INTERNATIONAL COURT OF JUSTICE

APPEAL RELATING TO THE JURISDICTION OF THE ICAO COUNCIL UNDER ARTICLE II, SECTION 2, OF THE 1944 INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT

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

MEMORIAL OF THE KINGDOM OF BAHRAIN, THE ARAB REPUBLIC OF EGYPT AND THE UNITED ARAB EMIRATES

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Before the Council of the International Civil Aviation Organization (ICAO) under the ICAO Rules for the Settlement of Differences (Doc. 7782/2)

RESPONSE OF THE STATE OF QATAR

TO THE PRELIMINARY OBJECTIONS OF

THE RESPONDENTS

In re Application (B) of the State of Qatar Relating to
the Disagreement on the interpretation and application of the
International Air Services Transit Agreement
(Chicago, 1944)

Montréal
30 April 2018

Essa Abdulla Al-Malki
Agent of the State of Qatar

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EXECUTIVE SUMMARY

In the exercise of their sovereignty, States have become party to the International Air Services Transit Agreement (IASTA) and are bound by its provisions. One of these provisions is Article I, Section 1, by which each contracting State agrees that aircraft of other contracting States engaged in scheduled services shall have the right to fly non-stop across its territory and to make stops for non-traffic purposes. Another is Article II, Section 2. Under that Article, all that is required for the Council to assume jurisdiction over a disagreement is that it relates to the interpretation or application of the IASTA and it cannot be settled by negotiations; there are no other limitations such as those claimed by the Respondents.

There is a clear distinction in law between jurisdiction, admissibility and the merits of a case. The ICAO *Rules for the Settlement of Differences* do not give the Council the authority to consider issues of admissibility at the preliminary objections phase. All arguments of the Respondents on admissibility should be rejected at this stage.

Discussions on preliminary objections, by law, should not touch upon the merits of the case, and this is a rule binding on the Council as well as on the Respondents. Regrettably, the Respondents have ignored this obligation and bring highly prejudicial issues and exhibits which go to the merits of the case and which should not be considered at the preliminary objections phase.

The proposition that the Council does not have jurisdiction or the claim of Qatar is inadmissible because there are wider issues or a wider dispute is patently wrong in law. The International Court of Justice (ICJ), when faced with similar claims, has consistently rejected them in no uncertain terms. The dispute before the Council are the breaches of the IASTA by the Respondents.

The arguments on "principle of speciality" raised by the Respondents do not go to the jurisdiction of the Council and should not be considered at the preliminary objection phase. Second, when the Council at its Extraordinary Session on 31 July 2017 stated that there were wider issues, it was not making, nor could it make, any legal pronouncements that it would not have jurisdiction under Article II, Section 2 of the IASTA because there are other fora where other aspects could possibly be addressed. Finally, this "principle" cannot apply to prevent the Council from assuming jurisdiction in the present case. The ICJ has never shied away from considering an issue when the legal questions are in the context of wider political differences between States, nor when there are, or could be, concurrent discussions in other bodies. The statement of the ICJ cited by the Respondents to support their claim was made in passing, meaning it was not relevant to answering the question put to the Court, and so has less legal strength, was cogently criticized by a Judge in the case and academically, and does not take into account the overlaps of subject matter in the constitutions of the specialized agencies and their practice. There is no "principle of speciality" which would prevent the Council from assuming jurisdiction nor render the claims of Qatar inadmissible at the appropriate time for that decision. The logical conclusion from the argument of the Respondents is that there would be a complete denial everywhere of the justiciability of the grievances of Qatar.

There has been one case (*India v. Pakistan, 1972*) which is entirely dispositive of all the arguments of the Respondents, leaving aside the issue of negotiations. The ICJ stated that the Council could not be deprived of jurisdiction "merely because considerations that are claimed to be outside the

treaties are involved if, irrespective of this, issues concerning the interpretation or application of these instruments are involved" and that the "fact that a defense on the merits is cast in a particular form, cannot affect the competence of the tribunal or other organ concerned, otherwise parties would be in a position themselves to control that competence, which would be inadmissible". The ICJ further stated that the Council's "competence must depend on the character of the dispute submitted to it and on the issues thus raised – not on those defences on the merits, or other considerations, which would become relevant only after jurisdictional issues had been settled".

Issues of countermeasures and their validity or otherwise go to the merits of a case. The arguments raised by the Respondents, and the exhibits they have produced in this regard, go to the merits and should not be considered now by the Council. Qatar does not address them now, but at the appropriate stage, it will provide a robust defence on the facts and in law, which will show that the actions of the Respondents are not lawful countermeasures nor otherwise lawful in international law.

In summary, leaving aside the negotiations issue, the entire case of the Respondents and their arguments are built using scaffolding which does not exist in law or in fact.

On negotiations, the pleadings not having closed and Qatar provides the formal statement required by Article 2 (g) of the *Rules for Settlement of Differences*. Further, it submits a number of additional exhibits and arguments.

Negotiations, or attempted negotiations, between the parties have taken place in ICAO with specific reference by Qatar to the breaches of the IASTA. Qatar has asked for consultations in the WTO with two Respondents regarding, *inter alia*, the subject of Qatari aircraft not being able to access their airspace or being able to land in their territory.

Beyond those, Qatar has on innumerable occasions requested to negotiate with the Respondents. The Emir of Kuwait has attempted from the earliest to "mediate" but has not succeeded in brokering a solution; the United States has used extensive efforts to arrive at an acceptable solution with no success. The Respondents have issued a list of 13 non-negotiable demands and later six principles. All these efforts have failed: the Respondents continue to violate the IASTA for almost five months before Qatar filed its Application with ICAO and eleven months to the filing of this Response.

The negotiations are clearly futile or the parties have reached deadlock. The disagreement therefore cannot be settled by negotiation, and the Council has jurisdiction under Article II, Section 2 of the IASTA.

INTRODUCTION

1. By letter dated 21 October 2017, delivered on 30 October 2017, the State of Qatar presented to the International Civil Aviation Organization (ICAO) Application (B) and Memorial relating to a disagreement on the interpretation and application of the International Air Services Transit Agreement (Chicago, 1944) (IASTA). The Respondents are: the Arab Republic of Egypt, the Kingdom of Bahrain, and the United Arab Emirates.

2. By virtue of Article I, Section 1 of the IASTA each contracting State grants to the other contracting States in respect of scheduled international services:

1) the right to fly across its territory without landing; and

2) the right to land for non-traffic purposes.

Under Article II, Section 2 of the IASTA, if any disagreement between two or more contracting States relating to the interpretation or application of the Agreement cannot be settled by negotiations, the provisions of Chapter XVIII of the Chicago shall apply. Chapter XVIII of the Chicago Convention is the one on dispute settlement and includes Article 84. Article 66 of the Chicago Convention mandates ICAO to carry out the functions placed upon it by the IASTA.

3. By letter dated 19 March 2018 the Respondents presented to ICAO Preliminary Objections to the case. The said Preliminary Objections were received by the State of Qatar on 21 March 2018. The State of Qatar was given six weeks to provide its comments.

