

ACVFG (Air Crash Victims Family Group)
Provisional Chairman Speech: Pilar Vera Palmés
HLSC, 5 February 2015

Mr. President,
Ladies and Gentlemen,

The ICAO Air Crash Victims Family Group is composed of victims and associations of Spain, Italy, Pakistan, Germany, the United States, Brazil, France, Poland and other countries. The Victims Association of Spain is currently chairing the group.

We have been deeply affected by the latest air disaster in Taiwan, and we would like to extend our message of solidarity and support to the victims and their families. We are grateful to the delegations for their words of remembrance.

In making this speech, it is a very heavy responsibility to express the feelings of, and to speak for air accident victims and their families who come from such different countries and cultures. But it is also an honour to address you on behalf of all of them. I thank ICAO for marking this day to remember the victims.

I will be focusing on three main issues:

1. The shared experiences of victims;
2. Progress achieved in victim assistance;
3. Proposals for the future.

1. The shared experiences of victims

The various stages of an air disaster aftermath are similar. When the event is no longer news in the country of occurrence, those affected face seemingly endless solitude. The official and judicial investigation begins and, depending on how and when closure is achieved, another destabilizing phase begins involving the airlines and their insurers, manufacturers and the governments, etc.

The reports of official investigations do not help make commercial aviation safer, in light of the uneasy relationship with the judicial investigations despite the constant appeal for a “just culture” by all concerned. **Where is the balance?** The objectives of each are different. The judiciary does not have the professional qualifications to assess the technical causes, only negligent or criminal behaviour, whereas the official investigation does not allocate blame for lack of legal qualifications. The result is that the chain of errors remains a latent threat and the death and suffering of the victims do not improve air safety as expected.

A “just culture” would be possible if the paths of these two investigations DID NOT cross. Signalling professional missteps should not entail a foregone conviction. It seems that aviation is the only sector where the blame lies with the deceased.

The problems shared by victims in any country of the world can be summed up thus: inefficient administrations, foot-dragging by the airlines, indifference on the part of industry, and rapacious insurance companies.

2. Progress achieved in victim assistance

On 20 August 2008, a Spanair MD-82 crashed on runway 36L of Madrid Barajas Airport killing 154 and permanently injuring 18. Two months later the Association of JK5022 Victims was born. The official report found that the dead pilots were to blame. The criminal investigation was shelved with no outcome. Six years on, Spanair no longer exists, and the families are battling the insurance

company in court. My name is Pilar Vera Palmés, and I am President of the Association. My young niece Ana was on that flight.

In late 2009, I met **Hans Ephraimson**, President of the Group of American Victims Associations, who passed away a few days after attending the 38th Assembly of ICAO. His name has gone down in American commercial aviation history and will always be in the hearts of those who had the privilege of knowing him.

I later met Paolo Pettinaroli, President of the Italian association of victims of the 2001 Linate accident, who fought tirelessly for remembrance and air safety. He was unable to make the journey here, but he is close to our hearts on this historic day.

It was not hard for us to agree to join our efforts in pursuit of the goals to defend victims.

In 2001, the ICAO TF-285 was created, marking a turning point in the treatment of victims. A task force was created in 2011 under the chairmanship of the Representative of Spain to the Council of ICAO for the purpose of developing a Policy on Assistance to Aircraft Victims and their Families, with the participation of a good number of States and victims' groups. In less than 12 months, Document 9998 was presented and approved by the Council in March 2013, then endorsed by the 38th Assembly of ICAO in September of that year.

Our thanks go to the countries that supported us at the time, and especially the people who made it happen: Victor Aguado who led the task force, Ms. Hersman and Mr. Paul, the former President and Director of Assistance at the NTSB, the Spanish Minister of Transport Ms. Pastor, and Nancy Graham the Director of Air Navigation of ICAO, whose support proved decisive. Nor can we forget Marcus Costa and all of the professionals of the ICAO Secretariat.

The 2010 European Regulation requires member countries to have a victim assistance plan. Spain was one of the first countries to pass legislation to this effect with the Royal Decree of 1 August 2013 which introduces a Civil Protection Resources Coordination Plan, and expresses appreciation to the Association of JK5022 Victims for its help in the drafting process.

