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The regime for international air carrier liability: to what extent has the envisaged uniformity of the 1999 Montreal Convention been achieved?

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Propositions relating to the dissertation

THE REGIME FOR INTERNATIONAL AIR CARRIER
LIABILITY

*To what Extent has the Envisaged Uniformity of the
1999 Montreal Convention been Achieved?*

by Cyril-Igor Grigorieff

1. The 1999 Montreal Convention is a complex international convention. In addition to being an international convention subject to international public law rules, it contains a combination of uniform rules and referrals to domestic law clauses.
2. The lack of knowledge of foreign decisions harms the achievement of the objective of uniform law.
3. Although the establishment of a fully competent international Court for private air law matters is unlikely, an international advisory board could assist Courts in ensuring a higher degree of uniformity in the application of international private air law conventions.
4. The rules of interpretation provided in the 1969 Vienna Convention on the Law of Treaties are not sufficiently self-explanatory to allow a uniform application of the 1999 Montreal Convention in every event.
5. While the exclusivity clause and the autonomy of the terms used in the 1999 Montreal Convention are two mechanisms used to ensure its uniform application, they are not sufficient for achieving this aim.
6. Regional air law unnecessarily competes with international private air law.
7. The position of international air passenger rights in the case of delay is becoming similar to the one that existed prior to the adoption of the 1929 Warsaw Convention.
8. In order to permit a higher degree of uniformity in the application of the 1999 Montreal Convention, it may be the right time to prepare its revision.

9. The implementation of software using Artificial Intelligence mechanisms in the decision-making process is liable to increase the uniform application of the 1999 Montreal Convention.
10. As the use of Artificial Intelligence mechanisms in the decision-making process is likely to become more frequent, States Party to the 1999 Montreal Convention ought to be encouraged to agree on a common algorithm for interpretation purpose.
11. There are fewer reasons to travel when you have a good internet connection.
12. Taking out the dog for a walk has never been as exciting as during a lockdown.