INTERNATIONAL COURT OF JUSTICE

JOINT APPLICATION

INSTITUTING PROCEEDINGS

filed in the Registry of the Court
on 4 July 2018

APPEAL RELATING TO THE JURISDICTION OF THE ICAO COUNCIL UNDER ARTICLE 84 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

(BAHRAIN, EGYPT, SAUDI ARABIA
AND UNITED ARAB EMIRATES *v.* QATAR)

COUR INTERNATIONALE DE JUSTICE

REQUÊTE

INTRODUCTIVE D'INSTANCE CONJOINTE

enregistrée au Greffe de la Cour
le 4 juillet 2018

APPEL CONCERNANT LA COMPÉTENCE DU CONSEIL DE L'OACI EN VERTU DE L'ARTICLE 84 DE LA CONVENTION RELATIVE À L'AVIATION CIVILE INTERNATIONALE

(ARABIE SAOUDITE, BAHREÏN, ÉGYPTE
ET ÉMIRATS ARABES UNIS c. QATAR)

2018
General List
No. 173

I. THE AGENTS TO THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

4 July 2018.

The Kingdom of Bahrain, the Arab Republic of Egypt, the Kingdom of Saudi Arabia, and the United Arab Emirates have the honour jointly to submit under cover of this letter the Application constituting an appeal to the International Court of Justice from the decision of the Council of the International Civil Aviation Organization dated 29 June 2018 in respect of Application (A) of the State of Qatar relating to the disagreement arising under the Convention on International Civil Aviation. Each Agent is authorized to submit the Application to the Court in respect of his own State only.

Pursuant to Article 84 of the Chicago Convention, and Article 36, paragraph 5, of the Statute of the International Court of Justice, this appeal is filed against the decision of the Council of the International Civil Aviation Organization in the aforementioned case.

The Agents also hereby certify that all copies of the annexed documents are true copies of the originals and the translations are also certified as true and accurate translations into the English language.

(Signed) H.E. Shaikh Fawaz bin Mohammed Al Khalifa,
Agent of the Kingdom of Bahrain.

(Signed) H.E. Amgad Abdel Ghaffar,
Agent of the Arab Republic of Egypt.

(Signed) H.E. Abdulaziz bin Abdullah bin Abdulaziz Abohaimed,
Agent of the Kingdom of Saudi Arabia.

(Signed) H.E. Saeed Ali Yousef Alnowais,
Agent of the United Arab Emirates.

II. JOINT APPLICATION INSTITUTING PROCEEDINGS

TABLE OF CONTENTS

I. Introduction

1. The present Application constitutes an appeal against the decision rendered by the Council of the International Civil Aviation Organization (the "ICAO Council") on 29 June 2018 ("the decision"), in proceedings commenced by the State of Qatar ("Qatar") against the Kingdom of Bahrain, the Arab Republic of Egypt, the Kingdom of Saudi Arabia and the United Arab Emirates (the "Applicants") on 30 October 2017 pursuant to Article 84 of the Convention on International Civil Aviation, Chicago, 7 December 1944 (the "Chicago Convention").

2. By the decision, the ICAO Council rejected what it termed as "the preliminary objection" to its competence to handle the Application submitted to it by Qatar in respect of the Chicago Convention. The Applicants had in fact raised two separate and distinct objections in their preliminary objections filed on 19 March 2018.

3. In accordance with Article 87 (2) of the Rules of Court, a copy of the decision is annexed hereto[1].

II. Jurisdiction of the International Court of Justice

4. The Court has jurisdiction over the present appeal by the Applicants by virtue of Article 84 of the Chicago Convention, in conjunction with Articles 36 (1) and 37 of the Statute of the Court.

5. Article 84 of the Chicago Convention provides:

> "*Settlement of disputes*
>
> If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may subject to Article 85, appeal from the decision of the Council to an *ad hoc* arbitral tribunal agreed upon with the other parties to the dispute or to the Permanent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council."

6. It is uncontroversial that in exercising the functions specified in Article 84 of the Chicago Convention, the ICAO Council is to act in a judicial capacity, with all necessary requirements that are attendant upon that capacity.

7. The appellate jurisdiction of the Council under Article 84 extends to decisions of the ICAO Council in respect of its competence.

---

[1] Annex 1: Decision of the Council of the International Civil Aviation Organization on the Preliminary Objection in the Matter: The State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) — Application (A), 29 June 2018.

III. Statement of Facts

8. In 2013 and 2014. following years of diplomatic engagement and a number of binding undertakings under international law, member States of the Gulf Cooperation Council concluded the First Riyadh Agreement. followed by two supplemental agreements (collectively referred to as "the Riyadh Agreements")[2]. Under the Riyadh Agreements, Qatar committed to cease supporting financing or harbouring persons or groups presenting a danger to national security. in particular terrorist groups. These agreements confirm, reinforce and complement Qatar's other obligations under international law, including those set forth in: the UN Charter; the International Convention for the Suppression of the Financing of Terrorism; relevant binding UN Security Council resolutions; multilateral conventions under the auspices of the Organisation of Islamic Cooperation, the Arab League, and the Gulf Cooperation Council; other relevant regional and bilateral agreements to which Qatar is a party, and general international law on non-interference in the internal affairs of other States.

9. When subsequently Qatar failed to abide by the commitments it had undertaken (and reaffirmed) in the Riyadh Agreements, as well as its other relevant obligations under international law, and after repeated calls upon Qatar to honour its obligations were of no avail, the Applicants adopted a range of measures on 5 June 2017 with the aim of inducing compliance by Qatar. The measures adopted included the airspace restrictions forming the subject of Qatar's Application to the ICAO Council. These measures were intended to be and in fact constitute a legitimate, justified, and proportionate response to Qatar's breaches of its international obligations and are lawful countermeasures authorized by general international law.

