I SYMPOSIUM

on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021)

Las Palmas de Gran Canaria

December 1-3, 2021



GOBIERNO DE ESPAÑA
MINISTERIO DE TRANSPORTES Y MOVILIDAD SOSTENIBLE
SECRETARÍA GENERAL DE TRANSPORTES AÉREO Y MARÍTIMO
DIRECCIÓN GENERAL DE AVIACIÓN CIVIL

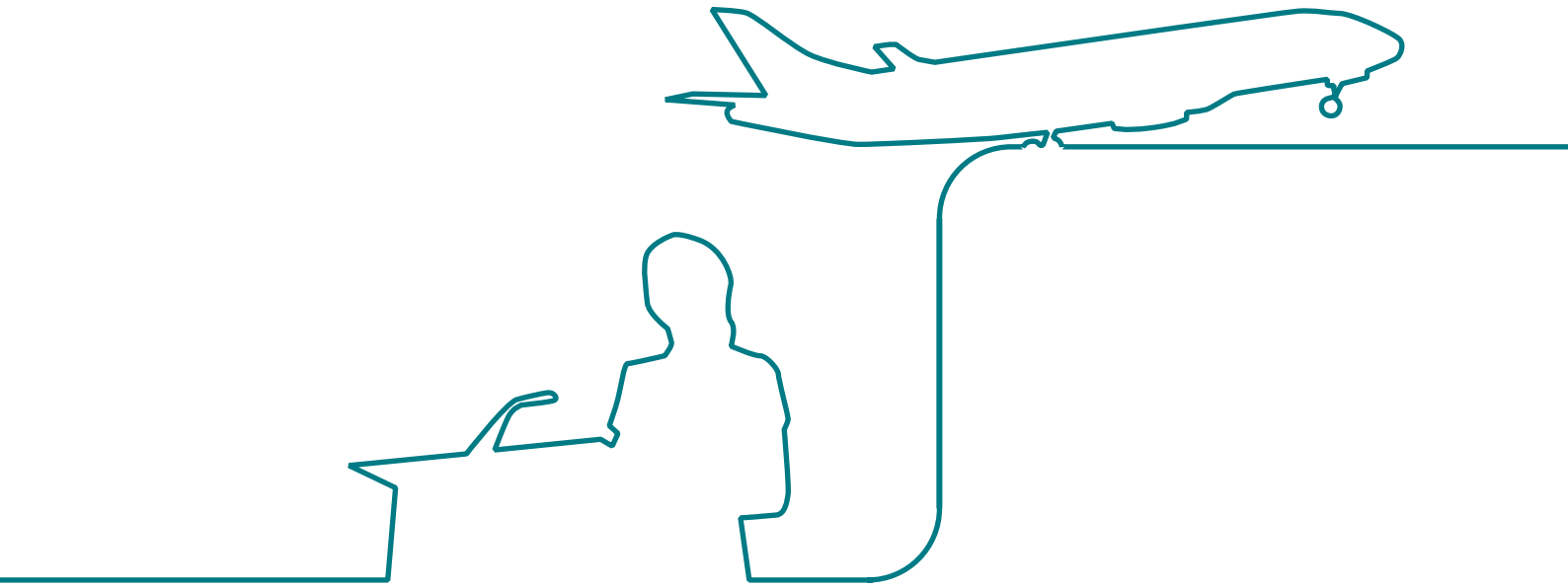
ICAO

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Introduction

The International Civil Aviation Organization (ICAO) Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021) was held at Las Palmas de Gran Canaria, Spain, from 1 to 3 December 2021, hosted by the Government of Spain and organized by the Ministry of Transport and Sustainable Mobility (in the time of the event, the Ministry of Transport, Mobility and Urban Agenda), in collaboration with the Government of the Canary Islands and the ENAIRE Foundation.

The Symposium, which had the invaluable contribution of over 50 high-level speakers, was structured in 6 blocks, which addressed recent experiences on assistance to victims and their families; lessons learned by the media when relaying sensitive information about an accident; lessons learned by accident investigation authorities; insurance best practices; short, medium and long-term policies; and, finally, next steps in these matters.

In addition to being a unique opportunity to share experiences and knowledge, 30 recommendations were proposed as a result of dialogue and consensus during the sessions, which were then submitted to the ICAO Council in February 2022. These recommendations were adopted by the 41st General Assembly of the Organization in September of the same year.

This document summarizes the essential elements of the Symposium on Assistance to Aircraft Accident Victims and their Families, featuring the speakers who participated in the event; the 30 recommendations proposed and subsequently adopted by ICAO; and, finally, some images taken during the event.

By means of this publication, the Ministry of Transport and Sustainable Mobility highlights the importance of assistance to aircraft accident victims and their families and seeks to spread among States the discussions that took place during the Symposium, as well as the recommendations arising from such discussions and the ensuing work carried out by states and ICAO on this relevant matter.

The Ministry of Transport and Sustainable Mobility also wishes to acknowledge the work of the Air Crash Victims' Families' Federation International, with official headquarters in Spain, for being the driving force behind ICAO's inclusion in its official calendar of a Symposium dedicated to its Policy on assistance to victims and their families, and for proposing to hold it in our country.

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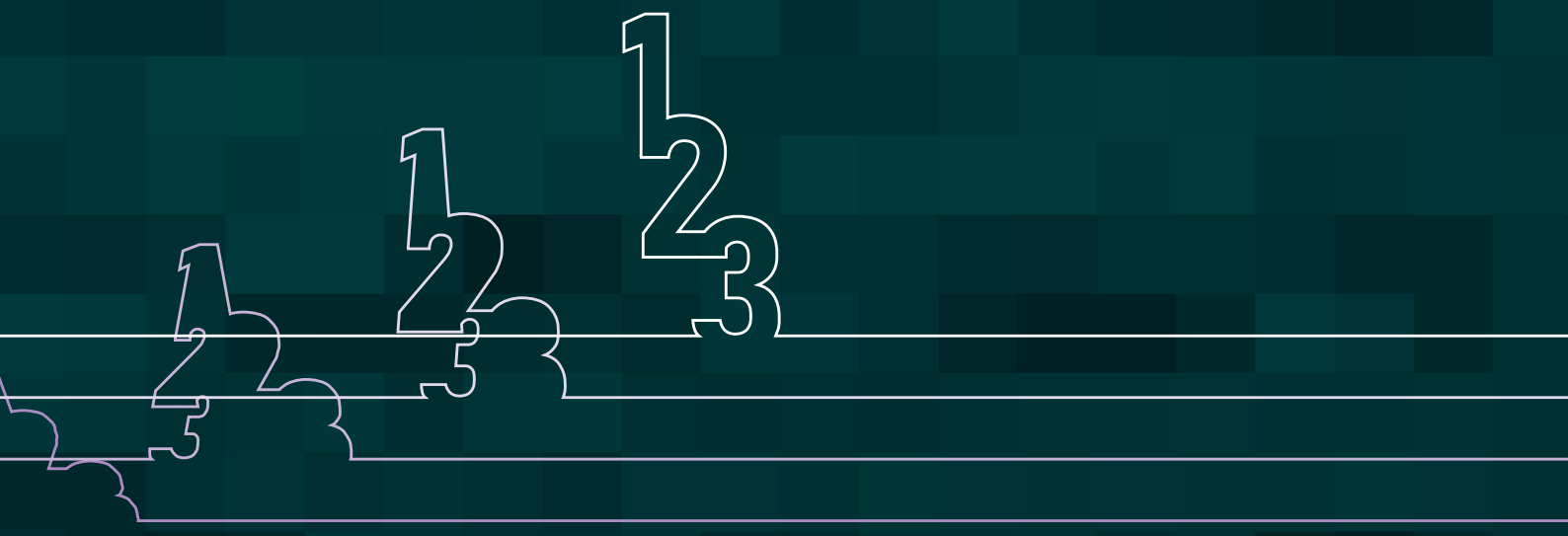
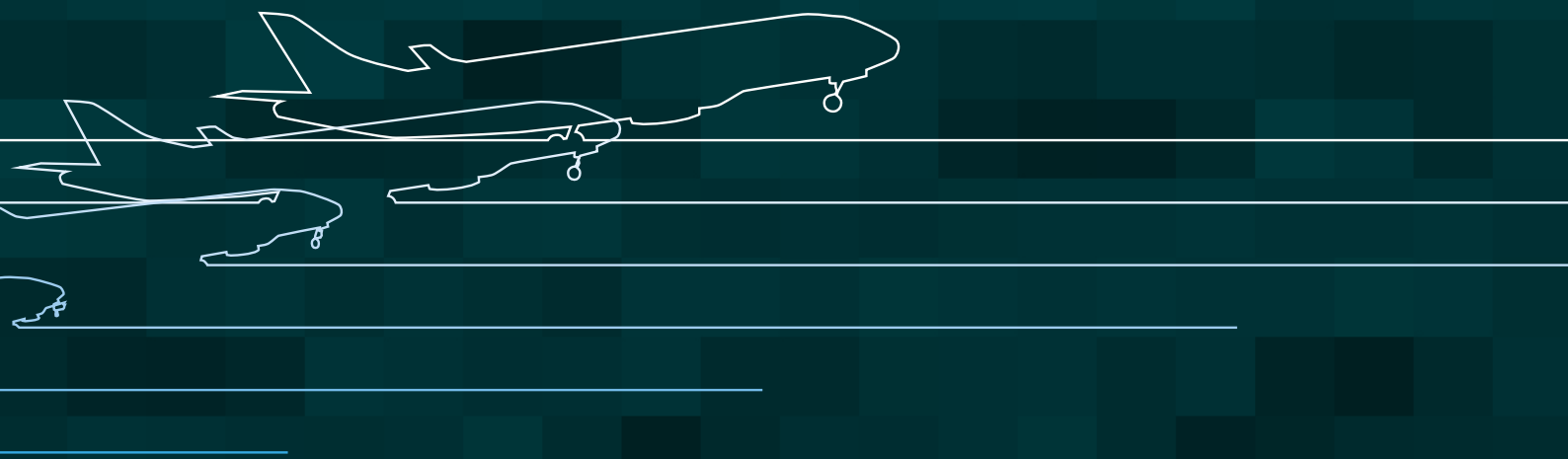


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01 PREAMBLES





David Benito Astudillo,
Director General of Civil Aviation of Spain

Currently, commercial air transport is the statistically safest mode of transport. The evolution of safety standards to the highest levels was a joint effort of the industry, regulators and supervisors, and other stakeholders in the sector, as well as the result of implementing the recommendations arising from the investigation of aircraft accidents, whose objective is none other than the prevention of future accidents and incidents.

After the celebration of the 40th General assembly of the International Civil Aviation Organization (ICAO) in September 2019, Spain offered ICAO to host the 1st Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021), due to the interest shown both by the JK5022 Accident Victims Association and the Air Crash Victims' Families' Federation International, as well as by the Government of the Canary Islands and the Government of Spain itself. ICAO accepted the offer and the Symposium took place in December 2021 in Las Palmas de Gran Canaria. This event brought together experts from all over the world and drew important conclusions; highly useful results for advancing in the defense of the victims' and their families' rights and the standardization of the processes of victim assistance throughout the world.

The Symposium was held in Spain for a reason. Ever since the tragic accident of Spanair JK5022 flight at Adolfo Suárez Madrid-Barajas airport on 20 August 2008, in which 154 people passed away and 18 others were injured, Spanish civil aviation authorities have devoted themselves to improving regulations and assistance procedures so that the response to air disasters, should they unfortunately happen again, would be up to what both victims and their families deserve at such a painful time.

Accordingly, Spanish Royal Decree 632/2013, the cornerstone of assistance to aircraft accident victims and their families, was adopted in 2013.

Created by the then Ministry of Public Works and Transport (current Ministry of Transport and Sustainable Mobility), the regulation extended and incorporated into our legal system the provisions of ICAO documents on Policy on Assistance to Aircraft Accident Victims and their Families, as well as the Manual on Assistance to Aircraft Accident Victims and their Families (ICAO documents 9998 and 9973, respectively).

Subsequently, this Royal Decree was developed by means of the Resolution of the Undersecretary of the Interior, of 14 May 2014, approving the Coordination Protocol for assistance to aircraft accident victims and their families, thus forming a robust system to ensure adequate assistance to victims and their families in Spain.

This system, which is undergoing a process of continuous improvement, allowed Spain to become the first State to pass the ICAO audit on assistance to victims in 2021.

However, due to the international nature of aviation, our work will never be complete unless homogeneous standards are achieved worldwide. For this reason, both Spain and the European region have been working and presenting initiatives at successive ICAO Assemblies and technical meetings on this subject, as well as offering all their collaboration and help so that other States may implement adequate assistance systems.

This collaborative work and defense of the ICAO Policy on Assistance to Victims made possible and led to the 1st Symposium on Assistance to Aircraft Accident Victims and their Families, where 30 recommendations were proposed and then adopted at the 41st Assembly of 2022, some of which may have already been implemented or may be in the process. The Air Crash Victims' Families' Federation International (FIVAAF – ACVFFI), to which we are deeply grateful, played a decisive role in the development of the contents and in the event itself. Therefore, the publication of the results of the event is also a means to recognize the tireless work of the Federation and of its president, Ms. Pilar Vera.

With this publication, the Ministry of Transport and Sustainable Mobility supports these recommendations and reaffirms its commitment to continue promoting the work of ICAO, its regional offices and its Member States.



Pilar Vera Palmés,

President of the Air Crash Victims' Families' Federation International (FIVAAF-ACVFFI)

The tragedy of flight JK5022 that happened on 20 August 2008 at Madrid-Barajas airport, where 154 people passed away and 18 survived is at the heart of the long, arduous journey that I began at that time to try to understand its causes.

I come from Gran Canaria, almost 2,000 kilometers away from Madrid. For Canarians, air travel is essential for mobility in our lives, not just with the mainland, but also between islands. More than 80 people of Canarian origin/residence boarded flight JK5022. I could not—although I tried—go on with my life and leave behind those questions that had been tormenting me ever since that fateful and dramatic night of 20 August as I watched the events of the emergency management unfold.

I chose the least convenient path: to leave resentment and revenge behind in order to work hard and generously so that, apart from the tragedy, no one else would suffer again due to the decisions made by those who did not know how to deal with a disaster of such proportions.

We began in Europe, where Regulation (EU) No 996/2010 was being debated at the European Parliament, and we managed to bring in three main issues: having a passenger list two hours after the accident, that all EU Member States have a plan for assistance to victims and that official information is given to families before making it public. Meanwhile, in Spain, we achieved the approval of Royal Decree 632/2013, which includes the Plan of Assistance to Aircraft Accident Victims and their Families, a coordination protocol for civil protection, an explanatory leaflet… and other regulations.

In 2010, I arrived at ICAO to try to update Circular 285 of the ICAO Secretariat, issued in 2001, which was not followed when managing the tragedy of flight JK5022.

At that time, a journey that has now been going on for 15 years began, in which objectives that were unimaginable in 2008 have been achieved: the approval of 10 work papers presented at the 2016, 2019 and 2022 Assemblies and addressing issues such as

the independence of investigation authorities; turning Document 9998, approved at the 2013 Assembly, from a recommendation to standard regulation; including in airport emergency plans a specific plan for victims and their families; having official reports translated into the passengers' languages; having ICAO include in its triennial event calendar a symposium on assistance to victims and families (also for the2019-2021 period); dedicating an International Day to recall the bitter side of aircraft tragedies: the victims; the recognition of the first and only unified voice of victims and families, the Air Crash Victims' Families' Federation International, and so on.

Throughout those years, whenever there was a high-level conference, we asked to include a parallel session dedicated to the assistance of victims, as ICAO had never before dedicated a whole event to victim assistance and gathering all the stakeholders involved in aviation: operators, States, airlines, the industry, insurers, manufacturers, etc.

And so the 1st ICAO International Symposium on Assistance to Aircraft Accident Victims and their Families was born, at the 40th Assembly in 2019 in Montreal, attended by the then Minister of Public Works and Transport. I asked him to host the even in Spain, as the Air Crash Victims' Families' Federation International has its headquarters in Madrid, and also considering the long history of over nine years in ICAO. At the same time, I also requested the President and the Councilor of Transport of the Government of the Canary Islands to support the possibility of holding the event in Las Palmas de Gran Canaria, which was the case two years later. Let it be noted that not even COVID-19 slowed down neither its initiative nor its organization.

This 1st Symposium was the first hybrid event organized by ICAO and, despite the pandemic, it was a complete success both in person and virtually. For the first time, for three days, those affected, victims/survivors and families were able to hear presentations by representatives of States, international organizations, airline operators, the industry, insurers... And so they also reciprocally learned what makes people affected by an aviation tragedy step into the difficult and specialized world of international civil aviation, breaking down the barriers of prejudice around victims, as until then people used to believe that the death of our loved ones was forgettable through the payment of compensation.

