

The Road Ahead

Address given at the 50th Anniversary Conference of the Institute of Air and Space Law, held in April 2002

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Introduction

I am genuinely thankful for the generous outpouring of congratulations and good will I have received from around the world concerning my appointment of the Tomlinson Professor of Global Governance in Air and Space Law, and Director of the Institute of Air and Space Law at McGill University. Let me say that I am deeply gratified, honored, and humbled by the opportunities and challenges my new position poses.

Several speakers at this conference have noted that, though they are not graduates of the Institute, they wish they were. Let me say that whether you hold a McGill degree or not, if you are a participant in our activities, we of the McGill Family consider you a McGill Friend, and we welcome your participation in all that we do.

History of the Institute

A half century ago, another American, John Cobb Cooper, a true visionary, recognized the importance of civil aviation to the economic well being of the world. He had been a delegate to the Chicago Convention of 1944, an aide to President Franklin Roosevelt, and a Vice President of Pan American World Airways. He recognized that air transportation would shrink the planet, bringing diverse cultures and economies closer together, and

that a regime of law was essential to its success. It was he who perceived the need for this Institute, and it was his Dream that became the reality we celebrate today.

During its first 25 years, funding was provided by the Rockefeller Foundation and the Ford Foundation. That funding came to an abrupt end in 1977. The Institute would then likely have perished had not the University engaged Nicholas Matte - another visionary and entrepreneur - who breathed new life into it. Dr Matte was successful in securing financial support from governmental institutions to support its growth, and gave its research an interdisciplinary focus, creating the Center, and the Annals of Air and Space Law.

Dr Matte was followed by Dr Michael Milde, the distinguished Director of ICAO's Legal Bureau. Dr Milde solidified the curriculum, and enhanced the rigor of the academic program. During his tenure, the Institute received ICAO's prestigious Edward Warner Award. It is worth quoting from the citation:

[T]he Institute, through its accomplishments in teaching, research and publication has established itself as a center of excellence in the field of international law. Through its accomplishments, the Institute has made unparalleled contributions to the development of international air law and to the examination of contemporary aviation issues.

As Dr Matte observed, "[John Cobb Cooper] was followed by nine directors who assured its continuity with their efforts, competence, dedication and work of love." I shall be the tenth of those men. It is upon the solid foundation they have laid that I shall attempt to build.

Strengths of the Institute

I am inheriting an educational institution with enormous strengths. One of the obvious ones is venue.

McGill's Institute of Air and Space Law is in Montreal, the premiere international aviation city of the world. It is headquarters to the United Nations' International Civil Aviation Organization, which has facilitated and regulated international aviation since 1944. It has been the world forum for governments to address such issues as safety, security, navigation, liability, environmental and other issues. Montreal is also home to the International Air Transport Association, trade association of the world's airlines. It is headquarters to the Canadian Space Agency, Air Canada, and the world's third largest aircraft manufacturer, Bombardier. The human and library resources these several institutions offer has been an enormous resource for our educational activities. More about that in a moment.

Montreal is an extraordinarily cosmopolitan city. It is bi-lingual and multi-cultural. It is bi-legal as well, as an area where the civil and common law converge. Comparative law is a significant emphasis, and a significant strength, of the McGill law curriculum. Montreal also is a city where it is absolutely impossible to find a bad restaurant. It is important that we feed our students' minds and bodies as they study air and space law.

Beyond venue, our human resources are tremendous. We have been teaching air and space law for 50 years. Today, the Institute has more than 800 alumni sprinkled across more than 120 countries around the world. Our graduates have risen to some of the most important and prestigious professional positions in the field. They work in governmental and intergovernmental institutions, law firms, and the aviation, space, and communications industries. The intellectual strength and geographic diversity of our graduates is an enormous strength, as is the dedication and loyalty they have to this Institute.

We have an enormously strong faculty, with some of the most knowledgeable and respected air and space lawyers in the world. Included as Professors or Adjunct Professors are Ivan Vlassic, Michael Milde, Ram Jakhu, Richard Janda, Donald Bunker, AnDrw Harakas, Rod Margo, Peter Nesgos, John Saba, Francis Schubert, Peter Van Fenema, Ludolf Van Hasselt, Henri Wassenbergh, and Ludwig Weber, not to mention the numerous distinguished Visiting Lecturers who teach sessions. Where else could a student study from such a distinguished stable of experts? Our students are tremendously fortunate to be exposed to teachers with such knowledge, experience, and dedication.

