface of the Moon or during an EVA outside the International Space Station (ISS)), or on the ground here -- that is cognisant of the need for those legal regimes to be advanced and/or modified to enable solutions for today's and tomorrow's problem situations, the history of the Space Age and the lessons it yields must be understood both clearly, as well as differently. Clearly, because the explanatory model of the Cold War “space race” misses almost as much as it teaches. And differently, because as surely as past is prelude, what the Space Age has taught humankind so far must be applied in a new, evolving, whole earth context.

14. Maria Manoli (DCL Candidate 2020) & George D. Kyriakopoulos (Visiting Prof. 2019), *The Space Treaties at Crossroads: Considerations De Lege Ferenda*

Today, more than ever, young space law scholars focus their research on the future development of space law in light of ever-growing space activities, the multiplicity of new, private, space actors and the challenges posed by novel space technologies. Unlike existing space law literature, today’s young scholars set their sights on the future, envisaging how space law could and should evolve in the coming decades. This presentation initiates a discussion exploring the letter and spirit of space law in the world of modern and future space activities through the lens of young space law scholars. In doing so, the presentation addresses the most recent space law publication that consists of scholarship produced by young scholars in the context of a de lege ferenda consideration of the existing outer space treaties, and in view of current developments with respect to space activities. What is more, this is also a compilation of fresh academic ideas, inter alia in the context of the most controversial debate in space law to date, which is the development of a legal framework adequate to regulate space mining and other space resources utilization.

15. Tjasa Kriznik (LLM Candidate 2019) – GASOS: ICAO’s Global Aviation Safety Oversight System

GASOS is a system designed by ICAO to assess, recognize, and continuously monitor the competence of Safety Oversight Organizations (SOOs) and Accident Investigation Organizations (AIOs) to perform safety functions on behalf of States. It will provide States with a global range of solutions for delegating safety functions or activities. The results will allow for more efficient and effective use of limited resources and greater harmonization worldwide. This presentation will focus on explaining why this subject is relevant to global aviation safety issues and will focus on a number of key elements in the development of the GASOS system including the capacity and competence of ICAO to Implement GASOS, 2) State Responsibility under the Chicago Convention and how it interlinks with the proposed project, 3) conflicts of interest, and 4) liability of ICAO.

16. Torridon Linskaill (LLM Candidate 2019) – Possible Consequences of Brexit for Aviation

Brexit brings with it many dynamic and complex legal challenges because the EU has been an important player within the aviation community in recent history. While European aviation co-ordination is not solely the creature of the European Commission, the EU has sought to harmonise rules in line with its political and economic ambitions. The presentation will explore some of the issues caused by the triggering of the withdrawal clause (Article 50 of the founding treaty) including possible regulatory changes relating to international air services agreements, the manipulation of the ownership and control rule by the UK, and the response of various long and short haul carriers to the change in regulatory conditions that Brexit will involve.

17. Juan Puerta (LLM Candidate 2019) – Air Navigation Services: The Public/Private Dilemma and Legal Implications on Conflict of Interest

This presentation will address how the privatization of Air Navigation Services (ANS) helps to avoid a potential conflict of interest in the determination of liability for delays in some Latin American countries. There are no provisions in the Chicago Convention preventing a State from designating another entity, be it a national, foreign, public or private organization, to provide ANS, but the Convention annexes clearly mention that the authority responsible for

establishing and providing ANS may be a State or a suitable agency. The State agency providing ANS in Latin American countries plays three major roles: (1) issuance of air regulations; (2) investigation of and sanctions upon airlines (*e.g.*, due to delays) and (3) provision of ANS. Such situations visibly represent a potential conflict of interest for the State agency when it is investigating and sanctioning airlines due to delays in cases where those delays are directly caused by ANS failures.

18. Mariusz Pyzynski (GRT 2019) - The Crucial Components of International Civil Aviation Cybersecurity: Enhanced Industry Collaboration and Information Sharing

Taking into consideration the rapid development of civil aviation industry digitization, and thereby the development of new vulnerabilities, cybersecurity plays a crucial role within the industry. The aims of this presentation are, firstly, to provide a brief introduction to the current status of legal provisions regarding cybersecurity, and secondly to focus on the cybersecurity approach of the civil aviation stakeholders and collaboration at the international level, emphasising the critical importance of this issue. A third aim, related to collaboration, will be to examine the significant role of timely information sharing. The presentation will also make a number of recommendations for future action.

19. Arnold Agaba (LLM Candidate 2019) - Moving the Dial on Liberalisation: What Next for the East African Airline Sector?

Restrictive bilateralism and fragmentation of the East African Community (EAC) aviation market limits connectivity and restrains the region's socio-economic transformation. Skepticism about liberalisation prevails despite compelling evidence showing the possible benefits to the EAC aviation industry. Indeed, the desire to protect national airlines from aggressive competition necessitates shunning liberalisation. But a partnership among the State-owned airlines could relieve the pressure to aggressively compete and safeguard the interests of EAC states. Unification through a combination of wet-leasing aircraft, Article 83*bis* operations, and code-sharing can encourage EAC nations ultimately to liberalise their aviation markets.

