



ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee

ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

(Presented by Spain (in collaboration with Finland, France, Italy, Mexico and Portugal))

EXECUTIVE SUMMARY

Progress has been achieved in recent months in addressing the required support to the victims of aviation accidents and their families. A new ICAO Policy has been decided by the Council on 1 March 2013, and published as Doc 9998.

This Policy is to be endorsed by the Assembly and a new Assembly Resolution, as being proposed in A38-WP/22.

This WP welcomes the work done, agrees with the endorsement of the Policy Document, and suggests for the Council to consider the introduction of a simple recommendation in an Annex to the Convention, avoiding affecting adversely the independence and effectiveness of accident and incident investigations.

Action: The Assembly is invited to:

- a) acknowledge the work undertaken by the special Task Force and the Council in addressing this outstanding sensible issue;
- b) endorse with appreciation the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998);
- c) agree on the Assembly Resolution as formulated in A38-WP/22 submitted by the Council; and
- d) invite the Council to consider the feasibility of introducing a related provision in the appropriate Annex to the Convention while ensuring avoiding affecting adversely the independence and effectiveness of accident and incident investigations.

<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	Not applicable.
<i>References:</i>	Annex 13 — <i>Aircraft Accident and Incident Investigation</i> Annex 9 — <i>Facilitation</i> Doc 9998, <i>ICAO Policy on Assistance to Aircraft Accident Victims and their Families</i> Doc 9973, <i>Manual on Assistance to Aircraft Accident Victims and their Families</i> Circ 285, <i>Guidance on Assistance to Aircraft Accident Victims and their Families</i> Doc 9958, <i>Assembly Resolutions in Force</i> (as of 8 October 2010)

¹ English and Spanish versions provided by Spain

1. INTRODUCTION

1.1 In the last several years the aviation accident rate and the number of victims see a continuous decrease while traffic grows, thanks to all those involved in air transport who are making safety their number one priority. Safety in aviation should be our main concern.

1.2 However, as with other human activities, it is not feasible to eliminate all forms of risk in aviation and even if safety performance has improved, aviation will unfortunately still confront accidents. Some of these accidents will be fatal, involving victims and family members of these victims, who not only deserve our respect but also need our support.

1.3 In the 32nd Assembly, Spain presented WP/80 indicating that the attention to the needs of the victims of aviation accidents and their families is a serious concern for Governments and affected individuals. Other States presented similar requests, having the Assembly concluded in Resolution A32-7 which “urges the Council to develop material, which could include Standards and Recommended Practices”.

1.4 In following years, related measures were adopted by ICAO: the Circular 285, *Guidance on Assistance to Aircraft Accident Victims and their Families*, published in 2001, and also an amendment to Annex 9 — *Facilitation* adopted in 2005 addressing the facilitation of rapid entrance to the State of Occurrence of the families of victims of aviation accidents.

1.5 Despite these valuable initiatives, we have not been able to avoid the unnecessary suffering of hundreds of families of aircraft accident victims as the result of a lack in the vast majority of Member States of emergency plans and adequate support when a tragedy of this nature occurs.

2. RECENT DEVELOPMENTS

2.1 On 16 March 2012, the Council in addressing the subject did not consider adequate introducing provisions in Annex 13 — *Aircraft Accident and Incident Investigation* that could adversely affect the independence and effectiveness of accident and incident investigations. At the same time, the Council expressed the opinion that an ICAO Policy document should be developed and a special Task Force was established for this purpose.

2.2 The special Task Force brought together experts from very diverse countries and sectors of the industry: Australia, China, India, Japan, Korea, Singapore, Spain, France, Poland, Brazil, Canada, the United States, and South Africa. Representatives from associations of accident victims and victims’ families from France, Brazil, the United States and Spain were also part of this Group coordinated by the Air Crash Victims Families Group. It counted with the participation of European Commission experts and international organizations such as IATA, IFALPA and IFATCA.

2.3 The Task Force’s report on the ICAO Policy on Assistance to Aircraft Accident Victims and their Families contained a set of recommendations that would greatly facilitate the preparedness of Member States in cases where they had to deal with the consequences of an accident. The Policy was approved by the Council on the 1 March 2013 unanimously and has been already published as the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998).

2.4 The Policy is not considered normative as it does not introduce Standards or Recommended Practices (SARPs) into the Annexes to the Convention. Rather, it is a document which

compiles a set of Council recommendations, based on experience already gathered along the years and on knowledge of the regulatory circumstances that prevail in various countries.

2.5 To complement this Policy Doc 9998, Circular 285, *Guidance on Assistance to Aircraft Accident Victims and their Families* has been updated into Doc 9973, *Manual on Assistance to Aircraft Accident Victims and their Families*, retaining its status of guidance material.

3. FURTHER ACTION

3.1 It is acknowledged that introducing provisions that could adversely affect the independence and effectiveness of accident and incident investigations is to be avoided. However, it could be appropriate to evaluate introducing provisions in other Annexes other than Annex 13.

3.2 In principle, it seems feasible that an ICAO provision be introduced in Annex 9. If this possibility was to be chosen, it may be sensible to formulate a recommendation first which, with time and experience, could be upgraded into a Standard if required in the future.

3.3 The recommendation could be as simple as: “States should establish legislation, regulation and/or policies to support aviation accident victims and their families”. An associated note could link this recommendation to the Policy Doc 9998.

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