



International Civil Aviation Organization

**MIDANPIRG/21 & RASG-MID/11 Meetings**

(Abu Dhabi, UAE, 4 – 8 March 2024)

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**Agenda Item 4.2: Outcomes of AIIG/MENA ARCM/3&4**

**AIRCRAFT ACCIDENT VICTIMS AND FAMILIES ASSISTANCE PLAN**

*(Presented by the United Arab Emirates)*

**SUMMARY**

This working paper presents the challenges in establishing and implementing an effective national plan for providing assistance to aircraft accident victims and their families. It also highlights the importance of assigning specific roles and responsibilities to different stakeholders involved, such as air operators, aerodromes, and other non-aviation stakeholders. Additionally, the paper highlights the challenges associated with establishing a regional platform that supports the States' coordination for facilitating the implementation of the family assistance plan and the entry and movement of the victims, families, and support team.

Action by the meeting is at paragraph 3.1.

**REFERENCE**

Annex 9  
Annex 13  
ICAO Documents 9973 and 9998.

**1. INTRODUCTION**

1.1 Family assistance has obtained remarkable momentum from ICAO and States by *Resolution A39-27* issued by the ICAO 39<sup>th</sup> Assembly Meeting. In line with that, ICAO have issued documents 9973 and 9998, which outline guidelines for the family assistance. Among other directions issued by the Assembly, point (2) of *Resolution A39-27* states:

*“Urges Member States to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members...”*

1.2 The ultimate objective of family assistance is to emphasize the State's dedication to promptly provide appropriate and ample support to victims and their families affected by air accidents, ensuring their mental, physical, and spiritual well-being.

1.3 Given that the development, implementation, and oversight of family assistance necessitate the involvement of multiple entities beyond the primary aviation bodies such as air operators and airports, it is essential that States establish national-level family assistance systems. These systems would help identify, define, and allocate responsibilities to the entities involved.

1.4 To establish a comprehensive system, it is necessary for the States to establish laws, regulations, or both, that encompass necessary provisions for successful implementation of the plan. Additionally, it is crucial to develop guidelines for the involved stakeholders. These guidelines would ensure a prompt and organized response, while preventing any unnecessary duplication of efforts.

## 2. DISCUSSION

2.1 Being part of the aviation ecosystem, the civil aviation authority (CAA) and aircraft accident investigation authority (AIA) lack the jurisdiction to oversee or enforce family assistance measures on stakeholders outside the aviation industry. Therefore, it is necessary for the State to appoint a specific authority to be responsible for leading the implementation of the national-level family assistance plan in the event of an accident.

2.2 Notwithstanding the roles of the other stakeholders, the roles of the primary stakeholders (air operators and aerodromes), should be focused by a regulatory framework and oversight functions undertaken by the CAA or AIA. The regulatory frameworks should take into consideration Article 55 (c) of the Chicago Convention; ICAO Assembly Resolutions A32-7, A38-1, A39-27; Standards and Recommended Practices set forth in Annexes 9 and 13 to the Chicago Convention; and ICAO documents 9973 and 9998, and constitute requirements that air operators and aerodromes must implement and comply with.

2.3 While promulgating regulations within the aviation ecosystem is relatively uncomplicated, implementing them at the national level with the involvement of non-aviation stakeholders poses a challenge. This challenge arises from the intricate nature of communication among various authorities and organizations, the specific responsibilities of each entity, and the legislative obligations that must be met.

2.4 As an example, the United Arab Emirates (UAE) identified and addressed the following challenges:

- (a) Lack of a governance framework to define the roles of the stakeholders outside the aviation ecosystem
- (b) Lack of a clearly defined communication and coordination process between air operators, aerodromes, and other stakeholders
- (c) Insufficient criteria for determining when the national-level family assistance should be activated
- (d) Inadequate standards and guidelines for the provision of financial assistance, handling of human remains, and returning of personal belongings.

2.5 To address these challenges, the UAE has opted to develop a comprehensive "National Family Assistance Plan (NFAP)" that encompasses the obligations and roles of all stakeholders, both within the aviation ecosystem and beyond. This includes the General Civil Aviation Authority (GCAA), Air Accident Investigation Sector (AAIS), government authorities, as well as semi-government and private organizations. Relevant to this, industry and public were consulted during the family assistance rule-making process. Most of the provisions in the NFAP relate to air operators and aerodromes since the most relevant parties of the plan since the air operator and aerodrome involved in the accidents are the main players in its implementation.

2.6 The UAE NFAP is applicable to commercial air transport accidents that take place in the UAE, as well as accidents that occur abroad involving a national commercial air transport operator. The decision to activate the NFAP and the level of its implementation are determined on the basis of severity and location of the accident.

2.7 To ensure the effectiveness of family assistance, it is necessary to conduct regulatory assessments on air operators and aerodromes, to a lesser extent, in accordance with national requirements. Furthermore, regular exercises and drills, both full-scale and desktop, should be

conducted. The aim of these exercises and drills is to evaluate the efficiency of the national plan and the effectiveness of coordination among the various stakeholders involved.

2.8 Another challenge arises from the inadequate Standards and Recommended Practices (SARPs) found in the Annexes. Annex 9 includes Chapter 8, Section I – *Assistance to aircraft accident victims and their families*, which pertains to the coordination of entry for family members and family assistance team among the neighboring States. Standard 5.27 of Annex 13 grants the rights to a State, with a special interest in an accident due to fatalities or serious injuries to its citizens, to appoint an expert who will have specific privileges such as visiting the accident site, accessing relevant factual information, and receiving a copy of the Final Report.

2.9 Pertinent to Annex 9 *Recommended Practice* 8.46, the statistics indicate that as of September 2018<sup>1</sup>, the MID-region scored the highest rate in regard to conformity with it (6 out of 15 States in comparison to 5 of 39 in APAC, 6 of 24 in ESAF, 20 of 56 in EUR/NAT, 5 of 21 in NACC, 7 of 13 in SAM, and 4 of 24 in WACAF). The MID-region relative position can be elevated by involving the other non-conformance States through self-assessment and cooperation with the other regional States. States in the MID region may refer to the questionnaire that was previously distributed by ICAO, and the protocol questions therein, upon which the above-mentioned statistics were derived.

2.10 The inadequacy of the Standards and Recommended Practices relevant to family assistance may cause confusion for States' Safety Enhancement Initiatives (SEIs), which may affect their Effective Implementation (EI). The allocation of responsibilities and roles to organizations like CAA, AIA, or other State's departments may not be clearly defined, resulting in shortcomings in the execution of family assistance initiatives and programmes.

2.11 This not only hampers effective communication among different entities within the States, but also poses challenges in bringing these entities together within a unified ICAO platform, which is typically organized based on areas and requirements of various ICAO Annexes. The intricate and multifaceted nature of family assistance work make it difficult to allocate necessary family assistance responsibilities to high-level global and regional safety groups.

### **3. ACTION BY THE MEETING**

3.1 The meeting is invited to assign the Air Accident and Incident Investigation Group (AIIG) to:

- a) evaluate the family assistance frameworks existing in the regional States, and provide a report to RASG; and
- b) propose a platform that will facilitate the entry and movement of aircraft accident victims, their families, and family support staff among the States.

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<sup>1</sup> Future Provisions on Family Assistance: Annex 9 – Facilitation, by Boubacar Djibo, Director, Air Transport Bureau, ICAO