Research on the Reform of Aviation Law Education in the Context of Civil Aircraft Industry of China

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Abstract. Since National Science and Technology Major Project on large aircraft have been established in 2006, aviation authorities, civil aviation departments and related aviation enterprises attach more importance to aviation law. However, few great improvements have been made in aviation law education. This article holds that to solve existence problems of aviation law education in our country, it needs the concerted efforts of both education and theory study. Education sector should raise awareness and increase investments of talents cultivation and funds support, while legal profession needs in-depth study of various legal issues under the background of new civil aircraft industry.

Introduction

In China, it had long been controversial around whether aviation law is an independent department of law, which leads to the lack of due attention given and slow development of aviation law education in our country. In recent years, thesis concerning research on aviation Law education in China are only three pieces, which have been published more than eight years ago. In the past few years, National Science and Technology Major Project on large aircraft has been established, while China's aviation law education has some growth. However, it still exposes many problems. Thus, it is necessary to discuss the status quo of China's aviation law education, and to analysis the problem. This article is hoping to provide reference for exploring the way of future development in aviation law education in China.

Current Situation of Aviation Law Education

Earliest aviation law education in China can be traced back to the period of Kuomintang government ruled before liberation. Aviation training schools established at that time mainly offered courses about international aviation treaties, air traffic control rules, etc. While aviation law education had been stagnant after the founding of the nation, it was until the reform and opening up along with the deeper foreign contact in civil aviation that China promulgated the Civil Aviation Act of the PRC in 1995 and began to study aviation law. Then in 2000, it’s gradually beginning to study aviation law independently. Since 2000, the situation of aviation law in our country manifests in three aspects, which are teaching institutions, curriculum setting-up and teaching materials, and talent development.

Teaching Institutions

In China, departments and units that develop aviation law education are quite few, which also appeared relatively late, while in foreign countries, along with the rise of aviation activities, there are five typical aviation law education research centers appearing very early. They are Leiden University in Holland, University of Cologne in Germany, University of Lapland in Finland, McGill University in Canada and Salvatore University in Argentina.

In contrast, CAMIC (Civil Aviation Management Institute of China) is the first unit to develop aviation law education in our country. Department of aviation law research center set by the Department of Social Sciences took the specific teaching task, opening courses at the undergraduate level. Several universities then opened aviation law courses, including Civil Aviation University of China and universities once belonged to COSTIND (Commission on Science, Technology and Industry for National Defense), such as Northwestern Polytechnical University, Nanjing University.
of Aeronautics and Astronautics, and Beihang University.

All these universities offer an aviation law course at the undergraduate level. In addition, some comprehensive universities and politics and law institutions also carry out teaching activities of aviation law within the scope of international law, such as Peking University, Wuhan University, Renmin University of China, China University of Political Science and Law, East China University of Politics and Law, and so on.

**Curriculum Setting-up and Teaching Materials**

Foreign aviation law education, especially for the postgraduate, training courses and construction are complete. For example, courses at graduate level about aviation training offered by McGill University law school in Canada are public international aviation Law, private international aviation law, comparative law, government regulation on aviation enterprises, competition law and civil aviation industry, space law, space-qualified law, government registration of space activities, etc. However, in our country, aviation law has not been given enough attention in legal education for a long time. One of the problems is that aviation law course is not included in the set of curriculum in colleges and universities. It is not independent and dispensable, thus it's generally placed in international law courses. Law students only need to learn fourteen specialized backbone courses of law science, which are enough for achieving employment and even for further study, namely, aviation law course is not necessary to study. Another problem is that merely opening one course for aviation law probably leads to that student can not learn any substantive knowledge, nor can they solve practical problems, since the content of that one course may lay the only emphasis on simple introduction.

Curriculum setting-up of aviation law education is put in awkward position, which also affects teaching materials selection and production. It was carried out relatively late in textbook compilation of domestic aviation law. The earliest teaching material is International Aviation Law (Social Science Literature Press) written by Weitian Zhao. This book is a monograph, but at that time teaching materials concerning aviation law is of scarcity, so it had to take this monograph as a textbook. Therefore, it caused such an illusion in the aviation law theory that aviation law is equal to international aviation law. Actually, before this monograph, another book, Explanation of Aviation Law (Liaoning Education Press) written by Sanming Cao and Xinghua Xia, mainly introduced and explained specific provision of Civil Aviation Act of the PRC enacted in 1995, which is great for teaching.

