



**INTRO TO AIR LAW
3 CREDITS, FALL 2018
LAW 297**

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I. GENERAL DESCRIPTION AND OBJECTIVES OF THE COURSE

Air Law is one of the fascinating areas of law rapidly developed only in twentieth century due to air technology achievements. It is the area of law that initially raised discussions and debates on such issues of freedom of air and sovereignty of states over airspace, however as the air technology proliferated, the more sophisticated issues emerged, including but not limited to liability of air carriers, insurance, airlines operation, aviation terrorism. This course is a basic course designed to introduce basic principles of air law. The course will be mainly focused on international framework of civil aviation law, air traffic treaties and agreements, including bilateral agreements and open skies, air traffic rights, relevant international aviation organizations and their law making functions (aspects of public international law), as well as touch upon legal aspects of air carrier operations, liability issues, aircraft financing and leasing, airline ownership and control, passenger rights, etc., as well as regulation of such issues under Kyrgyz air laws.

II. PROGRAM AND COURSE LEARNING OUTCOMES

PROGRAM LEARNING OUTCOMES

Graduates of the Law Program should have the following competencies:

1. carry out professional activities in good faith on the basis of developed legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession;
2. apply professional judgment, perform quality legal analysis, conduct legal research, and solve legal problems;
3. be able to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication;
4. draft normative legal acts and carry out their legal expertise in the field of professional activity;
5. interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity;
6. demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state;
7. understand the essence and significance of information in the development of modern society and law, master the basic methods of working with information and information technologies in the professional sphere.

COURSE LEARNING OUTCOMES

Upon successful completion of the course students will be able to:	Law Program Learning Outcomes
- understand the regulatory framework governing civil aviation, know the roles of international organizations and aviation stakeholders	2, 5
- critically review law review articles, scholars' papers and other material and understand legal principles and policies of legal decisions on various aviation related matters	2, 5, 3
- understand the principles of domestic and international air carriage of passengers, baggage and cargo; learn about the rights and obligations of passengers and airlines; be aware of liability issues of stakeholders in domestic and international air carriage	2, 3, 5
- understand, analyze, explain/critically review and apply domestic and international aviation law through solving problem sets, working in groups, writing in an argumentative and logical way in the legal context	3, 5, 6
- learn about recent developments in air law, including open skies and EEU influence on Kyrgyz aviation	2, 6, 7

III. TEACHING METHODS

All class sessions will be organized in the form of interactive lectures and discussions with no division into lectures and seminars. Students will be provided with required reading materials (required and recommended) in e-course and are expected to come to classes prepared in advance. The class sessions will include solving problem sets, working in groups, case study.

IV. COURSE REQUIREMENTS AND POLICY

- (1) The class will meet *once* a week. Class sessions are a mixture of lectures and interactive student-focused activities. Students are expected to come to classes prepared and be ready to discuss the assigned materials.
- (2) Students must be ON TIME for classes. If a student comes to class late and the instructor has already marked him/her as absent, the student is considered to be absent for the whole class.
- (3) CLASS ATTENDANCE is required. If the student misses a class with an excuse, a document explaining the absence must be presented to the instructor no later than the next class following the class during which the student was absent. If the requirements mentioned above are not observed, the student's absence is considered to be unexcused. If the student misses 50% of the whole course (irrespective of the reason for absence), the student will be assigned an "F" grade for the course.
- (4) Each student is required to be enrolled in the e-course system (www.e-course.auca.kg). The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.
- (5) WRITTEN ASSIGNMENTS must be submitted by the set deadline and by the means specified by the instructor. Late submissions are NOT allowed. ***This rule applies to any student who was aware***

or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of the deadline.

- (6) The student has to follow the AUCA Academic Honesty Code and the Law Division's Policy on Plagiarism. All types of **cheating** (plagiarism, etc.) are strictly prohibited. If a student fails to observe this requirement, the instructor may assign an "F" grade for the work or an "F" grade for the whole course depending on the type of assignment and other circumstances.
- (7) CELL PHONES and any other electronic devices should be turned off or kept on a silent mode and are allowed to be used only for academic purposes unless restricted by the instructor.

Please, note that this syllabus is subject to change. Any changes to the syllabus will be announced in class, and the updated version of the syllabus will be available in the e-course. It is students' duty to stay informed of any adjustments made.

V. GRADING

Grading will be based upon the following components:

Attendance and Participation	15%
Presentation	20%
Mid-Term Examination	25%
Final Examination	40%
Total	100%

Participation. Students are responsible for class participation. Students are expected and encouraged to participate in all sessions of the class. (Participation includes demonstrating that you are reading the assigned materials and responding to questions.) All class sessions will involve a combination of lecture and discussion. Lectures and readings will be supplemented by other relevant materials.