In 2012, five European countries created SOS – Catastrophes European Network of Disaster Victims bringing together groups with shared goals and the determination to influence European decision-makers.

But reality outpaced the regulations. The year 2014 was a tragic one for global commercial aviation, revealing failings in the treatment of victims. It is incomprehensible that events such as the downing of KAL007 in 1983 should recur, as happened when flight MH17 was shot down over Ukraine, that Malaysia Airlines flight MH370 should still be missing, and that Air Asia should leave more than half of the passengers of its doomed flight at the bottom of the sea. These disasters shook the world and should prompt the air transport industry to immediately address these unacceptable gaps, although ICAO is taking measures as we see from the outcomes of this Conference.

I listened carefully to the interventions last Monday, but I did not hear any proposals for ICAO to develop standards for victim assistance in spite of the no doubt harsh experiences in dealings with families.

It is hard for us to understand why some countries are spending enormous amounts of money looking for wreckage but not giving equal attention to assistance for the families of victims.

After suffering its worst air tragedy in 36 years, Spain did what had not yet been done. Spanish airlines were required to create a victims assistance plan and adopt an air disaster protocol.

Do the countries that suffered the tragedies of last year have such legislation and protocols?

Will those States promote general support for Document 9998 on assistance to victims as well as a standard and recommendations for Annex 9, to be covered by the USOAP Safety Audit Protocol?

3. Proposals for the Future

Victims helping victims is a considerable motivation for States to have our associations serving on their crisis management committees. Our experience facilitates communication and eases the pain. The wrenching images of people suffering the profound loss of their loved ones are unacceptable.

The world has changed radically since the 1944 Chicago Convention, but the aviation sector has not changed its treatment of the victims. Protection of victims' rights should be compatible with the sustainable development of aviation and with the moral imperative that has thus far been absent from the discussions among air transport stakeholders: **economic progress is all well and good, but we must not forget that planes carry persons, human beings.**

I assure you that we can make a decisive contribution by refusing to stand silently as guests in the world of commercial aviation, receiving attention only when an accident has occurred and we are weeping for our personal loss.

With the moral force that comes from having suffered tragedy, the Group of Victims and their Families takes on the responsibility of responding to accidents and keeping watch over the air transport system, of which safety is the cornerstone. But to achieve this, it must first make itself heard.

We are pleased that this Conference has considered improvements in the location of the 'black boxes', global flight tracking and information sharing with regard to conflict zones. Our natural calling is the promotion of safety, because we are fighting to prevent what we have endured.

What remains to be done in the future?

- Reinforce the **INDEPENDENCE** of air accident investigation agencies, and ensure they have adequate resources and experts;
- At the national and international levels, coordinate and standardize official accident investigations so as to correct the chain of errors that cause accidents;
- **Introduce standards and recommendations into Annex 9 of the 1944 Chicago Convention, based on the provisions of Document 9998 – Policy on Assistance to Aircraft Accident Victims and their Families. The SARPs should be included in the Safety Audit Protocol, and there should be disclosure of which countries comply and which do not;**
- Encourage all States that have not yet done so to ratify the 1999 Montreal Convention, with the objective of fully standardizing mandatory rules for international air transport;
- Encourage airlines, their alliance teams and INSURERS to standardize, coordinate and simulate their crisis management procedures and to publish that information on the websites where passengers purchase their tickets;
- Request ICAO to promote standards that balance the interests of the INSURERS, airlines and victims, and facilitate participation by all parties;
- Continue working with governments and national and international institutions to improve the safety of global air transport;
- **For the Victims Group, the priority will be for ICAO to accept the Federation of Victims Associations as an organization that may be invited to attend all of its international meetings and events where we can offer a different vision and experience with the clear objective of improving the safety of air transport. Our relationship with ICAO has developed and matured since its start in 1983, and has been shown to be essential in light of the disasters occurring in recent years. Our commitment to aviation**

safety is on the table for the consideration of the international community represented in ICAO. Now, over to you.

Thank you very much on behalf of the victims and families of our Group, but also on behalf of all those who have, sadly, been affected by air disasters anywhere in the world. They may not know it, but we are also working for them and their families who, like ours, are:

...somewhere...forever in our hearts.

Montreal, 5 February 2015