10. On 8 June 2017, Qatar requested that a special session of the ICAO Council be convened under Article 54 *(n)* of the Chicago Convention in order for the Council to consider the "matter of the actions of the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates to close their airspace to aircraft registered in the State of Qatar".

11. The ICAO Council held an extraordinary meeting to consider Qatar's request under Article 54 *(n)* of the Chicago Convention on 31 July 2017. At that meeting, the Council noted that ICAO's priority focus was on the safety and security of international civil aviation, and recognized that the "overarching political issues [were] to be addressed" in "appropriate fora".

12. On 30 October 2017, Qatar submitted to the International Civil Aviation Organization two Applications and Memorials, one pursuant to Article 84 of the Chicago Convention (Application (A)), and one pursuant to Article II, Section 2, of the International Air Services Transit Agreement (IASTA) (Application (B)). The present Application is concerned with Application (A). A separate appeal is filed by the Kingdom of Bahrain, the Arab Republic of Egypt, and the United

[2] See Annexes 2 to 4. Egypt is a third-party beneficiary under the Riyadh Agreements, consistent with Article 36 of the Vienna Convention on the Law of Treaties and general international law.

Arab Emirates against Qatar in respect of the ICAO Council's similar decision concerning Application (B).

13. Application (A) and the accompanying Memorial were directed by Qatar against the Applicants as respondents, invoking Article 84 of the Chicago Convention and Article 1, paragraph *(a)*, of the Rules for the Settlement of Differences adopted by the ICAO Council ("ICAO Rules"). Application (A) alleged various violations of the Chicago Convention as the result of airspace restrictions adopted by the Applicants on 5 June 2017.

14. In particular, Qatar alleged that:

> "On 5 June 2017, the Government of the [Applicants] announced, with immediate effect and without any previous negotiation or warning, that Qatar-registered aircraft are not permitted to fly to or from the airports within their territories and would be banned not only from their respective national air spaces, but also from their Flight Information Regions (FIRs) extending beyond their national airspace even over the high seas."

15. By letter dated 17 November 2017, received by the Applicants on 20 November 2017, the ICAO Council set a deadline of twelve weeks from the date of receipt of the letter as the time-limit foreseen by Article 3 (l) *(c)* of the ICAO Rules for the submission of the Applicants' respective Counter-Memorials in respect of the two Applications.

16. Further to an Application by the Applicants on 9 February 2018, the ICAO Council, acting pursuant to Article 28 (2) of the ICAO Rules, extended the time-limit for submission of the Counter-Memorials in response to Qatar's two Applications by an additional six weeks, until 26 March 2018.

17. On 19 March 2018, within the deadline for the filing of the Counter-Memorial as so extended and in compliance with Article 5 (1) and (2) of the ICAO Rules, the Applicants filed pleadings raising preliminary objections in respect of each Application submitted by Qatar ("preliminary objections").

18. By those preliminary objections, the Applicants contested the jurisdiction of the ICAO Council to adjudicate the claims submitted by Qatar in its two Applications or, in the alternative, the admissibility of those claims.

19. The preliminary objections raised in respect of Application (A) were to the effect that the ICAO Council was without jurisdiction, or in the alternative, that the claims made by Qatar were inadmissible, on the grounds that:

(i) The present dispute would require the Council to determine issues that fall outside its jurisdiction: to rule on the lawfulness of the countermeasures adopted by the Applicants, including certain airspace restrictions, the Council would be required to rule on Qatar's compliance with critical obligations under international law entirely unrelated to, and outwith, the Chicago Convention (the "first preliminary objection").

(ii) Qatar had not complied with the necessary precondition to the existence of jurisdiction of the Council, contained in Article 84 of the Chicago Convention, of first attempting to resolve the disagreement regarding the airspace restrictions with the Applicants through negotiations prior to submitting its claims to the Council: and the procedural requirement in Article 2 *(g)* of the

ICAO Rules of establishing in its Memorial that negotiations to settle the disagreement had taken place between the Parties but were not successful (the "second preliminary objection").

20. In accordance with Article 5 (3) of the ICAO Rules, the proceedings on the merits in respect of the two Applications were suspended pending the decision of the ICAO Council on the preliminary objections filed. The President of the ICAO Council, acting pursuant to Article 28 of the ICAO Rules, fixed a deadline of six weeks from receipt by Qatar of the preliminary objections for the filing by Qatar of its observations in response to the preliminary objections.

21. On 30 April 2018, within the deadline so fixed, Qatar filed its response to the preliminary objections.

22. On 28 May 2018, in accordance with Article 28 of the ICAO Rules, the Council acceded to a request by the Applicants to file a Rejoinder. Qatar protested this decision. In accordance with the time-limit set by the ICAO Council, the Rejoinder was filed on 12 June 2018.

23. On 13 June 2018, the President of the ICAO Council informed the Parties that, in accordance with Article 27 of the ICAO Rules, the ICAO Council would deal with the preliminary objections in a half-day session on 26 June 2018, commencing at 2.30 p.m.

24. The ICAO Council heard the oral arguments of the Parties at the eighth meeting of its 214th Session on 26 June 2018, affording them less than 90 minutes in total. As to the remainder of the meeting, immediately following the close of oral submissions, and without asking any questions or undertaking any deliberations, the ICAO Council proceeded to a vote by way of secret ballot, on the preliminary objections raised by the Applicants. The preliminary objections in respect of Application (A) were, by a vote upon a single motion, rejected by 23 votes to 4, with 6 abstentions.