We have a history not only of 50 years of students and graduates, but a history of 25 years of the Annals of Air and Space Law, a highly respected and valuable compendium of important research.

McGill University itself is a significant strength. The Faculty of Law is more than 150 years old, and is among the most highly respected legal educational institutions in North America. In a global economy, its emphasis on comparative law - comparing and contrasting the Anglo-American common law with the continental European civil law systems - is a major asset.

A few years ago, the University set about to determine what to do with the Institute of Air and Space Law. Should it be continued? Should it be sunset? The Faculty of Law asked its former distinguished Dean, Roderick Macdonald, to chair a committee to assess the "Future of the Institute of Air and Space Law," and whether it was to have any. The Committee performed an extensive and comprehensive evaluation of the Institute, issuing a thorough report in June 2000, which concluded:

The Institute of Air and Space Law is a very valuable component of the academic program of the Faculty of Law and of McGill University. It has never been able to secure an adequate level of funding to fully achieve its mission. The Institute has a very fine international reputation and a loyal and dedicated alumni. It has been extremely well served by a succession of capable and hard-working Directors and professors.

The Committee notes the great interest expressed by staff, students, alumni and friends of the Institute. Their concern is testimony to their dedication to the Institute, and augurs well for its future. The 50th Anniversary celebrations of the Institute next year offer an ideal occasion to celebrate the past achievements of the Institute and to launch it on the path to continued success over the next half century.

Dean Macdonald met with the University's leaders, who at first were quite ambivalent, even perhaps skeptical, about the Institute. But as he began to tell its story, its important role in the world community of aviation and space, and the fact that its graduates carry the McGill banner in nations around the world, they began to appreciate its strengths, and became supporters of the Institute. The stars began to align in a row to assure the Institute's future.

Recall, the Committee had emphasized that the fundamental problem with the Institute was its inadequate funding. Because of a very significant donation, the University was able to create a number of endowed chairs. The first of these - the Tomlinson Chair of Global Governance in Air and Space Law - was given to the Institute of Air and Space Law. Thus, the University has made a significant contribution to assure the Institute's future. More will have to be done to assure the Institute's sustainability, but the University has taken an important first step.

The Institute has the strong support of Dean Peter Leuprecht of the Faculty of Law. He has said repeatedly, "If we didn't have an Institute of Air and Space Law, we should have to create one."

Mission statement

We turn now to the future. I have some preliminary thoughts and ideas about how we may proceed, and wish to share some of them with you. Some are in embryonic form, and I welcome your input as to how to further refine them. I hope that we can accomplish most of what follows.

First, we should give some thought to Drafting a Mission Statement for the Institute. It should be precise, clear, and succinct; it should be both descriptive and aspirational. I would recommend something along these lines.

The Institute of Air and Space Law shall consistently strive to:

- Provide the best possible education to our students;
- Serve the professional educational needs of the aviation and space law bar; and
- Publish research valuable to governmental and multinational institutions, the airline and aerospace industries, and the profession.

In the final analysis, we must dedicate ourselves to excellence in serving the needs of our customers and the profession.

Curriculum review

During the forthcoming academic year, we should conduct a marketing survey of our graduates to assure that the education we provide serves the contemporary educational needs of our customers (our students), so that upon graduation they proficiently serve the needs of their customers (their clients).

Such a survey will begin with demographic data such as:

- Did you hold an LL.M. or D.C.L. degree? What year? From McGill?
- Are you now working in a law firm (if yes, are you primarily a litigator, or are you a transactional or regulatory lawyer)? Are you working in a governmental institution? Are you working in a corporation (if yes, are you in an airline, an aerospace or communications firm)?

We will then correlate this demographic data with their evaluation of our curriculum. We will list every course and major component thereof, asking respondents to assess how relevant those items are to their contemporary law practice. We will also ask our faculty to think outside the box and include in the survey subject matters not now taught, but which might be.

We shall also attempt to assess whether we should be offering a more multidisciplinary education, including exposing our students to such areas as economics, management, marketing, finance, pricing, and distribution into the curriculum. It is important that we offer not just a theoretical, but also a practical, education.