This was not my personal case, as I was not eligible for economic inheritance, which made me free to walk a path full of difficulties, misunderstandings and prejudices, and to break

down barriers: losing a loved one in a plane crash marks you for life, but it does not take away either your reasoning capacity or intelligence to believe that systems can be improved and that safety must prevail over any other condition.

The Symposium concluded with 30 recommendations—one of them was to publish this document in paper and online, which will replace its predecessor, the 2001 Tallin meeting resulting in Circular 285—of significant importance, not just for the victims but for the international civil aviation system itself. Air disasters give way to profound changes in the safety systems of some States, which learn from tragedies for the safety of their citizens. Although not all of them recognize that it is an opportunity to improve them, I trust this will spread around the world. That is one of the reasons for the existence of our Federation: to promote, through our testimonies and in all possible forums, the lessons learned from our own tragic life experience.

This book summarizes a work that has been carried out with more will than resources. If its content makes you reflect and empathize, we will have achieved another objective not included among the 30 recommendations of the 1st ICAO Symposium: to sow the seed so that assistance to victims of aircraft accidents and their families is seen as natural, preventable and probable, for which we must be adequately prepared. And that depends on all stakeholders involved in international civil aviation, who have the full support of ACVFFI.

FOR THEM,

WHO ARE SOMEWHERE...

ALWAYS IN OUR HEARTS.

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LIST OF SPEAKERS IN AAAVF 2021



Opening session

Víctor M. Aguado
Permanent Council Representative, Spain, International Civil Aviation Organization (ICAO)

María José Rallo
Secretary General for Transport and Mobility, Ministry of Transport, Mobility and Urban Agenda (MITMA)

Salvatore Sciacchitano
President of the Council, International Civil Aviation Organization (ICAO)

Augusto Hidalgo Macario
President, Gran Canaria Council

Antonio Morales Méndez
Presidente del Cabildo de Gran Canaria

Ángel Víctor Torres
President, Government of the Canary Islands

Raúl Medina Caballero
Director General of Civil Aviation of Spain

Juan Carlos Salazar
Secretary General, International Civil Aviation Organization (ICAO)

Rafael Vidal Rodríguez
Survivor of the flight JK5022 accident, Engineer, member of the JK5022 Association

Block 1: Current Situation. Recent Experiences

Mohamed Khalifa Rahma
Director, Air Transport Bureau, ICAOI

Denis Guindon
Deputy Director, Monitoring and Oversight – Air Navigation Bureau, ICAO

Giovanna Laschena
Deputy Director General, ENAC, Italy

Elias Kontanis
Chief, Transportation Disaster Assistance Division, NTSB, United States

Rubén Eladio López Martínez
Head, Emergency and Crisis Management Unit, Ministry of Transport, Mobility and Urban Agenda, Spain

Fernando Moreno
Head of the Office for the Assistance to Aircraft Accident Victims (OAV), Ministry of Transport, Mobility and Urban Agenda, Spain

John Velho,
Director, Passenger Protect Programme and Target Operations, Transport Canada

Tristan Landry
Head, PS752 Families Task Force, Global Affairs Canada

Block 2: Management of information. Lessons learned

Gill Sparrow
Manager, Emergency Response Planning, Emirates Airline

Rita Domínguez Monzón
Contact Person, Chief, Civil Protection Unit, Government of the Canary Islands, Spain

Ernesto Robayna Fernández
Airport Services Division, Airport Victim Assistance Responsible (RAAV), AENA, Spain

Gonzalo Delgado Nordmann
Terminal Management Department, Alternate Airport Victim Assistance Responsible (RAAV) AENA, Spain

Monica Maccaferri
ACVFFI JD Member - Fondazione 8 Ottobre, Italy

Junaid Hamid
ACVFFI Secretary and ACAA President, Pakistan

Pilar Vera Palmés
ACVFFI Chairwoman - AVJK5022 President, Spain

Francisco Moreno García
Vice President, Spanish Academy of Sciences & Arts of Television

Tim Hepher
Aviation specialist, Thomson - Reuter

José Vicente García Santamaría
Professor, Communications Department, Carlos III University, Spain

Otibho Agbareh
Director Humanitarian Services, Kenyon International Emergency Services

Alexandra Kaufman
Communications Director, Civil Aviation Authority, United Kingdom

Teresa Cárdenes
Journalist

Thomas Romig
Senior Vice President Safety and Security Operations, Airports Council International (ACI) World

Block 3: Accident investigation authorities. Lessons learned

Stephen P. Creamer
Director, Air Navigation Bureau, ICAO

Graham Braithwaite
Professor, Director, Safety and Accident Investigation Centre, Cranfield University, United Kingdom

Jennifer Homendy
Chairperson, National Transportation Safety Board (NTSB), United States

Rémi Jouty
Chairman, European Network of Civil Aviation Safety Investigation Authorities (ENCASIA)

Mohd Fuad Sharuji
Former Crisis Director MH370 & MH17, Malaysia Airlines

Pamela Suárez
Former President, Regional Group of Aero Accident Investigation of Latin America (ARCM)

Khanza Al Mentheri
Air Accident Investigations, Civil Aviation Administration, United Arab Emirates

Block 4: Insurance best practices

Michael Gill,
Director, Legal Affairs and External Relations Bureau, ICAO

Sara García González-Herrero
Head of Risk and Insurance, Iberia airlines, Spain

Tan Siew Huay
Director, Legal, Civil Aviation Authority (CAAS), Singapore

Robert Lawson
QC, Partner, Aircraft Loss Cases – Airlines and Insurers, Clyde & Co LLP

Sarah Stewart
Partner, Private Practice representing Victims and Families, Stewarts Law

Pablo Mendes de Leon
Professor of Air and Space Law, The Hague, Netherlands

Francisco Vasques-Tenreiro
Lawyer, Private Practice representing Victims and Families

Block 5: Identifying short, medium and long term policies

Nancy Graham
Presidenta de Graham Aerospace International LLC

Tan Siew Huay
Director, Legal, Civil Aviation Authority (CAAS), Singapore

Gilberto López-Meyer
Senior Vice President Corporate Safety, Security and Compliance, Korean Air

Narjess Abdennebi
Chief, Facilitation Section, International Civil Aviation Organization (ICAO

Thomas Romig
Senior Vice President Safety and Security Operations, Airports Council International (ACI) World

Ángeles Pozo
Assistant Director Europe, EUR-Regional Airport, Passenger, Cargo and Security, International Air Transport Association (IATA)

Soledad Fattori Pedrana
Information Coordinator, Accident Victims and their Familes of the JST, Argentina

Block 6: Next steps for assistance to victims

Víctor M. Aguado
Permanent Council Representative, Spain ICAO

Michael Gill
Director, Legal Bureau, International Civil Aviation Organization (ICAO)

Stephen P. Creamer
Director, Air Navigation Bureau, ICAO

Pilar Vera Palmés
ACVFFI Chairwoman - AVJK5022 President, Spain

Nancy Graham
President, Graham Aerospace International LLC

Francisco Moreno García
Vice President, Spanish Academy of Sciences & Arts of Television

Closing session

Denis Guindon
Acting Director, European and North Atlantic Regional Office, ICAO

Sebastián Franquis Vera
Regional Minister for Public Works, Transport and Housing, Government of the Canary Islands

Isabel Pardo de Vera Posada
Secretary of State for Transport, Mobility and Urban Agenda, MITMA, Spain

03

LIST OF THE 30 RECOMMENDATIONS OF AAAVF 2021



The 30 final recommendations of AAAVF 2021, as presented in A41-WP/21 and endorsed by the 41st ICAO Assembly of 2022 in Resolution A41-14, are listed below. The progress made on some of them is included in the footnotes.

1. ICAO should encourage States to implement Annex 9 Recommended Practice 8.46, as well as ICAO Doc 9998 and Doc 9937. The participants suggested that ICAO issue a State Letter attaching the AAAVF Symposium final report, in the process of requesting the implementation of the report's conclusions and recommendations.

2. It was also suggested for ICAO to review and update Doc 9998 and Doc 9973 building on recent experiences.

3. ICAO should continue to monitor compliance of SARPs related to assistance to aircraft accident victims and their families via its Universal Safety Oversight Audit Programme (USOAP), while additional information should continue to be gathered through the electronic filing of differences mechanism (EFOD).

4. The ICAO Council should upgrade ICAO Recommended Practice 8.46 to an international standard and, thus, in accordance with Article 37 of the Convention on International Civil Aviation (Chicago Convention) create an obligation for States to comply with the provision, if no difference is filed. The standard is to be audited within USOAP[1].

5. An assessment is to be conducted considering the overarching issue of support to victims and their families in all the Annexes, identifying any potential gaps and formulating further recommendations as required.

6. ICAO should promote a combination of regulation, training and cooperation among authorities, service providers and airlines, and include the ACVFFI and its associations in order to improve the implementation of ICAO Doc 9998 by States, aircraft and airport operators.

1 *Standard 8.47 was included in Amendment 29 to Annex 9, which entered into force in November 2022.*

7. ICAO should promote the implementation of ICAO Doc 9998, the ratification of the 1999 Montreal Convention (MC99) and compliance with Annex 9 SARPs. In addition, it should organize regional workshops in States/ Regions with special needs relying on the support of ACVFFI and its associations, as required.

8. ICAO regional offices should play an active part in promoting the policies above and organizing the workshops relying on the support of ACVFFI and its associations, as required[2].

9. The role of AAAVF in the ICAO Secretariat should be focused and supported by an identified responsible unit.

10. Wide effort is required to call upon the responsibility of communication media and agencies to treat accident information respecting the dignity of victims, families and individuals. Building on experiences of some recent tragedies beyond aviation could help in that regard. ICAO should prepare a compilation of best practices currently applied by States and agents. An assessment of those best practices may need to consider the formulation of a communication code of conduct to be shared worldwide.

11. The ratification of MC99 should be encouraged as there is no uniformity worldwide in the treatment of victims and families.

12. A specific initiative is required to standardize the process to be followed by families when an accident occurs, including proper guidance that puts steps into simple language.

13. The timely issuance of advance payments must become global practice. Holding a targeted workshop is suggested to advance on the topic and identify further decisions to be taken. Additionally, a total level of compulsory compensation must be reviewed in proportion to the insurance policies subscribed by aircraft operators. ICAO should organize a specific ad hoc forum to deal with compensation and facilitating procedures for survivors and families of the victims.

2 *In the EUR/NAT region, a regional workshop on assistance to aircraft accident victims and their families was jointly organized between the Regional Office and the European Civil Aviation Conference (ECAC) on 20 February 2023 in Milan (Italy).*

14. An ICAO group, with appropriate legal expertise, should consider the best practices of insurance companies and their relationship with victims and families, and balance the needs of airlines as well as victims and their families.

15. Following the specific forum held to discuss compensation, and after having analyzed the best practices of insurance companies, the community should assess whether a review of MC99 and other related treaties is needed.

16. The ICAO Accident Investigation Panel (AIGP) should consider proposing guidance material for accident investigators to provide specific briefing material, including "what, when and how" information to families of victims.

17. The AIGP should also consider providing guidance on how to address the media when an accident occurs and how to continue providing verified, on-time information for public release, while protecting the investigation process.

18. Independence, rigor and technical capability of accident investigation authorities are fundamental prerequisites for providing value to the accident investigation findings and also, more importantly, to give credibility to accident reports. Absence of conflict of interest is essential. Promotion by ICAO of regional cooperation will help improve the investigation process, alleviating cases of limited technical resources and/or experience in certain States.

19. Clear independence of the accident investigation authority, whose main objective is to determine the root causes of the accident and avoid its recurrence, and the judicial investigation, to determine potential criminal liability, needs to be continuously stressed by ICAO.

20. Final accident investigation reports should be easily understandable for families and translated into all relevant languages for families.

21. Transparency regarding accident investigation reports should be enhanced through an ICAO web platform, facilitating the exchange of reports and their recommendations amongst investigation authorities and experts.

22. ICAO should create a web platform to facilitate the exchange of information for safety investigation authorities and experts.

23. ICAO should support State's capacity building activities, including through the recently developed training course related to assistance to aircraft accident victims and their families and based on Doc 9998 and Doc 9973, to help States establish foundational knowledge. In delivering the course, ICAO should cooperate with ACVFFI to provide additional factual experience and credibility.

24. IATA is encouraged to make use of the ICAO Doc 9998 and incorporate assistance to aircraft accident victims and their families (AAAVF) into their plans. ICAO audits States in the compliance of SARPs and IATA is invited to integrate the monitoring of airlines through its IOSA safety audit program.

25. IATA is invited to integrate the assistance to victims and their families into the work of its expert group on Emergency Planning and to consider the participation of ACVFFI in this group.

26. Airports Council International (ACI), considering the importance of departure and arrival airports and those located close to the site of the accident in facilitating the arrangements following an air disaster, is invited to include the auditing, monitoring and accrediting of plans for support to victims and families in its members' accreditation programmes.

27. ICAO should enhance cooperation between ICAO, IATA, ACI and the Civil Air Navigation Services Organization (CANSO), and other interested organizations, including through the development of joint guidance documents..

28. The report of this first AAAVF Symposium, including its conclusions and recommendations, should be posted on the ICAO website and also be published in paper format so as to expand on the lessons learned and serve as a basis for future similar events in other States[3].

29. States and associations such as IATA and ACI are invited to collaborate with ACVFFI before, during and after an aircraft accident occurs, making use of previous experiences.

30. It is recommended that the AAAVF Symposium be given continuity in the future with similarly arranged symposia, organized on a biannual or triannual basis to fit within the ICAO Assembly cycle. The Organization should inform the Assembly of the outcomes of these events[4].

3 *Published on the ICAO website for AAAVF2021. Available here: https://www.icao.int/Meetings/AAAVF2021/Documents/Report/Symposium%20Report%20AAAVF%20V21.pdf*

4 *ICAO Secretariat State Letter of 8 February 2023. Ref.: EC 6/3 – 23/8. Subject: Invitation to host a symposium on assistance to aircraft accident victims and their families.*

04 REPORT

Report published by the International Civil Aviation Organization (ICAO) on the SYMPOSIUM ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES (AAAVF 2021)



ICAO

SYMPOSIUM ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES (AAAVF 2021)

LAS PALMAS DE GRAN CANARIA, SPAIN

1 to 3 December 2021

REPORT

REPORT OF THE SYMPOSIUM ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

Las Palmas de Gran Canaria, Spain, 1 to 3 December 2021

INTRODUCTION

General

1. The Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021) was held at Las Palmas de Gran Canaria, Spain, from 1 to 3 December 2021, hosted by the Government of Spain and organized by the Ministry of Transport, Mobility and Urban Agenda, through the Directorate General of Civil Aviation, in collaboration with the Government of the Canary Islands, through the Regional Ministry of Public Works, Transport and Housing, and the ENAIRE Foundation.

Objectives

2. The objectives of the AAAVF 2021 Symposium were to:

a) enhance international cooperation on the successful implementation of practical measures related to assistance to aircraft accident victims and their families in several areas;
b) enable sharing of best practices in both communication of sensitive information and in management of compensation by insurance companies; and
c) identify gaps and formulate conclusions to support the development of short-, medium- and long-term strategies.

Programme

3. The Programme for the Symposium was determined by ICAO in collaboration with the Government of Spain and addressed the following Blocks:

Block 1: Current Situation — Recent Experiences
Block 2: Management of Information — Lessons Learned
Block 3: Accident Investigation Authorities — Lessons Learned
Block 4: Insurance Best Practices
Block 5: Identifying Short-, Medium- and Long-Term Policies
Block 6: Next Steps for Assistance to Victims

Opening of the Meeting

4. In his role as moderator of the Symposium, Mr. Victor M. Aguado, Representative of Spain on the Council of ICAO, opened the meeting as detailed below. The Spanish version of Mr Aguado's remarks is available in Appendix A.

"Good morning, ladies and gentlemen, and welcome to the first ICAO Symposium on Assistance to Aircraft Accident Victims and their Families.

This ICAO event is made possible with the support of the Ministry of Transport, Mobility and Urban Planning of the Government of Spain, and with the invaluable collaboration of the Government of the Canary Islands and the Enaire Foundation, to whom we are very grateful.

I would like to publicly express our thanks to the authorities who are here with us today: the Government of Spain, the Government of the Canary Islands, the Council of Gran Canaria, and Las Palmas City Hall. We also extend our appreciation to the President of the Council of ICAO and the Secretary General of the Organization who is attending this symposium in person. We would like to thank the keynote speakers in the different thematic blocks that we will be exploring. We are pleased to see so many interested participants at this event, both those here in the Alfredo Kraus Auditorium and all of our viewers tuning into our live stream on ICAO TV.

