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Book Reviews

UNIFORMITY AND FRAGMENTATION OF THE 1999 MONTREAL CONVENTION ON INTERNATIONAL AIR CARRIER LIABILITY

By Dr Cyril-Igor Grigorieff

Kluwer Law, 2022, 244pp, £120.

The Convention for the Unification of Certain Rules for International Carriage By Air, which is more commonly referred to as the Montreal Convention of 1999, lays out the international rules on airline liability in cases of death or injury to passengers, as well as in cases of delay, damage or loss of baggage and cargo. Despite the multiple uses of the words 'unification' and 'harmonization' in the text of the convention, as well as having an exclusivity clause (Article 29), conducting international carriage by aircraft is an extremely complex activity and, as a result, it was not possible for every eventuality to be addressed. In the absence of a single dedicated court, recourse to national courts for interpretation and application is required which has produced court cases that bring into question the uniformity of the convention.

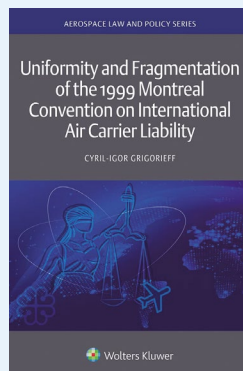
In light of this, Dr Grigorieff, who is an experienced aviation lawyer practising in Belgium, wrote his PhD thesis – under the supervision of Prof (em) Pablo Mendes de Leon and Prof Vincent Correia – on the uniformity and fragmentation of the Montreal Convention. Dr Grigorieff successfully defended his thesis at Leiden University on 17 November 2021 and later adapted it into the published work titled: *Uniformity and Fragmentation International Air Carrier Liability under the Montreal Convention of 1999*.

While the book is divided into six individual chapters, these can be categorised into four main themes:

- Theme 1: The peripheral text consists of Chapter 1 – Introduction, Chapter 6 – General Conclusions and Recommendations, and front and back materials. While these parts may remind the reader that this is an adaptation of a PhD thesis, this enhances the useability of the book. For example, Section 1.2 sets out the research questions and structure of the book, and this allows the reader to fully understand the aims, objectives and context of the publication.
- Theme 2: Chapter 2 – Uniformity as a Predominant Aim of the 1999 Montreal Convention sets the scene and builds the case for uniformity and harmonisation. This part of the book, thus, gives an honest overview of the Montreal Convention, taking the reader beyond just black letter text.
- Theme 3: While Chapter 2 looks at 'uniformity', Chapter 3 – Internal Factors of Fragmentation and Chapter 4 – External Factors of Fragmentation turn to the other core theme



Floris Van Cauwelaert



The author sets out to determine whether the convention is uniformly applied around the world and assesses why this may not be the case

of this work; 'fragmentation'. Here, the author scrutinises key court cases that have led to fragmentation, which provides this book with real-world relevance.

- Theme 4: Chapter 5 – Suggestions for Enhancing Uniformity provides a forward-looking aspect to the book. Here, Dr Grigorieff offers suggestions to increase the uniform application of the Montreal Convention, so as to reduce fragmentation when it comes to interpretation and application by courts. In doing so, the author offers ten recommendations, varying in complexity. One such recommendation is the use of AI to enhance uniformity. This, thus, demonstrates the author's consideration of wider issues and innovative solutions.

In summary, as noted on the back cover of the book, "the 1999 Montreal Convention is a remarkable achievement and an undisputed success." However, this does not mean that the interpretation and application of the convention are not without controversy. The author sets out to determine whether the convention is uniformly applied around the world and assesses why this may not be the case. In doing so, Dr Grigorieff identifies strengths and weaknesses in the convention, which goes beyond a simple summary of the status quo as it is an innovative and forward-looking piece of research.

Now, with the plethora of air law books available, there is a lot of competition for a place on the bookshelf, and this work deserves its spot, front and centre. Practitioners will also value references to court cases in less commented upon jurisdictions and useful tools to interpret the convention more harmoniously.

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