GENERAL COMMENTS ON SOVEREIGNTY

4. It is an essential attribute of sovereignty that States can voluntarily agree to limit that sovereignty; this can be, for example in the form of consent to be bound by bilateral or multilateral treaties. The parties to this disagreement have, in the exercise of their sovereignty, agreed to rights and obligations under the IASTA, including its Article I, Section 1; and Article II, Section 2.

5. These rights and obligations include clauses which the Respondents have breached, as set out in the Application and Memorial of the State of Qatar. While Article 1 of the Chicago Convention recognizes the general principle of the sovereignty of a Sate over its airspace, each contracting State has

voluntarily agreed, for example, under Article I, Section 1, of the IASTA that scheduled aircraft of other contracting States shall have the right to make flights over its territory without landing or to land for non-traffic purposes.

JURISDICTION AND PREVIOUS SIMILAR CASES BEFORE THE COUNCIL

6. As stated above, one of the provisions which contracting States to the IASTA have agreed to is Article II, Section 2, read together with Article 84 of the Chicago Convention, that if any disagreement between two or more contracting States relating to the interpretation or application of the IASTA cannot be settled by negotiation, it shall be decided by the Council. **This is all that is required for the Council to assume jurisdiction, that there is a disagreement between two or more contracting States relating to the interpretation or application of the IASTA which cannot be settled by negotiation. There are no other limitations on the plain words of this compromissory clause, such as those claimed by the Respondents**. What the State of Qatar is asking is that the Council decide on precisely what the IASTA and Article 66 of the Chicago Convention requires it to do, nothing more and nothing less.

7. This is the seventh case brought before the Council for dispute settlement, and the fourth one to involve denial of rights of overflight and/or landing contrary to the IASTA.

8. In the first one of the four cases, *India vs. Pakistan* (1952), India alleged that Pakistan had violated Articles 5 and 9 of the Chicago Convention and the IASTA. As Dr. M. Milde observes, "It must have been clear to the Council that it was not faced with a simple aeronautical problem but with an issue originating from the tense political relations between India and Pakistan"[1]. At that time, the Council did not have rules for the settlement of differences and by the time these were developed, the disagreement had been settled.

9. In the *Appeal Relating to the Jurisdiction of the ICAO Council*, Pakistan appealed under Article 84 of the Chicago Convention and Article II, Section 2 of the IASTA, after India suspended on 4 February 1971 all overflights of Indian territory by Pakistani aircraft. Pakistan alleged breach of Article 5 of the Chicago Convention and Article 1, Section 1 of the IASTA. India challenged the jurisdiction of the Council. The Council having asserted its jurisdiction, India appealed to the International Court of Justice, (ICJ), which confirmed the jurisdiction of the Council (*Appeal Relating to the Jurisdiction of the ICAO Council, Judgment, I.C.J. Reports 1972,* p. 46).

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[1] M. Milde, *International Air Law and ICAO* (3rd ed.), Eleven International Publishing, (2016), p. 205.

10. The third case dealing with denial of overflight rights was *Cuba v. United States* (1996). Cuba alleged violations of, *inter alia,* Article 5 of the Chicago Convention and Article 1, Section 1 of the IASTA. No preliminary objection was filed and the Council assumed jurisdiction.

11. As can be seen from the above, **in every one of the previous cases dealing with alleged violations of the IASTA, the Council assumed jurisdiction. In fact, the Council has never refused jurisdiction in any case brought before it.**

DOES COUNCIL ACT IN JUDICIAL OR QUASI-JUDICIAL CAPACITY?

12. The Respondents have devoted considerable energy to make the point that when acting under Article II, Section 2 of the IASTA and Article 84 of the Chicago Convention, the Council acts as a judicial body and should be guided by rules and principles of international law and that in "particular, the principles developed by the International Court of Justice ('ICJ') on this subject, as well as the Council's own previous decisions, should be taken into account" (para. 18 of the Preliminary Objections). Indeed, the Respondents rely heavily on case law from the ICJ and tribunals.

13. Contrary views can equally be found as to the capacity in which the Council acts.

14. In the case: *United States v. 15 European States* (2000), in their Preliminary Objections the 15 European States described the Council as having a "quasi-judicial adjudicatory" role [2]. Again, Judge Lachs of the ICJ has described the Council as performing "quasi-judicial functions" (*Appeal Relating to the Jurisdiction of the ICAO Council, Judgment, I.C.J. Reports 1972*, p. 46 at p. 74)[3].

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[2] Attachment to Memorandum SG/1670/00 dated 17 August 2000, at para. 11.

[3] Dr M. Milde has stated:

"It is a matter of opinion whether the Rules for the Settlement of Differences are most appropriate for the Council of ICAO. They have been drafted in close alignment with the Rules of the [ICJ] and that may be a problem. The Rules of the Court of the ICJ are rules for a truly judicial body composed of independent and (arguably) impartial Judges bound by their oath of office and obliged to follow international law and conscience. Such is not the situation in the Council... The 'members' of the Council are sovereign States...; their representatives are not independent individuals acting in their personal capacity but they are diplomatic agents of their respective States and are obliged to follow any instruction received from their States. There is no 'judicial detachment', ... and the Council cannot be compared to the [ICJ].

...

Some commentators have asserted that the Council of ICAO has a true judicial power ...

15. Nevertheless, the State of Qatar does not believe that it is necessary to decide whether the Council, when performing Article II, Section 2 functions, acts in a judicial or quasi-judicial capacity nor what the difference would practically entail.

JURISDICTION, ADMISSIBILITY AND MERITS

16. The Respondents claim that the Council lacks jurisdiction to consider the case, or alternatively that the claims are inadmissible. **Jurisdiction and admissibility are two different concepts in law**. At times the Respondents conflate the two issues. At the preliminary objection phase, what the Council has to decide, as stated above, is whether there is a disagreement relating to the interpretation or application of the IASTA which cannot be settled by negotiation. **The *Rules for the Settlement of Differences* provide in Article 5, paragraph 1 that if the Respondents questions the jurisdiction of the Council to handle the matter, he shall file a Preliminary Objection. The provision mandates that preliminary objections shall lie only to jurisdiction. It does not permit preliminary objections to admissibility.** In this regard, the ICAO *Rules for the Settlement of Differences* differ from the Rules of the Court (ICJ) which provide in *Section D, Subsection 2: Preliminary Objections*, Article 79:

> "1) Any objection by the respondents to the jurisdiction of the Court or to the admissibility of the application, or other objection the decision upon which is requested before any further proceedings on the merits, shall be made in writing as soon as possible.
>
> 2) ... Notwithstanding paragraph 1 above, the Court may decide that any questions of jurisdiction and admissibility shall be determined separately.
>
> ...
>
> 9) After hearing the parties, the Court shall give its decision in the form of a judgment, by which it shall either uphold the objection, reject it or declare that the objection does not possess, in the circumstances of the case, an exclusively preliminary character. If

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[This view] cannot be shared since it overlooks not only the wording of the Convention but also the working realities of international organizations, including those specific for ICAO...