The COVID crisis is not quite over, but at least we are able to meet both in person and virtually in the first hybrid event that ICAO is organizing away from its headquarters in Montreal.

Due to the health measures and capacity constraints, we were not able to accommodate all requests for participation. The recent rise in COVID case numbers in certain countries and the appearance of new variants prevented many interested participants, as well as speakers, from joining. We trust that most can take part at least on line.

We are delighted to be in the capital city of the storied Canary Islands, renown since their first mention in Greek mythology 2000 years ago as a happy place beyond the Mediterranean Sea where the living was said to be easy and anything was possible.

The economy, daily life, and development of these islands depend directly on tourism, and so air transport is a strategic factor in the present and future.

We must spare a thought today for all those impacted by the volcano eruption on La Palma Island, which is part of this archipelago. Nature is beautiful, but can also be brutal, reminding us how small we are and how fragile our life on this Earth.

We are well aware that the people of the Canary Islands have a keen interest in the issues we are going to discuss. We hope not to disappoint them, in view of how sensitive this is for some. We remember the accident in Tenerife Norte in 1977 which claimed 583 lives and left 61 survivors, as well as the more recent Spanair accident in 2008 when an aircraft bound for Las Palmas de Gran Canaria crashed, killing 154 and leaving 18 survivors. Some of those survivors are among us today. Both of these accidents were terrible ordeals to overcome, and have left indelible scars.

I conclude by recognizing the tireless, devoted work of the International Federation of Air Accident Victims and Their Families. Their President, Ms. Pilar Vera who is also the President of the Spanair JK5022 Accident Victims Association, has followed in the wake of Hans Ephraimson, an American who pioneered these endeavours, by taking the first most difficult steps to draw attention to the plight of victims and their families, with the support of the other Associations.

Finally, it is hoped that this symposium will not only contribute to aviation safety, but that it will above all stand as a tribute to those who have suffered the consequences of an air accident: the victims, the survivors, the families and loved ones.

May our discussions, conclusions and recommendations help lessen the anguish, frustration and unnecessary suffering of all those affected by an air accident, if and when one happens.

Thank you for your attention."

5. Welcoming remarks were delivered by Ms. María José Rallo, Secretary General for Transport and Mobility, Spanish Ministry of Transport, Mobility and Urban Agenda (MITMA), Mr. Salvatore Sciacchitano, President of the Council of ICAO, Mr. Augusto Hidalgo Macario, Mayor, Las Palmas de Gran Canaria, Mr. Antonio Morales Méndez, President, Gran Canaria Council and Mr. Ángel Víctor Torres, President, Government of the Canary Islands.

6. Opening remarks were delivered by Mr. Raúl Medina Caballero, Director General of Civil Aviation, Spain and Mr. Juan Carlos Salazar, ICAO Secretary General. The AAAVF 2021 featured a keynote speaker, Mr. Rafael Vidal Rodríguez, a survivor of the 2008 Spanair accident. Mr. Vidal described how survivors and families of victims have dramatic setbacks in terms of social life loss, economic loss and career development loss (link to presentation). He explained that psychological and physical recovery was closely linked to understanding the root cause of the accident.

7. Welcome addresses and opening remarks are in **Appendix A**.

Attendance

8. A total number of 144 in-person participants from 40 Member States, nine International Organizations and various industry members, law firms, associations of victims and academia, attended the AAAVF 2021. The symposium was broadcast live on ICAO TV with 448 virtual participants. Beyond the live broadcast of the event, the full symposium proceedings are available for on-demand viewing on ICAO TV and have been viewed by 897 people thus far.

Officers and Secretariat

9. Dr. Narjess Abdennebi (Chief, Facilitation Section), supported by Mr. Ken Knitter (Head, Product Management Unit), Ms. Garleen Tomney-McGann (FAL Programme Associate), Ms. Adriana Bonilla (Senior Programme Associate, ANB Technical Event Planner) and Mr. Christopher Hornek (Annex 9 — *Facilitation* Expert).

Languages

10. Interpretation services were provided in English, French and Spanish.

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Block 1: Current Situation — Recent Experiences

1.1 Presentations

1.1.1 ICAO Update and Experience

1.1.1.1 ICAO provided an overview of its past and current initiatives relevant to assistance to aircraft accident victims and their families, including Assembly Resolutions, as well as developments in Annex 9 and Annex 13 — *Aircraft Accident and Incident Investigation* (link to presentation). The development of two important documents was highlighted, namely the *ICAO Policy on Assistance to Aircraft Accident Victims and their* Families (Doc 9998) and the *Manual on Assistance to Aircraft Accident Victims and their Families* (Doc 9973). This part of the session also stressed the importance that ICAO places on aviation safety enforced by the application of the Universal Safety Oversight Audit Programme — Continuous Monitoring Approach (USOAP—CMA), supported by the Electronic Filing of Differences (EFOD) system, where States can pro-actively provide implementation related information in the Compliance Checklist (link to presentation). It was noted that the USOAP was endorsed by the 32nd Session of the Assembly in 1998 and in more than 20 years has evolved from initially covering three Annexes to now covering 18 Annexes.

1.1.2 State Regulators Update and Experience

1.1.2.1 States noted the importance of Regulation, Training and Cooperation in providing assistance to aircraft accident victims and their families (presentations from Canada, Spain, UAE, USA). The participants noted that legal frameworks should provide the grounds for adequate assistance to victims and their families, as well as establishing the role and responsibilities of all stakeholders. Training measures should ensure awareness and professionalism of all stakeholders involved in assistance so that all the actors can perfectly know their role in the case of an air accident. Strong collaboration with Air Crash Victims' Families' Federation International (ACVFFI) — a single voice recognized by ICAO — and its associations of aviation accident victims and their families in each State was considered very important.

1.1.2.2 Some States shared examples of how their authorities took action to support the victim's family. States including Canada and, Italy noted the usefulness of establishing national commemoration days to remember all those affected by air crash accidents.

1.1.2.3 It was recalled that recent accidents have involved aircraft shot down while flying over conflict zones and multiple speakers called for international efforts to improve the safety of air travel worldwide by strengthening airspace management in conflict zones and performing regular risk assessments before flying through or in the vicinity of conflict zones. As an example Canada established the Safer Skies Initiative, whose main objective is to improve the safety of air travel worldwide by addressing gaps in the way the civil aviation sector deals with conflict zones and by improving civil/military coordination.

1.1.3 Airports and Airlines Experience

1.1.3.1 Aircraft and airport operators described the multiple forms of information management in the response to an aircraft accident, namely the multiple and varied stakeholders to whom information needs to be provided and from whom information needs to be received and understood (presentations from Gran Canaria airport).

1.1.3.2 In the wake of accidents, aircraft and airport operators need to overcome informational and organizational disarray, resulting in a lack of empathy towards the families of victims. It was suggested that ICAO, the International Air Transport Association (IATA) and the Airports Council International (ACI) could create a joint platform to encourage the implementation of guidance materials across States, and by aircraft and airport operators, relying on the proposed support offered by ACVFFI.

1.1.3.3 It was noted that family assistance at airports must be professional, dignified, respectful and above all, humane. Family members need to receive timely and validated information before the information is released to and by the media.

1.1.4 Associations Experience (presented by Members of ACVFFI)

1.1.4.1 Representatives from ACVFFI spoke about the lack of information, organization and empathy they faced when being confronted by such tragedies, mentioning notably the chaos they suffered under these tragic circumstances. ACVFFI Chairwoman requested implementation of Airport Emergency Plans based on ICAO Doc 9998 and Doc 9973, complemented by workshops and seminars to enhance aviation safety culture and the knowledge of family assistance. In 2016, the ACVFFI was officially listed as an ICAO Observer. It was an important step as it recognized its activities and substantial contributions to the ICAO work leading notably to the development and publication of Doc 9998 and Doc 9973, which replaced Circular 285.

1.1.4.2 This session also focused on the need to build on lessons learned from crashes, in particular to implement the recommendations of safety investigation reports. Speakers identified the need for an independent and technically competent investigation system and noted that the publication of the accident's report is often delayed. It was also mentioned that the reports sometimes use wording that is not easily understandable and is not automatically translated into the languages of affected passengers and their families.

1.1.4.3 The need for all 193 States to ratify the *Convention for the Unification of Certain Rules for international Carriage by Air*) (Montréal Convention of 1999 (MC99)) and to implement its provisions domestically was raised in this session.

1.2 Discussion

1.2.1 Participants exchanged on the interest of having the authority in charge of aircraft accident investigation be responsible for family assistance. The initial and subsequent communication with the families of victims was the most critical aspect. It was advisable for the investigation authority to initiate communication with family members at the latest by the time of commencement of the investigation.

1.2.2 The participants supported the upgrading of ICAO Annex 9 Recommended Practice 8.46 to a Standard as included in the proposed Amendment 29 to the Annex and suggested that the implementation of this Standard should be subject to the USOAP—CMA audit in the future.

1.2.3 It was noted that IATA is re-establishing the Emergency Planning Task Force, which can facilitate the flow of information. In this context, the airline industry noted the importance of possessing valid contact details of affected family members. The collection of accurate contact details of passengers

and/or family members is an ongoing facilitation challenge and communication with family members is only possible if accurate contact details of relatives are known.

1.2.4 The ACVFFI noted that in many cases the initial interaction of family members with State authorities, airline and/or airport representatives was callous, merciless and somewhat disrespectful regarding the cultural and religious traditions. With the objective of collecting evidences for the victims' identification, family members are asked to provide the same information multiple times, due to a lack of coordination between the different stakeholders involved in the process. Furthermore, the notification to the families of the involved victims is done publicly without any privacy consideration. While the passenger manifest is often key to identifying victims, ICAO Doc 9973 recognizes the conflict for an aircraft operator between the need for accuracy and the need for timeliness in producing the manifest, with a preference for accuracy over timeliness. The European Union (EU) Regulation No. 996/2010 requires for all EU Member States that, at the latest within two hours of the notification of the occurrence of an accident to the aircraft, a validated list of all the persons on board should be produced by the operating airline.

1.2.5 The discussion also identified that all affected family members should be entitled to the same level of assistance in any location in the world, regardless of nationality, and in accordance with ICAO policy and guidance as defined in Doc 9998 and Doc 9973, respectively.

1.3 Conclusions

1.3.1 It was identified that ICAO Member States have a low implementation rate of Annex 9 Standards and Recommended Practices (SARPs) related assistance to aircraft accident victims and their families. In particular, States do not always have legislation, regulations and/or policies in place in support of assistance to aircraft accident victims and their families.

1.3.2 It was noted that victims, survivors and their families are still not sufficiently considered in the aviation sector in the wake of an aircraft accident.

1.3.3 Many speakers felt that ICAO has a key role to play by assisting States to both deliver a consistently stronger response to such events, in accordance with Doc 9998 and Doc 9973 and by providing them an effective capacity building.

1.3.4 Quick response after an aircraft accident is of vital importance, as is proactive engagement with families of victims.

1.3.5 As preparation is key, States must maintain, review and update their action plans to ensure that they can be immediately implemented when an accident occurs. Evaluation of existing airlines and airports emergency plans via exercised drills and specific reviews by the States are essential tools for achieving this objective.

1.3.6 Aircraft accidents, regardless of where they take place, should be treated with similar requirements. Unclear responsibilities of authorities, indifference of airlines and general unresponsiveness of the air industry and the insurance companies are to be avoided.

1.3.7 Institutions in a number of States have insufficient training to assist victim families in the crisis scenario, hence creating heavy inefficiencies that need to be corrected.

1.3.8 Amendment 29 to Annex 9 (if adopted by the Council) is expected to bring two changes that will require more guidance and assistance in implementation, as follows:

a) the upgrade of ICAO Annex 9 Recommended Practice 8.46 to an international Standard will create an obligation for States to establish legislation, regulations and/or policies; and
b) the introduction of a new Recommended Practice would encourage aircraft and airport operators to develop family assistance plans.

1.3.9 There are four fundamental concerns to consider when States develop comprehensive family assistance programmes:

a) initial notification of involvement (to all involved stakeholders);

b) victim accounting and identification of corpses;

c) access to information and resources for affected parties to be ensured by States, aircraft and airport operators, etc.; and

d) management of personal effects of the victims and their return to the families.

1.3.10 ICAO has made progress in the last years to advance the interests of aircraft accident victims and their families, in close cooperation with the ACVFFI. The different working papers submitted by ACVFFI to the 38th, 39th and 40th Sessions of the ICAO Assemblies as well as in the High-level Safety Conference (HLSC) supported the achievement of the following outcomes:

a) multiple Assembly resolutions emphasizing issues related to the importance of timely notification to family members of victims involved in aircraft accidents, the prompt recovery and accurate identification of victims, the return of the victims' personal effects and dissemination of accurate information to family members;

b) publication of reference materials, namely the ICAO Policy defined in Doc 9998 and the guidance for implementation defined in Doc 9973;

c) addition of SARPs to Annex 9 to complement Annex 13 and Annex 14 — *Aerodromes*; and

d) establishment of 20 February as the International Day Commemorating Air Crash Victims and their Families.

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Block 2: Management of Information — Lesson Learned

2.1 Presentations

2.1.1 The second block convened journalists, academics, States and organizations and focused on how the flow of information from authorities to affected family members and the release of information to the public can be managed in the wake of an aircraft accident.

2.1.2 Multiple speakers noted that the release of pertinent information needs to be balanced between the right to privacy of victims and their families, the integrity of the safety investigation and the right to information. The release of initial information needs to be validated and the treatment of sensitive information should be carefully considered. The need to restrict access to the crash site was emphasized to prevent pictures and recordings of the accident, records of conversations or other sensitive information from being released publicly without validation.

2.1.3 Participants stated that the release of medical data needs to be restricted as this would violate data privacy of the victims and their family members. Additionally, the passenger and crew count or nationalities should never be released by the media and needs to be consolidated by the aircraft operator and then released either by the operator or the lead agency providing family assistance. Families need to be informed before disclosing any information to the media.

2.1.4 One State noted that its Civil Aviation Authority (CAA) communicates with the public about aircraft accidents while a separate agency conducts the air accident investigation. The CAA releases validated data and facts as they become available and also confirms the incident and publicly explains the process even when there is no informational update to provide so as to maintain public sway over communications. The journalists agreed with this approach because silence contributes to fake news, whereas the effort to hold sway over public communication shows empathy and respect for the victims and their families. The CAA also takes the findings and recommendations from the final investigation report and translates them into common used language, as well as into foreign languages, so that family members can understand the report.

2.1.5 The role of social media was recognized as a large challenge because once information is made public it cannot be controlled nor retracted. Additionally, social media allows for the direct publication of information, which can be problematic when social media users respond faster than authorities. One example was a 2014 hijacking incident in which the affected aircraft began sending unlawful interference distress signals, which were displayed on public flight tracking websites. In this case, the hijacking became public via social media, which led to a chaotic situation at both departure and destination airports, where crowds gathered demanding to be informed.

2.1.6 It was identified that airports tend to be the central gathering point for individuals who search for information about their family members affected by aircraft accidents, which leads to scenes of chaos, adding pain and drama. It was noted that airport operators have very little information about passengers and this presents a complex problem. In this context, ACI noted its commitment to work with ICAO to establish a wider regulatory framework to resolve these issues.

2.2 Discussion

2.2.1 Taking into account that airports are the central gathering point, airport operators should facilitate the initial briefings to affected family members. This will require coordination with aircraft operators, though often very few personnel are present at certain airports, meaning that a Ground Handling Agency (GHA) might be the conduit for information exchange. The participants noted that ICAO should make greater efforts to ensure that States certify their airport operators that develop airport emergency plans, which include the plans on assistance to families of victims.

2.2.2 There was recognition that there was a lack of qualified or specialized aviation journalists. Most large media outlets no longer have aviation specialists who would have experience with accidents, which present very dynamic situations in which words and sources need to be carefully chosen. It was agreed that States, aircraft operators and airports should place more emphasis on building relationships with media to prepare for responses to aircraft accidents. Managing information flows on social media was considered as the biggest challenge and including major news outlets in the briefings allows for professional media broadcasts to take root, which provides legitimacy and credibility.

2.2.3 The meeting was informed that the European Civil Aviation Conference (ECAC) is intending to develop a Code of Conduct regarding information management and media communications after an aircraft accident and that ICAO could build on this exercise. Clearly, a number of actions have to be taken immediately following accidents so that validated information can be provided by competent authorities in a timely fashion.