Presentation. All students will be divided into the teams (max 2 persons) and will be required to deliver presentations on topics prepared by the instructors. Students are required to emphasize on and analyze the legal issue / problem of the particular topic, provide persuasive arguments, analyze pros and cons, make comparison, if applicable, etc. Presentation shall be made for the class, when the relevant topic is to be covered. Duration of presentation shall be maximum 20 minutes.

Mid-Term Examination. Mid-term examination will include multiple choice-questions and/or short answer essays and/or problem sets. Mid-term examination will be either open or closed book (TBD by instructors).

Final Examination. By the end of the course students are required to take final examination, which will be in writing and will include questions learned throughout the whole course. The final examination will include multiple choice questions. The final examination will be either in class (open or closed book) or take home (TBD by the end of the course).

Grading Scale of the Law Program

A	94-100%	B-	77-79%	D+	60-63%
A-	90-93%	C+	74-76%	D	54-59%
B+	86-89%	C	68-73%	D-	50-53%
B	80-85%	C-	64-67%	F	below 50%

VI. COURSE MATERIALS

1. Required Reading Materials

Kyrgyz laws in aviation area, including but not limited to Air Code of the Kyrgyz Republic (Air Code), Aviation Rules of the Kyrgyz Republic – 20 “Air Carriage Rules”, Aviation Rules of the Kyrgyz Republic – 7 “Registration of Civil Aircrafts”, Aviation Rules of the Kyrgyz Republic – 6 “Aircraft Operation”, Aviation Rules of the Kyrgyz Republic – 13 “Search and Rescue” as well as other legal and sublegal acts.

International Conventions, including but not limited to:

- Convention on International Civil Aviation (Chicago Convention);
- International Air Services Transit Agreement (Two Freedoms Agreement);
- International Air Transport Agreement (Five Freedoms Agreement);
- Convention for the Unification of Certain Rules Relating to International Carriage by Air (Warsaw Convention) and Protocols thereto;
- Convention for the Unification of Certain Rules Relating to International Carriage by Air (Montreal Convention of 1999) and Protocols thereto;
- Convention on International Interests in Mobile Equipment (Cape Town Convention);
- Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome Convention);
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention);
- Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Convention of 1971);
- Convention for the Suppression of Unlawful Acts relating to International Civil Aviation (Beijing Convention);
- Bilateral Air Services Agreements, to which the Kyrgyz Republic is a party, etc.

All texts of Kyrgyz laws, conventions and bilateral air services agreements are available at Toktom legal data base, Kyrgyz Civil Aviation Authorities’ website (www.caa.kg) and Internet.

2. Recommended Reading Materials

Recommended reading materials are specified in the e-course.

VII. COURSE OUTLINE

Week	Class topics	Assignments, materials to be read ¹
Week 1	Course Overview and Introduction	
Week 2	What is Air Law? Sources of Air Law (domestic and international) International Aviation Organizations Kyrgyz Aviation Regulatory Authorities	(1) International Air Law, V.D.Bordunov. Part I (Chapters 1-7); Part X (Chapters 1-3); (2) Introduction to Air Law, Pablo Mendes de Leon. Chapter 1 (pages 1-9; 34-41); (3) Air Code of the Kyrgyz Republic (Chapters 1- 3)

¹ This information may be provided either in the syllabus or in the e-course.

Week 3	<p>Overview of the Chicago Convention Article 83 <i>bis</i> Article 3 <i>bis</i> Sovereignty over the Air Space Aircraft Statehood Aircraft Registration</p>	<p>(1) International Air Law, V.D.Bordunov. Part II (Chapter 1-3)</p> <p>(2) Chicago Convention</p> <p>(3) Air Code of the Kyrgyz Republic (Chapter 1, 6)</p> <p>(4) Aviation Rules of the Kyrgyz Republic – 7 “Aircraft Registration”</p>
Week 4	<p>Operation of Air Services under International Law</p> <ul style="list-style-type: none"> - International Air Services Transit Agreement - International Air Transport Agreement - Bilateral Air Services Agreements - Designation of air carriers - Substantial Ownership and Effective Control - Compliance with International Safety And Security Requirements - Freedoms of the Air (air traffic rights) 	<p>(1) Chicago Convention</p> <p>(2) International Air Law, V.D.Bordunov. Part III (Chapters 1-2); Part V (Chapters 1-4)</p> <p>(3) Introduction to Air Law, Pablo Mendes de Leon Chapter 2 (pages 45-62)</p> <p>(4) Bilateral Air Services Agreements to which the KR is a party</p>
Week 5	<p>Operation of Air Services under Kyrgyz Laws</p> <ul style="list-style-type: none"> - Air Carrier Licensing - Aircraft Operation (AOC) - Aircraft Airworthiness - Aviation Personnel - Antimonopoly Regulation 	<p>(1) Air Code of the Kyrgyz Republic (Chapters 10, 14-15, Article 138)</p> <p>(2) Law of the Kyrgyz Republic “On Licensing and Permission System”</p> <p>(3) Aviation Rules of the Kyrgyz Republic - 6 “Aircraft Operation” (related to AOC only);</p> <p>(4) Aviation Rules of the Kyrgyz Republic - 1 “Personnel Licensing”</p> <p>(5) Law of the Kyrgyz Republic “On Competition”</p>
Week 6	<p>Aviation Contracts</p> <p>Air Services Operation</p> <ul style="list-style-type: none"> - Bilateral Air Services Agreements - Interline and Code-Share Agreements <p>Air Carriage of Passengers and Baggage</p> <ul style="list-style-type: none"> - Air Carriage Agreement - Ticket Sales Agreement <p>Aircraft Handling and Maintenance</p> <ul style="list-style-type: none"> - IATA Ground Handling Agreement - Fuel Supply Agreement <p>Aircraft Financing and Leasing</p>	<p>(1) Introduction to Air Law, Pablo Mendes de Leon Chapter 2 (pages 84-87)</p>

