

Air Law: a cornerstone of aviation education

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ABSTRACT: The authors of this article argue that an *Air Law* course in a Bachelor in aviation degree is an essential core course in any curriculum of academic studies related to the aviation industry. They focus on three inter-related issues: firstly, they discuss studying law and how law schools devise their curriculum with certain courses to equip students with some of the competencies and abilities that law firms seek from law graduates; secondly, they refer to academic studies at an undergraduate level, which prepare students to become pilots or to gain employment in the aviation industry; and thirdly, they argue that it is essential to include an Air Law course as part of the curriculum in a programme for aviation studies. A short survey was conducted of students registered in the Bachelor of Aviation programme at Abu Dhabi University who are currently doing the Air Law course during the fall 2016 semester or had completed the course in order to assess their view on whether the course contributes to providing necessary competencies, knowledge and skills that are essential in preparing them to be employed in aviation related fields within the industry.

INTRODUCTION

The aviation industry is very complex and highly regulated. At the same time, it should also be flexible enough to adapt to many challenges and countless external, and often unpredictable factors, such as *inter alia*, high fuel prices, increasing taxation and other costs, economic shocks, security threats and terrorist attacks, contagious diseases and health pandemics, all of which impact greatly on the growth and stability of the industry. The resilience of an airline will determine the sustainability, profitability and growth of a particular airline in the rapidly developing aviation industry. However, despite the technological innovations, the increase in automation and the advancements in tools to improve aviation safety and security, the survivability and positive growth of an airline is largely dependent on the competencies and skills of its employees and managers.

LEGAL STUDIES

There are many factors that influence the global market and employability and, as a result, universities are increasingly focusing on ways to enhance the student's chance of gaining long term employment in their chosen field of study. Law schools are, therefore, striving to devise a curriculum, which is competency based; thus, providing the student with the competencies required by employers, and often create their curriculum around the knowledge, skills, behaviours and attributes, which have first been identified [1].

Studying law undoubtedly develops the students' knowledge of law, legal analysis, legal research and oral advocacy, each of which assists the student to develop certain key competencies, which are sought by law firms and clients, and required of a successful lawyer [2].

A 2012 study of a hundred law firms in the United States submit that there are four crucial competencies, which facilitate predicting performance levels; namely,

1. drive for excellence;
2. teamwork;
3. case management and leadership;
4. written advocacy;

as well as that

1. one's mind set and philosophy;
2. ability to manage the work environment and results;

3. working and collaborating with others contributed to being a high performer [3].

The six core competencies of a good lawyer have traditionally been identified as being: analytical ability; attention to detail; logical reasoning; persuasiveness; sound judgment; and, the ability to write. Nowadays, in light of the current demands of the legal profession, an additional six competencies have been identified as being necessary; namely,

1. being able to collaborate, in other words, more than just being able to work in a team as it refers to the ability to put one's ego aside and help bring out the best in others, so that the solution offered is greater than the sum of the parts that go into making it;
2. emotional intelligence;
3. financial literacy, which refers to one's ability to manage the business side of the practice and understanding what the client needs;
4. project management - being able to run matters in a timely manner and on budget, while still getting the best possible results;
5. technological affinity;
6. time management, which includes the ability to delegate [2].

The 15 most important skills and abilities identified by law graduates in a recent study are: written communication; paying attention to details; listening; oral communication; professionalism; using office technologies (e.g. email and word processing); critical reading and comprehension; synthesising facts and law; legal reasoning; organisational skills; knowing when to go back and ask questions; interpersonal skills; working within established time constraints; issue spotting; and decisiveness [4].

AVIATION STUDIES

An academic qualification in an aviation related field, typically at a Bachelor level, is increasingly becoming a prerequisite to obtaining a pilot license for those who aspire to become a pilot or to being employed in the aviation industry. Some of the necessary skills and competencies can be developed during the academic studies, whilst others are acquired through training and practical application over the years.

There are various academic degrees, such as a Bachelor in Aviation, Aviation Management, Airport Operations, Aviation Safety/Security, Aircraft Engineering, Aerospace Engineering, etc., which can provide the necessary academic background and standing and are often the first step to gaining employment in the aviation industry. Most academic degree programmes include very similar courses as part of the curriculum.

At Abu Dhabi University, Abu Dhabi, United Arab Emirates, typical technical and non-technical courses are offered as part of the Bachelor in Aviation curriculum, including, *inter alia*: aerodynamics; aircraft engines; systems and components; navigation; weather; crew resource management; flight physiology; air traffic management; airline management, and air law. Most universities offering aviation programmes deliver very similar courses, including Air Law [5].

Airmanship

In today's complex aviation environment, airmanship is at the core of modern aviation. There is no universally accepted definition of airmanship; however, an apt definition that can be provided is the following:

...Airmanship is the consistent use of good judgment and well developed skills to accomplish flight objectives. This consistency is founded on a cornerstone of uncompromising flight discipline and developed through systematic skill acquisition and proficiency. A high state of situational awareness completes the airmanship picture and is obtained through knowledge of one's self, aircraft, team, environment and risk [6].