2.2.4 The participants agreed that taken as a whole, aircraft accident victims and their families are not sufficiently taken into account in the aviation system, although they are among the most affected parties by identified failures of that system.

2.3 Conclusions

2.3.1 Communication to families and proper media reaction and coverage is essential.

2.3.2 The data of survivors, victims and their families should be given the highest level of protection.

2.3.3 Families of victims and survivors need to be empowered in the decision-making process concerning the release of information to the public domain.

2.3.4 Quick, trusted and validated information needs to be provided by competent authorities in the first hours after an accident, as well as during the safety investigation.

2.3.5 Guidance and training for safety accident investigation organizations regarding the management of information to families and to media should be emphasized.

2.3.6 At the initiative of ACVFFI, ICAO established 20 February as the International Day for Commemorating Air Crash Victims and their Families. This annual commemoration day will serve as international remembrance for the lives lost due to aircraft accidents over civil aviation history and will promote the respect for victims and their families while raising awareness of Member States for the need of developing Plans on Family Assistances in line with Doc 9998 and Doc 9973 guidelines.

2.3.7 Initial public communications and media coverage of air crashes is extremely important. There is a priority need to respect families of victims and survivors in regards to initial notification of involvement and victim accounting. No family member should be notified via the media that they have lost a loved one or be informed of their loss by reading a list of deceased passengers.

2.3.8 Considerable gaps exist when supporting victims and families in regards to information management, transparency and sharing of information.

2.3.9 There is a need to balance the right to information with respect for the affected individuals and their families.

2.3.10 The Symposium considered the possibility of a compilation of best practices leading towards a Code of Conduct for media responses to accidents, which would serve as a guidance for States and operators.

2.3.11 Survivors and families of victims need to understand the root cause of the accident to start their physical and psychological recovery. In that sense it was considered vital that the safety investigation provides understandable information about the cause of the accident.

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Block 3: Accident Investigation Authorities — Lesson Learned

3.1 Presentations

3.1.1 The third block included academics, States, regional investigation networks and aircraft operators to discuss lessons learned by accident investigation authorities regarding protection and communication of information, maintenance of independence of the investigation, as well as provision of assistance to victims and their families. The overarching theme of balancing the need to provide family members with validated and timely information with discretion to ensure the independence and integrity of the investigation was addressed by nearly all speakers.

3.1.2 It was noted that establishing a focal agency for family assistance with a nuanced concept of operations addressing the fundamental concerns, the establishment of communication and the conveyance of realistic expectations could facilitate the rapport and credibility with family members.

3.1.3 Speakers agreed that maintaining the independence of the safety investigation was paramount in preventing interference with the conduct or objectivity of the investigation. At the same time the investigation authority should consult external entities who are able to provide useful information and technical support, including representatives of States, operators and manufacturers. These external stakeholders should have access to certain confidential information coming from the safety investigation, allowing them to implement safety actions as needed. Some speakers felt that the investigation authority could also function as the lead agency for family assistance, while other speakers noted the investigation authority should not be in a position to share information with families. The EU Regulation No. 996/2010 requires that the information of the investigations must first be provided to the families of victims before making it public in the EU Member States.

3.1.4 An aircraft operator spoke about its experience with two major accidents, which occurred within a short period, mentioning that in one accident, the flight data recorder and cockpit voice recorder were never found. The two accidents resulted in completely different types of trauma and showed how complex and detailed preparation plans would need to be. In one of the accidents, no wreckage or bodies were recovered, which led to a more complicated mourning process for the family members. Both cases identify a number of critical issues towards response to families to be resolved.

3.2 Discussion

3.2.1 The participants identified that some small States will lack capability to conduct effective accident investigations. Regional accident investigation associations can help to assist small States with their needs. Larger States should share information and know-how internationally to better prepare others for accident investigations.

3.2.2 Some aircraft accidents require both a safety and a criminal investigation and the coordination between these two processes can be strengthened to prevent duplication and improve public communication, while recalling that safety investigations are separate from any criminal investigations. In most jurisdictions, there is little ability for the safety investigation authority to tell the criminal investigation authority when and what to publicly communicate. In some cases, the criminal investigation becomes conditioned by the safety investigation, hence final reports may be considered as lacking credibility for families and those affected. A recent example of a murder/suicide aircraft accident was noted where communication with families was more difficult because the criminal investigation authority communicated

pressing facts directly to the public. The safety and criminal information are jointly coordinated or fully separated depending on the strength of the State's respective institutions. Therefore, ICAO is invited to encourage independence and professionalism of the accident investigation authorities and to promote existing guidance materials and minimum requirements.

3.3 Conclusions

3.3.1 Aircraft accident investigation final reports need to be made available in a timely manner and maintaining high standards, thereby avoiding unnecessary speculations and they also should contain non-technical explanations in order to be understandable to families of victims and should ideally be translated into all languages of interest to the families.

3.3.2 Experience shows that giving the accident investigation authority responsibility for relations with families can help the inclusiveness and efficiency of the interaction with families.

3.3.3 The investigation should ultimately be able to provide family members of victims the answers to questions, such as *Why did this happen? What will be done to prevent others from experiencing what I'm experiencing? What were the causes? Will failures be corrected?*

3.3.4 Communication with families of victims and survivors should be faithful, flexible, nimble and respectful.

3.3.5 The accident investigation authority should establish transparent institutional relations with other organizations to better face the challenge of an accident by avoiding notably interference with criminal investigations.

3.3.6 The participants noted that collaboration and information exchange through regional associations of accident investigation authorities provides an optimal framework to share best practices and for States to collaborate on investigations. This is vital since some States don't have the capability for effective national investigation authorities.

3.3.7 Airlines and airports may provide information to families and media, but the source of the information needs to be previously validated.

3.3.8 The panel discussions identified that the independence of accident investigation authorities is vital for achieving credibility and respect from victims towards institutions.

3.3.9 The Symposium took note of the following key means of achieving a purposeful investigation:

a) neutrality (independence of accident investigations is paramount);
b) technical credibility (rigor and professionalism);
c) just culture principle and protection of sensitive information;
d) dissemination of safety lessons through public reports and safety recommendations based on credibility and rigor; and
e) interaction with families and media that takes into account different social contexts of locations and individuals so as to be culturally respectful.

3.3.10 Disseminating information to the public in the wake of an aircraft accident, in particular accidents involving a large number of victims and nationalities, can be improved via the implementation of ICAO guidance materials, exchange of experiences and training for safety investigation organizations.

3.3.11 The participants recalled that there is a difference between a safety investigation and a criminal investigation. In the case where there are two concurrent investigations ongoing, the information process to family members should be separated, as the objectives of these two investigations are different. Indeed the criminal investigation aims to identify responsibilities while the safety investigation aims to find the accident root causes. In both processes there is a need to inform family members of victims before information is released to the public.

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Block 4: Insurance Best Practices

4.1 Presentations

4.1.1 The fourth block included representatives of aircraft operators, States, academics, as well as law firms representing both victims and aircraft operators and their insurers. The session analysed existing international regulations covering aircraft operator liability in the event of an aircraft accident, as well as the importance of achieving fair compensation for victims. An exchange of best practices between all stakeholders took place and identified next steps in the legal field, while recognizing the need to ensure the stability of the civil aviation sector.

4.1.2 MC99 amended important provisions of the Warsaw Convention's regime concerning compensation for the victims of air disasters and aircraft operator liability in the case of death or injury to passengers. Although MC99 provides for a form of strict liability on the part of aircraft operators, it does not specify what compensation is recoverable, which is left to the domestic law of the State or States having jurisdiction over the case. The Convention also provides that, if required by national law, the carrier needs to make advance payments without delay, though these payments do not constitute a recognition of fault. However, due to lack of ratification by a number of States, MC99 is not yet universally binding. To date, aircraft accidents can fall between various legal frameworks because countries of origin and destination, as well as home States of the passengers, will represent a mixed level of having signed, ratified and/or implemented MC99. In addition, MC99 does not apply to purely domestic travel and aircraft accidents that result in loss of life of third-party non-passengers on the ground.

4.1.3 Albeit that enormous progress has been made in the global adoption of MC99, frequently the protective regime does not apply to major aviation accidents (i.e. 10 or more fatalities) as major accidents sometimes occur on domestic carriage and frequently occur in non MC99 States. In the last 10 years (2010 to 2020), it is estimated that MC99 has provided the operator liability regime in 26% of major accidents worldwide, meaning that 74% of major aviation accidents in the last 10 years did not involve MC99.

4.1.4 An aircraft operator noted that under the law of its home State, it is required to have an assistance plan for victims and families in place. The plan includes provisions for sending an emergency team to the crash site and distributing advance payments quickly.

4.1.5 It was discussed that an aircraft operator and their insurer want legal certainty and international uniformity in terms of liability exposure to accident victims and their families. If liability can be covered on a fair and reasonable basis, the operator can be insured with a reasonable insurance premium and all legitimate claims can be settled without undue delay or legal expense.

4.1.6 The Warsaw and Montréal Conventions provide a means to that end, with MC99 providing a more favourable framework to accident victims and their families (in terms of potentially available jurisdictions, the absence of any artificial limit of liability for personal injury and death, and a more limited "no negligence" defence). Participants suggested that a system of advance payments to meet immediate economic needs should also be brought in on a standardized basis. The EU has sought to remedy this deficiency through its Regulation No. 2027/97 as amended, and consideration should be given to incorporating its provisions into any further revision of MC99.

4.1.7 It was argued that, in many cases, compensation to families of victims amounts to less than three per cent of the total level of insurance coverage, resulting in the impression that compensation is far below the amount of insurance that is available for victims. It was recognized that there is a mismatch between the maximum limit of insurance cover held by an aircraft operator (which was based on a worst case scenario) and compensation in any given case, but that aircraft operators were indemnified against their legal liability via a contract with their insurer, a contract to which the victim was not a party, whereas the compensation in fact payable by the aircraft operator in any given case pursuant to their legal liability is determined according to the domestic law of the State or States having jurisdiction. Multiple interventions requested ICAO to push for a proportional system between insurance coverage and victim compensation.

4.2 Discussions

4.2.1 The question and answer session began with a set of rhetorical questions, related to whether MC99 was fit for purpose. How realistic is it for victims to receive full compensation for their damages, considering the above avenues? Can victims get compensation for immaterial damages such as loss of company? How could we improve the relations between the insurer, the aircraft operator and the victims? Is MC99 the only way to achieve this goal?

4.2.2 It was noted that insurance claims in the aftermath of an aircraft accident are often felt to be shrouded in mystery, and this was a field that needed clarity. It was recalled that third parties are not privy to the insurance contract between the carrier and the insurer. Victims do not have a right to view the insurance contract. Instead they have compensation rights under MC99 (or other applicable legal regimes). The compensation framework is built on the premise that the insurer agrees to indemnify the carrier for their liability under the accident, thereby setting a maximum amount under which the carrier will be exposed. It was recognized that there is a mismatch between the level of insurance coverage held by aircraft operators and the compensation paid out as a result of an aircraft accident. However, it was noted that if maximum liability were applied under every crash it would bankrupt the insurance companies and/or the aircraft operators. The speakers agreed that aviation needs a functioning insurance system under which the exception does not become the rule and under which family members can be compensated without recourse to legal means.

4.3 Conclusions

4.3.1 The liability regimes of aircraft operators vis-à-vis victims and families compensation is not globally homogeneous.

4.3.2 It was noted that there was a perception that insurers are not always efficiently fulfilling their obligations to families of victims.

4.3.3 The participants identified that liability regimes and reparation procedures are hard to understand for survivors and victim’s families.

4.3.4 The symposium took note that it was desirable to have legal certainty and universal uniformity.

4.3.5 It was identified that there are differences between international and domestic compensation and liability regimes, and in compensation available in different jurisdictions.

4.3.6 There is a large discrepancy in the amount of compensation received by families of victims and the level of insurance coverage that aircraft operators hold related to aircraft accidents.

4.3.7 Multiple speakers stressed that survivors and families of victims have dramatic setbacks in terms of social life, income, health and career development.

4.3.8 It was identified that there is a gap between insurance companies and families of victims in terms of resources and access to information.

4.3.9 The elaboration of a compendium of best practices for insurance companies was considered as useful, in particular to address issues such as timely payment of initial compensation and the development of customer friendly (i.e. more easily understandable) liability and compensation regimes.

4.3.10 The symposium took note that at least 56 States still need to ratify MC99 to achieve universal ratification and that the lack of universal ratification hinders improved and standardized compensation regimes.

4.3.11 It was recognized that ICAO could organize a forum to review current conventions and protocols related to assistance to aircraft accident victims and their families, with the objective to modernize the arrangements or that the issue could be added to the work programme of the ICAO Legal Committee. At the same time, it would be beneficial if ICAO could raise awareness for States to sign and ratify MC99 as these States may not be aware that they are an impediment to universal application of measures contained in MC99. ICAO should encourage both global ratification and uniform application of the Convention. It was noted that ICAO should better explain the benefits of MC99 for victims and aircraft operators to States that have not yet ratified the Convention.

4.3.12 The view was expressed that families of victims should receive standardized compensation and that there should be no necessity for a lawyer in order to receive assistance. The concept of basic and immediate compensation (“advance payment”) for survivors and families of victims was considered essential and a practice that should be globally extended. Additionally, a total level of compulsory compensation should be reviewed in relation to the insurance policies subscribed. It was suggested that ICAO organize a specific seminar dealing with compensation and facilitating procedures for survivors and families of victims.

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Block 5: Identifying Short-, Medium- and Long-Term Policies

5.1 Presentations

5.1.1 The fifth block included representatives from ICAO, States, aircraft operators and international organizations who identified short-, medium- and long-term policies aimed at preventing disasters, mitigating new and emerging threats, as well as developing strategies to ensure cooperation among aircraft and airport operators, various public authorities, international organizations and victims and families bound together in ACVFFI.

5.1.2 It was recalled that ICAO Annex 9 already encompasses a number of important SARPs regarding assistance to aircraft accident victims and their families. Standards 8.41 and 8.42 place an obligation on the State of Occurrence of an aircraft accident as well as adjacent States to facilitate temporary entry for family members of victims and authorized representatives of the aircraft operator. Recommended Practice 8.43 indicates that if visas are required for entry, States should expedite their issuance. Standard 8.44 places an obligation on States to issue Emergency Travel Documents (ETDs) to their nationals who have survived the accident since their travel documents will likely have been destroyed in the accident. Under Standard 8.45, States shall extend all necessary assistance to facilitate the repatriation of human remains to countries of origin.

5.1.3 The proposal for Amendment 29 to Annex 9 includes an upgrade of Recommended Practice 8.46 to a Standard obliging States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families, using ICAO Doc 9998 and Doc 9973 as a basis. A review of the Annex 9 Compliance Checklist has shown that implementation of Recommended Practice 8.46 is low. Also proposed is a new Recommended Practice that States should ensure that each aircraft or airport operator develop plans to provide timely and effective assistance to aircraft accident victims and their families. This should take into consideration that airport operators' plans formed as part of Aerodrome Emergency Plans (AEP) required under Annex 14 may be applicable. It was noted that these Annex 9 proposals had been echoed by ICAO High-level COVID-19 Conference (HLCC) Recommendation 10/1.

5.1.4 An ICAO training course will be available by the second quarter of 2022 aiming at providing States, as well as aircraft and airport operators with foundational knowledge to develop appropriate family assistance plans. This course will notably support States in establishing legislation, regulations and/or policies and assist all stakeholders to ensure that aircraft or airport operators develop plans to provide timely and effective assistance to aircraft accident victims and their families.

5.1.5 It was recognized that following the Initiative of the ACVFFI, the ICAO Council approved 20 February as the International Day for Commemorating Air Crash Victims and their Families with a theme to be defined based on the outcome of the AAAVF 2021 Symposium. The day will also serve to promote political will and the allocation of resources to address the issue of assistance to aircraft accident victims and their families.

5.1.6 It was noted that airport operators have a very important role in immediate response to aircraft accidents, as the airport will be the central location where families and others will congregate. ACI noted that aerodrome certification remains very low. ACI World's Airport Excellence Programme (APEX) peer reviews have determined that 65% of airports are not certified by their host State and 40% of airports don't have an AEP as mandated by Annex 14, whereas initial response to an aircraft accident could be included in the AEP.

5.1.7 It was noted that the IATA Operational Safety Audit (IOSA) is one of the best examples of data standardization for aviation safety. The IOSA standards are based on ICAO safety and security SARPs from various ICAO Annexes, translated into the aircraft operator world. The IOSA goes beyond IATA membership and is available for any commercial passenger and cargo operator. The IOSA Manual contains specific provisions for emergency response actions that need to be taken following an emergency situation.

