

Cover Page



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## Propositions relating to the dissertation

### Carrier's Liability in Air Transport with Particular Reference to Iran

By Hamid Kazemi

1. The tendency to overlook the principles of liability in Islamic States that follow the *Shariah*, could lead to inconsistency in air carrier's liability at the international level. The establishment of provisions that are based on principles coming from different legal systems would enhance the coherent application of international liability rules.
2. If Iran wishes to develop its air transport, it should adhere to international agreements such as the Montreal Convention 1999, because the development of international air transport is promoted by observing international standards and regulations.
3. Islamic legislators should give priority to international provisions when there is a conflict between local law and international law taking into account constitutional provisions regarding the implementation of international agreements, whether based on monism or dualism.
4. It is necessary to clarify Islam's regulations such as the *Diyah* regulations, which should not be considered as rules written in stone, as the door should be kept open for liability in excess of that which is provided in *Diyah* regulations including unlimited liability.
5. Whereas in the Islamic texts there is not a direct reference to air carrier liability, the *la zarar* principle can be used to achieve total compensation for passengers, travelling by air.
6. The specific point of conflict between the *Shariah* in Iranian law and international law is compensation since the *Shariah* has determined the *Diyah* for compensation. However, this conflict can be resolved by resorting to the principle of *la zarar*.
7. The Specific Act of 1985, which enforces the implementation of the Warsaw - Hague Convention on domestic flights in Iran, is a lower law. Therefore, it should only be interpreted by Parliament.
8. In the case of the definition of accident, an Islamic court does not require that the event or happening be unexpected or unusual. It rather concentrates on the causal link between the event and the damage.
9. It is essential for the legal system of Iran to centralize the responsibility for investigating the compatibility of laws with the *Shariah*. The multiplicity of legislative bodies, and the resultant diversity in regulations and interpretations, should be avoided.
10. To be successful in air transportation, Iran has to be active in international bodies such as the ICAO and its regional offices.
11. Enhancing knowledge in the field of air transport law is a step towards improving the air transport industry in Iran. It is therefore crucial that training courses and international conferences are held in this country.
12. Dutch readers have been familiar with the *Shariah* as practiced in Iran since 1654. Sa'adi, the great Persian poet, was inspired by the *Shariah* while composing his masterpiece, *The Garden of Roses*. *Perssiaansche Roosengaard* was printed in 1654 in Amsterdam. Recently, Brill reprinted *The Garden of Roses*.