



ASSEMBLY — 42ND SESSION

TECHNICAL COMMISSION

Agenda Item 24: Aviation Safety and Air Navigation Priority Initiatives

TOWARD A LEGAL FRAMEWORK FOR THE GLOBAL RANKING OF AIR ACCIDENT INVESTIGATION REPORTS

(Presented by Iran (Islamic Republic of))

EXECUTIVE SUMMARY

The publication of accurate, transparent, and timely aircraft accident investigation reports is crucial for ensuring aviation safety and preventing similar occurrences in the future. Although Annex 13 — *Aircraft Accident and Incident Investigation* to the Chicago Convention provides the necessary international legal framework for conducting these investigations, there are significant differences among countries in the quality, accessibility, and legal compliance of investigation reports. Currently, no global mechanism exists to assess or rank the performance of investigative bodies based on their adherence to Annex 13 Standards. This paper proposes a legal framework for ranking national aircraft accident investigation reports based on international aviation law, human rights principles (such as the right to the truth and access to information), and best practices in accident reporting. This working paper also examines the legal challenges in implementing such a framework and analyzes the potential role of ICAO and other international actors.

Action: The Assembly is invited to:

- recognize the need for a global legal framework to rank aircraft accident investigation reports, thereby promoting uniformity, transparency, and accountability among Member States;
- mandate the Legal Commission to develop clear, rights-based criteria for the assessment and ranking of investigation reports, including factors such as timeliness, public accessibility, and factual accuracy; and
- encourage States to adopt and implement these criteria in their accident investigation processes, ensuring reports are comprehensive, timely, and publicly available in accordance with Annex 13 — *Aircraft Accident and Incident Investigation* and relevant international legal obligations.

Strategic Goals	This working paper relates to the Strategic Goals <i>Every Flight is Safe and Secure; The International Civil Aviation Convention and other Treaties, Laws and Regulations address all Challenges; and No Country Left Behind.</i>
Financial Implications	Implementation may require moderate resources for development, monitoring, and capacity-building, which can be covered by existing budgets or voluntary contributions. The long-term safety benefits outweigh these costs.
References:	Annex 13 — <i>Aircraft Accident and Incident Investigation</i> to the Chicago Convention. Doc 7300, <i>Convention on International Civil Aviation</i> (Doc 7300)

1. INTRODUCTION

1.1 Investigating accidents in civil aviation plays a pivotal role in the global effort to enhance flight safety. Beyond identifying the technical causes of an incident, investigative bodies are mandated to produce comprehensive reports that serve institutional learning, accountability, and public transparency. The legal basis for this obligation can be found in Annex 13 — *Aircraft Accident and Incident Investigation* to the Chicago *Convention on International Civil Aviation* (Doc 7300), which outlines the international Standards and Recommended Practices (SARPs) for the conduct and dissemination of aircraft accident investigations.

1.2 Despite this common legal framework, the quality, accessibility, and legal coherence of accident investigation reports vary significantly across different countries. Some nations regularly publish well-documented and timely reports, while others either delay report publication, omit key findings, or lack the institutional independence required by international standards. These inconsistencies not only hinder global safety improvement efforts but can also lead to breaches of international obligations.

1.3 This paper addresses the absence of a structured mechanism for evaluating and ranking aircraft accident investigation reports. The main argument is that such a ranking system—if based on clear legal criteria—could strengthen international law, promote government accountability, and improve global safety outcomes.

2. REASONING FOR ESTABLISHING A GLOBAL RANKING MECHANISM

2.1 Despite the legal commitments outlined in Annex 13, a significant gap exists between states' formal compliance with Standards and the actual effectiveness of accident investigation processes among ICAO Member States. In some jurisdictions, accident investigation authorities operate with high transparency, publishing comprehensive reports that serve as international learning models. However, in others, reports are delayed, incomplete, politicized, or not published at all.