... Since the Council is a policy making body composed of States, the procedure for the settlement of differences ... is not and cannot be a true international adjudication on the basis of international law but rather a sort of 'qualified international arbitration'... 'diplomatic arbitration' conducted by sovereign States. Their decision may be based on policy or political considerations or equity, rather than on strict legal rules.

Dr. Milde then quotes the first President of the Council, Dr. E. Warner, who stated that 'The Council as a whole can hardly be expected to act judicially." (M. Milde, International Air Law and ICAO (3rd ed.), Eleven International Publishing, 2016, pp. 201-202; 203-204).

the Court rejects the objection or declares that the objection does not possess, in the circumstance of the case, an exclusively preliminary character, it shall fix time-limits for the further proceedings".

17. Jurisdiction goes to the issue whether a court or the Council has the legal authority (in this case, under Article II, Section 2 of the IASTA) to decide the case; admissibility would cover other bases why the Council should not examine the matter on the merits.

18. The ICJ has stated in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* that:

> "A distinction between these two kinds of objections is well recognized in the practice of the Court. In either case, the effect of a preliminary objection to a particular claim is that, if upheld, it brings the proceedings in respect of that claim to an end; so that the Court will not go on to consider the merits of the claim. If the objection is a jurisdictional objection, then since the jurisdiction of the Court derives from the consent of the parties, this will most usually be because it has been shown that no such consent has been given by the objecting State to the settlement by the Court of the particular dispute. A preliminary objection to admissibility covers a more disparate range of possibilities. In the case concerning *Oil Platforms* (*Islamic Republic of Iran v. United States of America*) the Court noted that:
>
> > 'Objections to admissibility normally take the form of an assertion that, even if the Court has jurisdiction and the facts stated by the applicant State are assumed to be correct, nonetheless there are reasons why the Court should not proceed to an examination of the merits' (*Judgment, I.C.J. Reports 2003*, p. 177, para. 29).
>
> Essentially such an objection consists in the contention that there exists a legal reason, even when there is jurisdiction, why the Court should decline to hear the case, or more usually, a specific claim therein. Such a reason is often of such nature that the matter should be resolved *in limine litis,* for example where without examination of the merits it may be seen that there has been a failure to comply with the rules as to nationality of claims; failure to exhaust local remedies; the agreement of the parties to use another method of pacific settlement; or mootness of the claim. If the Court finds that an objection 'does not possess, in the circumstances of the case, an exclusively preliminary character' (Article 79, paragraph 7, of the Rules of the Court as adopted on 14 April 1978), it will be dealt with at the merits stage. Challenges either to jurisdiction or to admissibility are sometimes in fact presented along with arguments on the merits and argued and determined at that stage (cf. *East Timor (Portugal v. Australia), Judgment I.C.J. Reports 1995,* p. 92, para. 4; *Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004 (I),* pp.28-29, para. 24)" (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Preliminary Objections, Judgment, I.C.J. Reports 2008*, p. 412 at para. 120).

19. The merits, on the other hand, is the substance of the disagreement which is submitted by the Applicant for decision. It has been described thus:

> "... [T]he merits of a dispute consist of the issues of fact and law which give rise to the cause of action, and which an applicant State must establish in order to be entitled to the relief claimed" (Dissenting Opinion of Judge Read in the *Anglo-Iranian Oil Co. case (jurisdiction), Judgment of July 22nd, 1952: I.C.J. Reports 1952*, p. 93 at p. 148).

20. Before the ICJ, there are multiple instances where the parties in their pleadings and oral arguments carefully draw a distinction between jurisdiction and admissibility. For example, in the case concerning *Armed Activities on the Territory of the Congo*, the concepts of jurisdiction and admissibility are clearly differentiated and separately pleaded as alternative grounds by the parties (*Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 2006*, p. 6 at pp. 12-13). The Court stated that:

> "its jurisdiction is based on the consent of the parties and is confined to the extent accepted by them... When that consent is expressed in a compromissory clause in an international agreement, any conditions to which such consent is subject must be regarded as constituting the limits therein. The Court accordingly considers that **the examination of such condition relates to its jurisdiction and not to the admissibility of the application**" (emphasis added) (*ibid*. at para. 88).

21. If a preliminary objection on jurisdiction in its proper sense is upheld, the case is dismissed, and the Council or the ICJ will not be able to examine other arguments such as admissibility, or the merits of the case.

22. Judge Read, in his dissenting opinion in the *Anglo-Iranian Oil* case, stated:

> "I have been unable to find any case in which either [the Permanent Court of International Justice (the predecessor to the ICJ) or the ICJ] relied upon a restrictive interpretation to a jurisdictional clause as a basis for its judgment ... Indeed, both Courts have ... given liberal effect to jurisdictional clauses, designed to give full effect to the intentions of the parties concerned" *(Anglo-Iranian Oil Co. case (jurisdiction), Judgment of July 22nd, 1952: I.C.J. Reports 1952,* p. 93 at p. 143).

COUNCIL SHOULD NOT RULE ON ADMISSIBILITY AT THE PRELIMINARY OBJECTION PHASE

23. As stated above, it is the contention of the State of Qatar **that the ICAO *Rules for the Settlement of Differences* do not give the Council the authority to consider issues of admissibility at the preliminary objection phase. The Respondents are not, of course, precluded from making admissibility**

submissions in their counter-memorials, to be considered by the Council prior to examination of the merits proper.

24. In support of their proposition that the Council has "dealt with an objection to the admissibility of a claim based on an alleged failure to exhaust local remedies as a preliminary objection", the Respondents refer to the decision of the Council on 16 November 2000 (C-DEC 161/6). Qatar respectfully submits that based on the above, this was an error in law. As is the case of the ICJ, the Council is not bound by its previous decisions, and in light of the arguments above, **the Council should not follow that precedent. Indeed, in its most recent relevant decision, it did not.** In the case *Brazil v. United States* (2017), in its Preliminary Objection, the United States argued that the claims of Brazil should be dismissed as "time-barred under the generally accepted international law principle of extinctive prescription." At pages 25 to 26 of its Preliminary Objection, the United States argued that the Brazilian claims were inadmissible. In addition, in Footnote 18, the United States stated:

> "... While ICAO's Rules for the Settlement of Differences do not explicitly mention admissibility, the Council has, and should now, consider issues of admissibility as permissible bases for making a Preliminary Objection under Article 5 of its Rules on Settlement of Differences."

25. The Council reverted to the proper application of Article 5 of the *Rules for the Settlement of Differences*, did not consider the substance of the arguments based on extinctive prescription, did not accept the preliminary objection, and decided that:

> "The statements and arguments made in the preliminary objection of the Respondents and in comments of the Applicant not possessing, in the circumstances of the case, an exclusively preliminary character, may be joined to the merits of the case and included in the counter-memorial and any additional pleadings" (*C-MIN 211/10*, Attachment).

