



ASSEMBLY — 39TH SESSION

TECHNICAL COMMISSION

Agenda Item 35: Aviation safety and air navigation standardization

ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND SUPPORT TO THEIR FAMILIES
BY THE AIG AUTHORITY

(Presented by Argentina)

EXECUTIVE SUMMARY

This working paper presents the proposal for a coordination procedure between the State AIG authority, the AAC and other actor of the aviation system involved in an accident, with the objective of being able to provide assistance to aircraft accident victims and their families.

Action: The Assembly is invited to:

- a) take note on the coordination procedure proposal;
- b) propose that the AIG/P analyze the provided information; and
- c) develop guidance material, if pertinent, and subsequently incorporate it to Annex 13 and related documents.

<i>Strategic Objectives:</i>	This working paper relates to the Safety, Air Navigation Capacity and Efficiency and Economic Development o Air Transport Strategic Objectives.
<i>Financial implications:</i>	There is no financial impact
<i>References:</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> Annex 13 – <i>Aircraft Accident and Incident Investigation</i>

¹ English and Spanish versions provided by Argentina.

1. INTRODUCTION

1.1 An aircraft accident is an unexpected and usually a catastrophic event. Concern for persons who have suffered distress and loss as a result of an aircraft has led to increased efforts within the aviation industry to establish procedures which address the needs of victims and their families in a timely manner.

1.2 During its 32nd Session in October 1998, the International Civil Aviation Organization (ICAO) Assembly considered the subject of assistance to aircraft accident victims and their families, acknowledging that the policies of ICAO should be to ensure that the mental, physical, and spiritual well-being of victims involved in civil aviation accidents and their families are considered and accommodated by ICAO and its Contracting States.

1.3 Following discussions, Assembly Resolution A32-7, inter alia:

- called on Contracting States to reaffirm their commitment to support civil aviation accident victims and their families;
- urged Contracting States, in cooperation with ICAO and other States, to promptly review, develop and implement regulations and programmes to provide that support; and
- urged the ICAO Council to develop material citing the need for the establishment of regulations and programmes by Contracting States and their air operators to support aircraft accident victims and their families.

1.4 Resolution No. 2 of the International Conference on Air Law, held in Montreal from 10 to 28 May 1999, recognized the tragic consequences that result from aircraft accidents. The conference was mindful of the plight of aircraft accident victims and their families and took into account their immediate needs. In so doing, the conference urged air carriers to make advance payments, without delay, based on the immediate economic needs of aircraft accident victims and their families. The conference also encouraged States that are parties to the Convention for the Unification of Certain Rules for International Carriage by Air, adopted on 28 May 1999, at Montreal, to take appropriate measures under national law to promote such action by carriers.

2. ANALYSIS

2.1 Assistance programmes, in support of aircraft accident victims and their families, require cooperative planning and response by the air operator, airport operator, State of Occurrence, non-governmental organizations, and specialized commercial companies. Irrespective of the scale of an accident, the victims and their families should receive appropriate assistance. Because of variations in the size and circumstances of aircraft accidents, the extent of the resources required to provide family assistance will vary considerably. Therefore, planning for such events is necessary to ensure that in the event of a major aircraft accident the assistance provided to the victims and their families is adequate and sufficient.

2.2 The States shall establish policies regarding the provision of assistance to aircraft accident victims and their families, encourage planning, development and implementation of legislation, regulations, policies and procedures related to family assistance.

2.3 According to what is mentioned in item 1, assistance programmes in support of aircraft accident victims and their families require cooperative planning and response by the States and, taking into account that aircraft accident investigation organizations are part of Aviation Authorities and what is established in Doc. 9998 “ ICAO Policy on Assistance to Aircraft Accident Victims and their Families ” item 2.1.4:

2.4 Aircraft Accident and Incident Investigation is the prevention of accidents and incidents, not the apportionment of blame or liability, and is separate from the provision of family assistance. However, the accident investigation authority has a responsibility to provide relevant, timely and validated information to the families and the accident survivors regarding the progress of the investigation, provided that it does not compromise the objective of the investigation.

2.5 Doc. 9973 – Chapter 2 – Recipients of Family Assistance, states in 2.1 :

The aim of family assistance is to address the concerns and the needs of the victims and their families, to the extent possible, and to provide them with easily accessible factual information about the progress of the accident investigation. From the onset, survivors and families should be informed of the objective of the investigation, in accordance with the provisions of Annex 13. The provision of family assistance requires the commitment of resources in several areas in order to provide the following: [...]

e) information about the investigative process and its objective, the progress of the investigation, and the public presentation of the findings of the investigation;

g) coordination of a visit to the accident site, where access is practicable, with consideration of safety and security concerns;...

2.6 Due to the experience gained as a consequence of a major accident that occurred in March 2015 with international and national fatalities and, according to what is established in Doc. 9998 and what is recommended in Annex 13-item 5.27, the JIAAC provided assistance to the families of the victims that passed away in the accident facilitating information regarding the progress of the investigation; subsequently, the final report of the accident was submitted to them. The lessons learned from that experience make it necessary to the investigation organizations to be included in the State planning of the coordination with all the actors before a tragedy of such size.

3. PROPOSED MEASURES

3.1 By virtue of the aforementioned, the investigation organizations shall facilitate timely information regarding the progress of the accident investigation to the accident victims and their families and the possibility of visiting the accident site. It is worth mentioning that an aircraft accident investigation, whose only objective is the prevention of accidents and incidents, must be independent from the provision of assistance to families.

3.2 In order to comply with this task, it is necessary to ensure:

a) That the information is validated and timely submitted to the accident victims and their families, and

- b) the coordination to visit the accident site when the investigation organization considers it convenient.

3.3 For this, it is proposed that the AIG organizations :

3.4 Consider the appointment of a qualified person as focal point in order to coordinate with other providers of assistance to aircraft accident victims and their families all the measures aiming at ensuring the effective communication and coordinating and authorizing families' and survivors' visits to the accident site, when convenient and where access is practicable.

4. **CONCLUSION**

4.1 The ASSEMBLY is invited to:

- a) Take note on the information presented by this WP; and
- b) Consider to submit this WP to the AIG/P to be analyzed and, if pertinent, to be incorporated into Annex 13 and related documents:

5. **RECOMMENDATION**

5.1 The accident investigation organizations shall appoint a focal point in order to coordinate with other providers to assistance to aircraft accident victims and their families all the measures aiming at ensuring the effective communication and coordinating and authorizing families' and survivors' visits to the accident site, when convenient and where access is practicable.

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