



International Civil Aviation Organization

WORKING PAPER

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ASSEMBLY — 37TH SESSION

LEGAL COMMISSION

Agenda Item 60: Work Programme of the Organization in the legal field

**HARMONIZATION OF CRITERIA GOVERNING LIABILITY FOR DAMAGE
CAUSED BY WILDLIFE STRIKES**

(Presented by Colombia)

EXECUTIVE SUMMARY	
This paper seeks harmonization among States of the criteria which govern liability for damage caused to equipment.	
<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective F (Rule of Law – Strengthen law governing international civil aviation).
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	ICAO Annex 14 Doc 9137 – AN/901, Part 3, Airport Services Manual, Bird Control and Reduction

1 INTRODUCTION

1.1 The problem of bird control varies from one airport to another since the characteristics of the associated bird populations depend on the geographical, climatic and environmental conditions which are specific to individual regions as well as on antropical variations in neighbouring communities.

1.2 While it is impossible to drive all wildlife from airports, according to the provisions in Annex 14 – *Aerodrome Design and Operations*, States must take the necessary measures, with the assistance of the aerodrome operators, to reduce the number of birds which constitute a hazard to aircraft operations by adopting measures aimed at discouraging their presence on or near the airport. The primary objective of bird control and reduction is to effectively prevent the presence of bird populations while respecting the ecological systems and wildlife, pursuant to the standards and recommended practices developed by ICAO in the Airport Services Manual Doc 9137-AN/898 Part 3 Bird Control and Reduction.

2 DISCUSSION

2.1 All airports should have a Wildlife Strike Reduction Programme which should include at the very least the following sub-programmes:

- a) Implementation of Inter-institutional Bird Control Committees at airports;
- b) Reporting of Bird Strikes;
- c) Evaluation and analysis of the wildlife hazard;
- d) Implementation of control and preventive measures; and
- e) Strategies for communication, training and raising awareness of the risk posed by wildlife.

2.2 Some experts feel that the success of the entire wildlife or bird control and reduction programme hinges on a correct balance between all the programme components. It is worthwhile noting that there exists no ultimate tool or solution which would apply to all the different airports and bird species given the fact that implementation of the control methods is basically in the experimental stage and is being developed on the basis of information compiled from the evaluation and monitoring of wildlife populations.

2.3 In the light of the fact that the threat is caused by species of wildlife which use airspace as their natural milieu and in particular by birds adapted to antropical environmental variations seeking shelter on airport property and under environmental protection, it is impossible to drive all birds from an airport at all times. The aviation industry will, accordingly always coexist with a level of risk posed by the presence of wildlife.

3 SUGGESTED ACTION

3.1 The Assembly is invited to recommend that the ICAO Council and Legal Committee:

3.1.1 Develop strategies to prevent transfer of liability to the airport operators and aeronautical authorities for damage caused to equipment, death of passengers or damage to third parties by bird and other wildlife strikes to aircraft on or in the vicinity of an airport.

3.1.2 Provide a legal basis in accordance with international and State standards for liability which may be imposed on operators or aeronautical authorities when an event of this nature occurs.

3.1.3 Develop minimum international standards for wildlife control at airports with a view to verifying whether the operators and aeronautical authorities are taking the necessary action that falls within their competence.

3.1.4 Evaluate the legal action taken at the international level, its results and how it was handled with a view to establishing criteria to cover events of this nature

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