**Talent Development**

Teacher troop and faculty of aviation law education in foreign countries aviation law education are of high quality and always have top-level teacher resources. The majority of these tutors not only have a great reputation in the legal academy, but also they're likely to serve with a key position or hold high-level posts in the civil aviation authorities, which is conducive to strengthen communication and contact between practice and theory of aviation law, so as to promote benign interaction between theory development and practical personal training. In addition, long time of researching on aviation law has accumulated abundant books and reference materials, case studies and thesis. However, in our country, aviation law courses are generally not set at the undergraduate level, leading to that personal training on aviation law is mainly based on the autonomy in college running, namely, universities offer such courses at graduate level according to their situation. Compared to foreign universities, it's similar in teaching mode but different satisfactory in result.

Hereinafter, there are statistics and analysis about thesis on aviation law in recent years. By 2011, relevant institutions have trained forty-nine PhD students and Masters people in total, thirty-nine thesis are Masters, counting 80% of which. In general, PhD theses are at higher levels of overall, and some PhD students published monograph of aviation law after graduation, such as the Dr. Han Wang from Wuhan University, Dr. Mingyi Tang from Renmin University of China. According to the statistics, current situation of Masters training of Aviation Law in China is as follows.

**A. Units and Institutions for Talent Development**

At present, universities and institutions train Masters and PhD students on Aviation Law consist of fifteen universities and one research institute. Among them, twelve universities and one research institution have trained Masters up to thirty-six people. Seven universities have trained PhD students up to ten, three of which train PhD students only.

**B. The Quantity of Personal Training**

Wuhan University has trained four Masters and three PhD students. China University of Political
Science and Law has trained nine Masters and two PhD students. Southwest University of Political Science and Law has trained two Masters and one PhD student. Jilin University has trained one Masters and one PhD student. Renmin University of China, Fudan University, Peking University each has trained one PhD student. East China University of Politics and Law has trained four Masters. Dalian Maritime University has trained four Masters. Ocean University of China has trained four Masters. Sichuan University has trained four Masters. University of International Business and Economics has trained three Masters. Soochow University has trained two Masters. Shandong University, Shanghai Academy of Social Sciences Institute of Law both has trained one Master.

C. Training Orientation

After comparative analysis throughout these forty-nine thesis, it can be found that among thirty-nine Masters thesis, twenty-three of them focus on the perspective of international law, while twelve of them are studied from the angle of civil law and commercial Law, such as Research on Legal Issues of Aviation Insurance in China, written by Xinji Li from Nanjing University of Aeronautics and Astronautics concerning aviation transportation law and Research on the Legal System of Aircraft Financial Leasing in China, written by Yanjuan Wang from Nanjing University of Aeronautics and Astronautics, which is actually concerning civil and commercial law. Then, thesis studied from the perspective of economic law and criminal law are both two pieces, which are written by Masters from Sichuan University. Among ten doctoral dissertations, nine of them lay emphasis on international law and the other one focus on civil and commercial law. It can be seen that nearly 90% of those Master thesis are studied from the perspective of international law and civil and commercial law, while thesis researched from the angle of international law accounted for 90% of those PhD dissertations. In short, nearly 90% of all research in the direction of international law, which indicates the preference for international aviation law as the training orientation.

To sum up, according to the statistics and analysis above, problems of aviation law education exposed in our country are few teaching institutions, inadequate information and training materials, narrow and unreasonable training orientation, etc. Generally, aviation law education lacks independence. What’s more, current situation does not meet the need of the fast development of China's civil aviation industry.

Existence Problems in Aviation Law Education

Aviation law education in our country is to some degree unsatisfactory, reflecting the contradictions and problems of aviation law education. Through years of practice and teach in aviation law, I believe that current aviation law education in our country occurs some problems as follow.

