



WORKING PAPER

ACCIDENT INVESTIGATION AND PREVENTION (AIG) DIVISIONAL MEETING (2008)

Montréal, 13 to 18 October 2008

Agenda Item 6: Regional cooperation in accident and incident investigations

REGIONAL ORGANIZATIONS IN ACCIDENT AND INCIDENT INVESTIGATIONS

(Presented by the Interstate Aviation Committee)

SUMMARY

This paper discusses the role and benefits of regional international investigation bodies as well as the suggested amendment to Annex 13, Chapter 5, intended to assist the States in updating their national legislations in accident and incident investigations.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 Paragraph 2.1.6, *Manual of Aircraft Accident and Incident Investigation*, Part I — *Organization and Planning* (Doc 9756), recommends that the States should encourage creating regional aviation safety groups. Such regional bodies could deal, among other matters, with air accident investigation issues, such as delegating authority over investigations (completely or partially), providing mutual cooperation of the States within the framework of investigations.

2. DISCUSSION

2.1 The Interstate Aviation Committee (IAC), being an international organization which unites twelve States¹ in accordance with the authority granted to it by its member-States on the basis of the Agreement on Civil Aviation and Use of Airspace (an international agreement signed in December 1991 and registered in ICAO), hereinafter referred to as Agreement, conducts, along with its other functions, investigations of aircraft accidents occurring in the Contracting States or to aircraft owned or manufactured by the Contracting States, and develops recommendations for accident prevention.

¹ Azerbaijan Republic, Republic of Armenia, Republic of Belarus, Georgia, Republic of Kazakhstan, Kyrgyz Republic, Republic of Moldova, Russian Federation, Republic of Tajikistan, Turkmenistan, Ukraine, Republic of Uzbekistan.

2.2 The IAC has over 15 years of experience in air accident investigation and prevention on behalf of the States. The IAC supports ICAO efforts to develop regional and sub-regional interaction of the States in solving aviation safety issues, following the conclusions and recommendations of the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety held on 20-22 March 2006. The IAC proceeds from the fact that establishing regional and sub-regional organizations, including accident investigation and prevention bodies, has considerable potential for rendering practical assistance to the States in their duties and responsibilities in accordance with the *Convention on International Civil Aviation* (Doc 7300), its Annexes as well as with the current procedures and practices ensuring flight safety. The IAC presented information on this issue (Working Paper A36-WP/56) at the 36th session of ICAO Assembly.

2.3 The establishing of regional organizations, such as the IAC, presents a number of obvious benefits for all States, but particularly for States that lack considerable financial, technological and human resources, namely:

2.3.1 The investigations are organized and conducted according to the unified rules that are in full compliance with the ICAO Convention on Civil Aviation as well as the applicable ICAO Standards and Recommended Practices.

2.3.2 Such a regional organization is, by its nature, independent, as it is originally not only beyond the framework of civil aviation authorities of any particular States but also beyond the framework of other authorities of the States.

2.3.3 Aviation safety issues require not only specific knowledge and expertise, but also substantial financing, joint resources and experience of unique experts. It appears more cost-effective and efficient to employ and train professional investigators, equip technical laboratories, for example for FDR/CVR readout, within the framework of a regional organization, by means of distributing expenses that a separate State would not be able to afford.

2.3.4 As regional organizations are established, the number of accident and incident investigation conducted increases naturally, which allows maintaining the necessary qualification of investigators and develop practical investigating skills.

2.3.5 Air accident investigation at present cannot be mono-national in its essence, as it involves participation not only of the States of Design, Manufacture, Operation and Registry, but also States whose citizens were killed in the accident. Multinational character of investigation is largely determined by extensive migration of population in the world and also within any particular region. It is much easier to prevent conflicts of interests within the framework of regional organizations, as such an organization will, in a significant number of cases, present several States, which will make interaction as well as information exchange and publicity easier.

2.3.6 It is much easier to submit the recommendations developed on the basis of investigations to the relevant authorities and control how the recommendations are considered, especially when one or several of the contracting States are manufacturers.

2.3.7 International cooperation with other States and profile organizations appears much easier, as it is unnecessary to conclude memoranda of understanding and to be members of international organizations for every separate State. These procedures can be performed within a regional organization. The States also have more opportunity to influence decisions of international and regional scale, as the coordination of issues with other States is facilitated.

2.4 It is necessary to note that when such regional organizations are established, the national legislation authorities shall consider both the possibility of delegating relative authority to international organizations and sources of financing such organizations. It will be much easier to introduce such provisions into national legislations, if basic international documents already contain relative references and recommendations.

3. **ACTION PROPOSED**

3.1 It is proposed to consider the material presented, to confirm again that ICAO encourages the States to support the establishment of regional groups and organizations, including air accident and incident investigation organizations, and to introduce the amendment to Annex 13 proposed in the Appendix to this working paper regarding the possibility of delegating investigations to international organizations.

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APPENDIX

PROPOSED AMENDMENT TO ANNEX 13

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CHAPTER 5. INVESTIGATION

RESPONSIBILITY FOR INSTITUTING AND
CONDUCTING THE INVESTIGATION

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State of Occurrence

5.1 The State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conducting of such investigation to another State or international (interstate) organization by mutual arrangement and consent. In any event the State of Occurrence shall use every means to facilitate the investigation.

5.1.1 **Recommendation.**— *The State of Occurrence should institute an investigation into the circumstances of a serious incident. Such a State may delegate the whole or any part of the conducting of such investigation to another State or international (interstate) organization by mutual arrangement and consent. In any event the State of Occurrence should use every means to facilitate the investigation.*

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