



WORKING PAPER

ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 22: Other high-level policy issues to be considered by the Executive Committee

ON THE ADMISSIBILITY OF POLITICIZING AIR ACCIDENT AND INCIDENT INVESTIGATION

(Presented by the Interstate Aviation Committee on behalf of Armenia, Belarus, Kyrgyzstan, Russian Federation, Tajikistan, Uzbekistan)

EXECUTIVE SUMMARY

Upon the ratification of the Convention on International Civil Aviation, ICAO Member States “undertake to collaborate in securing the highest practical degree of uniformity in regulations, standards, procedures ... in all matters in which such uniformity will facilitate and improve air navigation”². Such collaboration is particularly important in the implementation of SARPS Annex 13 “Aircraft Accident and Incident Investigation” in the interests of ensuring aviation safety of civil aircraft, regardless of their national origin. On the contrary, the refusal of such collaboration contradicts the spirit and letter of the Chicago Convention and counteracts the achievement of the ICAO main strategic goal – “Aviation Safety”. The experience of recent years shows that, guided solely by political motives, some States of Design and States of Manufacture of aircraft and aircraft equipment refuse to provide the necessary assistance in conducting aircraft accident investigations, which undoubtedly affects their quality (the completeness of recommendations being developed to improve aviation safety) and, as a result, the possibility of preventing air accidents and incidents.

Action: the Assembly is invited to:

- a) guided by the ICAO objectives stated in Article 44 of the Chicago Convention, urge ICAO Member States to strictly comply with their obligations in the interests of ensuring aviation safety of international civil aviation, and recognize deliberate actions by ICAO Member States that harm global air navigation safety as contrary to ICAO membership;
- b) in accordance with Article 54 of the Chicago Convention, direct the ICAO Council to review the known cases of deliberate non-fulfilment of their obligations by ICAO Member States, in particular regarding politically motivated non-compliance with ICAO SARPS, and on behalf of the ICAO Council send an appeal to these States to cease actions detrimental to the safety of international civil aviation flights; and
- c) direct the ICAO Council, in accordance with subparagraph j) of Article 54 of the Convention, to regularly report to the ICAO Member States “... any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council”..

<i>Strategic Goals:</i>	This working paper relates to Strategic Goals “Every Flight is Safe and Secure”
<i>Financial implications:</i>	Not applicable
<i>References:</i>	Annex 13 <i>Aircraft Accident and Incident Investigation</i> Doc 9756, <i>Manual of Aircraft Accident and Incident Investigation</i>

¹ English and Russian versions provided by IAC.

² Article 37 “Adoption of international standards and procedures” of the Convention on International Civil Aviation

1. INTRODUCTION

1.1 There is no doubt that the investigation of air accidents involving civil aircraft has the sole purpose of improving aviation safety of civil aircraft, regardless of their national identity, based on the conclusions and recommendations obtained from the investigations.

1.2 The objectivity of the conclusions and the completeness of the recommendations can be ensured only by collecting and analyzing all available information related to an air accident, and the results of an investigation aimed at improving aviation safety are the property of the entire global aviation community and should not depend on any political preferences of individual States.

1.3 However, some States, being the States of Design and/or the States of Manufacture of aircraft, engines and components, or having the information necessary for the investigation, guided by the political situation, do not fulfil their obligations and do not comply with the provisions of ICAO SARPS to regarding providing assistance in aircraft accident and incident investigations conducted by other ICAO Member States.

2. DISCUSSION

2.1 ICAO SARPS explicitly define the responsibility and obligations of the State of Design and the State of Manufacture after receiving notification of an air accident or incident in providing assistance to the State or to the regional accident investigation organization conducting the investigation.

2.2 The Interstate Aviation Committee (IAC), as a regional accident investigation organization, has repeatedly encountered in the recent years with the fact that a number of ICAO Member States are not fulfilling their obligations under ICAO SARPS, including not responding to notifications send to them or requests for the technical information for the purposes of air accident investigation.

2.3 A number of other States respond to notifications and appoint authorized representatives to participate in the investigation, but are unable to provide the necessary assistance due to the prohibitions imposed by the authorities of these States regarding the participation of their national designers and manufacturers of aircraft and aircraft equipment in the investigation, as well as the transfer of the information required for the investigation.

2.4 The above-mentioned practice is incompatible with the spirit and letter of the Chicago Convention, it is unacceptable and hinders the achievement of the main objective of the investigation – prevention of air accidents and incidents in the future.

2.5 Our position in regard to this question IAC directed to the ICAO Chairman of the Council on September 2023, and received an answer from the Director of Air Navigation Bureau, which states, in particular, that “...ICAO actively encourages pertinent States to openly cooperate with the State or organization conducting the investigation. Such cooperation includes but is not limited to, appointing an accredited representative and provide all relevant information available in support of the investigation as required by Annex 13 to the Chicago Convention”.

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