5.2 Discussions

5.2.1 It was identified that States needed to enhance their implementation of ICAO SARPs related to assistance to aircraft accident victims and their families, especially Recommended Practice 8.46, which is scheduled to become an international Standard with Amendment 29. ICAO was encouraged to further develop Annex 9 SARPs related to assistance to aircraft accident victims and their families and revise ICAO Doc 9998 and Doc 9973.

5.2.2 ICAO development of capacity building for assistance to aircraft accident victims and their families was encouraged, including through a training course dedicated to assistance to aircraft accident victims and their families and the organization of regional workshops involving ICAO Regional Offices. It was encouraged that ICAO should organize regular AAAVF symposia, e.g. within each triennium, in collaboration with interested States and to inform the ICAO Assembly of symposia outcomes.

5.2.3 The participants noted that aircraft and airport operators, as well as IATA and ACI, should identify assistance to aircraft accident victims and their families as a priority in their emergency response plans.

5.2.4 Enhanced cooperation between ICAO, IATA, ACI, CANSO and ACVFFI was strongly encouraged and ICAO was invited to consider the development of multi-branded guidance documents.

5.3 Conclusions

5.3.1 The approval by ICAO Council of an International Day for Commemorating Air Crash Victims and their Families on 20 February should be widely communicated to all ICAO Member States.

5.3.2 The active promotion of the Doc 9998 and Doc 9973, to ICAO Member States is needed.

5.3.3 Collaboration of ICAO with States, relevant international organizations, industry partners, industry associations and ACVFFI to promote awareness and capacity building was considered necessary.

5.3.4 The case of MH370, with a missing aircraft and no associated wreckage, may require reconsideration of definitions in Annex 13, including the definition of family members.

5.3.5 A number of recent aircraft accident experiences call for a review of the foundational ICAO documents, namely Doc 9998 and Doc 9973.

5.3.6 In the short-term, the participants identified the need to enhance ratification of MC99, as well as improvements in advance payments and emergency response from insurance companies and aircraft operators.

5.3.7 In the mid-term the participants identified implementation of MC99 into domestic law, implementation of Annex 9 SARPs and ICAO guidance material, as well as application of MC99 to domestic travel.

5.3.8 In the long-term ICAO and States should consider a review of MC99.

5.3.9 Aerodrome certification should take into consideration the readiness of AEPs to respond to aircraft accidents. In the same context it was discussed that ACI could audit and monitor the existence of assistance plans in AEPs when accrediting their airport members.

5.3.10 The symposium invited aircraft and airport operators, as well as IATA and ACI, to identify assistance to aircraft accident victims and their families as a priority in their emergency response plans. At the same it was noted that aircraft and airport operators do not always have assistance plans in place and these are not always harmonized.

5.3.11 It was agreed that airports have a critical role in immediate response to aircraft accidents, as the airport (departure, destination, nearby) will be the central location where families and others will congregate.

5.3.12 It was identified that ICAO Annex 14 requires that all airports should develop an AEP where support to victims and their families in the wake of an aircraft accident should be outlined. In the same context it was discussed that ACI might develop broadly an own Family Assistance Plan based on ICAO Doc 9998 and Doc 9973.

5.3.13 It was noted that ICAO should provide guidance to States on how to assess and audit the emergency plans of airports and aircraft operators, including family assistance plans when an accident occurs.

5.3.14 The speakers stressed that States should implement ICAO SARPs related to assistance to aircraft accident victims and their families, especially Recommended Practice 8.46, set to be an international Standard with Amendment 29, developing legislation, regulations, policies and guidelines in support of assistance to aircraft accident victims and their families.

5.3.15 It was highlighted that States should implement ICAO guidance material contained in Doc 9998 and in Doc 9973 as a key step to support implementation of SARPs.

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Block 6: Next Steps for Assistance to Victims

6.1 Discussions

6.1.1 The symposium's sixth block featured the Chairperson of the ACVFFI and the moderators of the respective agenda items who identified next steps for assistance to victims. It was noted that the conclusions of the symposium will be contained in a report made public and provided to ICAO Council in the first quarter of 2022. It is expected that the Council will, in turn, provide its analysis of the report to the Assembly in September 2022.

6.1.2 It was recognized that this was the first time that there has been a free and open exchange between aircraft operators, insurers, victims and their families, as well as their legal representatives.

6.1.3 It was identified that despite MC99, there is no uniformity or certainty in the treatment of a victim of an aircraft accident involving international carriage. The main cause identified was the lack of universal ratification of MC99. It was noted that 137 ICAO Member States have ratified MC99, leaving nearly 60 more States to ratify the instrument. While about 85% of international traffic is covered by MC99 only 26% of victims in the last 10 years have been covered by MC99.

6.1.4 On the issue of certainty and uniformity, the discussions identified that there is a patchwork of different possible regimes applying to the claims of a victim of an accident on the same flight. Due to this patchwork and the fact that the treaty regime looks at the State of departure of the flight in question and the State of arrival and applies the treaty common to both States, there are any number of different sets of international rules applying to the claim of a victim or their family. If both States apply MC99, then the Convention applies. However, if only one State applies MC99, compensation may fall back either to the Warsaw Convention or the victim has no coverage under any treaty. Accidents occurring on domestic routes, meanwhile, are covered by the domestic legal system. It was identified that compensation can often be a very complex situation, with different treatment for different victims of the same accident possible. In addition to the legal complexity it was also identified that the international regime was inadequate in terms of natural justice and fairness.

6.1.5 Challenges around the topic of advance payments, one of the novelties of MC99, were also identified. More than 20 years after the signing of the Convention, challenges around the level of compensation for death or injury caused by an aircraft accident are still present. It was noted that advance payments and the overall level of compensation are somewhat linked as issues. This is less of a concern in the European Union because regulation has applied standard timeframes for making advance payments. However, this is not the case across the rest of the globe. Thus, immediate assistance to families, which is one of the hallmarks of MC99, is not being applied on a uniform basis.

6.1.6 Additionally, there is uncertainty around the treatment of surface damage victims who are victims of an aircraft accident without being passengers on board the aircraft itself. It was noted that the Rome Convention from 1952 on Damage Caused by Foreign Aircraft to Third Parties on the Surface exists and was updated in 2009. However, that instrument has been sparingly ratified, meaning that claims by victims on the ground are rarely covered by an international treaty. Compensation to ground surface victims are determined by domestic law, usually of the jurisdiction where the accident occurred.

6.1.7 The discussion focused on the level of compensation caused by death or injury, including concerns around the discrepancy between the levels of insurance coverage that aircraft operators hold for any single incident and actual compensation levels for passengers.

6.1.8 It was concluded that independent investigations set the foundation for the building of public trust in investigation reports. Trust was a theme that ran throughout the session. Traditionally, accident investigations best practice involves efforts to confidentially handle sensitive information and to reduce unwarranted speculation. Yet these efforts have typically focused on ensuring that the findings of an investigation were technically correct. In recent years, though, this work has expanded beyond the technical competence and now, in a number of States, investigation work includes communication on evolving circumstances relating to an aircraft accident investigation.

6.1.9 As an investigation proceeds, it is vital for the accident investigation authority to be in a credible position to lead coordination across the entire stakeholder community. This includes the handling of family inquiries, and the capacity to provide advice to the accident victim's family regarding where to obtain official information, how to gain assistance, how to visit the accident site, and where appropriate, how to protect, handle and repatriate human remains and how to handle personal effects.

6.1.10 The participants noted that collaboration and information exchange through regional associations of accident investigation authorities provide an optimal framework for sharing of best practices and for State cooperation in investigations. This is vital since some States don't have the capability for effective national investigation authorities. ICAO is promoting such collaboration through the Regional Accident and Incident Investigation Authority (RAIO) platform.

6.1.11 Discussions addressed how a culture of interaction with victims and their families could be developed. Journalists acknowledged that they have a moral and social responsibility, particularly if their media outlet is State-sponsored, to differentiate between sensationalist and respectful media coverage. They noted that this applies to the use of images and the checking and validation of information. They also agreed that for journalists to be specialized or to have access to experts' knowledge would help to avoid speculation.

6.1.12 A number of steps that could be taken to simplify and enhance the transparency of the assistance to be provided to aircraft accident victims and their families were identified. These included suggestions on developing and mainstreaming the regulatory framework, as well as ICAO's cooperation with other international organizations and stakeholders. It was expressed that ICAO should recall that the regulatory framework is not only directed at States and that ICAO should explore partnerships with the other stakeholders.

6.2 Conclusions

6.2.1 It was identified that while MC99 has attempted to create uniformity and certainty of treatment of a victim involving international carriers, lack of global implementation, exclusion of domestic flights and victims on the ground has created a patchwork of different legal regimes. Inevitably, different compensation for different victims of the same accident could be applied. The speakers identified the universal ratification of MC99 as vital.

6.2.2 States should consider having a lead agency for implementing family assistance plans assuming the management of information and communications as the foundation for effective assistance.

This will facilitate the quick communication of validated facts to family members of victims, thus assuaging the anxiety of family members and helping to avoid speculation in the media.

6.2.3 The symposium identified that protection of the privacy of victims' families is of utmost importance. This includes developing competence to address sensitivity towards cultural and religious practices in the correct way.

6.2.4 ICAO should support international collaboration between accident investigation authorities including through an exchange of best practices and training. In that regards, ICAO could establish a knowledge transfer platform to facilitate the exchange of best practices and training methods, similar to what was established for RAIO.

6.2.5 The moderators suggested that the Programme of the ICAO Legal Committee should consider reviewing MC99 and other treaties regarding the addition of advance payments, surface damage, levels of compensation and how to create a simplified universal compensation scheme.

6.2.6 It was identified that GHA are contracted by aircraft operators and work on their behalf, but often have agreements with airports and thus work in very close collaboration with the airport operator. The ICAO *Manual on Ground Handling* (Doc 10121) contains guidance on the engagement of ground handlers in emergency planning at an aerodrome level. This material could be used to provide training for airports and aircraft operators in the use of ground handling agents to support outreach mechanisms to families.

6.2.7 Participants vocalized that ICAO should organize routine capacity building, especially targeted at high risk States, where focus would be placed on MC99 implementation and SARPs and guidance material related to assistance to aircraft accident victims and their families.

6.2.8 As a follow up to the training course recently launched, ICAO should develop an Implementation Package (iPack) on assistance to aircraft accident victims and their families, a bundle of standardized guidance material, training, tools and expert support aimed at facilitating and guiding the implementation of ICAO provisions for State entities.

6.2.9 It was identified that ICAO should seek to publicly reinforce the family assistance requirement by making the States' readiness transparent through a segment in the annual global aviation safety report, starting in 2022.

6.2.10 The speakers noted that enhanced access to Conflict Zone Information would be of great value in enhancing aviation safety.

6.3 Final Recommendations

6.3.1 ICAO to encourage States to implement existing Annex 9 Recommended Practice 8.46, as well as ICAO Doc 9998 and Doc 9937. The participants suggested that ICAO issue a State Letter attaching the AAAVF Symposium final report, in the process requesting implementation of the report's conclusions and recommendations.

6.3.2 It was also suggested for ICAO to review and update Doc 9998 and Doc 9973 building on recent experiences.

6.3.3 ICAO should continue to monitor States compliance of SARPs related to assistance to aircraft accident victims and their families via the ICAO USOAP-CMA programme, while additional information should continue to be gathered through the EFOD mechanism.

6.3.4 ICAO Council to upgrade ICAO Recommended Practice 8.46 [1] to an international Standard, thus in accordance with Article 37 of the *Convention on International Civil Aviation* (Chicago Convention) creating an obligation for States to comply with the provision, if no difference is filed. The Standard is to be audited by USOAP.

6.3.5 An assessment is to be conducted considering the overarching issue of support to victims and families in all the Annexes, identifying any gaps and formulating further recommendations as required.

6.3.6 ICAO should promote a combination of regulation, training and cooperation among authorities, service providers, airlines and including the ACVFFI and its associations in order to improve the implementation by States, aircraft and airport operators of the ICAO Doc 9998.

6.3.7 ICAO should promote implementation of ICAO Doc 9998, the ratification of MC99 and compliance with Annex 9 SARPs. ICAO should organize regional workshops in States/Regions with special needs relying on the support of ACVFFI and its associations, as required.

6.3.8 Regional offices of ICAO should play an active part in promoting the policies above and organizing the workshops relying on the support of ACVFFI and its associations, as required.

6.3.9 The function related to assistance to aircraft accident victims and their families in the ICAO Secretariat should be focused and supported by an identified responsible unit.

6.3.10 Wide effort is required to call upon the responsibility of communication media and agencies to treat accident information respecting the dignity of victims, families and individuals. Building on experiences of some recent tragedies beyond aviation could help. ICAO should prepare a compilation of best practices currently applied by States and agents. An assessment of those best practices may need to consider the formulation of a communication code of conduct to be shared worldwide.

6.3.11 The ratification of MC99 is to be encouraged as there is no uniformity worldwide in the treatment of victims and families.[2]

6.3.12 A specific initiative is required to standardize the process to be followed by families when an accident occurs, including proper guidance that puts steps into simple language.

6.3.13 The timely issuance of advance payments must become global practice. A targeted event is suggested to advance on the topic so as to identify further decisions to be taken. Additionally, a total level of compulsory compensation is to be reviewed in proportion to the insurance policies subscribed by aircraft operators. ICAO should organize a specific ad hoc forum to deal with compensation and facilitating procedures for survivors and families of victims.

[1] It is expected that ICAO Council will adopt Standard 8.46 with Amendment 29 to Annex 9 during the winter session, first quarter of 2022, with applicability date of November 2022.
[2] Current situation: 137 States have ratified MC99, while 56 States have not.

6.3.14 An ICAO group, supported by the appropriate legal expertise, should consider best practices of insurance companies and their relationship with victims and families, balancing the needs of airlines and also victims and families.

6.3.15 Following the specific forum held to discuss compensation, and after having analysed the best practices of insurance companies, the community should assess whether review of MC99 and other related treaties is needed.

6.3.16 The ICAO Accident Investigation Panel (AIGP) should consider proposing guidance material for accident investigators to provide focused briefing material, including "what, when and how" information to families of victims.

6.3.17 The AIGP should also consider providing guidance on how to address communication media when an accident occurs and how to continue providing verified, on-time information for public release, while protecting the investigation process.

6.3.18 Independence, rigor and technical capability of accident investigation authorities are fundamental prerequisites for providing value to the accident investigation findings and also, importantly, to provide credibility to the accident reports. Absence of conflict of interest is essential. Promotion by ICAO of regional cooperation will assist in improving the investigation process alleviating cases of limited technical resources and/or experience in certain States.

6.3.19 Clear independence of the accident investigation authority, whose main objective is to determine the root causes of the accident and avoid its recurrence, and the judicial investigation, to conclude on potential criminal responsibilities, needs to be continuously stressed by ICAO.

6.3.20 Accident investigation Final Reports should be easily understandable for families and translated in all the languages of interest to the families.

6.3.21 Transparency regarding accident investigation reports should be enhanced through an ICAO web platform, where the exchange of reports and their recommendations amongst investigation authorities and experts could be facilitated.

6.3.22 ICAO should create a web platform to facilitate the exchange of information for safety investigation authorities and experts.

6.3.23 ICAO should support State's capacity building, including through the recently developed training course related to assistance to aircraft accident victims and their families and based on Doc 9998 and Doc 9973, to help States establish foundational knowledge. In delivering the course, ICAO should cooperate with the ACVFFI to provide additional factual experience and credibility.

6.3.24 IATA is encouraged to make use of the ICAO Doc 9998 and incorporate assistance to aircraft accident victims and their families into their plans. While ICAO audits States in the compliance of SARPs, IATA is invited to integrate the monitoring of airlines through its IOSA audit programme.

6.3.25 IATA is invited to integrate the assistance to victims and families into the work of its expert group on Emergency Planning and to consider the participation of ACVFFI in this group.

6.3.26 ACI, considering the importance of the airports of departure and arrival and those located close to the site of the accident in facilitating the arrangements following an air catastrophe, is invited to include the auditing, monitoring and accrediting of plans for support to victims and families in its accreditation programmes of their members.

6.3.27 ICAO should enhance cooperation between ICAO, IATA, ACI and CANSO, and other interested organizations, including through the development of multi-branded guidance documents.

6.3.28 The report of this first AAAVF Symposium, including conclusions and recommendations, should be posted on the ICAO website and also be published in paper format so as to extend the lessons learned and to serve as a basis for future similar events in other States.

6.3.29 States, and associations such as IATA and ACI, are invited to collaborate with ACVFFI before, during and after an aircraft accident occurs, making use of previous experiences.