DISCUSSIONS ON PRELIMINARY OBJECTIONS SHOULD NOT TOUCH ON THE MERITS

26. In the 1972 *Appeal Relating to the Jurisdiction of the ICAO Council* case, the ICJ set out various legal arguments of the parties and continued:

> "It must however be stated at the outset, that with these various matters, and with the substance of this dispute as placed before the Council, and the facts and contentions of the Parties relative to it, the Court has nothing whatever to do in the present proceedings, except in so far as these elements may relate to the purely jurisdictional issue which alone has been referred to it, namely the competence of the Council to hear and determine the case submitted by Pakistan. Subject to this necessary exception, the Court must avoid not only any expression of opinion on these matters

> of substance, but any pronouncements which might prejudge, or appear to prejudge, the eventual decision, whatever it might be, of the Council on the ultimate merits of the case, if the Council is held to be competent to entertain these – (see also the case of *Interpretation of Article 3 , paragraph 2 , of the Treaty of Lausanne, Advisory Opinion, 1925, P.C.I.J., Series B, No. 12*. p. 18)" (at para. 11).

27. Similarly, Judge Read has stated that:

> "... in reaching this conclusion, I do not want to prejudge the merits. I cannot consider, in a preliminary proceeding, whether the subject matter of the dispute comes within the scope of these provisions because this question ... is essentially a part of the merits" *(Anglo-Iranian Oil Co. Case (jurisdiction), Judgment of July 22nd, 1952: I.C.J. Reports 1952, p.* 93 at p. 147).

28. In its judgment on *Military and Paramilitary Activities in and Against Nicaragua* on issues of jurisdiction and admissibility, the Court indicated that it:

> "... will avoid not only all expressions of opinion on matters of substance, but also any pronouncement which might prejudge or appear to prejudge any eventual decision on the merits" (*Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984*, p. 392 at para. 11).

29. A similar pronouncement was made by the Court in the *Nuclear Tests* case which cited with approval the *Fisheries Jurisdiction* cases (*I.C.J. Reports* 1973, pp. 7 and 54) (*Nuclear Tests (Australia v. France), Judgment, I.C.J. Reports 1974,* p. 253 at para. 16). Furthermore the **Court pointed out that the obligation to refrain from entering into the merits lay not just on the Court, but also on the parties** (at para. 22)**; it is unfortunate that the Respondents have paid no regard to this fundamental principle** in the manner they have presented what is supposed to be Preliminary Objections, but which in fact heavily delves into issues which should have been put forward at the stage of the merits.

30. When the Council considered the disagreement between the *United States and 15 European States*, the distinction was made by the Representative of Saudi Arabia, who stated that:

> "It seemed, however, that the Council was entering into the details of the matter before dealing with problems of the Council's jurisdiction, and the question of whether it could handle the matter or not."
>
> The President recalled that "'... he had mentioned that the Council was in proceedings which concerned the Preliminary Objections, and not the merits of the case'. The President had quoted Article 5 ..., paragraph 4 of the Rules ... which stated that 'If a preliminary objection has been filed, the Council, after hearing the parties, shall decide the question as a preliminary issue before any further steps are taken under these rules.' The Council should continue to consider this matter under paragraph 4 of Article 5 and not touch upon the substance, or merits, of the claims" *(C-MIN 161/5,* para. 31).

31. This reflects a consistent position of the ICJ when examining arguments at a preliminary objection phase, and not only in relation to appeals from ICAO Council decisions, namely that the Court avoids entering into the merits at that stage.

32. The State of Qatar respectfully requests the Council also to keep in mind that distinction and caution, in light of the prejudicial nature of some of the arguments of the Respondents and the exhibits they have produced.

33. But with respect, **the claim by the Respondents that the Council does not have jurisdiction to consider the present case because the State of Qatar has allegedly breach certain international obligations which entitled the Respondents to adopt "countermeasures" goes precisely to the substance or merits of this case. It is not one of jurisdiction or admissibility, but for consideration on the merits**.

ALLEGATION THAT "WIDER ISSUES" REMOVES JURISDICTION FROM COUNCIL OR CASE BECOMES INADMISSIBLE

34. However, some preliminary observations may be made on the issues raised by the Respondents, that there are wider or broader issues in play which would prevent the Council from assuming jurisdiction or that the Application becomes inadmissible.

35. It is in their nature for tribunals or courts to adjudicate legal issues, even if these would occur in the context of wider political differences between the parties. The fact that a legal dispute has wider underlying elements does not mean that such dispute falls outside the jurisdiction of the Council or is inadmissible. What the State of Qatar is requesting is settlement of a disagreement relating to the interpretation and application of the IASTA. The drafters of the IASTA and the current parties have entrusted this function to the Council, which the parties to the Chicago Convention have accepted. It is the role of the Council to assume these functions. The fact that ICAO is a specialized agency does not mean that the Council should absolve itself of these vital constitutional functions because there might be broader questions involved or other bodies might also or potentially also have this matter under consideration.

36. Many of the cases under the IASTA and Article 84 of the Chicago Convention previously referred to the Council, and certainly, the three cases highlighted above concerning claims of breaches of

the IASTA, had as their background underlying political issues or other non-aviation problems. **In no case did the Council decline jurisdiction**.

37. The ICJ has had many opportunities to consider similar claims.

38. In the case concerning *United States Diplomatic and Consular Staff in Tehran,* Iran maintained that the Court could not and should not take cognizance because the case submitted by the United States was "confined to what is called the question of the 'hostages of the American Embassy in Tehran'". Iran went on to submit that:

> "... this question only represents a marginal and secondary aspect of an overall problem, one such that it cannot be studied separately and which involves, *inter alia,* more than 25 years of continued interference by the United States in the internal affairs of Iran ...
>
> The problem involved in the conflict between Iran and the United States is thus not one of interpretation and the application of the treaties upon which the American Application is based, but results from an overall situation containing much more fundamental and more complex elements. Consequently, the Court cannot examine the American Application divorced from its proper context, namely the whole political dossier of the relations between Iran and the United States over the last 25 years" (*United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980*, p. 3 at para. 35).

The Court pointed out that it had made clear in an Order dated 15 December 1979 that:

> "the seizure of the United States Embassy and Consulates and detention of internationally protected persons as hostages cannot be considered as something 'secondary' or 'marginal', having regard to the importance of the legal principles involved... The Court, at the same time, pointed out that no provision of the Statute or Rules contemplates that the Court should decline to take cognizance of one aspect of a dispute merely because that dispute has other aspects, however important... [I]f the Iranian Government considered the alleged activities of the United States in Iran legally to have a close connection with the subject-matter of the United States' Application, it was open to that Government to present its own arguments regarding those activities to the Court either by way of defence in a Counter-Memorial or by way of a counter-claim" *(ibid.* at para. 36*)*.

39. **Likewise, there is no provision in the IASTA or the ICAO *Rules for the Settlement of Differences* which contemplates that the Council should decline to decide the disagreement on the interpretation or application of the IASTA and its Annexes merely because there are other aspects to the dispute before the Council**, nor is the violation of the IASTA a marginal or incidental matter – it forms the core of the Application before the Council.