20. Isabella Vilhena (LLM Candidate 2019) – The Cape Town Convention and the Aircraft Protocol: the Challenge of Achieving Compliance by the Contracting States

The Cape Town Convention is a complex international treaty that sets forth substantive rules to protect creditors holding international interests in mobile assets. Together with the Aircraft Protocol, the Convention presents the legal framework to be observed in cross-border transactions involving aircraft. Although the Convention was designed carefully to ensure its effectiveness within all ratifying countries despite their legal and socioeconomic disparities, the enforcement of its provisions still faces barriers before the civil aviation authorities and local courts of the Contracting States. Promoting compliance by the States with the provisions of the Convention and Protocol must be one of the goals of the international aviation community in the coming years.

21. Artur Eberg (DCL Candidate 2023) – Nationality of and Control over Airlines – Modern Trends (Let Them Go!)

It was in December 1944 that the famous formula of “substantial ownership and effective control” came into being, through the introduction of the International Air Services Transit Agreement. Once it appeared in the IASTA, the formula was replicated in thousands of bilateral air services agreements globally. The formula was not influenced by the fundamental changes in the civil aviation in later decades – deregulation and privatization – but became a stronghold of the traditional order in international air transport. Today, in the era of liberalisation of the aviation industry, the formula is seen as anomalous by many practitioners and scholars.

22. Nishith Mishra (LLM Candidate 2019) – Liability for the Use of Artificial Intelligence/Intelligent Space Objects in Outer Space

This presentation will discuss the two sub-divisions of Artificial Intelligence (AI) currently being contemplated by technical experts. The presentation will also briefly consider the liability of States in outer space, which is currently posited upon a determination of “fault” of such States, and overview the concept of ‘fault’, as it is generally understood, while highlighting that the term is not defined under the Space Treaties. The presentation will conclude by apprising the audience of

some of the problems that may plague the international community due to use of AI in outer space.

23. Silvana Gomez Castillo (LLM Candidate 2019) - Protecting Spaceflight Operators from Claims of Bodily Injury Sustained by Space Tourists: Is Insurance the Answer?

The presentation will examine the question of whether, from an international and national regulatory and legal perspective, there is a lack of protection of spaceflight operators against liability claims from bodily injury sustained by space tourists. Moreover, is insurance the answer? Under international law, in case of damage suffered by space tourists on board a spacecraft, the launching State of the space object that caused the accident would be held liable. However, in the absence of private international space law, spaceflight operators would not be free from liability exposure and economic loss if damage occurs. Therefore, liability, insurance coverage, and risk management are essential to the successful and sustained development of the space tourism industry.

24. Mike Bilodeau (LLM 2019) - Risk of Cyberattacks Against Outer Space Assets

This presentation will analyse the risk that cyber-attacks pose to outer space assets, and consider how domestic and international regulation can be (and is being) used to help mitigate this risk. After assessing the risks (primarily through case studies of cyber-attacks), the presentation will examine ground-level methods of protection (*i.e.*, forms of compliance as outlined in ISO27001). Finally, the analysis will turn to a cross-section of applicable domestic and international regulation, determining what key criteria need be borne in mind when devising a comprehensive cybersecurity regime for outer space assets.

25. Georgia Yolanda Kalogirou (LLM Candidate 2019) - Safety and Security Issues in Suborbital Flights: State Responsibility Concerns

This presentation will examine whether, in the case of accidents during suborbital flights, States should be responsible under the air or the space law regime. To make such a choice, criteria beyond the traditional ones found in general theories of State responsibility should be considered. The presentation will underline the need for establishing regulations and/or harmonizing the existing ones in national

jurisdictions rather than chasing after answers to complex legal questions that will not solve the safety and security problems.

26. Julia Selman (DCL Candidate 2021) - Filling the Void: Dispute Avoidance in International Space Law

The exponential growth in outer space activities by both state and non-state actors is driving competition and creating conflicts of interest. There is broad agreement that this will lead to a myriad of legal disputes for which current dispute settlement mechanisms are inadequate. The complexities of, and global interest in, the use of outer space makes the avoidance of disputes particularly vital. This presentation will highlight the need for the development and implementation of noncompliance procedures within international space law. Such procedures would complement existing dispute settlement mechanisms by providing a means of dispute avoidance, facilitate democratisation of international space law, and contribute to a proactive, more holistic, and effective approach to the international governance of space activities.

27. Shakeel Ahmad (Arsenault Post-Doc Fellow 2019) - Negotiating Customary International Law in International Outer Space Law

The dynamics of international outer space law have passed through various stages towards formation of global order. Customary International Law as the foremost source of traditional international law, sometime referred as meta-laws, has always been a source of debate in general international law as well as in international outer space law. The development of the international outer space law acknowledges that custom can be established within a short period of time. Although Customary International Law plays an important role in the maintenance of the international law, however, in this paper an argument being raised that international customary law in general and in international space law remain in phase of constant negotiation and readjustment which is contrary to classical nature of traditional nature of customary international law.