6.3.30 It is recommended that the AAAVF Symposium be given continuity in the future with similarly-arranged symposia, to be organized on a biannual or triannual basis to fit within the ICAO Assembly cycle. ICAO should inform the Assembly of the outcomes of these events.

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APPENDICES

Interventions
and programme
of the Symposium

APPENDIX A

INTERVENCION DE D. VICTOR M. AGUADO, REPRESENTANTE PERMANENTE DE ESPAÑA EN EL CONSEJO DE LA OACI
SESION DE APERTURA DEL 1ER SIMPOSIUM OACI SOBRE APOYO A VICTIMAS Y FAMILIARES DE ACCIDENTES DE AVIACION

Buenos días Sras. y Sres., bienvenidos al primer Simposium de la Organización de la Aviación Civil Internacional, OACI, sobre la asistencia a víctimas de accidentes de aviación y familiares.
Este Simposium de OACI ha sido posible gracias al patrocinio del Ministerio de Transportes, Movilidad y Agenda Urbana del Gobierno de España y a la colaboración inestimable del Gobierno de la Autonomía de Canarias y de la Fundación Enaire, a quienes extendemos nuestro agradecimiento.

Quiero expresar públicamente nuestra gratitud a las autoridades que hoy nos acompañan. Del Gobierno de España, del Gobierno autonómico de Canarias, del Cabildo de Gran Canaria y del Ayuntamiento de Las Palmas. También nuestra gratitud al SG de OACI que se ha desplazado hasta la isla, y a los excelentes ponentes de los diferentes bloques temáticos que abordaremos. Agradecemos el interés de todos Uds., participantes aquí presentes en este Auditorio [Alfredo Kraus] y también de todos aquellos que nos están siguiendo vía la TV OACI, pues el Simposium se está retransmitiendo en directo.

Hoy la crisis Covid no está enteramente superada, pero sí al menos nos permite participar de forma presencial y virtual. Este es el primer evento hibrido que OACI celebra fuera de su sede central de Montreal.

Respetando las directrices sanitarias, y con el aforo disponible hemos tenido limitaciones para acomodar todas las peticiones de participación. [Para ello hubo que cerrar el plazo de inscripción el pasado 15 de Octubre.] En los últimos días, el incremento en la incidencia Covid en ciertos países y la aparición de nuevas variantes han impedido la presencia aquí de un buen número de interesados y también de oradores. Confiemos que al menos de forma virtual, unos y otros puedan participar.

Estamos encantados de estar acogidos en la capital de las Islas Canarias, esas islas afortunadas a las que se referían la mitología griega de hace más de 2000 años. Islas afortunadas que se situaban más allá del Mediterráneo, donde todo sería fácil, donde todo sería posible. [La leyenda se refería a] unas islas donde todo crecía por actuación de la propia naturaleza.

Unas islas cuyo día a día, cuya economía, cuyo desarrollo está directamente ligado al turismo y por ende son unas islas en las que el transporte aéreo representa un elemento estratégico de presente y de futuro.

No debe faltar hoy un recuerdo para todos los afectados por el volcán activo en la isla de La Palma, una de las islas de este archipiélago. La naturaleza es bella, pero a veces puede llegar a ser brutal. Esto nos hace reflexionar sobre nuestra pequeñez y cuán frágil es nuestra presencia en este planeta Tierra.

Sabemos muy bien que aquí, en Canarias, se presta una atención especial a los temas que vamos a tratar. Esperamos no defraudarles sabiendo de antemano la sensibilidad que alguno de ellos puede suscitar. Tanto el accidente de Tenerife Norte en el año 1977 [con 583 víctimas y 61 supervivientes,] como ya más recientemente el accidente de Spanair de 2008, vuelo que tenía como destino Las Palmas de Gran Canaria y en el que fallecieron 154 personas con 18 supervivientes. Alguno de ellos se encuentra entre nosotros hoy. Ambos accidentes son zarpazos difíciles de superar, que dejan recuerdos imborrables.

Termino señalando la labor incansable y comprometida de la Federación Internacional de Víctimas de Accidentes Aéreos y Familias. Su Presidenta, Dña. Pilar Vera, que preside asimismo la Asociación de afectados del vuelo JK5022 de Spanair, siguiendo la estela de un pionero que fue Hans Ephraimson en EEUU, y con el apoyo de otras Asociaciones, ha marcado los primeros pasos, los más difíciles, dando visibilidad a la atención a las víctimas y familiares.

Y, por último, sirva este encuentro no solo para contribuir a garantizar la seguridad de la aviación sino, y muy especialmente, sirva el Simposium como homenaje a todos los que han sufrido las consecuencias de un accidente de aviación, a sus víctimas, a sus supervivientes y también a sus familiares y allegados.

Sirvan nuestros debates, conclusiones y recomendaciones para, cuando un accidente sucede, disminuir la desazón, la frustracion y el sufrimiento innecesario de todos aquellos que se ven afectados.

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WELCOME ADDRESS BY MS. MARÍA JOSÉ RALLO, SECRETARY GENERAL FOR TRANSPORT AND MOBILITY, MINISTRY OF TRANSPORT, MOBILITY AND URBAN AGENDA

GOBIERNO DE ESPAÑA — MINISTERIO DE TRANSPORTES, MOVILIDAD Y AGENDA URBANA

Simposio de asistencia a las víctimas de accidentes de aviación y sus familiares (AAAVF 2021)

Organización de Aviación Civil Internacional
Las Palmas de Gran Canaria, 1 - 3 de diciembre de 2021

WELCOME TO THE SYMPOSIUM BY THE SECRETARY GENERAL FOR TRANSPORT AND MOBILITY

Distinguished Secretary General of ICAO,
Distinguished President of the Government of the Canary Islands,
Distinguished Directors,
Dear Delegates,

On behalf of the Spanish Ministry of Transport, Mobility and Urban Agenda, it is an honor to welcome you, and to open this ICAO Symposium on Assistance to Aircraft Accident Victims and their Families.

First of all, I would like to thank ICAO for the excellent collaboration we have had regarding this Symposium. I would also like to acknowledge the outstanding work carried out by the Government of the Canary Islands and the ENAIRE Foundation, together with this Ministry.

I cannot ignore the valuable contributions of the Air Crash Victims' Families' Federation International, which helped make this event's technical program and organization live up to their expectations, and hopefully become a landmark in ICAO's history.

Thanks to this thorough teamwork, we have managed to hold the first Symposium of its kind within ICAO. And, most importantly, we are holding it in Las Palmas de Gran Canaria, in the Canary Islands, where Spanish hospitality is particularly evident.

[COVID situation, hybrid meeting]

I would also like to welcome the people following this Symposium online. The Ministry of Transport is quite aware of the restrictions that still exist for traveling and organizing large events due to the pandemic.

I hope that the dedicated means, as well as the excellent work of the Alfredo Kraus Auditorium technicians will allow everyone to comfortably participate in and follow this Symposium.

[Importance of assistance to victims in Spain]
The topics that we will discuss during these 3 days are, undoubtedly, of great importance for the international civil aviation community. Unfortunately, as

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regards assisting victims of aircraft accidents here in Spain, we have very recent experience, and our government has been focusing on improving procedures and training for years.

It is essential to have basic legislation, clear and coordinated procedures for all actors involved, experience in providing humane treatment and, of course, practical implementation through drills. All this to ensure, when necessary, we do not fail people at such a difficult time.

Through the Directorate General of Civil Aviation and the Ministry of Transport's Office for the Assistance to Victims, our experts work tirelessly so that increasingly more States give due importance to this issue worldwide. Civil aviation knows no borders, and tragedy can strike passengers of any nationality, as well as their family members, anywhere in the world.

[Commitment to ICAO and victim associations]

That is why Spain values greatly appreciates the leadership work carried out by ICAO in this field and the great progress recently achieved. As one of the founding States of the Organization, we will continue to offer our experience and know-how to help ICAO achieve further implementation of its policies and provisions throughout the world.

These provisions, and the systems that States put in place, will never be adequate without the experience and input of victim associations. Their contribution is essential to achieve a system capable of providing timely and comprehensive assistance.

[Conclusion]

I am completely convinced that the plurality of perspectives that will be provided in the following sessions will contribute to laying the foundations for a better understanding of the needs of aircraft accident victims and their families.

I will conclude by wishing all the best to the delegates gathered here today. On behalf of the Government of Spain, I welcome you all.

Thank you very much.
—END —

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WELCOME ADDRESS BY MR. SALVATORE SCIACCHITANO, PRESIDENT OF THE COUNCIL, INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

Address
by the Council President of the
International Civil Aviation Organization (ICAO)
Mr. Salvatore Sciacchitano
to the Symposium on Assistance
to Aircraft Accident Victims and their Families

(1 December 2021, Canary Islands, Spain)

It's an honour for me to address this and first-ever ICAO Symposium on Assistance to Aircraft Accident Victims and their Families and I very much regret not being able to be with you in person as a result of an unforeseen regional commitment. Although I could not be there, ICAO is very well represented by its Secretary General, Mr. Juan Carlos Salazar whose physical presence with you today is a testimony to the level of commitment that ICAO has made to this important objective.

As we begin this symposium today, I wish to extend ICAO's sincere sympathy to all those who have suffered distress and loss as a result of an aircraft accident. As an Organization whose top priority is safety, ONE fatal aircraft accident is ONE too many. Respect for victims of civil aviation accidents and the mental, physical and spiritual well-being of their families is of paramount importance to ICAO. Consequently, ICAO works diligently to ensure that these needs are considered and accommodated by its member States. As part of its work in the area of assistance to aviation accidents' victims' families, I wish to recall that the ICAO Council held a meeting with the *Air Crash Victims' Families' Federation International* or ACVFFI in May 2021.

The objective was to raise awareness of ICAO's governing body of ICAO's current activities on assistance to aircraft accident victims and their families and to review areas where enhanced support was needed. I do believe that it was a very helpful meeting that contributed to let ICAO to focus on requests and needs of families of victims.

More in general, I wish to remind that safety is always paramount among ICAO's priorities, and its outcomes require a monumental team effort involving not only the global standards and national regulators, but also crew, airline and airport safety teams, air traffic controllers and air navigation specialists, aircraft designers and manufacturers, and the maintenance and other service providers who keep aircraft and infrastructure fully operational. ICAO Member States continue working towards ambitious global safety targets, in tandem with the strengthening of their regulatory capacities, while pursuing a range of programmes and targets relevant to current core areas of global aviation safety planning, oversight, and risk mitigation.

While global efforts continue to reinforce aviation's reputation as the safest form of travel, we are here today in recognition of the fact that despite all of ICAO's Standards, and the millions of people dedicated to keeping flying safe and secure on a daily basis, no system is perfect. And we must also recognize that, in light of the very nature of modern air transport, unforeseen and serious accidents in our sector can result in fatalities.

While countries and ICAO are not directly engaged in the day-to-day operations from which accidents derive, we can and do recognize the solemn responsibility to assure that timely and comprehensive information, care, and resources are provided to accident victims and their loved ones. Apart from the work already undertaken to address the needs of aircraft accident victims and their families with a specific policy, and a new ICAO Manual, ICAO is also currently developing a Training Course in this area to help countries develop or refine appropriate family assistance legislation, regulations, policy, and plans. This issue was also recently addressed by the ICAO Facilitation Panel. It has in fact recommended that associated priorities be enshrined not only in a policy, but indeed in a full ICAO Standard. This would place a more formal compliance obligation on States to develop effective victim support frameworks.

In a parallel development, the ministers participating at ICAO's recently-concluded High-level Conference on COVID-19 have addressed further calls to States and airlines to take action on this issue as a matter of priority.

Lastly, I wish to inform you that the ICAO Council has very recently approved the establishment of 20 February as a new international day for commemoration of the lives which have been lost due to air accidents, and for the continuing promotion of the need to establish and refine the support victims' families expects and deserves.

It's my hope that the discussions and presentations here over the coming days will provide you with excellent opportunities to take account of current progress being achieved in enhancing assistance to aircraft accident victims and their families, and to consider further activities and actions which could benefit future progress.

In concluding, I would like to take this opportunity to recognize the Air Crash Victims' Families' Federation International, and ICAO's Council Representative from Spain, Mr. Victor Aguado, for their invaluable dedication and contributions to assuring that this priority receive the due international attention.

I would also express my great appreciation and thanks to the Government of Spain and the Regional Government of the Canary Islands, for hosting this event.

I very much look forward to your outcomes and conclusions, and wish you a very engaging and productive symposium.

Thank you.

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WELCOME ADDRESS BY MR. ÁNGEL VICTOR TORRES, PRESIDENT OF THE GOVERNMENT OF THE CANARY ISLANDS

MAIN IDEAS

I would like to highlight the fact that the **first Symposium** held by the International Civil Aviation Organization in Spain is held here, in **Gran Canaria**.

> That is the island to which flight JK5022 was headed when that Madrid airport tragedy occurred. Out of the 154 people who died, 80 of them were from here, and we still feel the pain of that hard blow.
>
> **13 years later, their families are still here and I hope that this study and debate forum will gather both proposals and experiences so as to improve air safety as well as the assistance provided to victims and their families.**

This three-day symposium promotes the convergence of over a hundred experts in civil aviation and air accident management to discuss the **collateral effects of an air accident.**

> **We must learn from experiences** in order to, from this moment onwards, apply more efficient assistance and control mechanisms in any circumstances that may arise. This is a principle that we must bear in mind in all areas.

Undoubtedly, **safety** is this forum's top priority, but key issues such as the **protection of victims' rights**, the reinforcement of **good practices** in aviation and insurance companies, and the need for **independent and rigorous investigations** will also be analyzed, together with these essential issues: the treatment of the **information offered to family members**, the psychological assistance and follow-up of those affected by and involved in traumatic circumstances.

Finally, I would also like to highlight **how holding this symposium in the Canary Islands was a unique opportunity since, as an island territory, we are faced with the fact that air connections are essential for the normal progress of our society and economy.** Air transport plays a strategic role in the economy of the Canarians, which is why all activities aimed at making progress in safety will have the support of the Government of the Canary Islands.

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OPENING REMARKS BY MR. RAUL MEDINA CABALLERO, DIRECTOR GENERAL, CIVIL AVIATION ADMINISTRATION, SPAIN



Simposio de asistencia a las víctimas de accidentes de aviación y sus familiares (AAAVF 2021)

Organización de Aviación Civil Internacional

Las Palmas de Gran Canaria, 1 - 3 de diciembre de 2021

OPENING OF THE SYMPOSIUM BY THE DIRECTOR GENERAL OF CIVIL AVIATION

Thank you very much,

Dear authorities, dear friends:

It is a privilege for me to be here with you today, at the opening of this Symposium. I would like to take this opportunity to present the work carried out by Spain, our experience and the steps we have taken to build our current system of assistance to victims and their families.

Before we begin, I would like to say that the Directorate General of Civil Aviation is the body in charge of directing aviation policy and designing its strategy in Spain. For years, assistance to victims has been one of the fundamental parts of aviation policy.

[System implemented in Spain]

In 2008, Spanair flight JK5022 crashed. This was the most severe accident in Spain in the last 40 years, and it marked a turning point. We learned valuable lessons from it, such as the importance of having an adequate framework for the protection of victims and their families, a framework that humanized how they are treated and put them in the place they deserve.

Since then, work was developed on this issue. Since 2013, Spain has had basic legislation defining the scope of the assistance to be provided, the beneficiaries, the coordination among the actors involved, the procedures and the organizational structure.

Thanks to this, the Office for the Assistance to Aircraft Accident Victims was also created, attached to the Ministry of Transport's

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Emergency and Crisis Management Unit, whose head will speak later on.

- The legislation I referred to is based on ICAO Documents 9973 and 9998, which establish the minimum content that each administration's Emergency Plans must have nationwide.
- It also requires airlines and airports to have Specific Assistance to Victims Plans, which must also be approved and audited by AESA, the Spanish aviation supervisory authority.
- Finally, this legislation requires all these procedures to be implemented through practice drills, in which service providers, the aviation supervisory authority and the Victims' Assistance Office all participate.

The intense work carried out these years has enabled us to have an extensive, structured and coherent regulatory framework for our country, for which we have also been able to count on the collaboration and experience of victims' associations.

[Major milestones]

We have also pursued improvements in this area at international level. In 2012, thanks to the intense work undertaken in the ICAO Council, Spain managed to revise ICAO Circular 285, the only guidance material in this regard that existed at that time. This led to the development of the ICAO Policy and Manual on Assistance to Aircraft Accident Victims and their Families.

In addition, at the 38th session of the ICAO Assembly in 2013, Spain, jointly with other States, proposed to include a new Recommended Practice for all countries to establish laws, regulations and/or policies for assistance to aircraft accident victims and their families in Annex 9.

