

1937

Introduction

Recommended Citation

Introduction, 8 J. AIR L. & COM. 421 (1937)

<https://scholar.smu.edu/jalc/vol8/iss3/5>

This Article is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Journal of Air Law and Commerce by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

COMPULSORY LIABILITY INSURANCE

Aviation Liability Insurance

In any undertaking to legislate upon aircraft liability, the subject of insurance is inseparable. The solution of the former problem involves coincidentally the solution of the latter. The legislator, when fixing the terms of the liability he deems wise to impose, cannot fail to ask himself at the same time two questions:

How can the aircraft-operator insure himself against this liability?

How can the injured party get the benefit of that insurance?

Until the International Convention (Rome) of 1933, no attempt had been made to embody in legislation a solution of that problem. But since that time the subject has come to the front. Naturally it has occupied actively the attention of the International Commission of Aerial Legal Experts (C.I.T.E.J.A.), the International Air Traffic Association (I.A.T.A.), and the International Union of Aviation Insurers (I.U.A.I.).

The practical problems are fundamentally the same for international traffic and for our own interstate traffic (though each traffic has its own detailed differences of problem). Hence the exchanges of view recorded during the last few years in Europe are highly instructive, if not indispensable, for the deliberations now necessary in framing the Uniform Interstate Act and (later) a Federal Act.

The records of the international discussions are voluminous. It would be impossible here to reproduce adequately the great variety of experience and opinion contained in them. But the ensuing pages will at least give an introductory acquaintance with the principal issues and their proposed solutions.

So we are setting forth, in this number of the JOURNAL,

A point of view of the International Air Traffic Association;

A point of view of the International Union of Aviation Insurers;

A point of view of the International Commission of Aerial
Legal Experts;

A solution of the similar problem for Maritime Liability
Insurance;

A comment specifically on the United States problem from
an American adviser of the C.I.T.E.J.A.

THE EDITORS.