25. The ICAO Council subsequently adopted its "decision . . . on the preliminary objection" raised by the Applicants in respect of Application (A) on 29 June 2018. Despite an oral intervention by the Applicants in the course of the 26 June 2018 meeting to clarify that there were in fact two separate preliminary objections, each of which was capable of being dispositive of Qatar's Application (A), the ICAO Council decision refers to a singular "preliminary objection" only. The Council's decision did not state any reasons for the rejection of the preliminary objections raised by the Applicants.

IV. Subject of the Dispute

26. The subject of the dispute referred to the Court is the appeal of the Applicants against the validity and correctness of the decision of the ICAO Council dated 29 June 2018 in relation to Application (A) as filed by Qatar with the ICAO on 30 October 2017.

27. Specifically, pursuant to Article 84 of the Chicago Convention, the Applicants appeal against the decision of the ICAO Council on the grounds that it:

(i) manifestly violated fundamental rules of due process and the right to be heard, in a manner so extreme as to render the proceedings devoid of any judicial character;

(ii) wrongly rejected the Applicants' preliminary objections to the competence of the ICAO Council to hear and adjudicate upon the disagreement submitted to it by Qatar relating to alleged violation of the Chicago Convention; and

(iii) consequently, wrongly affirmed that it was competent to rule upon the merits of that disagreement.

V. Grounds of Appeal against the Decision of the ICAO Council

28. The Applicants advance three grounds for the present appeal, as follows:

29. *First*, the decision should be set aside on the grounds that the procedure adopted by the ICAO Council was manifestly flawed and in violation of fundamental principles of due process and the right to be heard, including:

(i) Insufficient time was allocated to the Applicants to present their case to the ICAO Council and, what is more, the four Applicants, collectively, were given the same length of time as Qatar, although each of them was appearing as a respondent in its own right;
(ii) The decision was taken by secret ballot despite the request by Applicants for a roll call with open vote;
(iii) The ICAO Council incorrectly required 19 votes to uphold the preliminary objections, out of 33 members entitled to participate in the vote, even though Article 52 of the Chicago Convention provides only that a mere "majority" is needed;
(iv) The ICAO Council disposed of the two preliminary objections raised by the Applicants as a single plea, even though they were advanced as separate grounds, each being dispositive of the ICAO Council's competence. The ICAO Council thus voted on the wrong premise that there was only one objection, which of itself renders the decision a nullity;

(v) The decision failed to comply with the obligation to state reasons set out in Article 15, paragraph (2), subparagraph (v), of the ICAO Rules;
(vi) Indeed, reasons could not be provided at all, as there was no deliberation or even discussion, but instead a vote was taken immediately after oral argument, showing an abdication by the ICAO Council of its collegial judicial function;
(vii) That a decision was taken without any deliberation shows that the decision had been pre-determined, again contrary to any possible conception of the judicial function.

30. *Second*, the ICAO Council erred in fact and in law in rejecting the first preliminary objection made by the Applicants in respect of the competence of the ICAO Council over Application (A) (see above paragraph 19).

31. *Third*, the ICAO Council erred in fact and in law in rejecting the second preliminary objection made by the Applicants in respect of the competence of the ICAO Council over Application (A) *(ibid.)*.

VI. Relief Requested by the Applicants

32. For the above-stated reasons, may it please the Court, rejecting all submissions to the contrary, to adjudge and declare:

(1) That the decision of the ICAO Council dated 29 June 2018 reflects a manifest failure to act judicially on the part of the ICAO Council, and a manifest lack of due process in the procedure adopted by the ICAO Council; and
(2) That the ICAO Council is not competent to adjudicate upon the disagreement between the State of Qatar and the Applicants submitted by Qatar to the ICAO Council by Qatar's Application (A) dated 30 October 2017; and

(3) That the decision of the ICAO Council dated 29 June 2018 in respect of Application (A) is null and void and without effect.

VII. Appointment of a Judge *ad Hoc*

33. In accordance with Article 35 (1) of the Rules of the Court, the Applicants give notice of their intention to appoint a judge *ad hoc* pursuant to Article 31 (3) of the Statute of the Court. In light of Article 31 (5) of the Statute of the Court, it is the intention of the Applicants collectively to appoint a single judge *ad hoc*.

VIII. Reservation of Rights

34. The Applicants reserve the right to supplement and/or amend this Application, including as regards the legal grounds invoked and the relief requested.

Submitted on behalf of the Kingdom of Bahrain, the Arab Republic of Egypt, the Kingdom of Saudi Arabia and the United Arab Emirates, respectively.

(Signed) H.E. Shaikh Fawaz bin Mohammed Al Khalifa,
Agent of the Kingdom of Bahrain.

(Signed) H.E. Amgad Abdel Ghaffar,
Agent of the Arab Republic of Egypt.

(Signed) H.E. Abdulaziz bin Abdullah bin Abdulaziz Abohaimed,
Agent of the Kingdom of Saudi Arabia.

(Signed) H.E. Saeed Ali Yousef Alnowais,
Agent of the United Arab Emirates.

LIST OF ANNEXES

Annex 1

Decision of the Council of the International Civil Aviation Organization on the Preliminary Objection in the Matter: The State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) — Application (A), 29 June 2018

THE SECRETARY-GENERAL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION TO THE AGENTS FOR THE ARAB REPUBLIC OF EGYPT, THE KINGDOM OF BAHRAIN, THE KINGDOM OF SAUDI ARABIA AND THE UNITED ARAB EMIRATES

3 July 2018.

I refer to the matter the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) — Application (A), which is before the Council of the International Civil Aviation Organization (ICAO).

