



FACILITATION (FAL) DIVISION — TWELFTH SESSION

Cairo, Egypt, 22 March to 2 April 2004

Agenda Item 7: Other facilitation matters

ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

(Presented by the Republic of Korea)

SUMMARY

This working paper recommends that the States adjacent to the accident site provide the same support as the State of Occurrence mentioned in the working paper FAL/12-wp/11 proposed by the ICAO secretariat.

Action by the Division is in paragraph 3.1.

1. INTRODUCTION

1.1 Aircraft accident brings huge sorrow and despair to family members of victims. They want to access to accident sites and other places such as hospitals to meet survivors at the earliest possible moment, attend memorial services and identify relics of the victims. In a humanitarian aspect, we believe that it is very desirable and necessary for the State of Occurrence to provide families with the assistance necessary for their immediate entry into and return from the state, as proposed by the ICAO secretariat.

1.2 For reference, an aircraft accident may take place in high seas as well as in the territory of a contracting state. According to Annex 13 to the Convention on International Civil Aviation, Aircraft Accident and Incident Investigation, when the location of an accident or a serious incident cannot be definitely established as being in the territory of any state, the States shall provide such assistance as they are able and shall, likewise, respond to requests by the State of Registry, who has the responsibility for instituting and conducting the investigation. Through international cooperation like this, effective investigation can be conducted. Likewise international cooperation is required for the families to get an immediate access to the territories of accident sites. When the accident occurs outside the territory of any state, it is very difficult for the families to get the access to the accident site, the victims or their relics.

1.3 Therefore, the same assistance for the families with facilitation of the entry into the territory shall be provided by the state nearest the accident site in high seas as provided by the State of Occurrence, as presented in Working Paper 11 by the ICAO secretariat. If so, this will really help the families at their most difficult times no matter where an accident occurs.

1.4 The Republic of Korea has suffered two catastrophic aircraft accidents in high seas in 1983 and 1987, which resulted in the deaths of all crews and passengers on board (269 persons in 1983 and 115 persons in 1987). At that time, the families of victims in deep grief were eager to identify the victims and relics, and visit the accident sites. The states adjacent to the accident sites actively participated in search and rescue and provided their assistance to the families for immediate access to their territories. The families expressed their great appreciation for this assistance. The adjacent states - Thailand, Myanmar, India, Japan, and the United States - supported us with 56 aircraft, more than 300 fishing boats, several patrol ships, US naval vessels and satellite services etc. Without their support, it would have been very difficult for the families to visit the accident sites, attend memorial services and have an access to the victims and their relics.

2. PROPOSAL FOR REVISION TO FAL/12-WP/11

2.1 We would like to propose that the states adjacent to the accident site provide the same support as the State of Occurrence mentioned in FAL/12-WP/11. Hence, we are proposing that the text drafted by the Secretariat added to with the insertions as follows.

- a) The State of Occurrence of an aircraft accident **and the State adjacent to scene of accident where the location can not be definitely established as being in the territory of any State** shall make arrangements to facilitate the entry into its territory on a temporary basis of family members of victims of an aircraft accident.
- b) In arranging for the entry of the persons referred to in a), the state of occurrence **and the State adjacent to scene of accident where the location can not be definitely established as being in the territory of any State** shall not require any other travel document than passport, or an emergency travel document issued specifically to such persons, to enable them to travel to that state.
- c) The State of Occurrence **and the State adjacent to scene of accident where the location can not be definitely established as being in the territory of any State** shall also make arrangements to facilitate the entry into its territory on a temporary basis, of qualified personnel of the operator, whose aircraft has met with the accident, or of the operator's alliance partner, in order to enable them to provide assistance to survivors and their family members, the family members of the deceased victims of the accident and the relevant authorities in that State.

Note. — Code-sharing and similar alliance agreements sometimes require alliance partners to act as "first responder" on behalf of an affected operator in case the alliance partner can get to the location of the accident earlier than the affected operator.

- d) **Recommended practice.** — *In cases where the State of Occurrence of the accident and the State adjacent to scene of accident where the location can not be definitely established as being in the territory of any State requires entrance visas for persons referred to in paragraphs a and c above, it should expedite the issuance of such visas or, on an exceptional basis, issue such visas on arrival.*
- e) Contracting states shall make arrangement to issue emergency travel documents, if required, to their nationals who have survived the accident.
- f) Contracting states shall extend all necessary assistance, such as arranging transport and clearing customs, in the repatriation of human remains to their countries of

origin, on request by family members of the deceased or the operator whose aircraft met with the accident.

3. **ACTION BY THE DIVISION**

3.1 The Division is invited to recommend the adoption of the SARPs set out in the above in Chapter 8 of Annex 9.

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