40. The Court in the *United States Diplomatic and Consular Staff in Tehran* continued:

> "... legal disputes between sovereign States by their very nature are likely to occur in political contexts, and often form only one element in a wider and long-standing dispute between the States concerned. **Yet never has the view been put forward before that, because a legal dispute submitted to the Court is only one aspect of a political dispute, the Court should decline to resolve for the parties the legal questions at issue before them**. Nor can any basis for such a view of the Court's functions or jurisdiction be found in the Charter or Statute of the Court; **if the Court were, contrary to its settled jurisprudence, to adopt such a view, it would impose a far-reaching and unwarranted restriction upon the role of the Court** in the peaceful solution of international disputes" (emphasis added) (*United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980,* p. 3 at para. 37).

41. In the case *Military and Paramilitary Activities in and against Nicaragua*, the ICJ considered, *inter alia*, issues of *admissibility* of the Application by Nicaragua. The United States argued that "each of Nicaragua's allegations constitutes no more than a reformulation of a single fundamental claim, that the United States is engaged in an unlawful use of armed force, or breach of the peace, or acts of aggression against Nicaragua, a matter which is committed by the Charter and by practice to other organs, in particular the United Nations Security Council" and that all "allegations of this kind are confined to the political organs of the Organization for consideration and determination..." (para. 89). The Court stated that:

> "It will be convenient to deal with this alleged ground of admissibility together with the third ground advanced by the United States namely that the Court should hold the Application of Nicaragua to be inadmissible in view of the subject-matter of the application and the position of the Court within the United Nations system, including the impact of proceedings before the Court on the ongoing exercise of the 'inherent right of individual or collective self-defence' under Article 51 of the Charter. This is, it is argued, a reason why the Court may not properly exercise 'subject-matter jurisdiction' over Nicaragua's claims. Under this head, **the United States repeats it contention that the Nicaragua Application requires the Court to determine that the activities complained of constitutes a threat to the peace, a breach of the peace or an act of aggression, and proceeds to demonstrate that the political organs of the United Nations, to which such matters are entrusted by the Charter, have acted, and are acting, in respect of virtually identical claims** placed before them by Nicaragua (emphasis added) (para. 91).
>
> ...
>
> The United States is thus arguing that the matter was essentially one for the Security Council since it concerned a complaint by Nicaragua involving the use of force. **However**, having regard to the *United States Diplomatic and Consular Staff in Tehran* case, **the Court is of the view that the fact that a matter is before the Security Council should not prevent it being dealt with by the Court** and that both proceedings could be pursued *pari passu* ... (emphasis added) (para. 93).
>
> ...

> The [Security] Council has functions of a political nature assigned to it, whereas the Court exercises purely judicial functions. Both organs can therefore perform their separate but complementary functions with respect to the same events (para. 95).
>
> It must also be remembered that, as the *Corfu Channel* case (*I.C.J. Reports 1949*, p. 4) shows, the **Court has never shied away from a case brought before it merely because it had political implications or because it involved serious elements of the use of force**" (emphasis added) (para. 96).

42. In the case *Aerial Incident at Lockerbie* which concerned the interpretation or application of the 1971 Montreal Convention, the U.S. emphasized that from the time Libya invoked the Montreal Convention, "**the United States has claimed that it was not relevant because it was not a question of 'bilateral differences' but one of a threat to international peace and security arising from State - sponsored terrorism**" (emphasis added) (para. 23). **The U.S. also maintained "that it is not for the Court**, on the basis of Article 14, paragraph 1, of the Montreal Convention, **to decide on the lawfulness of actions which are in any event in conformity with international law, and which were instituted by the Respondent to secure the surrender of the two alleged offenders**" (emphasis added) (para. 34). **The Court dismissed these and other arguments and held that it had jurisdiction to consider the case**, stating that "it is for the Court to decide, on the basis of Article 14, paragraph 1, of the Montreal Convention [the compromissory clause], on the lawfulness of the actions criticized by Libya, in so far as those actions would be contrary to the provisions of the Montreal Convention" (para. 35) *(Questions of Interpretation and Application of the 1971 Montreal Convention arising out of the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America), Preliminary Objections, Judgment, I. C. J. Reports 1998,* p. 115).

43. In the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, the Court held in an Advisory Opinion that:

> "**The fact that this question also has political aspects**, as, in the nature of things, is the case of so many questions which arise in international life, **does not suffice to deprive it of its character as a 'legal question' and to deprive the Court of a competence expressly conferred upon it by its Statute...** Whatever its political aspects, the Court cannot refuse to admit the legal character of a question which invites it to discharge an essentially judicial task, namely, an assessment of the legality of the possible conduct of States with regard to the obligations imposed upon them by international law ...
>
> **The Court finds that the political nature of the motives which may be said to have inspired the request and the political implications that the opinion might have are of no relevance in the establishment of its jurisdiction**" (emphasis added) (*Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion, I.C.J. Reports 1996*, p. 66 at paras. 16 and 17).

44. The Respondents, in paragraph 18 of their Preliminary Objections, have argued with vigour that the principles developed by the ICJ should be taken into account by the Council. The above citations from various ICJ cases show that the Court examines issues of jurisdiction and admissibility separately although under the Rules of the Court (but not in the case of the ICAO Rules) both grounds can be considered in preliminary objections; that the Court will not hesitate to assume jurisdiction or declare a case to be admissible because the core legal question which it is asked to decide is placed in the context of a wider political dispute, or even where the facts are being considered elsewhere by other UN organs or involve acts of aggression or claims to the right of self-defence. **Applied here, the core issue which the Council is to consider the disagreement relating to the interpretation or application of the IASTA, more specifically, the breach by the Respondents of the provisions of the IASTA**.

45. **The reference by the Respondents to the *Nuclear Test* cases** in paragraph 33 and Footnote 23 of the Preliminary Objection **is taken out of context and does not in fact support their case**. The Court examined, first, whether a dispute existed between the parties and what type of judgment was being requested. It was in that context that it examined the object of the claim of the Applicant and considered various statements made. The issue was put by the Court as follows:

> "... it is essential to consider whether the Government of Australia requests a judgment by the Court which would only state the legal relationship between the Applicant and the Respondent with regard to the matter in issue, or a judgment of a type which in terms requires one or both of the Parties to take, or refrain from taking, some action. It is the Courts duty to isolate the real issue in the case and to identify the object of the claim. It has never been contested that the Court is entitled to interpret the submissions of the parties... It is true that, when the claim is not properly formulated because the submissions of the parties are inadequate, the Court has no power 'to substitute itself for them and formulate new submissions'...
>
> In the circumstances of the present case, although the Applicant has in its Application used the traditional formula of asking the Court to 'adjudge and declare' ... the Court must ascertain the true object and purpose of the claim... (*Nuclear Tests, (Australia v. France), Judgment, I.C.J. Reports 1974*, p. 253 at paras. 29 and 30).

There, the Court was in the process of ascertaining precisely what Australia (or New Zealand in the parallel case) was requesting, the object of the claim or the relief which Australia was seeking from the Court. In that case, the Court never considered whether there was a wider issue, different from the Applicant's submissions to the Court; the Court was merely ascertaining what it is that the Applicant wanted from the Court, or in plain words, what would satisfy it. In the present case before the Council, the issues are clear: the Applicant is requesting a determination of breaches of the IASTA, and other related consequential actions. The Applicant has not asked, as the Respondents imply, that the entire range of political issues

between the Parties or the entire relationship be decided by the Council, only that part which relates to breaches of the IASTA and restoration of the lawful rights of the Applicant. The "real" issue before the Council is the breach by the Respondents of the IASTA; this is what the Applicant has put before the Council in the Application and the Memorial and it is plain and clear what the State of Qatar is requesting from the Council.