Please find attached a certified copy of the decision rendered by the Council on 29 June 2018 regarding the preliminary objection of the Respondents in the abovementioned matter.

(Signed) Fang Liu,
Secretary-General, ICAO.

DECISION OF THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION ON THE PRELIMINARY OBJECTION IN THE MATTER: THE STATE OF QATAR AND THE ARAB REPUBLIC OF EGYPT, THE KINGDOM OF BAHRAIN, THE KINGDOM OF SAUDI ARABIA AND THE UNITED ARAB EMIRATES (2017) — APPLICATION (A)

"*The Council,*

Acting under Article 84 of the Convention on International Civil Aviation (Chicago Convention) and the Rules for the Settlement of Differences;

Composed of the following representatives entitled to vote: Mr. A. D. Mesroua (Algeria), Mr. G. E. Ainchil (Argentina,) Mr. S. Lucas (Australia), Mr. O. Vieira (Alt.) (Brazil), Mr. C. Monteiro (Cabo Verde), Mr. M. Pagé (Canada), Mr. S. Yang (China), Mr. A. Muñoz Gómez (Colombia), Mr. R. M. Ondzotto (Congo), Mrs. M. Crespo Frasquieri (Cuba), Mr. I. Arellano (Ecuador),

Mr. P. Bertoux (France), Mr. U. Schwierczinski (Germany), Mr. A. Shekhar (India), Mrs. N. O'Brien (Ireland), Mr. M. R. Rusconi (Italy), Mr. S. Matsui (Japan), Ms M. B. Awori (Kenya). Mr. K. A. Ismail (Malaysia), Mr. D. Méndez Mayora (Mexico), Mr. M. S. Nuhu (Nigeria), Mr. G. S. Oller (Panama), Mr. Y. J. Lee (Republic of Korea), Mr. S. Gudkov (Russian Federation), Mr. T. C. Ng (Singapore). Mr. M. D. T. Peege (South Africa), Mr. V. M. Aguado (Spain), Ms H. Jansson Saxe (Sweden), Mr. A. R. Colak (Turkey), Mr. D. T. Lloyd (United Kingdom), Mr. R. W. Bokango (United Republic of Tanzania), Mr. T. L. Carter (United States), Mr. M. Vidal (Uruguay);

The Parties being: the *State of Qatar* (Applicant), represented by H.E. Jassem Bin Saif AlSulaiti, Authorized Agent, assisted by Mr. Essa Abdulla Al-Malki (Rep.), H.E. Abdulla Nasser AlSubaey, H.E. Fahad Mohammed Kafood, H.E. Yousef Sultan Laram, Mr. Mohammed Abdulla AlHajri, Mr. Talal Abdulla Almalki, Mr. Essa Ahmed Mindney, Mr. Abdulla Altamimi, Mr. John Augustin on the one hand; and the Respondents; the *Arab Republic of Egypt* represented by H.E. Hany El-Adawy, Authorized Agent, assisted by H.E. Amal Salama, Mrs. Salwa El Mowafi, Mrs. Yara Hussein Mokhtar Elbedewy, the *Kingdom of Bahrain* represented by H.E. Kamal Bin Ahmed Mohammed, Authorized Agent, assisted by Mr. Mohammed Thamer Al Kaabi, Mr. Salim Mohammed Hassan, Mr. Devashish Krishan, Mr. Georgios Petropoulos, Ms Amelia Keene, the *Kingdom of Saudi Arabia* represented by H.E. Dr. Nabeel bin Mohamed Al-Amudi, Authorized Agent, assisted by H.E. Abdulhakim M. Altamimi, Mr. Naif Bin Bandir Alsudairy, H.E. Wael M. Almadani Alidrissi, and the *United Arab Emirates* represented by H.E. Sultan Bin Saeed Al Mansoori, Authorized Agent, assisted by H.E. Saif Mohammed Al Suwaidi, H.E. Mohammed Saif Helal Al Shehhi, H.E. Mr. Fahad Al Raqbani, Mr. Mohamed Al Shamsi, Dr. Ludwig Weber, Mrs. Laura Coquard-Patry, Mrs. Shiva Aminian, Mrs. Sarah Kirwin on the other hand;

Considering that an Application and Memorial by the Applicant under Article 84 of the Chicago Convention was filed on 30 October 2017; that a Statement of preliminary objections was filed by the Respondents on 19 March 2018; that a Response to the Statement of preliminary objections was filed by the Applicant on l May 2018; and that a Rejoinder was filed by the Respondents on 12 June 2018;

Having heard the Parties in the above matter on the preliminary objection and having held its deliberations at the eighth meeting of its 214th Session on 26 June 2018;

Having considered the preliminary objection of the Respondents, namely that the Council lacks jurisdiction to resolve the claims raised by the Applicant in Application (A); or in the alternative, that the Applicant's claims are inadmissible;

Considering that the question before the Council was whether to accept the preliminary objection of the Respondents;

Bearing in mind Article 52 of the Chicago Convention which provides that decisions by the Council shall require approval by a majority of its Members and the consistent practice of the Council in applying this provision in previous cases;

Having declined a request by one of the Respondents to reconsider the above-mentioned majority of 19 Members required in the current Council for the approval of its decisions;

Decides that the preliminary objection of the Respondents is not accepted.

The above decision, on the question whether to accept the preliminary objection of the Respondents, was taken by a secret ballot with four members voting in favour, 23 members voting against, and six Members abstaining.

