

30 Years Air and Space Law and Beyond

Five years ago we celebrated the fact that the first twenty-five volumes of our Journal were completed. This year is the thirtieth year. Five years ago we still lived in a state of innocence: 9/11 had not yet happened and nobody foresaw the drastic changes which would occur less than a year after the twenty-fifth birthday.

When we look at the last five years we see a lot of new subjects: 9/11 has drawn our attention to the impact financial dangers can have on the survival of civil aviation. A series of articles followed 9/11: who is able and willing to support the aviation industry when stability is in danger and when the affordability of sufficient insurance is a central point of attention? Look at the two articles from Harold Caplan and find out where, for instance, the ICAO project for a new Rome Convention still presumes absolute liability for the individual air carriers – even in a 9/11 situation.

After 1999 the Warsaw system has quietened down and that subject does not dominate air law literature to the degree it did before. In 2001 the Cape Town Convention brought us to the end of a long discussion on the financing of aircraft: a choice was made and State authorities and the financiers and insurers must make up their minds what they want in future. Something new turned up but did not change the situation as much as was expected: deep vein thrombosis was not the spectacular gift to lawyers to overturn completely Article 17 WC cases. Since 9/11, security has (almost) absolute priority and the privacy of passengers or senders of cargo is not sacred anymore.

In the field of space law, our Journal started a regular account of what is happening in the legislation of the USA, thanks to Patrick Salin. We reported on troubles in the field of intellectual property and space debris. Thanks to the fact that the International Space Station did not make the expected progress because of a lack of money (around the whole world), many legal problems did not emerge yet. We will have to wait till they manifest themselves and lawyers start writing about them. Read our annual surveys of the meetings of the International Institute of Space Law.

Developments in the European Union regarding civil aviation were brought to your attention. The same applies to problems between the European Union and the United States: 9/11 has made it clear that the time is past when 'great powers' could go it alone. When terror moves around the world regardless of State frontiers, all institutions active in civil aviation must collaborate to keep aircraft flying, technically and financially.

The Board of Editors of our Journal is still very active and has many ideas

for new subjects to be presented to you. Our system of asking people to write for us, was successful until now and we will continue to use it. Soon you will see a special issue on fractional ownership of aircraft in the USA and in Europe. And when we look in new directions, we are thinking of a gentle reshuffle of the advisers who are supporting us: for some future projects we are looking for specialists to help send us in the correct directions.

What we certainly will not change is our relation with you: should you have missed important developments in the fields of air and space law in our Journal, please let us know and inform us when you could write something. When important developments do not get enough attention, please tell us and write on them. Thanks to your continued interest in our Journal, we have been able to attract collaboration from many countries around the globe. Still there are countries in Africa, Asia and Latin America on which we have not reported yet where civil aviation and space activities are concerned. Help us to inform others (and ourselves).

At this moment I want to thank my fellow editors during the past thirty years: our Journal has always been the product of intense and efficient co-operation. And our thanks go also to the publishers: they were nice to us – and we were nice to them. After all these niceties, a solid and interesting new five-year period ought to be possible. Let us hear from you.

Wybo P. Heere
Editor