



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

Montréal, 13 to 18 October 2008

Agenda Item 1: Annex 13

1.4: Format of the Final Report in Annex 13

REMOVAL OF THE CAUSE IN THE CONCLUSION OF FINAL REPORT

(Presented by the Republic of Korea)

SUMMARY

This paper proposes the replacement of the term “causes” with “contributing factors” in the Conclusion of the Final Report in Annex 13, in order to prevent the misuse of the Final Report for purposes that may be opposed to the objective of accident or incident investigation.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 According to the AIG/08-WP/8 submitted by ICAO Secretariat regarding the conclusions in the Final Report, it is suggested that the definition of “Causes” in Chapter 1 of Annex 13 be expanded, and “contributing factors” under “Conclusions” of the Format of the Final Report in the Appendix to Annex 13 be added.

1.1.1 Such amendments in the Appendix to the Annex 13 are to enable the Contracting States to be free to determine “causes” and/or “contributing factors” in their Final Reports.

1.2 This paper proposes that the term “causes” needs to be replaced by “contributing factors” in the Conclusion of the Final Report, so as to prevent the use of the Final Report for any purposes that may lead to apportion of liability or blame-setting.

2. **DISCUSSION**

2.1 The Republic of Korea is concerned that the formulation of causes in the conclusion of the Final Report would include the list of only the direct causal factors of the accident or incident and serve as a basis of determination of liability or blame-setting by the judicial or administrative authority.

2.2 On the other hand, contributing factors may be described as probable, interrelated factors, which alone are not sufficient to spoil the defence systems, but together, may contribute to the development of the occurrence of the accident or the incident and thereby provide a more accurate reflection of the entire scope of liability.

2.3 **Positive effects**

2.3.1 If the term “causes” is replaced with “contributing factors” in the Conclusion of the Final Report, the positive effects are expected as follows:

- a) the Final Report of the accident investigation would not be utilized by third parties for their own purposes, such as judicial or administrative proceedings, etc. and the corrective action on the Safety Recommendation would be more efficiently implemented;
- b) the time and effort to conduct the investigation would be saved and the task force established to identify and classify the “cause” from the factual information would no longer be necessary;
- c) the focus of the accident investigation authority would not be diverted from the purpose of conducting the investigation or completing the Final Report or the Safety Recommendations; and
- d) non-punitive environment would be fostered to identify the immediate and deeper systemic contributing factors for only investigative purposes.

3. **ACTION PROPOSED**

3.1 The meeting is invited to consider the replacement of the term “causes” by “contributing factors” in the Conclusions of the Final Report in Annex 13.

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