Airmanship is, therefore, a combination of three essential principles, skills, knowledge and discipline [6] consisting of the following specific qualities and skills [7][8]:

- a) good communication skills;
- b) team-working skills;
- c) leadership skills, with the ability to give clear commands to cabin crew and passengers;
- d) discipline - abiding by procedures, self-confidence and commitment;
- e) knowledge - understanding technical information on the aircraft systems and its operation, as well as theoretical polices, regulations and procedures;
- f) expertise - transfer/retention of knowledge and skills;
- g) situation assessment and coordination - analysing and assessing unusual developments;
- h) judgment - using one's training and expertise to make conscious, timely and well-grounded decisions to resolve unusual problems;
- i) decision taking - the ability to think quickly and take decisive action in difficult situations;

- j) remaining calm under pressure;
- k) resource management - allocating resources to ensure control of the larger situation is maintained, whilst specific problems are being addressed; and
- l) prioritising goals.

Air Law Course

The aviation industry, by its very global nature, has an intricate legal framework consisting of laws, regulations, policies and procedures derived from many international conventions, European and other regional legislation, as well as a vast amount of national laws. The international, regional and national laws, together with operational regulations and technical standards, international aviation organisations policies, bilateral agreements, airline alliances, code sharing and commercial agreements all impact on the airline, aviation professionals, passengers, as well as the economic development of a state. This plethora of the *...rules governing the use of airspace and its benefits for aviation, the general public and the nations of the world...* make up what the authors term *air law* [9].

Air law is generally included as part of the curriculum as it encompasses regulatory and legal compliance, explains the sources of air law that impact on every facet of the aviation industry, outlines many of the key concepts in aviation, and provides the legal framework on an international, regional and local law.

An air law course provides essential knowledge to anyone working in the field of aviation as it covers all aspects of travelling by air, as well as business policies and practices applicable to aviation. It is the nucleus at the heart of aviation, around which everything revolves and, as such, it is an essential core course. In addition, it is a complex, theoretical legal course and, thus, also provides the student with key vital skills, which are obtained from studying law. Many of these skills clearly overlap with some of the essential skills required of future pilots and future aviation professionals. Consequently, it can be argued that an air law course is an essential course in any curriculum of aviation studies.

SURVEY

Students who were registered for the Air Law course at Abu Dhabi University in the fall 2016 semester, and those who had completed the course in a previous semester, were asked to complete a survey to gauge the importance that they placed on the course, as well as to determine what skills and abilities, if any, they felt they had gained or improved on, whilst undertaking the Air Law course delivered by the primary author at the University.

One hundred (100) students took part in the survey. Seventy seven (77) students were currently registered in the Air Law course during the fall 2016 semester and twenty three (23) had previously completed the course. The majority of the students, 66, are cadet pilots and 34 are studying to gain employment in various positions in the aviation industry.

All one hundred students unanimously considered that the Air Law course is an essential part of an academic degree in aviation. Eighty-five percent of the students responded that the Air Law course was very important in preparing them for employment in the aviation industry and ninety-nine percent felt that the knowledge gained from the course was relevant to their future career.

With regards to whether or not the respondents felt that the Air Law course had developed or improved their knowledge, skills and competencies, ninety-eight percent felt that it had, with only two students responding negatively. As shown in Table 1 below, the following specific skills and abilities, in descending order of priority, were identified as being developed or improved on during the Air Law course.

Table 1: Air Law survey results.

| Answer choices | Responses | |
|---------------------------------------------------------------|-----------|----|
| Paying attention to detail | 78.79% | 78 |
| Synthesising facts and law | 75.76% | 75 |
| Judgment - making decisions to solve problems | 75.76% | 75 |
| Legal reasoning | 69.70% | 69 |
| Team work | 59.60% | 59 |
| Problem-solving | 59.60% | 59 |
| Applying theory to practical cases | 54.55% | 54 |
| Decision taking - thinking quickly and taking decisive action | 54.55% | 54 |
| Critical thinking | 52.53% | 52 |
| Leadership skills | 40.40% | 40 |
| Written and oral communication | 5.35% | 35 |

The following sample of the respondent's comments conveys the student's views on the Air Law course and also confirms the authors standing that an Air Law course is crucial to aviation studies and should be an integral part of the curriculum of any degree in aviation.

Aviation law is essential to everyone involved in the aviation industry, whether on ground or in [the] air.

Paying attention to the slightest of details, taking the right decisions according to the rules and regulations without being biased and critical thinking in crisis situations. These are the skills and abilities I have acquired because of this course.

Aviation law is the key to understanding cases and problem-solving techniques, not only in [the] aviation world, but also in real life situations.

This course helps me to have enough knowledge about aviation not only today, but also in the future, where it shows what are your right and duties as employees in [the] aviation industry.

I believe that anyone who works in the aviation industry should take a course in aviation law, not only students who study aviation, since it [covers] all aspects of aviation industry.

I definitely think this course is a must for anyone intending to work in the aviation industry and especially important for someone intending to become a pilot, it contains a lot of useful information that would help us in our endeavours.

[The] Aviation Law course is a mandatory course in my opinion. It can enhance the knowledge and the skills needed to solve many problems related to aviation. Also, it increases the critical thinking process that can result in paying attention for small details of any incident.

It is one of the most important courses with useful information and knowledge about the different laws and legal systems.

CONCLUSIONS

All facets of education and training of students wishing to pursue a career in the aviation industry should be devised in such a way, so as to not only provide the student with the requisite level of knowledge, but also to equip them with key competencies, skills and abilities.

Certain courses, such as an Air Law course, is arguably a course that meets this criteria and is, therefore, essential in a curriculum for aviation studies. The survey conducted clearly demonstrated that an air law course is a vital part of aviation studies as the combination of studying a law course, albeit it in a non-comprehensive manner, as applied to aviation, provides students with the knowledge of fundamental concepts, and also fosters the development of key skills, abilities and competencies, which are vital to pilots and other aviation professionals.

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