International Aviation and Maritime Law

Two Seminar Hours

This seminar examines U.S. and international law applicable to aviation and maritime services worldwide. It includes the transportation of both passengers and cargo by air as well as sea. It reviews the evolution and progress made in international law liability conventions (Warsaw, Montreal-99, Athens-2002, the Rotterdam Rules, etc.) that are applicable to passengers and cargo involved in air as well as sea transport mishaps/disasters. The seminar also examines the emerging applicability of both environmental and security laws and treaties in this area.

In the context of public international law, the seminar focuses on the 1944 Chicago Convention and the evolution of restrictive bilateral air transport agreements into the current system of bilateral and multilateral open skies agreements that govern the movement of most passenger as well as cargo airlines of all nationalities throughout the world. The seminar also examines the varying application of U.S. and E.U. competition laws and policies, particularly as they currently govern the developing practices of code sharing and anti trust immunity (ATI) among global alliances of international airlines and comparable global alliances among shipping lines. Also examined are the legal as well as economic and practical consequences (for airline passengers) of these alliances. Also examined is what could be an emerging trend towards foreign air carriers becoming either heavily subsidized or flags of convenience.

Finally, the seminar examines the area of aircraft hijacking and the steps the international community has taken to meet these threats.(Recommended: Conflict of Laws; International Law).

Each student is required to submit a final paper on a subject of one’s choice but bearing a direct relationship to the subject matter of the seminar. Over the many years this course has been taught, no fewer than 50 students have had their papers published in prominent air and maritime law journals in this country and abroad.

Professors:
Allan I. Mendelsohn
Warren L. Dean