	<ul style="list-style-type: none"> - Aircraft Sale and Purchase Agreement - Engine Sale and Purchase Agreement - Aircraft Wet Lease Agreement (ACMI) - Aircraft Dry (Dump) Lease Agreement 	
Week 7	<p>Open Skies Agreements Open Skies in the KR: recent developments</p> <p>EEU influence on importation of aircrafts into the KR</p>	<p>(1) International Air Law, V.D.Bordunov. Part IV (Chapters 7)</p> <p>(3) Introduction to Air Law, Pablo Mendes de Leon Chapter 2 (pages 72-82)</p>
Week 8	MID-TERM EXAMINATION	
Week 9	<p>Air Carriers Liability under Kyrgyz Laws</p> <ul style="list-style-type: none"> - injury to passengers; - damage of baggage and cargo; - delay of passengers, baggage and cargo; - loss of baggage and cargo; - injury/damage caused to third parties on the surface <p>Limits of Liability</p> <p>Dispute settlement procedure</p>	<p>Air Code of the KR Aviation Rules of the Kyrgyz Republic – 20 “Air Carriage Rules”</p>
Week 10	<p>Air Carriers Liability under International Law</p> <ul style="list-style-type: none"> - injury to passengers; - damage of baggage and cargo; - delay of passengers, baggage and cargo; - loss of baggage and cargo; <p>Limits of Liability</p>	<p>Warsaw Convention and Hague Protocol Montreal Convention of 1999 and protocols thereto Introduction to Air Law, Pablo Mendes de Leon Chapter 4 (pages 149 – 171) International Air Law, V.D.Bordunov. Part VI</p>
Week 11	<p>Air Carriers Liability under International Law</p> <p>Injury/damage caused to third parties on the surface</p> <p>Dispute settlement procedure</p>	<p>Warsaw Convention and Hague Protocol Montreal Convention of 1999 and protocols thereto Rome Convention Introduction to Air Law, Pablo Mendes de Leon Chapter 4 (pages 200 – 226, 241 – 253), Chapter 9 (pages 383 – 404)</p>
Week 12	<p>Aircraft Financing and Leasing Cape Town Convention</p>	<p>(1) Introduction to Air Law, Pablo Mendes de Leon Chapter 6 (pages 316-323)</p> <p>(2) International Air Law, V.D.Bordunov. Part VII –VIII</p>

		(3) Cape Town Convention
Week 13	<p>Aviation Insurance: Kyrgyz Laws and International Law</p> <p>Types of aviation insurance:</p> <ul style="list-style-type: none"> - Hull All Risk Insurance - Passenger/Baggage/Cargo Liability Insurance - Third Party Liability Insurance - War Risk Insurance 	<p>(1) Introduction to Air Law, Pablo Mendes de Leon Chapter 10 (pages 407-433)</p> <p>(2) Air Code of the Kyrgyz Republic</p>
Week 14	<p>Aircraft Accidents Types Investigation</p>	<p>(1) Introduction to Air Law, Pablo Mendes de Leon Chapter 11(pages 435-480)</p> <p>(2) Air Code of the Kyrgyz Republic (Chapters 18-19)</p> <p>(3) Aviation Rules of the Kyrgyz Republic – 12 “Search and Rescue”</p> <p>(4) Aviation Rules of the Kyrgyz Republic – 13 “Aircraft Accidents and Incidents Investigation”</p>
Week 15	<p>Criminal Air Law</p> <p>Tokyo Convention Hague Convention Montreal Convention of 1971 Beijing Convention and Protocol</p>	<p>(1) Introduction to Air Law, Pablo Mendes de Leon Chapter 12 (pages 491-523)</p> <p>(2) International Air Law, V.D.Bordunov. Part IX</p> <p>(3) Air Code of the Kyrgyz Republic (Chapter 12)</p>
Week 16	<p>FINAL EXAMINATION</p> <p>Место для ввода текста.</p>	