Higher Education Sector Attaches Insufficient Importance to Aviation Law Education

Education department’s long-term thinking set frames less understanding of the importance of aviation law education, which is limited to the main fourteen courses of law science. In fact, with gradually development of China's aviation industry, especially in civil aviation industry, it has developed more and more complex relationships, including those in manufacturing, transportation and services industry. There are not only equal civilian subject relations, but also relationships between unequal parties. China is a world aviation giant, but not aviation power. Obvious gaps between China and the West still exist in aviation industry, therefore, we need to learn from the West with an open mind, and make active industrial policy, safeguarding sustained and healthy development of aviation industry with the state will.

Aviation Law Lacks Independence as An Individual Course

In teaching practice, aviation law is usually tied to one legal department. It’s generally believed that the relationship between aviation law and international law is the most close. For instance, space law as part of the contents, including outer-space law and air law, is especially set in international law education. There’s overlap between air law, known as international aviation law, and aviation law in our country’s legal education, such as legal status of air law, International Air Services Transit Agreement, Convention for the Unification of Certain Rules to International Carriage by Air which includes ticket rules, damage compensation rules and limitation rules, international air traffic control, international criminal law, application of law to aviation law, etc. Therefore, a certain periods are arranged for international aviation law when teaching aviation law,
but in fact is to repeat the contents of international law. In addition, contents concerning contract in civil law and tort relationship can also be involved in aviation transport relationship.

Notwithstanding, I still believe that the independence of aviation law cannot be denied since it’s an inherently comprehensive and intersecting subject. Confusing the contents of international law, civil and commercial law and aviation law, will not only deepen the inevitable loss of its independent, but make it more difficult to research aviation law in depth.

Research on Aviation Law Can't Keep Up With Developing Situation

As a newly developing legal branch, aviation law depends on the latest achievements of theoretical research to consolidate its independent status. It is visible that aviation law education is closely related to aviation law theory. Problems occurred in aviation law education are mainly owing to outdated theory research, which can't keep up with fast-developing situation. There are three main reasons. The first reason is the influence of traditional thinking mode. Scholars dare not to or unwilling to challenge authority since thinking mode has already been fixed after early researchers’ long time efforts. The second reason is the impact of international aviation law research. Study on aviation law in foreign countries makes great contributions to international aviation law, which can be seen in certain international conventions and treaties. Foreign scholars and experts firmly dictate the rules in this field. So relatively speaking, aviation law research in China has certain advantages under current conditions and can solve the legal issues of aviation during industrial development. Thirdly, predictive study is not enough. The rapid development of aerospace industry has conflicts with lagging aviation law. Due to the lack of communication between scholars, officials and businessmen, it is likely to cause a poor combination of the theory with practice. On the one hand, it lacks consciousness of problems on aviation law research; on the other hand, study on the legal problems of aviation practice is left without anyone to care. Regulations and policies on aviation are not operable and practical enough, which in turn undermines the function of underpinning China's aviation industry.

Backward in researching on aviation law has brought a series of problems to education, such as poor quality of teaching materials, weak teaching level, formalized talent training mode and so on. All these problems greatly slow the process of the independent development of aviation law, and further result in the gap between aviation law theory and the practice.

Suggestions for the Aviation Law Education

Although many problems exposed in aviation law education, educators still believe the necessity and significance of improving aviation law education. It has always been convinced that the development of aviation law education in China will keep up with United States and European countries, that teachers not only receive preferential treatment, but be respected in the law field and among aviation departments. What’s more, they can train more Masters and PhD students with high quality who will become elites in aviation industry. As an ordinary teacher, I’m looking forward that in the future, aviation law education in China would have several characteristics as follow.

Increasing Level of Industrialization Enhances the Status of Aviation Law

China is a world aviation giant with rich resources and huge potential for development. However, China is not aviation power since aviation industry has not yet formed industrialization scale. With gradual improvement of China’s aviation industry, inside contradictions emerge in an endless stream. Aviation law, as one approach to resolve social contradictions, plays a prominent role.