Once we have that input, we will be able to assure that the curriculum we offer will be relevant to the contemporary needs of the air and space lawyer.

Other educational activities

Conferences such as these are important educational activities in themselves. We should consider holding such a conference not less than every other year. We might also consider offering concentrated "short courses" for lawyers who cannot take a year or two out of their career to pursue a traditional LL.M. or D.C.L. We need to think "outside the box," beyond traditional methods of degree-conferring education.

For the lawyer who wants the education but cannot spare the time, we could consider offering an "Executive Masters" program, as do the business schools, in which the student comes to McGill three or four times a year for intensive classroom education, interspersed with rigorous take-home assignments and interactive internet education.

I have also spoken with our sister institutions in Europe about the possibility of offering a three-week summer program whereby, perhaps, a student could spend a week at McGill University, a week at Leiden University, and a week at the University of Cologne studying air and space law, and at the end receive an appropriate certificate from all three universities. It is an idea worth exploring.

Alumni relations

We will work to strengthen alumni relations. We have a dedicated and close-knit alumni group, members of an informal fraternity of highly accomplished peers. I am proud of the work done by the Institute of Air and Space Law Association, and they are proud of the work done by the Association of European Alumnae and Alumni, who have held meetings every other year in cities across Europe. We would very much like to see that effort replicated on the other continents.

We shall improve our communications, using the internet to augment the alumni newsletter, informing our graduates of such things as promotions, job changes, publications, and presentations of members of the McGill Family. The internet could also be used to exchange literature and research that we provide, and as a forum of public commentary on contemporary events. We should improve the web site to make it a premiere marketing and communications tool.

Our alumni activities are important to facilitate our graduates' educational needs as well as their need to "network" and market their services. They are also important to assure the sustainability of the Institute.

Financing

We can only make the Institute fully sustainable if it has adequate financing to accomplish its mission. The University has made a significant contribution with the Tomlinson Chair, and now it is our turn to step up to the plate.

We need to establish an Institute of Air and Space Law Endowment. That Endowment would provide an income stream potentially to fund such things as scholarships, to support publication of the Annals of Air and Space Law and the alumni newsletter, an improved web site, modest honoraria for distinguished visiting lecturers, to support conference and seminars, and to cover the various operating expenses of the Institute. Ideally, we would eventually raise money to fund endowed Visiting Professor and full Professor positions in Air Law, and in Space Law.

Dean Peter Leuprecht and I have asked Peter Nesgos to chair the Development Committee. If you are interested in serving on it, please contact Dr Nesgos or myself. We might, for example, undertake an annual "class challenge" in a competition whereby each class tries to raise the largest contributions for the Institute.

We shall also solicit outside funding from foundations and governmental institutions to support research and conferences, as well as scholarships for students. The Institute should be doing research and offering training in areas of aviation and airport security in the wake of September 11th. Proposals for economic support on that subject may have fallen on deaf ears a year ago; hopefully, they no longer will.

Your role

We have much to do, and I cannot do it alone. I need your help, your support, and your assistance. I shall ask the McGill Family and Friends to do the following:

1. Use the internet to keep us informed of where you are and what you are doing. We, in turn, will disseminate that information to the McGill Family;
2. Complete the curriculum survey when it is mailed to you;
3. Help us recruit students for the Institute;
4. Assist us in the placement of our graduates; and
5. Make a financial contribution to the Institute, and make the Institute an important part of your annual philanthropy.

Conclusion

As it enters its second half-century, McGill University's Institute of Air and Space Law looks back on a rich history of education, public service and scholarship. Its loyal graduates today serve in some of the highest legal positions in the bar, the industry, and governmental institutions in some 120 nations around the world.

Montreal is the appropriate venue for such an educational endeavor, for it is also home to the U.N. International Civil Aviation Organization, the International Air Transport Association, and the Canadian Space Agency, whose rich human resources augment those of the University in the IASL classroom.

I look forward to working with each of you at McGill, and getting you more involved in the IASL. With your help, and building upon the solid foundation laid by my predecessors, we can realize the Institute's full potential as the world's leading educational and research program in Air and Space Law. We shall endeavor to continue to accord our students the highest quality educational experience in Air and Space Law available anywhere, and to contribute a rich body of research, scholarship, and educational programs to the profession.

As an aviation and space lawyer, we want you to think of McGill as the center of your professional universe.