As a result, the ICAO Council adopted Amendment 25 to Annex 9 in June 2015, which incorporated Recommended Practice 8.46 with the exact wording that Spain proposed to the Assembly.

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Finally, Spain continues advocating for these provisions to be complemented with inspections, through ICAO audit programs. In fact, we have the honor of being the first State to have an assistance system audited by ICAO. (Actually, the person responsible for the ICAO Regional Office will provide you with more information about that later on.)

In essence, we are committed to encouraging other States to establish such systems in line with ICAO provisions, to report their progress in a timely manner through the Electronic Filing Of Differences system, and to voluntarily request audits to verify their progress.

To this end, Spain will continue to participate in ICAO expert groups, supporting all initiatives that improve assistance, as we did in the last Facilitation Panel, whose valuable recommendations are for us the result of ongoing work carried out over the last few years.

[Conclusion and commitment to associations]

Despite all I have mentioned, we are totally engaged in a process of continuous improvement. That is the reason we are here today: this Symposium must be able to provide answers, show best practices, and open new channels for the improvement of the assistance provided.

Actually, we are convinced that the work and conclusions to be discussed here during the Symposium, will also be the seed for future work at ICAO level, especially bearing in mind the next Assembly, in 2022.

This is the commitment of this DGCA and my personal commitment as well: to always keep the doors open in order to address any concerns that victims and their families bring to us.

Thank you for your attention and enjoy the Symposium.

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OPENING REMARKS BY MR. JUAN CARLOS SALAZAR, SECRETARY GENERAL, INTERNATIONAL CIVIL AVIATION ORGANIZATION

Opening Remarks
by the Secretary General
of the International Civil Aviation Organization,
Mr. Juan Carlos Salazar
to the Symposium for Assistance
to Aircraft Accident Victims and Their Families

(Las Palmas, Spain, 1 December 2021)

Ms. María José Rallo, Secretary General for Transport and
Mobility, (Ministry of Transport, Mobility and Urban Agenda)
Mr. Augusto Hidalgo Macario, Mayor, Las Palmas de
Gran Canaria
Mr. Antonio Morales Méndez, President, Gran Canaria Council
Mr. Ángel Victor Torres, President, Government of the
Canary Islands
Mr. Raúl Medina Caballero, Director General,
Civil Aviation Administration
Mr. Victor Aguado, Permanent ICAO Council Representative, Spain
Distinguished Representatives on the ICAO Council,
Distinguished guests and delegates,
Ladies and Gentlemen,
Good afternoon,

1. It is my great honour to be able to be here with you in person today, and to have an opportunity to briefly add to what the Council President has already explained in terms of ICAO and its role in helping States set out effective victim assistance policies and programmes.

2. I would also take this moment to reiterate ICAO's appreciation to the Government of Spain and the Regional Government of Gran Canaria for hosting this Symposium.

3. In 1998, during the 32nd Session of the **ICAO** Assembly, the subject of assistance to aircraft accident victims and their families was considered for the first time.

4. The Assembly adopted Resolution A32-7 at that time, which underscored that:

   - the State of Occurrence should address the most critical needs of persons affected by a civil aviation accident;

- that the policy 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;

- and that States should work to achievement alignment in their approaches to assisting victims of civil aviation accidents and their families.

5. During the same session, the Assembly also called on States to reaffirm their related commitments to support victims of civil aviation accidents and their family members.

6. It urged them to collaboratively and promptly develop and implement regulations and programmes to provide such support.

7. And lastly it urged the ICAO Council to develop materials to assist States in recognizing the priorities concerned.

8. This subject was further addressed in a side meeting during the 13th Air Navigation Conference and again in 2019 during the 40th Session of the ICAO Assembly, when more specific revisions were requested to Annex 9 of the Chicago Convention.

9. Throughout the past several years, ICAO has taken numerous initiatives to ensure that family assistance matters are adequately addressed.

10. Annex 13 to the Convention, which pertains specifically to international *Aircraft Accident and Incident Investigation*, had its first provision associated with family assistance added in 1976, when the countries of origin for accident victims became officially entitled to participate in the investigation.

11. In 2005, Annex 9 provisions became Standard, requiring the State where an aircraft accident occurred to facilitate the entry into their territory on a temporary basis of family members of victims of an aircraft accident.

12. In 2013, the ICAO Council approved two new publications in this area: the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families*; and the *ICAO Manual on Assistance to Aircraft Accident Victims and their Families*.

13. The manual in particular calls for actions on the part of States and relevant non-government organizations to reaffirm their commitment to ensure that adequate and sufficient assistance is provided to accident victims and their families.

14. It also encourages States to incorporate ICAO's policies when developing and implementing their legislation, regulations, policies and procedures related to family assistance.

15. The Manual further addresses the development of family assistance plans by aircraft and airport operators, highlighting relevant areas for attention and action.

16. As we speak Annex 9 is in the process of being amended to incorporate two proposals made by the Air Crash Victims' Families' Federation International. Under the first proposal, ICAO plans to elevate an existing Recommended Practice to a Standard which will make it an obligation for States

to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families. The second proposal is to adopt a new Recommended Practice addressed to aircraft and airport operators on the development of appropriate plans to provide timely and effective assistance to aircraft accident victims and their families.

17. The ICAO Air Transport Committee has approved these two proposals, which have been sent to Member States and relevant international organizations for comments before final adoption by the Council.

18. I would like to take this opportunity to thank the Air Crash Victims' Families' Federation International for their contributions to assuring that this important issue is addressed at the international level.

19. The ICAO Secretariat – through the delivery of capacity building and development of guidance materials – will work to assist Member States to implement these two proposals, as well as existing Standards and Recommended Practices related to Assistance to Aircraft Accident Victims and their Families.

20. In conclusion, I would like to reaffirm to you that ICAO is attuned to the needs of families and victims of aircraft accidents, and stands ready to continue working with States, the aviation community and family associations towards the progress of this subject of utmost importance.

21. Aviation safety is an incredible team effort, as others have mentioned, but this same cooperation must also be directed toward ensuring that the rights of accident victims and their families are assured in the aftermath of these tragic events.

22. I look forward to the discussions and to moving this issue forward on the basis of your outcomes.

23. Thank you.

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CLOSING REMARKS BY MR. DENIS GUINDON, ACTING DIRECTOR, EUROPEAN AND NORTH ATLANTIC REGIONAL OFFICE, INTERNATIONAL CIVIL AVIATION ORGANIZATION

Distinguish guests, Ladies and gentlemen

1. It's an honour for me to address you at the closing of this very important Symposium on Assistance to Aircraft Accident Victims and their Families and to thank the Government of Spain and the Government of the Canary Islands for hosting this Symposium.

2. Before I start, I would be remiss to not provide our sincere appreciation, and in the name of the close to participants at this symposium, here either in Las Palmas or around the world, for this excellent event. The organizers where located in three different areas around the world; here in Las Palmas, Madrid and in Montreal. Our thank you for the speakers and Block moderators - And our Chief moderator, the representative of Spain to ICAO, Mr Aguado.

   Thank you for the Audio visual team and the hosts here in this beautiful setting of the Alfredo Kraus Auditorium.

   I think they deserve our kudos.

3. I wish to echo the words of the President of the Council in his opening remarks, that ICAO expresses its profound sympathy for persons who have suffered distress and loss as a result of an aircraft accident. ICAO's policy is to ensure the respect for victims of civil aviation accidents and the mental, physical and spiritual well-being of their families and we continue the work to ensure that these needs are considered and accommodated by Member States.

4. To reflect the importance of this event I should underscore that ICAO's Secretary General attended this Symposium in person. I would like to reiterate his words which he shared on LinkedIn, namely that "*Aviation safety is an incredible team effort, but this same cooperation must also be directed toward ensuring the rights of accident victims and their families in the aftermath of these tragic accident.*"

5. Over the past three days, you have heard from a number of distinguished speakers on very important topics and had numerous discussions during the six Blocks. These discussions will form the basis of a report with conclusions and recommendations for ICAO and its Member States to be distributed as soon as feasible. I encourage States to consider these recommendations to the extent practicable.

6. I am confident that these very informative and relevant discussions will guide Member States in the timely development and implementation of appropriate operational, legal and administrative frameworks. Some of the key topics of this Symposium, namely management of information, aircraft accident investigations and liability and insurance regulations and best practices will clearly be a part of a State's ability to provide a framework of support for aircraft accident victims. In this regard, I would like to notably highlight the role of the State of Occurrence and the vital contribution from the industry in the development of appropriate plans to provide timely and much needed assistance to aircraft accident victims and their families, as well as family associations in the family assistance response.

7. Civil aviation authorities and accident investigation bodies can still provide improvements to their system. As mush has this symposium has brought several improvements and positive perspective, we have still work to do and ICAO does appreciate your continuing efforts.

8. The Symposium builds on ICAO's global regulatory framework that comprises Assembly resolutions, international civil aviation Standards and Recommended Practices contained in 19 Annexes to the *Convention on International Civil Aviation*, and associated guidance material that all ICAO Member States must comply with or exceed through their civil aviation laws.

9. States and the international air transport community must continue to increase efforts to properly implement ICAO Standards and Recommended Practices and to establish comprehensive and timely procedures which address the needs of victims and their families.

10. ICAO is committed to collaborating with its 193 Member States, relevant international organizations and the aviation and insurance industries in addressing the issue of assistance to aircraft accident victims and their families, in a timely manner.

11. On behalf of ICAO I wish to once again express my great appreciation and thanks to the Government of Spain and the Government of the Canary Islands for hosting this Symposium here in beautiful Las Palmas de Gran Canaria, to Member States, as well as to international organizations, industry and other stakeholders for their attendance and participation. I take this opportunity to also recognize the meaningful contributions of the Air Crash Victims' Families' Federation International in enhancing Assistance to Aircraft Accident Victims and their families.

12. Thank you.

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CLOSING REMARKS BY MR. SEBASTIÁN FRANQUIS VERA, REGIONAL MINISTER FOR PUBLIC WORKS, TRANSPORT AND HOUSING, GOVERNMENT OF THE CANARY ISLANDS

Mrs. Secretary of State, Authorities, Ladies and Gentlemen,

As Minister of Transport for the Regional Government of the Canary Islands, it is a pleasure for me to address you at this closing session of the **I International Symposium on Assistance to Aircraft Accident Victims and their Families jointly organized by the International Civil Aviation Organization, the Ministry of Transport and the Government of the Canary Islands.**

I would like my first words to reaffirm our solidarity with the families and friends of the victims and those injured in the JK5022 flight, with whom we shared their pain since the beginning and to whom we once again show our respect and affection on behalf of the Government of the Canary Islands.

Most of the participants have arrived here by air transport; due to their geographical location, for the Canary Islands, aviation is a need as well as their main support for connectivity both between the Islands and with the Peninsula and the rest of the world.

The current economic space configuration of the Canary Islands has its roots in air transport. Air transport is strategic and essential for our Community; we promote the greatest possible number of connections between the Canary Islands and the different destinations in the world. Tourism, our quintessential industry, needs diverse, safe and multiple connections, because aircraft are the main vehicle for its expansion and development.

Allow me to give you a few data to illustrate its dimension. The tourism industry in the economy of the Canary Islands represents 35.2% as a whole, and 40.3% of the total employment in our Community.

In 2019, 45 million passengers used the Canary Islands airports. Of those, 26.5 million were international passengers; and over 410 thousand operations were carried out.

The Canary Islands have an excellent tourism infrastructure that, together with our weather conditions, allow passengers to travel to the Islands at any time of the year, which in turn makes them a safe destination for any activity, whether it be sport, leisure, rest, etc....

Additionally, tourism and aviation go hand in hand in this intersection of continents in which the Canary Islands are located. This is why, since we were approached to host this I Symposium, we fully supported it, not only because of the relevance of the excellent work that we knew all participants would carry out, but also because the city of Las Palmas de Gran Canaria is completely equipped with anything necessary to host this event with the maximum interest and comfort for your work.

We cannot forget that of the 154 people who died in the catastrophe of Flight JK5022 at Madrid Airport, more than 80 people were Canarians, inhabitants of this island of Gran Canaria, which caused great suffering to the affected families and had a great social impact.

The work being carried out by the Association of Affected of Flight JK5022, as the Air Crash Victims' Families' Federation International, chaired by Pilar Vera, has not only been intense, but has also achieved great progress in the assistance to the victims as well as in passengers' rights.

All this has motivated us as well to make every effort needed to host this Symposium here because of its contribution to improve civil aviation as much as possible.

I am fully convinced that the proposals, recommendations and conclusions reached resulting from this meeting will benefit international civil aviation, which will in turn give us the opportunity to have contributed to making air transport safer and to help people who suffer its failures to have the appropriate and necessary assistance in such cases.

Thank you for coming and know that the Canary Islands await your next trip here, but this time to rest, enjoy and get to know our Islands.

Thank you very much.

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CLOSING REMARKS BY MS. ISABEL PARDO DE VERA POSADA, SECRETARY OF STATE FOR TRANSPORT, MOBILITY AND URBAN AGENDA, MITMA, SPAIN

GOBIERNO DE ESPAÑA · MINISTERIO DE TRANSPORTES, MOVILIDAD Y AGENDA URBANA

Symposium on Assistance to Aircraft Accident Victims an
their Families (AAAVF 202
International Civil Aviation Organizatio
Las Palmas de Gran Canaria, 1 - 3 December 202

CLOSING OF THE SYMPOSIUM BY THE SECRETARY OF STATE FOR TRANSPORT, MOBILITY AND URBAN AGENDA

Distinguished Minister of Public Works, Transport and Housing of the Regional Government of the Canary Islands,
Distinguished ICAO's EUR/NAT Regional Director,
Distinguished members of the ICAO Council,
Distinguished Delegates,

On behalf of the Ministry of Transport, Mobility and Urban Agenda, it is an honor, as well as a source of responsibility and humble satisfaction, to address you on this last day of the Symposium on Assistance to Aircraft Accident Victims and their Families.

First of all, I would like to show my appreciation and thank the International Civil Aviation Organization for giving us the opportunity to host this Symposium in Spain, and thank the Government of the Canary Islands for its collaboration in organizing the event and granting us the possibility of holding it in this beautiful location.

In addition, I would also like to thank all those involved in the organization and sponsorship of this event for their collaboration. In particular, to ENAIRE and its Foundation; to the Directorate General of Civil Aviation, the Government of the Canary Islands and the ICAO teams; to the technicians and professionals of the Alfredo Kraus Auditorium... and, especially, to the Air Crash Victims' Families' Federation International for promoting these sessions, whose mere celebration reaffirms the remembrance, the tribute and the attention that all victims of air crashes deserve.

There is no need for me to say to what extent aviation is such a strategic sector for Spain and for the Canary Islands. We are the 2nd world destination for international tourism; we are a bridge between Europe and Latin America; air transport generates 1.8 million direct and indirect jobs and guarantees connectivity and mobility. Furthermore, as the president of the Canary Islands, Ángel Víctor Torres, rightly mentioned before, aviation is part of the daily life of the island territories, thus becoming an essential element for the cohesion of our country.

For all these reasons, Spain remains wholeheartedly committed to the aviation sector and to ICAO. We were one of its founding States; Spain has been a member of the ICAO Council continuously since 1951 and our civil aviation experts keep contributing to numerous working groups.

We are deeply aware that, in order to achieve any progress in global civil aviation, it is necessary that all States do it together, with public policies reinforcing all actions carried out at an institutional level.

In this regard, assistance to air crash victims and their families is paramount. During these 3 days we have been able to listen to more than 50 international experts addressing the variety of aspects related to the assistance and treatment given to those who have had the misfortune of being involved in an aviation tragedy.

We have had the privilege of having 100 experts and authorities from all over the world participating on-site in Las Palmas de Gran Canaria, and there has been great follow-up

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presence online as well. This being the first hybrid event organized by ICAO outside its headquarters,
I believe it has been an enormous success that we can be proud of.

This Symposium sets a milestone in victim assistance, and it should set the way forward for us in the coming years. I am convinced that the conclusions, which we have just heard from our moderator and Permanent Representative of Spain on the Council of ICAO, Víctor Aguado, will lay the foundations to create a new momentum in this regard.

As Secretary of State for Transport, Mobility and Urban Agenda, and as president of an excellent air navigation service provider in its safety standards and procedures as ENAIRE, I am well aware of the strictness, commitment, thoroughness and dedication which the professionals of the industry devote to ensuring air safety.

Every time an aircraft accident occurs, technical and operational protocols are reviewed and assessed with an increasingly high level of thoroughness, as it should be. And this will continue to be so at a time when the aviation industry is facing major challenges. The improvement of safety standards is, and will continue to be, an unavoidable objective in the development process of such a major industry as aviation.