The time-balance of seven days remaining for the Respondents to file their Counter-Memorials shall begin to run from the date of receipt by the Respondents of this decision of the Council.

By mutual agreement between the Parties, the commencement of the running of the said time-balance of seven days shall be suspended for a period of five days from the date of receipt by the Respondents of this decision of the Council. Taking into account the expectation that this decision will be received by the Parties on or before 3 July 2018, the suspension for five days will end on 8 July 2018, and the said time-balance of seven days shall now run from 9 July 2018 until 16 July 2018, as 15 July 2018 falls on a non-business day.

Rendered on 29 June 2018 in Montréal."

Annex 2

First Riyadh Agreement, 23 November 2013

FIRST RIYADH AGREEMENT

On Saturday, 19/1/1435 (Hijri Calendar, November 2013), the Custodian of the Two Holy Mosques, King Abdullah Bin Abdel Aziz Al-Saud, the King of Saudi Arabia, and his brother His Highness Sheikh Sabbah Al-Ahmad Al-Jabber Al-Sabbah, the Prince of Kuwait, and his brother His Highness Sheikh Tamim bin Hamad bin Khalifa Al-Thani, the Prince of Qatar, met in Riyadh.

They held extensive deliberations in which they conducted a full revision of what taints the relations between the [Gulf Cooperation] Council States, the challenges facing its security and stability, and means to abolish whatever muddies the relations.

Due to the importance of laying the foundation for a new phase of collective work between the Council's States, in order to guarantee it operating within a unified political framework based on the principles included in the main system of the Cooperation Council, the following has been agreed upon: (here there are three signatures)

1. No interference in the internal affairs of the Council's States, whether directly or indirectly. Not to give harbour or naturalize any citizen of the Council States that has an activity which opposes his country's regimes, except with the approval of his country; no support to deviant groups that oppose their States; and no support for antagonistic media.

2. No support to the Muslim Brotherhood or any of the organizations, groups or individuals that threaten the security and stability of the Council States through direct security work or through political influence.
3. Not to present any support to any faction in Yemen that could pose a threat to countries neighbouring Yemen.

[Signatures]

عدم التدخل في الشؤون الداخلية لأي من دول
المجلس بشكل مباشر أو غير مباشر وعدم التواد
أو تجنيس أي من مواطني دول المجلس ممن
لهم نشاط يتعارض مع أنظمة دولته الذي يحمل
جنسيتها وعدم دعم الفئات الهاربة
المعارضة لحكوماتهم، وعدم دعم الإعلام المعادي.

٢- عدم دعم الخارجين المطلوبين أو أي من المنظمات
أو التنظيمات أو الأفراد الذين يهددون أمن
واستقرار دول المجلس عند تحديد العمل الرسمي
المباشر أو عند محاولة التأثير السياسي.

٣- عدم قيام أي من دول مجلس التعاون بتقديم
الدعم لأي فئة كانت في اليمن ممن يشكلون
خطراً على الدول المجاورة لليمن. والله الموفق.

صاحب السمو الشيخ صباح الأحمد
الجابر الصباح
أمير دولة الكويت

صاحب السمو الشيخ تميم بن حمد بن خليفة آل ثاني
أمير دولة قطر

IN THE NAME OF GOD, THE MERCIFUL, THE COMPASSIONATE

A review was conducted of the Agreement dated 1/19/1435 AH, corresponding to 11/23/2013 AD, and signed by the Custodian of the Two Holy Shrines, King Abdullah bin Abdul Aziz Al Saud of the Kingdom of Saudi Arabia, His Highness Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah, Emir of the State of Kuwait, and His Highness Sheikh Tamim bin Hamad bin Khalifa Al Thani, Emir of the State of Qatar, which includes the means for eliminating anything that affects the security and stability of the Council States.

We hereby support the conclusions reached in the Agreement.

Success is from Allah.

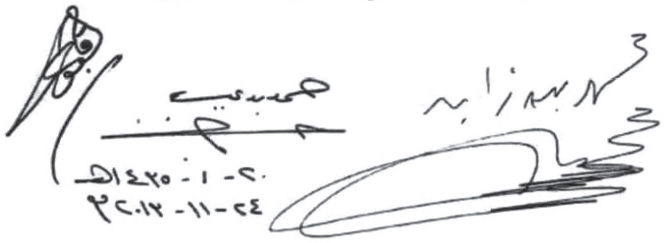
(Signed) Sheikh Mohamed bin ZAYED.
(Signed) H.M. King Hamad bin Isa AL KHALIFA.

1/19/1435 AH.
11/23/2013 AD.

بسم الله الرحمن الرحيم

تم الاطلاع على الاتفاق المؤرخ في ١٤٣٥/١/١٩هـ الموافق ٢٠١٣/١١/٢٣م والموقع من خادم الحرمين الشريفين الملك/ عبدالله بن عبدالعزيز آل سعود ملك المملكة العربية السعودية، وصاحب السمو الشيخ/ صباح الأحمد الجابر الصباح أمير دولة الكويت، وصاحب السمو الشيخ/ تميم بن حمد بن خليفة آل ثاني أمير دولة قطر، والمتضمن السبل الكفيلة بإزالة ما يؤثر على أمن واستقرار دول المجلس.

