

ICAO · NACC REGIONAL OFFICE

AAAVF Workshop

Assistance to Aircraft Accident Victims
and their Families

DATES

19–21 October 2026

VENUE

ICAO NACC Regional Office
Mexico City, Mexico



This event is organized under the auspices of the Government of Spain

AAAVF Workshop



Legal regime for Liability and Compensation

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The Convention for the Unification of Certain Rules Relating to International Carriage by Air - Warsaw Convention (1929)

Established a legal framework for airline liability with the purpose to achieve uniformity of rules governing claims arising from international air transport

Presumption of liability against airlines for **death, injury suffered by a passenger**, and damage to baggage and cargo during international travel

Introduced a liability limit, which was revised by the Hague Protocol (1955)

Both the State of the place of departure and place of destination shall be the Parties to the Convention

Has worldwide 152 Parties, **12 of the 22 States in the NACC region.**

The Convention for the Unification of Certain Rules for International Carriage by Air - Montreal Convention (1999)

Modernizing the Warsaw Convention system

- **Establishes a two-tiered liability regime** for damage sustained in the event of a passenger's death of bodily injury
- Provides for compensation based on the principle of restitution **without artificial limits on compensation**, however
Punitive, exemplary, or any other non-compensatory damages shall be not recoverable
- The compensation **limits are automatically reviewed** (Art. 24) every 5 years, most recently in 2024
- **Claims** shall be brought **within 2 years** (Art.35) from the date of the accident
- Advance payments to meet immediate economic needs shall be made **if required by national law**
- Requires air carrier to maintain “**adequate insurance**” covering their liability under the Convention

Parties to the Convention: 145 worldwide; 16 of the 22 States in the NACC region.

Challenges

Applicability of different legal regimes

- Of the 193 ICAO Member States, 152 are Parties to the Warsaw Convention and 145 are Parties to the Montreal Convention. Consequently, **different liability regimes may apply** to different passengers on the same flight.
- Domestic law applies where the relevant State is not a Party to the applicable Convention. It may also govern certain matters, such as adequate insurance, advance payments and compensation exceeding the first-tier limit under the Montreal Convention (1999).

International vs. domestic operations

- The Montreal Convention applies only to international carriage by air. A State may, however, decide to apply its provisions to domestic operations.



Thank You