In this Symposium, we have succeeded in giving an international dimension to aircraft accident management and prevention. From this day onward, we must continue on this path, now making an educational effort to ensure that the discussions held here transcend the specialized field and reach the media, whose role and responsibility are essential.

Information, how it is communicated, as well as how we fight disinformation, all play a key role in assistance to victims. As we were able to witness here, information must be reliable, validated and must come from a trustworthy and competent body.

Airlines and airports also have great responsibility, and efforts must be redoubled to ensure that this is duly taken into consideration as regards their emergency plans, which must be properly tested and audited.

The Government of Spain, and specifically the Ministry of Transport, Mobility and Urban agenda, will continue to work on strengthening and reinforcing the system of assistance to victims and their families, both at national and international level, jointly with ICAO, and in all those aspects we were able to discuss these days. Both the Directorate General of Civil Aviation and the Office of Assistance to Victims will work to make this possible.

I do not wish to conclude without acknowledging the work carried out by the Air Crash Victims' Families' Federation International, and expressing to them my sincere gratitude and admiration for being able to overcome their pain and loss to share their valuable knowledge with us.

We close this Symposium today, but we open up a new stage for assistance to aircraft accident victims. Starting today, we will begin to develop all the lessons that we have learned during these three days. We now have continuous and daily work to carry out, whose sole objective is to alleviate the loss, and to be able to give the answers and assistance required by those who have had such a great loss.

Thank you very much,

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AAAVF2021 PROGRAMME



ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

PROGRAMME

On-Site Registration - Tuesday, 30 November	
16:00 – 18:00	***ON-SITE REGISTRATION*** *Alfredo Kraus Auditorium (Main entrance hall) Las Palmas de Gran Canaria*
Day 1 – Wednesday, 1 December	
08:00 - 09:00	***ON-SITE REGISTRATION*** *Alfredo Kraus Auditorium (Sala Jerónimo Saavedra) Las Palmas de Gran Canaria*
09:00 - 10:00	**OPENING SESSION** **Introduction by the Moderator of the Symposium** • **Mr. Victor M. Aguado**, Permanent Council Representative, Spain, International Civil Aviation Organization (ICAO) **Welcome Address** • **Ms. María José Rallo**, Secretary General for Transport and Mobility, Ministry of Transport, Mobility and Urban Agenda (MITMA) • **Mr. Salvatore Sciacchitano**, President of the Council, International Civil Aviation Organization (ICAO) • **Mr. Augusto Hidalgo Macario**, Mayor, Las Palmas de Gran Canaria **Mr. Antonio Morales Méndez**, President, Gran Canaria Council **Mr. Ángel Víctor Torres**, President, Government of the Canary Islands **Opening Remarks** • **Mr. Raúl Medina Caballero**, Director General, Civil Aviation Administration, Spain • **Mr. Juan Carlos Salazar**, Secretary General, International Civil Aviation Organization (ICAO) **Keynote Speaker** • **Mr. Rafael Vidal Rodríguez,** survivor of the JK5022 accident, Engineer, JK5022 Association Member **Group Photo**
	BLOCK 1. CURRENT SITUATION - RECENT EXPERIENCES
10:00 – 11:00	**Set the Scene** *The first block will provide an overview of ICAO's current initiatives and material: Annex 9 provisions, Assembly Resolutions on assistance to victims (A38-1, A39-27) and ICAO Documents 9973 and 9998, examples of implementation of the requirements in States and recent ICAO audits within the USOAP framework. In addition, implementation experience of ICAO's requirements in States will be discussed from different perspectives: victims' associations, oversight authorities, airport operators, airlines and victim's assistance coordination bodies.* **Moderator: Victor M. Aguado**, Permanent Council Representative, Spain, International Civil Aviation Organization (ICAO) ***ICAO Update and Experience*** ICAO Annex 9 - *Facilitation*, ICAO Assembly Resolutions • **Mohamed Khalifa Rahma**, Director, Air Transport Bureau, ICAO Universal Safety Oversight Audit Programme (USOAP) & Electronic Filing of Differences (EFOD) • **Denis Guindon**, Deputy Director, Monitoring & Oversight, Air Navigation Bureau, ICAO

	State Regulators Update and Experience • **Giovanna Laschena**, Deputy Director General, ENAC, Italy • **Elias Kontanis**, Chief, Transportation Disaster Assistance Division, NTSB, United States • **Rubén Eladio López Martínez**, Head, Emergency and Crisis Management Unit; **Fernando Moreno**, Head of the Office for the Assistance to Aircraft Accident Victims (OAV), Ministry of Transport, Spain • **John Velho**, Director, Passenger Protect Program and Target Operations, Transport Canada; **Tristan Landry**, Head, PS752 Families Task Force, Global Affairs Canada
11:00 – 11:30	❖ **COFFEE BREAK (Sala Alegranza)**
11:30 – 13:00	*Airports and Airlines Experience* • **Gill Sparrow**, Manger, Emergency Response Planning, Emirates Airline • **Rita Domínguez Monzón**, Contact Person, Chief, Civil Protection Unit, Government of the Canary Islands, Spain; **Ernesto Robayna Fernández**, Airport Services Division, Airport Victim Assistance Responsible (RAAV); **Gonzalo Delgado Nordmann**, Terminal Management Department, Alternate Airport Victim Assistance Responsible (RAAV) AENA, Spain *Associations Experience* • **Monica Maccaferri**, ACVFFI JD Member - Fondazione 8 Ottobre, Italy • **Junaid Hamid**, ACVFFI Secretary and ACAA President, Pakistan • **Pilar Vera Palmés**, ACVFFI Chairwoman - AVJK5022 President, Spain **Question and Answer Period**
13:00 – 14:00	❖ **NETWORKING LUNCH (Sala Alegranza)**
	BLOCK 2. MANAGEMENT OF INFORMATION - LESSON LEARNED
14:00 – 15:30	*The second block will focus on how authorities and communication media treat information generated as a result of an aircraft accident. In particular, treatment of sensitive information (pictures and recordings of the accident, records of conversations, technical documentation) should be balanced with the right to information, the protection of the right to privacy of victims and their families, and the protection of the safety investigation.* Moderator: **Francisco Moreno García**, Vice President, Spanish Academy of Sciences & Arts of Television • **Tim Hepher**, Aviation specialist, Thomson-Reuter • **José Vicente García Santamaría**, Professor, Communications Department, Universidad Carlos III, Spain • **Otibho Agbareh**, Director Humanitarian Services, Kenyon International Emergency Services
15:30 – 16:00	❖ **COFFEE BREAK (Sala Alegranza)**
16:00 – 17:00	• **Alexandra Kaufman**, Communications Director, Civil Aviation Authority, United Kingdom • **Teresa Cárdenes**, Journalist • **Thomas Romig**, Senior Vice President Safety and Security Operations, Airports Council International (ACI) World **Question and Answer Period**
17:00 – 17:15	**Wrap-up of Day 1 by the Moderator of Symposium**
19:45	❖ *Gala Dinner – Pueblo Canario Restaurant* ***Hosted by the Government of Canary Islands; accompanied by a Concert offered by the Council of Gran Canaria***

	Day 2 – Thursday, 2 December
	BLOCK 3. ACCIDENT INVESTIGATION AUTHORITIES – LESSONS LEARNT
09:00 – 10:30	*This section will focus on lessons learnt by accident investigation authorities regarding protection and communication of information, independence of accident investigation from other organisms and investigations, and its relation to assistance provided to victims and their families.* **Moderator: Stephen P. Creamer**, Director, Air Navigation Bureau, ICAO • **Graham Braithwaite**, Professor, Director, Safety and Accident Investigation Centre, Cranfield University, United Kingdom • **Jennifer Homendy**, Chairperson, National Transportation Safety Board (NTSB) United States • **Rémi Jouty,** Chairman, European Network of Civil Aviation Safety Investigation Authorities (ENCASIA) • **Mohd Fuad Sharuji**, Former Crisis Director MH370 & MH17, Malaysia Airlines • **Pamela Suárez**, Former President, Regional Group of Aero Accident Investigation of Latin America (ARCM) • **Khazna Al Mentheri**, Air Accident Investigations, Civil Aviation Administration, United Arab Emirates **Question and Answer Period**
10:30 – 11:00	❖ **COFFEE BREAK (Sala Alegranza)**
	BLOCK 4. INSURANCE BEST PRACTICES
11:00 – 13:00	*This section will focus on analyzing the existing international insurance regulations for the coverage of airline liability in the event of an aircraft accident, as well as the importance of achieving fair compensation for victims while ensuring the stability of the civil aviation sector. Additionally, an exchange of best practices between States, airlines and ICAO will take place, and the next steps in the legal field will be studied.* **Moderator: Michael Gill**, Director, Legal Affairs and External Relations Bureau, ICAO Sharing of Experiences • **Sara Garcia González-Herrero**, Head of Risk and Insurance, Iberia Lineas aéreas España • **Tan Siew Huay**, Director, Legal, Civil Aviation Authority (CAAS), Singapore • **Robert Lawson,** QC, Partner, Aircraft Loss Cases – Airlines and Insurers, Clyde & Co LLP • **Sarah Stewart**, Partner, Private Practice representing Victims and Families, Stewarts Law • **Pablo Mendes de Leon**, Professor of Air and Space Law, The Hague, Netherlands • **Francisco Vasques-Tenreiro**, Lawyer, Private Practice representing Victims and Families **Question and Answer Period**
13:00 – 14:00	❖ **NETWORKING LUNCH (Sala Alegranza)**
	BLOCK 5. IDENTIFYING SHORT, MEDIUM AND LONG TERM POLICIES
14:00 – 15:30	*This section will take a comprehensive approach by including safety, security, cyber and facilitation aspects regarding aircraft accidents. Government, airline, ICAO and industry associations will provide insight on identifying short, medium and long-term policies aimed at preventing disasters, mitigating new and emerging threats, as well as developing strategies to ensure cooperation among airlines, airports, various public authorities and international organizations.* **Moderator: Nancy Graham**, President Graham Aerospace International LLC • **Tan Siew Huay**, Director, Legal, Civil Aviation Authority (CAAS), Singapore

	• **Gilberto López-Meyer**, Senior Vice President Corporate Safety, Security and Compliance, Korean Air • **Narjess Abdennebi**, Chief, Facilitation Section, International Civil Aviation Organization (ICAO)
15:30 – 16:00	❖ **COFFEE BREAK (Sala Alegranza)**
	BLOCK 5. IDENTIFYING SHORT, MEDIUM AND LONG TERM POLICIES (continued)
16:00 – 17:00	• **Thomas Romig**, Senior Vice President Safety and Security Operations, Airports Council International (ACI) World • **Ángeles Pozo**, Assistant Director Europe, EUR-Regional Airport, Passenger, Cargo and Security, International Air Transport Association (IATA) • **Soledad Fattori Pedrana**, Information Coordinator, Accident Victims and their Familes of the JST, Argentina **Question and Answer Period**
17:00 – 17:15	**Wrap-up of Day 2 by the Moderator of Symposium**
20:00	❖ ***Gala Dinner – Jardines de la Marquesa (Arucas)*** ***Hosted by the Council of Gran Canaria***
	Day 3 – Friday, 3 December
	BLOCK 6. NEXT STEPS FOR ASSISTANCE TO VICTIMS
09:00 – 10:30	*In the Symposium's last block there will be a round table where the ideas and proposals for the future discussed in the 5 previous blocks will be shared, from which a report with recommendations for the States and ICAO will be drafted.* Moderator: **Victor M. Aguado**, ICAO Permanent Council Representative, Spain • **Michael Gill**, Director, Legal Bureau, International Civil Aviation Organization (ICAO) • **Stephen P. Creamer**, Director, Air Navigation Bureau, ICAO • **Pilar Vera Palmés**, ACVFFI Chairwoman - AVJK5022 President, Spain • **Nancy Graham**, President Graham Aerospace International LLC • **Francisco Moreno García**, Vice President, Spanish Academy of Sciences & Arts of Television **Question and Answer Period**
10:30 – 11:00	❖ **COFFEE BREAK (Sala Alegranza)**
11:00 – 12:00	**Summary of Conclusions and Recommendations of the Symposium**
12:00 – 12:30	**Closing** • **Denis Guindon**, Acting Director, European and North Atlantic Regional Office, ICAO • **Sebastián Franquis Vera,** Regional Minister for Public Works, Transport and Housing, Government of the Canary Islands • **Isabel Pardo de Vera Posada**, Secretary of State for Transport, Mobility and Urban Agenda, MITMA, Spain
12:30 - 14:00	❖ **NETWORKING LUNCH (Sala Alegranza)**

— END —

— END —

05 PHOTOGRAPHS OF THE EVENT





▲ Opening of the Symposium



▲ Debates



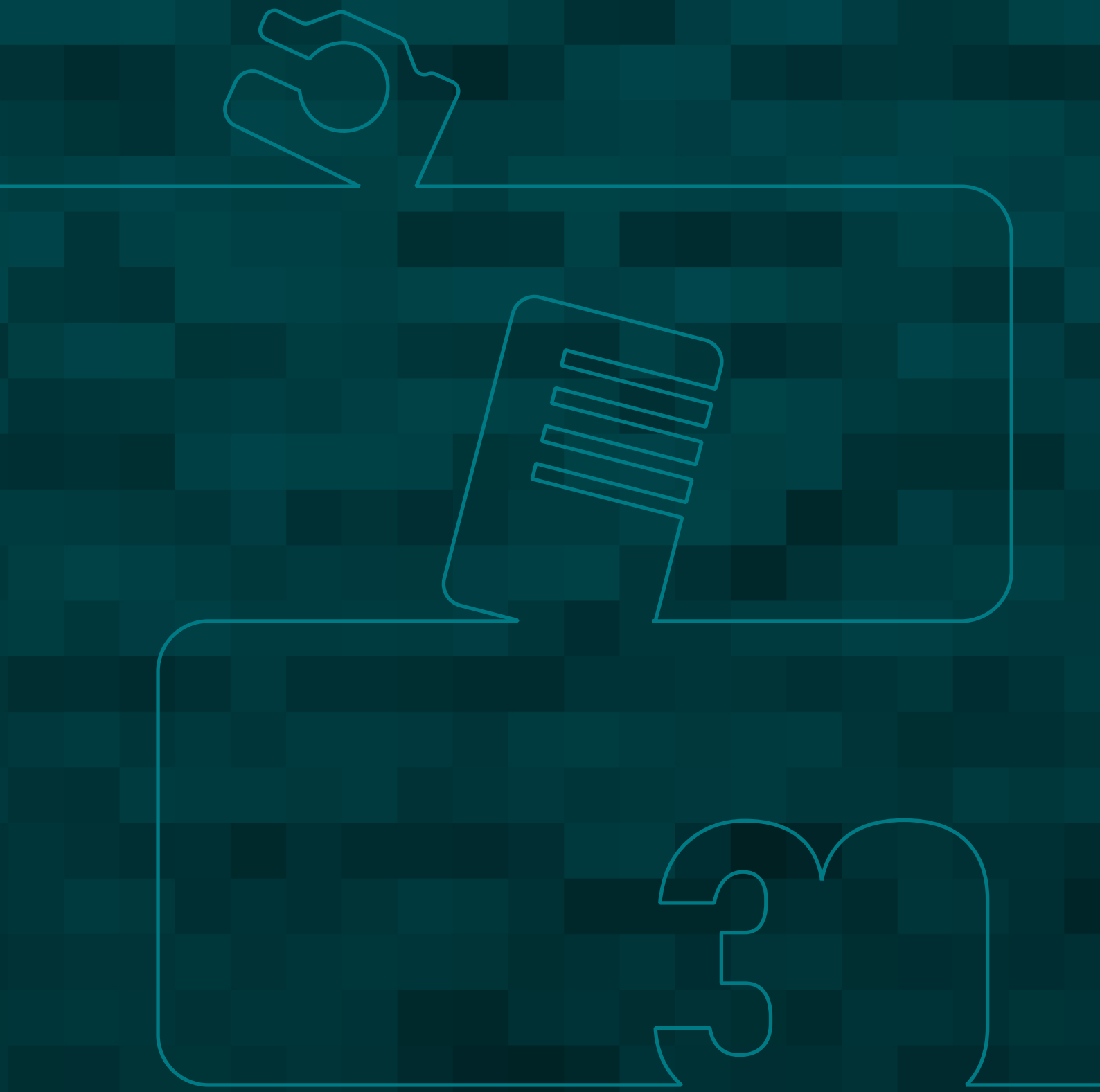
▲ Hybrid event



▲ Participants



▲ Group photo



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