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Agenda Item 3: Strengthening regulatory and institutional frameworks
3.3: Strengthening emergency planning mechanism and consumer protection for a resilient aviation system

UNIVERSAL RATIFICATION OF THE MONTREAL CONVENTION OF 1999 AND ADVANCE PAYMENTS FOR FAMILIES

(Presented by the Air Crash Victims' Families' Federation International (ACVFFI))

EXECUTIVE SUMMARY

This paper submits that universal ratification of the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal Convention, 1999) is a condition of fairness and predictability for aircraft accident victims and their families. The Convention provides a modern carrier-liability regime and, in Article 28, the basis for advance payments to meet immediate needs. With 145 Parties, a patchwork of regimes persists, producing legal uncertainty and unequal treatment. The Air Crash Victims' Families' Federation International (ACVFFI) urges the Conference to reinforce the call for ratification and to link the Convention explicitly to national family assistance plans.

1. INTRODUCTION

1.1 Consumer protection and emergency planning are reliable only if, when there are fatalities or serious injuries, the applicable law permits a rapid, predictable and equitable response. The Montreal Convention of 1999 (MC99) is the multilateral instrument that modernizes the liability of the international air carrier.

1.2 ACVFFI and the associations that constitute it have, since 2010, called for universal ratification of the Convention. That call has been reiterated by the Assembly, by the International Air Transport Association (IATA) and by the Secretariat itself; it remains unfulfilled.

1.3 This paper does not reproduce the Secretariat's general analysis of consumer protection. It focuses on the nexus between MC99 (in particular the advance payments under Article 28) and effective assistance to families.

[1] English, Arabic, Chinese, French, Russian and Spanish versions provided by ACVFII.

2. WHY THE CONVENTION MATTERS TO FAMILIES

2.1 The Convention establishes a two-tier system of liability for death or injury of passengers, with a first, strict-liability tier that spares families the burden of proving fault in order to obtain initial compensation. That architecture is more protective and more predictable than the patchwork of the Warsaw system and its protocols.

2.2 Article 28 provides that the carrier shall make advance payments without delay to natural persons entitled to claim compensation, in order to meet their immediate economic needs. Such an advance is not a discretionary gesture of goodwill: it is part of the modern legal regime. Without it, families are obliged to finance travel, accommodation, formalities and subsistence at the worst moment of their lives, often when it is precisely the providers of the household who have lost their lives in the tragedy.

2.3 When the State of Occurrence, the State of the operator or the State of the families is not a Party to the Convention, uncertainty as to forum, limits and procedure is added to grief. The result is unequal treatment according to passport and routing. That is incompatible with the objective of air transport that serves prosperity, dignified treatment and the well-being of all.

3. CURRENT SITUATION

3.1 As at mid-2026 the Convention has 145 Parties (including the European Union within the scope of its competence). On the order of forty-nine ICAO Member States remain outside. A proportion approaching 72–75 per cent is not sufficient to speak of universality.

3.2 ICAO has included MC99 among the key treaties whose ratification is promoted at Civil Authority meetings, legal seminars and regional forums. That work should be maintained and intensified. ACVFFI stands ready to contribute the voice of families before national authorities, forums and other initiatives for those that have not yet completed their internal process.

3.3 Ratification is not enough. Member States who have ratified, shall translate Article 28 into operational procedures in their national plans: who pays, within what time frame, against which policy, how entitled persons are identified, and how that payment is coordinated with the National Family Assistance Plan. Without that operational bridge, the Convention remains on paper.

3.4 ACVFFI has also asked that the practices of insurers in their dealings with families be examined. That examination does not, at this stage, require a revision of the Convention, only transparency, balance and the participation of those who represent victims. So long as implementation of the assistance policy and universal ratification have not advanced, opening a debate on amendment of MC99 remains pending.

4. CONCLUSION

4.1 Universal ratification of the Montreal Convention of 1999 and the operational application of advance payments are measures of resilience and equity. They complement Standard 8.43 of Annex 9 and Doc 9998. They do not replace them.

4.2 ATConf/7 is urged to reiterate, with the authority of a high-level economic forum, that there cannot be a modern framework for international air transport while some victims and their families remain outside the most protective liability regime available to the international community.

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