ونؤيد ما تم التوصل إليه في الاتفاق. والله الموفق.،،،



Annex 3

Mechanism Implementing the Riyadh Agreement, 2014

Having the Foreign Ministers of the Gulf Cooperation Council countries [GCC countries] considered the Agreement signed in Riyadh on 19/1/1435 AH, corresponding to 23 November 2013 AD by the Custodian of the Two Holy Mosques, King Abdullah bin Abdul Aziz, King of the Kingdom of Saudi Arabia, his brother His Highness Sheikh Sabah Al-Ahmed Al-Jabir Al-Sabah, Emir of Kuwait and his brother, His Highness Sheikh Tamim bin Hamad bin Khalifa Al-Thani, Emir of Qatar. Having the Agreement been considered and signed by His Majesty King Hamad bin Isa Al-Khalifa, King of Bahrain, His Majesty Sultan Qaboos bin Saeed, the Sultan of Oman and His Highness Sheikh Mohammed bin Zayed bin Sultan Al-Nahyan, the Crown Prince of Abu Dhabi and Deputy Supreme Commander of the UAE Armed Forces.

Given the importance of the signed Agreement that never before had any similar agreement been signed, out of the leaders' realization to the importance of its content, and for the urgency of the matter that calls for taking the necessary executive procedures to enforce its content. An agreement has been reached to set a mechanism that shall guarantee implementation of the same according to the following:

Firstly: The concerned party to monitor the implementation of the Agreement: Foreign ministers of the GCC countries

Foreign ministers of the GCC countries shall hold private meeting[s] on the margins of annual periodic meetings of the ministerial council wherein violations and complaints reported by any member country of the Council against any member country of the Council shall be reviewed by the foreign ministers to consider, and raise them to leaders. With the emphasis that the first task the Council shall conduct, according to the mentioned mechanism, is to make sure of the implementation of all content, mentioned above, within [the] Riyadh Agreement, consider its content a basis to the security and stability of the GCC countries and its unity, either with regard to those issues of internal affairs, external political aspects or internal security; and ensuring that no country neglects or omits the group orientation of the GCC, and shall co-ordinate with all members or the GCC; and emphasizing that no support is being made to any currents that pose threats to any member country of the Council.

Secondly: Decision-making body: Leaders of the GCC countries

The leaders shall take the appropriate action towards what the Ministers of Foreign Affairs raise to them regarding any country that has not complied with the signed agreement by the GCC countries.

Thirdly: Compliance procedures

1. This Agreement shall be implemented by the following procedures: With regard to GCC countries internal affairs:

— Commit that any media channels owned or supported by any GCC country should not discuss any disrespectful subjects to any GCC country, directly or indirectly. The GCC countries shall set a list by these media channels, and the list shall be periodically updated.

— All member countries shall commit that they will not grant citizens of other GCC countries citizenship who have been proven to practice opposition activity against their governments. Every country shall inform the other countries of the names of the opposition figures residing in such country in order to prevent their violative activities and take the appropriate actions against them.

— Take the necessary actions that would guarantee no interference in any GCC country['s] internal affairs, including, but not limited to:

(a) Governmental organizations, community organizations, individuals and activists shall not support opposition figures with money or via media.

(b) Not to shelter, accept, support, encourage, or make its country an incubator to the activities of GCC citizens or other figures who are proven oppositionists to any country of [the] GCC.

(c) Ban the existence of any external organizations, groups or parties, who target GCC countries and their peoples; nor provide foothold for their hostile activities against the GCC countries.

(d) Not to fund or support external organizations, groups or parties, that have hostile positions and incitements against the GCC countries.

2. With regard to the foreign policy:

Commit to the group orientation of the GCC countries, co-ordinate with other GCC countries and not support any entities or currents that pose threats to the GCC countries, including:

(a) Not to support [the] Muslim Brotherhood with money or via media in the GCC countries or outside.

(b) Approve the exit of Muslim Brotherhood figures, who are not citizens, within a time-limit to be agreed upon. The GCC countries shall co-ordinate with each other on the lists of those figures.

(c) Not to support external gatherings or groups in Yemen, Syria or any destabilized area, which pose a threat to the security and stability of GCC countries.

(d) Not to support or shelter whoever performs opposition activities against any GCC country, being current officials, former officials or others; and shall not

give them any foothold inside their countries or allow them, to act against any of the GCC countries.

(e) Close any academies, establishments or centres that train and qualify individuals from GCC citizens to work against their governments.

3. With regard to the internal security of the GCC countries:

In the event of any pending security files that need further clarification and are directly connected to the security matters of the competent security agencies in any GCC country, immediate meetings shall be held among security specialists with their counterparts to discuss the details of these subjects and find out their objectives.

If any country of the GCC fails to comply with this mechanism, the other GCC countries shall have the right to take any appropriate action to protect their security and stability.

Allah is the grantor of success

(Signed) His Highness Sheikh Abdullah bin Zayed Al-Nahyan,
Foreign Minister of the United Arab Emirates.

(Signed) His Excellency Sheikh Khalid bin Ahmed Al Khalifa,
Foreign Minister of the Kingdom of Bahrain.

(Signed) His Royal Highness Prince Saud Al Faisal,
Foreign Minister of Kingdom of the Saudi Arabia.

(Signed) His Excellency Yusuf bin Alawi bin Abdullah,
Minister Responsible for Foreign Affairs of the Sultanate of Oman.

(Signed) His Excellency Dr. Khalid bin Mohammad Al Attiyah,
Foreign Minister of the State of Qatar.

(Signed) His Excellency Sheikh Sabah Al-Khalid Al-Hamad Al-Sabah,
Deputy Prime Minister and Minister of Foreign Affairs of the State of Kuwait.

وفي حال عدم الالتزام بهذه الآلية فلبقية دول المجلس اتخاذ ما تراه مناسباً لحماية أمنها واستقرارها.