46. Similarly, the Footnoted reference in the same paragraph of the Preliminary Objection to the *Chagos Marine* protected area Arbitration also does not support what appears to be the contention of the Respondents, namely, that there are wider underlying issues which the Council cannot address.

47. In that case, Mauritius submitted, *inter alia*, that the United Kingdom was not entitled to declare a maritime protected area or other maritime zones around the Chagos Archipelago because it was not the coastal State within the meaning of certain articles of the Law of the Sea Convention (para. 158). The United Kingdom, on the other hand, objected to the Tribunal's jurisdiction on the grounds that sovereignty lay at the heart of the claim by Mauritius and that a dispute concerning sovereignty over land territory was not a dispute concerning the interpretation or application of the Convention (para. 170). The United Kingdom asserted that Mauritius had invited the Tribunal to apply the law of self-determination to events in 1965 and to declare that Mauritius has retained sovereignty over the Chagos Archipelago (para. 172). The Tribunal's view was that the Parties' dispute with respect to this specific submission of Mauritius was properly characterized as relating to land sovereignty over the Chagos Archipelago (para. 212), and that the Law of the Sea Convention did not grant jurisdiction over matters of land sovereignty.

48. The Tribunal then concludes:

> "Where the real issue in the case and the object of the claim do not relate to the interpretation or application of the [Law of the Sea] Convention, however, an incidental connection between the dispute and some matter regulated by the Convention is insufficient to bring the dispute, as a whole, within the orbit of Article 288(1) [of the Law of the Sea Convention].
>
> The Tribunal does not categorically exclude that in some instances a minor issue of territorial sovereignty could indeed be ancillary to a dispute concerning the interpretation or application of the Convention. That, however, is not in this case, and the Tribunal therefore has no need to rule upon the issue. The Parties' dispute regarding the sovereignty over the Chagos Archipelago does not concern the interpretation or application of the Convention..." *(In the matter of the Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom), Permanent Court of Arbitration, 18 March 2015,* paras. 220-221).

The Tribunal did, however, find that it had jurisdiction to consider certain other claims of Mauritius.

49. **The "dispute" placed before the Council by the Applicant in this case, are the breaches of the IASTA. It is not any wider issue. If there are wider issues, they are or would be brought before the Council by the Respondents**. There is not only an "incidental" connection between the dispute and "some matter regulated by the Convention"; **the core of the dispute before the Council is about the breaches of the IASTA** and matters regulated by the IASTA. The Applicant has not asked the Council to decide on any other issue.

"PRINCIPLE OF SPECIALITY"

50. The Respondents allege that there is a principle, presumably of law, which would prohibit the Council from considering the Application of the State of Qatar because that would encroach on responsibilities of other bodies of the UN system; and that the Council, when considering the Article 54(n) of the Chicago Convention submission by the State of Qatar at its Extraordinary Session on 31 July 2017, recognized that there were wider overarching issues underlying the disagreement that need to be addressed in other appropriate non-technical fora.

51. *First*, this is not an argument which goes to the jurisdiction of the Council as set out in Article II, Section 2 of the IASTA, Article 84 of the Chicago Convention and Article 5(1) of the *Rules for the Settlement of Differences*. It might go to admissibility or the merits, but not to jurisdiction. **Under Rule 5(1), the Council should not consider this issue at the preliminary objection phase**.

52. *Second*, when the Council considered the matter under Article 54(n) of the Chicago Convention, the President of the Council quite correctly "emphasized the need to clearly differentiate between any actions that it, as a governing body, might consider taking in relation to Article 54 (n) ... and any actions that it might consider taking in relation to Article 84" (*C-MIN Extraordinary Session (closed), 31 July 2017*, at para. 2). Although all the aviation aspects of the dispute were before the Council, under Article 54 (n), the Council was not making, and nor could it make, any legal pronouncements that it would not have jurisdiction under the IASTA or Article 84 of the Chicago Convention because there were other fora where other aspects could possibly be addressed.

53. *Third*, as has been stated by the Applicant previously, Qatar is not taking the matter to a non-technical forum. If the Respondents really believe that the Article 54 (n) decision binds the Council in its consideration of the present Application, that would be a hurdle for the Respondents to overcome, not the State of Qatar. It is the Respondents who imply that possibly one day some aspects of the matter could perhaps be addressed in a non-technical forum. The State of Qatar is satisfied to let the Council

decide, on the evidence presented in its Memorial and this Response, that the Respondents have violated the IASTA. **Qatar is simply requesting the Council to perform its basic constitutional function.**

54. *Fourth*, **the so-called principle of speciality espoused by the Respondents cannot apply to prevent the Council from assuming jurisdiction or make the case inadmissible** as shown immediately below.

55. It has been set out above (paras. 38 to 43) that the ICJ has not shied away from considering an issue even when the legal questions are in the context of wider political differences between the parties.

56. The ICJ has also not been reticent in adjudicating a matter even when there are, or could be, concurrent discussions in other bodies, such as the Security Council (see the *Military and Paramilitary Activities in and Against Nicaragua* case at paras. 91, 93 and 95).

57. In the *United States Diplomatic and Consular staff in Tehran* case, the Court found that the Security Council was actively seized of the matter when, on 15 December 1979, the Court decided unanimously that it was competent to entertain a U.S. request for an indication of provisional measures. The Court found that:

> "the Security Council expressly took account of the Court's Order of 15 December 1979...; and it does not seem to have occurred to any member of the Council that there was or could be anything irregular in the simultaneous exercise of their respective functions by the Court and the Security Council. Nor is there in this any cause for surprise... It is for the Court, the judicial organ of the United Nations, to resolve any legal questions that may be in issue between parties to a dispute" (para. 40).

The Court also referred to the Charter of the United Nations, which in Article 36 provides that legal disputes should as a general rule be referred to the ICJ.

58. The 1996 Advisory Opinion of the ICJ cited by the Respondents *(Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion, I.C.J. Reports, 1996,* p. 66) can easily be distinguished from the case before the Council. In the *Legality of the Use by a State of Nuclear Weapons* case the World Health Organization requested the ICJ to give an advisory opinion on the question:

> "... would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?" (para. 1).

Article 96, paragraph 2 of the UN Charter states that specialized agencies may request advisory opinions from the Court on legal questions within the scope of their activities. The Court held that the WHO was

authorized to request advisory opinions. The Court had, however, to determine whether the opinion requested related to a question which arose within the scope of activities of the WHO. The Court stated that:

> "In order to delineate the field of activity of the area of competence of an international organization, one must refer to the relevant rules of the organization and, in the first place, to its constitution... [T]he constituent instruments of international organizations are multilateral treaties, to which the well-established rules of treaty interpretation apply" (para. 19).
>
> ...
>
> "Interpreted in accordance with their ordinary meaning, in their context and in the light of the object and purpose of the WHO Constitution, as well as the practice followed by the Organization, the provision of its Article 2 may be read as authorizing the Organization to deal with the effects on health of the use of nuclear weapons ...
>
> The question put to the Court ... relates, however, *not to the effects* of the use of nuclear weapons on health, but to the legality of the use of such weapons *in view of their health and environmental effects.* Accordingly, it does not seem to the Court that the provisions of Article 2 of the WHO Constitution ... can be understood as conferring upon the Organization a competence to address the legality of the use of nuclear weapons..." (para. 21).

