



WORKING PAPER

ASSEMBLY — 40TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 14: Facilitation Programmes

ASSISTANCE TO AIR ACCIDENT VICTIMS AND THEIR FAMILIES

(Presented by Air Crash Victims' Families' Federation International)

EXECUTIVE SUMMARY

Since ICAO issued Circular 285 in 2001, which was replaced by the ICAO Policy on Assistance to Aircraft Accidents Victims and their Families, Doc 9998 and the associated manual, Doc 9973, in the 38th General Assembly, the treatment to civil air accidents victims and their families has had a long way that has not been reflected in the data recognized in the Universal Safety Oversight and Audit Programme (USOAP). It is necessary to continue going forward along the lines established by the ICAO Policy on Assistance to Air Accident Victims and their Families. Taking into account the No Country Left Behind (NCLB) initiative which tries to give support to Member States, the accident victim's assistance is part of it in the most effective way.

Action: The Assembly is invited to:

- a) request again to the Council to consider upgrading the Recommended Practice 8.46 of Annex 9 recommending States to establish legislation, regulation, and/or policies to assist victims of air accidents and their families, in an International Standard, such that it stimulates and facilitates a global implementation;
- b) urge the Council to maintain its level of monitoring on implementation through the Universal Safety Oversight and Audit Programme (USOAP); and
- c) request the Council to consider establishing a new Annex 9 provision so that aircraft and airport operators develop appropriate plans to provide timely and effective assistance to aircraft accident victims and their families.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective — <i>Security and Facilitation</i> .
<i>Financial implications:</i>	Any activities relating to this working paper may be made subject to the availability of budgetary resources of the ICAO Regular Program budget for the period 2020-2022.

¹ English and Spanish versions provided by Air Crash Victims' Families' Federation International.

<i>References:</i>	Assembly Resolution A32-7 Assembly Resolution A38-1 Assembly Resolution A 39-27 Doc 9998, <i>ICAO Policy on Assistance to Aircraft Accident Victims and their Families</i> Doc 9973, <i>Manual on Assistance to Aircraft Accident Victims and their Families</i> A40-WP/60 FALP/10-WP/2 : Annex 9 - <i>Facilitation</i> : Recommended Practice 8.46
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1. INTRODUCTION

1.1 In 1998, the Resolution A32-7 was already said: "...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." It also requested that "States, in co-operation with ICAO and other States, to promptly review, develop and implement regulations and programs to support victims of civil aviation accidents and their family members."

1.2 The Resolution A38-1 in 2013 recognized the need to globally implement assistance to victims and urged States to "...establish legislation, regulation and/or policies to support victims of civil aviation accidents and their family members, in consideration of the ICAO Policy in Doc 9998."

1.3 The Resolution A39-27 considers that "...harmonization of the regulations for dealing with the needs of victims of civil aviation accidents and their families is also a humanitarian duty and a permissive function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention".

2. BACKGROUND

2.1 The Special Session "Ensuring that victims of air accidents and their families are treated the same way the world over", held over the 13th Air Navigation Conference (AN-Conf/13). During the round table argued on the elevation to the norm of recommendation 8.46, the existence of a consensus was demonstrated on the principle that it is necessary to ensure prompt and adequate assistance to victims and their families, and also a consensus on the need for ICAO to progress in all what can promote its implementation globally.

2.2 Working Paper (FALP/10-WP/2 paragraph 1.4, refers) of the 10th Meeting of the Facilitation Panel (FALP/10) entitled Annex 9 - *Facilitation*: Recommended Practice 8.46 states that the Council agreed that the time-frame/target date for implementation of the Assembly's decision would follow an evaluation of the extent of the level of implementation of family assistance plans obtained through the Annex 9 and the Universal Safety Oversight and Audit Programme (USOAP) Compliance Checklists (CCs) in the Electronic Filing of Differences (EFOD) System in the third quarter of 2018 for Annex 9, and the fourth quarter of 2020 for USOAP.

2.3 The data available in the EFOD System on the implementation of Recommendation Practices 8.46 remains insufficient, that is reflected in the final report of the aforementioned meeting of the FALP. It is insufficient for ICAO to be able to know the situation and needs of the Member States concerning Recommendation Practice 8.46. These same data are reflected in Appendix B of A40-WP/60.

2.4 Working Paper states that the No Country Left Behind (NCLB) initiative is designed to support States to have better air connectivity and provide better access to the aviation system, emphasizing the application of Standards and Recommended Practices (SARPs) and policies.

2.5 The NCLB initiative highlights ICAO's efforts to assist States in implementing ICAO SARPs. The main goal of this work is to help ensure that SARP implementation is better harmonized globally so that all

States have access to the significant socio-economic benefits of safe and reliable air transport. The NCLB initiative is based on needs, therefore, is focused on the States that need more help and advocates for them. ICAO must fulfil its unique function of promoting the interests of aviation by: a) advising governments on the levels of aviation benefits relief for the achievement of their national aspirations; b) facilitating the mobilization of resources, in cooperation with development banks, funds and other financial entities; and c) establishing alliances with other international organizations on matters of common interest.

3. ANALYSIS

3.1 Being aware of the implementation of Recommendation 8.46, the recollected information by the CC system is insufficient.

3.2 Being aware of the commitment acquired by ICAO to support Member States in the implementation of SARPS through the NCLB initiative

3.3 Recognizing the need to ensure prompt and adequate assistance for victims and family members, and also a consensus on the need for ICAO go further in its implementation.

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