والله الموفق.،،،

سمو الشيخ / عبدالله بن زايد آل نهيان	معالي الشيخ / خالد بن احمد بن محمد آل خليفة
وزير الخارجية بالإمارات العربية المتحدة	وزير الخارجية في مملكة البحرين
صاحب السمو الملكي الأمير/ سعود الفيصل	معالي / يوسف بن علوي بن عبدالله
وزير الخارجية في المملكة العربية السعودية	الوزير المسئول عن الشئون الخارجية في سلطنة عمان
معالي الدكتور / خالد بن محمد العطية	معالي الشيخ صباح الخالد الحمد الصباح
وزير الخارجية في دولة قطر	نائب رئيس مجلس الوزراء ووزير الخارجية بدولة الكويت

د- عدم تقديم التمويل المادي والدعم المعنوي للمنظمات والتنظيمات والأحزاب والمؤسسات الخارجية والتي تصدر عنها مواقف معادية ومعرضة ضد دول مجلس التعاون.

٢ - فيما يتعلق بالسياسة الخارجية :

الالتزام بالتوجه الجماعي لدول مجلس التعاون والتنسيق مع دول المجلس وعدم دعم جهات وتيارات تمثل خطورة على دول المجلس ومن ذلك :-

أ- عدم دعم الاخوان المسلمين مادياً وإعلامياً سواءً في دول مجلس التعاون أو خارجه.

ب- الموافقة على خروج مجموعة الأخوان المسلمين من غير المواطنين وخلال مدة متفق عليها على أن يتم التنسيق مع دول مجلس التعاون حول قوائم هؤلاء الأشخاص.

ج- عدم دعم المجموعات والجماعات الخارجية التي تمثل تهديداً لأمن واستقرار دول مجلس التعاون سواءً في اليمن أو سوريا أو غيرها من مواقع الفتن.

ثانياً - الجهة المناط بها اتخاذ القرار :

قادة دول مجلس التعاون :

يتخذ القادة ما يرونه مناسباً من إجراء حيال ما يتم رفعه لأنظارهم من وزراء الخارجية ضد الدولة التي لم تفي بما التزمت بما يتم الاتفاق عليه بين دول المجلس .

ثالثاً : الإجراءات المطلوب الالتزام بها :

يتم الالتزام بوضع هذا الاتفاق موضع التنفيذ وذلك من خلال الآتي :

١ - فيما يتعلق بالشؤون الداخلية لدول المجلس :

- الالتزام بعدم تناول شبكات القنوات الإعلامية المملوكة أو المدعومة بشكل مباشر أو غير مباشر من قبل أي دولة عضو لمواضيع تسيء إلى أي دولة من دول مجلس التعاون، ويتم الاتفاق بين دول المجلس على تحديد قائمة بهذه الوسائل الإعلامية ويتم تحديثها دورياً.

- تلتزم كل دولة عضو بعدم منح مواطني دولة من دول المجلس جنسيتها لمن يثبت قيامهم بنشاط معارض لحكومة بلادهم، على أن تقوم كل دولة

آلية تنفيذ اتفاق الرياض

بعد اطلاع وزراء خارجية دول مجلس التعاون على الاتفاق الذي تم التوقيع عليه في الرياض بتاريخ ١٤٣٥/١/١٩هـ الموافق ٢٠١٣/١١/٢٣م من قبل خادم الحرمين الشريفين الملك عبدالله بن عبدالعزيز ملك المملكة العربية السعودية ، وأخيه صاحب السمو الشيخ صباح الأحمد الجابر الصباح أمير دولة الكويت ، وأخيه صاحب السمو الشيخ تميم بن حمد بن خليفة آل ثاني أمير دولة قطر . وأطلع ووقع عليه كل من صاحب الجلالة الملك حمد بن عيسى آل خليفة ملك مملكة البحرين ، وصاحب الجلالة السلطان قابوس بن سعيد سلطان عمان وسمو الشيخ محمد بن زايد بن سلطان آل نهيان ولي عهد أبوظبي نائب القائد الأعلى للقوات المسلحة بدولة الامارات العربية المتحدة .

ونظراً لأهمية هذا الاتفاق الذي تم التوقيع عليه والذي لم يسبق وأن تم التوقيع على اتفاق مشابه له استشعاراً من القادة بأهمية مضمونه .

Annex 4

The Supplementary Riyadh Agreement, 16 November 2014

IN THE NAME OF ALLAH, THE MOST BENEFICENT, THE MOST MERCIFUL

1. Based on a generous invitation by the Custodian of the Two Holy Mosques King Abdullah bin Abdel-Aziz Al-Saud, the King of Saudi Arabia, the following have met in Riyadh today, Sunday, 23/1/1436 (Hijri Calendar), 16 November 2014 (Gregorian Calendar): His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabbah, the Prince of Kuwait, His Majesty King Hamad Bin Eissa Al-Khalifa, King of Bahrain; His Highness Sheikh Tamim Bin Hamd Bin Khalifa Al-Thani, Prince of Qatar; His Highness Sheikh Mohamed Bin Rashed Al-Maktom, the Vice-President and Prime Minister of the United Arab Emirates and the Governor of Dubai; and His Highness Sheikh Mohamed Bin Zayed Al-Nahyan, the Crown Prince of Abu Dhabi, and the Deputy Commander of the Armed Forces of the United Arab Emirates. This was to cement the spirit of sincere co-operation and to emphasize the joint fate and the aspirations of the citizens of the Gulf Cooperation Council for a strong bond and solid rapprochement.