After examining certain functions of the WHO under Article 2 of its Constitution, the Court continued:

> "... [N]one of these functions has a sufficient connection with the question before it for that question to be capable of being considered as 'arising within the scope of [the] activities' of the WHO ... Whether nuclear weapons are used legally or illegally, their effects on health would be the same" (para. 22).

This ruling by the Court disposed of the need to provide the advisory opinion to the WHO. It was determinative of the question posed and constituted the *ratio decidendi*. All other comments by the Court constitute *obiter dictum* which were not necessary to answer the question raised and are therefore of less legal value. The Court stated further:

> "International Organizations are governed by the 'principle of speciality', that is to say, they are invested by the States which create them with powers... The Permanent Court of International Justice referred to this basic principle [in another case] in the following terms:
>
> > 'As the European Commission is not a State, but an international institution with a special purpose, it only has the functions bestowed upon it by the Definitive Statute with a view to the fulfillment of that purpose, **but it has the power to exercise these functions to their full extent, in so far as the Statute does not impose restrictions upon it**'" (emphasis added) (para. 25).

59. This is precisely the point. The Council has been given the express constitutional obligation to decide disagreements submitted to it under Article II, Section 2 of the IASTA, and it has the power to exercise these functions to their full extent.

60. Beyond the express powers, however, organizations also have implied powers, or subsidiary powers which are not expressly provided for in their constitutions, and which are necessary for them to achieve their objectives.

61. Similarly, in the case of *Pulp Mills on the River Uruguay ((Argentina v. Uruguay), Judgment, I.C.J. Reports 2010* p. 14), cited by the Respondents in Footnote 17 of the Preliminary Objections, the ICJ held that:

> "... like any international organization with legal personality, CARU is entitled to exercise the powers assigned to it by the 1975 Statute and which are necessary to achieve the object and purpose of the latter..." (para. 89).

62. It is worth quoting at length excerpts from the dissenting opinion of Judge Weeramantry in the case, *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*:

> "The Court has attached much importance to the principle of speciality in dealing with the question whether the present request falls within the proper sphere of activities of WHO. The Court is of course anxious to ensure that there should not be an unnecessary confusion or overlapping of functions between the different organs and agencies of the United Nations.
>
> However, the principle of speciality does not mean that there can be no overlap. It is in the nature of a complex organization like the United Nations that there will be, owing to the multiplicity and complexity of its functions, some areas of overlap between the legitimate spheres of authority of its constituent entities. As observed earlier, at the highest levels of the United Nations Organization, this Court itself has an area of overlap with the Security Council. Although the Security Council has basic responsibility for matters pertinent to peace and security, the same matters can also present legal problems properly within the sphere of adjudication, which is the Court's particular responsibility. The inextricable interlinkage between the legal aspects of a matter and its political implications has never been seen as depriving the Court of its right and duty to act in its proper legal sphere.
>
> As so well observed by the Court in its Opinion in the present case ..., the fact that a matter has political implications does not deprive a legal question of its quality of being a legal question. The same concerns should apply in regard to medical questions. In *Military and Paramilitary Activities in and against Nicaragua*, the Court... observed:
>
> > 'The Security Council has functions of a political nature assigned to it, whereas the Court exercises purely judicial functions. Both organs can therefore perform their separate but complementary functions with respect to the same event.'

> Likewise, a medical question may involve also some other ramifications which make it an appropriate matter for another specialized agency. For example, ventilation requirements on aircraft could equally well concern the World Health Organization and the International Civil Aviation Organization; safety regulations relating to the carriage of noxious waste may equally concern WHO and the International Maritime Organization... The family of United Nations organizations was not set up in a fretwork pattern of neatly dovetailing components, each with a precisely carved outline of its own... Their broad contours are of course defined, but different aspects of the self-same question may well fall within the ambit of two or more organizations. The particularities of various international organizations were never meant to exclude areas of overlap, so long as these lay within the legitimate sphere of concern of the respective agencies involved..." (at pp. 149-151)

63. The Applicant is grateful to the Respondents for having drawn its attention to the Article by D. Akande (Footnote 69 of the Preliminary Objections)[4], in which the author analyses the 1996 *Nuclear Weapons Advisory Opinions*. He states that in these Opinions, "the issue of the competence of international organizations arose *only tangentially* as the questions put to the Court concerned a matter of substantive law which was apparently not connected to any particular exercise of power by the organizations involved: the legality of the threat or use of nuclear weapons" (emphasis added) (p. 438). He is of the view that it:

> "cannot be correct to suggest that there can be no overlap of functions among specialized agencies or between the UN and the specialized agencies. That legitimate overlap does exist is evident from the constitutions of specialized agencies as well as from their practice" (pp. 449-450).

He then examines the Constitutions of the ILO and that of the WHO where he sees an overlap in certain matters. He states:

> "It cannot be said that any one of these organizations could be deprived of competence over this issue solely because it is within the competence of another organization. Care must therefore be taken in construing the powers of one organization based on the powers of another. To do this would be a reversal of the principle that an organization can exercise its function to the full extent as long as its statute does not impose restrictions upon it..." (p. 450).
>
> Indeed, to suggest that one specialized agency cannot encroach on the responsibilities of others might even discourage cooperation among agencies (p. 450).
>
> ... the Court seemed to be saying that specialized agencies should confine their attention to technical and functional matters. As has been noted above, this is a departure from previous cases where the notion of giving full effect to objects and purposes of the organization was paramount..." (p. 451).

[4] D. Akande, "The Competence of International Organizations and the Advisory Jurisdiction of the International Court of Justice," European Journal of International Law 9 (1998) p. 437.

In fact, as shown above, in the *Pulp Mills* case decided in 2010, the Court later re-emphasized that an organization has the powers which are necessary to achieve the object and purpose of its constitution.

64. Should ICAO not have the mandate to deal with aviation medicine because arguably this could also fall under the competence of the WHO? Or would the WHO also not have the competence because ICAO could also have competence? Then who would have competence? Or dangerous goods because some aspects might be dealt with by the IAEA? There are serval other examples of overlaps between the competence of different organizations.