2.2 This inconsistency undermines the objectives of Annex 13 and erodes confidence in international aviation oversight mechanisms. More importantly, a lack of transparency can violate the rights of victims, their families, and the general public to access truth and safety information. Establishing a global ranking mechanism for accident investigation reports could:

- a) act as a deterrent against breaches of obligations and institutional negligence;
- b) create peer pressure among countries to meet or improve minimum standards; and
- c) provide a tool for ICAO and regional bodies to monitor more effectively and target their capacity-building programs.

Of course, such a mechanism must be based on a valid and legitimate legal framework, rather than becoming a political tool or a means of "naming and shaming."

3. PROPOSED LEGAL CRITERIA AND INDICATORS FOR RANKING

3.1 The proposed ranking framework should be rights-based, transparent, and rooted in international legal obligations, particularly those arising from the Chicago Convention, general principles of international law, and emerging norms related to the right to access information and victims' rights.

The table below presents an initial set of proposed legal criteria and indicators:

Criterion	Legal Basis	Indicators	Maximum Score
Timeliness of Publication	Annex 13, Para 6.6	Report published within 12 months	10
Public Accessibility	Annex 13, Para 6.8	Report published online in an official language	10
Factual Accuracy	Annex 13, Chapter 6	Clear chronology, data, findings	10
Institutional Independence	Annex 13, Para 5.4	Existence of an independent accident investigation authority	10
Rights of Victims and Families	Soft law, Human Rights	Communication with families; public summary available	10
Technical Depth of Report	ICAO Doc 9756	CVR/FDR analysis, human factors, safety recommendations	10
Accountability to ICAO	USOAP	State's response to ICAO follow-ups	5
Process Transparency	Public International Law	Was the investigation documented, impartial, and traceable?	5
Total Possible Score:			70

Countries can be classified into categories A to D based on the score obtained.

4. LEGAL AND INSTITUTIONAL CHALLENGES

4.1 Implementing a global rating mechanism faces significant legal and institutional challenges, including:

a) Sovereignty considerations

According to Article 1 of the Chicago Convention, States have complete and exclusive sovereignty over their airspace. Many governments might perceive a rating system as interference in internal affairs or political pressure, especially in highly sensitive or politically charged incidents.

b) Risk of politicization

In the absence of clear legal guarantees, such a system could become politicized or used selectively—particularly in geopolitically sensitive cases. Transparency, procedural fairness, and legal legitimacy are essential to mitigate these risks.

c) Resource Gaps and Institutional Disparities

Many developing countries lack the necessary financial and technical capacity to fully comply with Annex 13 standards. A system that disregards these disparities could lead to unfair penalties and exacerbate global inequality.

5. **PROPOSED STEPS:**

5.1 Forming a Legal Advisory Working Group to examine the legal basis and align the ranking with ICAO's mission. Creating a public platform (under ICAO oversight or joint management) for publishing comparative assessments and best practices, with full respect for State sovereignty and procedural fairness. Such coordinated actions can strengthen global confidence in aviation safety governance and reinforce the legal credibility of Annex 13.

6. **CONCLUSION**

6.1 In an era where aviation safety has become simultaneously globalized and rights-based, the quality and transparency of aircraft accident investigation reports are no longer merely technical issues. Instead, they are legal matters deeply connected to public trust. Despite the robust framework provided in Annex 13, the international community lacks the necessary tools to assess and improve States' performance in this crucial area.

6.2 This paper argues that designing a rights-based, realistic, and implementable ranking mechanism is feasible. Such a framework could incentivize compliance with standards, strengthen the power and rights of victims and stakeholders, and ultimately enhance global safety outcomes. While challenges exist—particularly concerning governance, capacity, and institutional authority—these can be managed through transparent design, legal safeguards, and collaborative implementation.

6.3 A global ranking system for accident reports should not be viewed as a punitive tool, but rather as an opportunity: an opportunity to bridge the gap between law and practice, and to elevate international aviation safety to the level it deserves from the perspective of both law and justice.

— END —