2. After discussing the commitments stemming from the Riyadh Agreement signed 19/1/1435 (Hijri) — 23 November 2013 and its executive mechanism: reviewing the reports of the committee following the execution mechanism and the results of the joint follow-up [operation] room; and reviewing the conclusions of the report of the follow-up room signed on 10/1/1436 (Hijri) — 3 November 2014 (Gregorian) by the intelligence chiefs of the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain and the State of Qatar.

3. The following has been reached:

(a) Stressing that non-committing to any of the articles of the Riyadh Agreement and its executive mechanism amounts to a violation of the entirety of them.

(b) What the intelligence chiefs have reached in the aforementioned report is considered a step forward to implement [the] Riyadh Agreement and its executive mechanism, with the necessity of the full commitment to implementing everything stated in them within the period of one month from the date of the Agreement.

(c) Not to give refuge, employ, or support whether directly or indirectly, whether domestically or abroad, to any person or a media apparatus that harbours inclinations harmful to any Gulf Cooperation Council State. Every State is committed to taking all the regulatory, legal and judicial measures against anyone who [commits] any encroachment against Gulf Cooperation Council States, including putting him on trial and announcing it in the media.

(d) All countries are committed to the Gulf Cooperation Council discourse to support the Arab Republic of Egypt, and contributing to its security, stability and its financial support; and ceasing all media activity directed against the Arab Republic of Egypt in all media platforms, whether directly or indirectly, including all the offenses broadcasted on Al-Jazeera, Al-Jazeera Mubashir Masr, and to work to stop all offenses in Egyptian media.

4. Accordingly, it has been decided that the Riyadh Agreement, and its executive mechanism, and the components of this supplementary agreement, requires the full commitment to its implementation. The leaders have tasked the intelligence chiefs to follow up on the implementation of the results of this supplementary agreement and to report regularly to the leaders, in order to take the measures they deem necessary to protect the security and stability of their countries.

5. It has been agreed that implementing the aforementioned commitments contributes towards the unity of the Council States and their interests and the future of their peoples, and signals a new page that will be a strong base to advance the path of joint work and [to] moving towards a strong Gulf entity.

[Signatures]

Note that the UAE has two signatures on page one for His Highness Sheikh Mohamed Bin Rashed Al-Maktom, the Vice-President and Prime Minister of the UAE and the Ruler of Dubai; and another one by His Highness Mohamed Bin Zayed Al-Nahyan, the Crown Prince of Abu Dhabi, and the Deputy Commander of the Armed Forces of the UAE.

صاحب السمو الشيخ محمد بن زايد آل نهيان
رئيس دولة الإمارات العربية المتحدة
ولي عهد أبوظبي نائب القائد الأعلى للقوات المسلحة
بدولة الإمارات العربية المتحدة

صاحب السمو الشيخ محمد بن راشد آل مكتوم
نائب رئيس دولة الإمارات العربية المتحدة
ورئيس مجلس الوزراء حاكم دبي

صاحب الجلالة الملك حمد بن عيسى آل خليفة
ملك مملكة البحرين

صاحب السمو الشيخ تميم بن حمد بن خليفة آل ثاني
أمير دولة قطر

صاحب السمو الشيخ صباح الأحمد الجابر الصباح
أمير دولة الكويت

خادم الحرمين الشريفين
الملك عبدالله بن عبدالعزيز آل سعود
ملك المملكة العربية السعودية

بسم الله الرحمن الرحيم

"سري للغاية"

" اتفاق الرياض التكميلي "

بناءً على دعوة كريمة من خادم الحرمين الشريفين الملك عبدالله بن عبدالعزيز آل سعود ملك المملكة العربية السعودية فقد اجتمع هذا اليوم الأحد ١٤٣٦/١/٢٣هـ الموافق ٢٠١٤/١١/١٦م في مدينة الرياض لدى خادم الحرمين الشريفين - حفظه الله - صاحب السمو الشيخ صباح الأحمد الجابر الصباح أمير دولة الكويت، وصاحب الجلالة الملك حمد بن عيسى آل خليفة ملك مملكة البحرين، وصاحب السمو الشيخ تميم بن حمد بن خليفة آل ثاني أمير دولة قطر، وصاحب السمو الشيخ محمد بن راشد آل مكتوم نائب رئيس دولة الإمارات العربية المتحدة ورئيس مجلس الوزراء حاكم دبي، وصاحب السمو الشيخ محمد بن زايد آل نهيان ولي عهد أبوظبي نائب القائد الأعلى للقوات المسلحة بدولة الإمارات العربية المتحدة، وذلك لترسيخ روح التعاون الصادق والتأكيد على المصير المشترك وما يتطلع إليه أبناء دول مجلس التعاون لدول الخليج العربية من لُحمةٍ متينةٍ وتقاربٍ وثيق.

وبعد مناقشة الالتزامات المنبثقة عن اتفاق الرياض الموقع بتاريخ ١٤٣٥/١/١٩هـ الموافق ٢٠١٣/١١/٢٣م، وآليته التنفيذية، والاطلاع على تقارير لجنة متابعة تنفيذ الآلية ونتائج خرقة المتابعة المشتركة، واستعراض ما خرج به محضر نتائج خرقة المتابعة الموقع بتاريخ ١٤٣٦/١/١٠هـ الموافق ٢٠١٤/١١/٣م من قبل رؤساء الأجهزة الاستخبارية في كل من (المملكة العربية السعودية، ودولة الإمارات العربية المتحدة، ومملكة البحرين، ودولة قطر).

فقد تم التوصل إلى الآتي:

أولاً: التأكيد على أن عدم الالتزام بأي بند من بنود اتفاق الرياض وآليته التنفيذية يعد إخلالاً بكامل ما ورد فيهما.