“Questioning the Regulation of Aviation Safety”, is a paper being written by P. Paul Fitzgerald, current Doctoral Candidate and Teaching Fellow at McGill’s Institute of Air & Space Law.

The paper will overview the tremendous volume of safety regulation that affects every aspect of the commercial aviation industry and proceed to demonstrate how regulatory expertise is in decline, presenting evidence ranging from the increasing number of States whose carriers are banned from the U.S. or the EU to amazing examples of airlines actively placing themselves under the jurisdiction of foreign regulators. The paper will demonstrate that safety has become a condition precedent to the operations of a successful, profitable commercial airline and that the market no longer accepts fatal air crashes. The paper will show how the market reacts to a fatal crash, from higher insurance premiums to being denied membership in an airline alliance, and how it imposes a higher penalty on unsafe airlines than any regulator could.

The paper will question whether it is not time to explore if there is not too much regulation and whether a greater reliance on private sector mechanisms would not result in any reduction of safety standards.