In order to promote the rapid development of China's aviation industry, under the background of industrialization, there has been an upsurge of research into aviation law. According to the information searched from Internet, since 2006, research institutions hold seminars concerning aviation law over ten times; more than four seminars were hold in 2010. However, legal talents are seriously insufficient owing to the lagging aviation law education, even the quality of the existing legal talents is also not that high. It results in the inability to solve all kinds of problems in practice, nor can it meet the huge demand for legal talents in aviation industry. For every teaching unit and departments that take the responsibility to cultivating talented persons, status of aviation law need be greatly improved, meanwhile, requirements to the quality of aviation law education also need be raised. It’s time to take the great opportunity to continue supporting air law education and scientific research, to vigorously increase input in education, to attract more teachers and scholars to be engaged in aviation law education and research work, to held seminars concentrated on legal issues of China's aviation industry, to find effective ways and methods to solve problems, to change simplified and unilateral teaching mode, to improve teaching methods, and last but not least, to set
scientific and reasonable curriculum for talent training.

**There is Keen Competition on Characteristic Education Resources in Aviation Industry**

Based on the national conditions, it needs innovation to form a consensus in the field of law education in China. The development of Chinese education is to fully develop in an independent way under the background of industrialization. Law schools among universities and colleges need to enhance integration of high-quality resources to further refine characteristics of their own, to seize the strategic high ground in teaching and research, to make scientific and long-term planning, and to create new situations for aviation law education with their own characteristics.

There will be fierce competition for characteristic education resources in aviation law, particularly among colleges and universities who do not have its own advantages or lack superiority. For those with subject characteristics, though, competition still exists since schools are of various characters. This keen competition is reflected in three aspects. First, traditional comprehensive universities like liberal arts universities and political and law universities will compete with universities related to aviation industry, such as competition between International Law school of China University of Political Science and Law and Law school of Beihang University School. Second, competition between colleges and universities related to aviation industry is also fierce, such as that between Nanjing University of Aeronautics and Astronautics and Nanchang Aviation University School. Third, civil aviation college and universities compete with related universities, such as competition between Northwestern Polytechnical University and Civil Aviation University of China. Indeed, educational resources are limited, and who get more resources can definitely capture more opportunities for development. However, in our country, limited scientific research on aviation law determines that the integration of the overall strength and deep cooperation are more essential. It is more cooperation, sharing of resources and altogether for the development of the aviation industry that can realize “win-win” relationships, what’s more, to boost international competitiveness of aviation industry.

**Aviation Industrial Division Motivates Intensive Cultivation of Aviation Law in Various Fields**

At present few teaching units in our country have set up aviation law courses, which is due to indifference to aviation law. Certainly, more is not better, on the contrary, it would repeat the "great leap forward" in legal education. It has been proved that offering law courses blindly results in two consequences; one is the decline in the quality of talent training, while the other is the supply-demand imbalance in job market.

Aviation law education should be relatively concentrated and avoid rushing headlong into mass action. Aviation personnel training should be at a high level and maintain elitism with appropriate enrollment. Based on this, there need be more provincial and national essential courses with industry characteristics in aviation law education. Given the characteristics of aviation law, it’s clear that traditional comprehensive universities, liberal arts universities and political and law universities and colleges have no comparative advantages towards aviation law education. It’s a huge trend that science and engineering universities, along with civil aviation universities will become the main force in future development of aviation law. Those universities and colleges include universities once belonged to COSTIND (Commission on Science, Technology and Industry for National Defense), such as Beijing Institute of Technology and Nanjing University of Science and Technology, and universities belonged to the civil aviation system, such as Civil Aviation University of China and CAMIC (Civil Aviation Management Institute of China). It’s without doubt that these schools should lay different emphasis on talent development since they are different in school types, which is the necessity of characteristic development.

**Development and Prospect**

China's aviation industry attaches more importance to the military and civil aviation transportation industry. Depending on imports and controlled by the outside, civil aircraft industry has been developing in a passive way, which is jokingly referred to as “walk with one leg”. Since China has proposed State Scientific and Technological Innovation System, with the development of national science and technology innovation strategy, "Market for Technology" is proved to be unfeasible, thus, it is necessary to develop domestic civil aviation industry.

In fact, aviation law education cannot be separated from related researches on legal theory. A lot of issues in theoretical research are still remained to be discussed. I hold that current issues are mainly about the character and definition of aviation law, regulated objects of aviation law, range of
study of aviation law, ways of balancing domestic development with foreign experiences, national conditions that should be considered with regard to legislation; functions and legislative principles of aviation law, problems that need to be solved at present and in the near future in aviation law education, and so on.

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