65. **To take the arguments of the Respondents to their logical conclusion would mean that no specialized agency or other organization would have jurisdiction to consider a matter as long as there is some connection, incidental or otherwise, with the functions of another organization.** The Respondents come to ICAO and claim that the legal questions posed by the Applicant related to aviation matters cannot be decided by the Council despite Article II, Section 2 of the IASTA, for the reason that there is a broader dispute with other ramifications perhaps falling within the competence of another body. They can, by the same logic, go for example to the Universal Postal Union, the International Maritime Organization, the World Trade Organization and even the United Nations itself, claiming that there were aviation aspects of the dispute which went beyond their mandate but rest with ICAO and under the principle of speciality or some other similar creative notion, therefore each Organization was lacking competence to deal with the dispute, even in the areas specifically given to them by their constitutions. **The net result would be a complete denial everywhere of the justiciability of the grievances of the State of Qatar.** It would also render invalid the constitutional mandate given by IASTA read together with Chapter XVIII of the Chicago Convention to settle disagreements relating to the interpretation or application of the IASTA.

66. The ICJ has given short thrift to the idea that the legal resolution of a dispute cannot be adjudicated or settled by one body because other aspects also fall within the competence of another (see paras. 41 and 57 above).

APPEAL RELATING TO THE JURISDICTION OF THE ICAO COUNCIL (India v. Pakistan, 1972)

67. **This case is dispositive of every single preliminary objection or argument raised by the Respondents, except on the issue of prior negotiations**, and is worth examining in more detail.

68. On 4 February 1971, India suspended all Pakistani flights over Indian territory. There were underlying political differences between the two States. On 30 January 1971, two persons hijacked an Indian aircraft and flew it to Pakistan. Two days later, they blew up the aircraft.

69. **On 3 March 1971, less than one month after the suspension of the overflights, Pakistan brought the matter to the Council under Article 84 of the Chicago Convention and Article II, Section 2 of the IASTA**. India filed preliminary objections which challenged the jurisdiction of the Council to consider the disagreement. On 29 July 1971, the Council decided it had jurisdiction whereupon India appealed to the ICJ.

70. Pakistan contended that India had breached Article 5 of the Chicago Convention and Article I, Section 1 of the IASTA by virtue of which her civil aircraft, both scheduled and non-scheduled, had the right to make flights into or in transit non-stop across Indian territory and to make stops for non-traffic purposes.

71. Before the ICJ, India claimed: that the Council had no jurisdiction to handle the Application, as the Chicago Convention and the IASTA had been terminated or suspended between the two States; and that the question of Indian aircraft overflying Pakistan and Pakistani aircraft overflying India was governed by a Special Regime of 1996, and not by the Chicago Convention or the IASTA.

72. On the issue of the correctness of the Council's decision to assume jurisdiction, the Court made a pronouncement which effectively disposes of all the arguments of the Respondents in the current case (leaving aside the issue of negotiations for now), namely:

> "The question is whether the Council is competent to go into and give a final decision on the merits of the dispute in respect of which, at the instance of Pakistan, and subject to the present appeal, it has assumed jurisdiction. **The answer to this question clearly depends on whether Pakistan's case, considered in the light of India's objection to it, discloses the existence of a dispute of such a character as to amount to a 'disagreement ... relating to the interpretation or application' of the Chicago Convention or of the related Transit Agreement. If so, then prima facie the Council is competent. Nor could the Council be deprived or jurisdiction merely because considerations that are claimed to lie outside the Treaties may be involved if, irrespective of this, issues concerning the interpretation or application of these instruments are nevertheless in question. The fact that a defense on the merits is cast in a particular form, cannot affect the competence of the tribunal or other organ concerned, - otherwise parties would be in a position themselves to control that competence, which would be inadmissible**. As has already been seen in the case of the competence of the Court, so with that of **the Council, its competence must depend on the character of the dispute submitted to it and on the issues thus raised – not on those defences on the merits, or other considerations, which would become relevant**

> **only after the jurisdictional issues had been settled**. It is desirable to stress these points because of the way, perfectly legitimate though it was, in which the Appeal has been presented to the Court" (emphasis added) (para. 27).

73. It is worth repeating or restating what the Court said. *If there is a dispute which amounts to a disagreement relating to the interpretation or application of the IASTA, prima facie the Council has jurisdiction. In addition, the Council cannot be deprived of jurisdiction because considerations that are claimed to be outside of the IASTA are involved, if nevertheless the interpretation or application of this treaty is in play. The fact that the Respondents may choose a particular form of defence on the merits (alleged countermeasures etc.) cannot affect the competence of the Council to assume jurisdiction and consider the merits. Any contrary view would permit the Respondents themselves to control the competence of the Council which the Court has declared improper. The competence of the Council must depend on the nature of the dispute submitted to it, and not on the defences which the Respondents might (or might not) submit at the appropriate time on the merits.*

74. Defences such as countermeasures are to be considered at the stage of the merits, not at the preliminary objection stage. In the few cases before a tribunal or the ICJ, the raising of issues of countermeasures have always been as part of the arguments on the merits (the *Air Service Agreement* arbitral award, cited by the Respondents footnote 28 of the Preliminary Objections; and the *Gabcikovo-Nagymaros Project*, cited by the Respondents at footnote 30 of the Preliminary Objections). In fact, in paragraph 32 of the Preliminary Objection, **the Respondents refer to countermeasures and a "body of law outside of the IASTA" which affords the Respondents a "dispositive defence"** (emphasis added). However, **that defence can only be considered if the case reaches the merits. The Council is not at the stage of the merits yet.**

75. The Court in the *Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan, 1952)* then set out a relatively low threshold for the assumption of jurisdiction by the Council:

> "**Consequently, the legal issue that has to be determined by the Court really amounts to this, namely whether the dispute, in the form which the Parties placed it before the Council... is one that can be resolved without any interpretation or application of the relevant Treaties at all. If it cannot, then the Council must be competent**" (emphasis added) (para. 29).

Given this standard, it is clear that the Council has jurisdiction to entertain the claims of the Applicant.

COUNTERMEASURES

76. The State of Qatar has consistently maintained that **the issue of countermeasures and their lawfulness or otherwise is one to be examined on the merits of the case**. The Respondents have not claimed that the lawfulness of their actions against the State of Qatar and its peoples should be *evaluated* at the preliminary objections phase. What they seem to be saying is that the actions they have taken are countermeasures, the lawfulness of which the Council is precluded from considering. However, in a highly prejudicial manner, they are putting the substantive aspects now before the Council, ignoring the legal obligation not to do so (see para. 29 above). The State of Qatar submits that **the arguments they have raised, and all the exhibits they have provided, in this regard, fall to be considered on the merits, and not at the preliminary objection phase. It goes to their defence on the merits, not to their preliminary objection**.

77. The State of Qatar has already highlighted that Council cannot examine the merits now, and that in any event the Council can examine any wider question at the stage of the merits.

78. **Qatar therefore does not respond now to the allegations that is supports terrorism, or terrorism financing etc. At the appropriate later stage of the proceedings (merits) the State of Qatar will provide a robust defence on the facts and in law to the claim of the Respondents, which will show that the actions taken by the Respondents are not lawful countermeasures, or otherwise lawful in international law.**

79. The *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, with commentaries, prepared by the International Law Commission (ILC), which the Respondents refer to in paragraphs 40 and 41 of their Preliminary Objections, and which reflect principles of customary international law, has twice been commended to the attention of States by the General Assembly of the United Nations (Resolution 56/83 (2002) and Resolution 71/133 (2016)).

80. In its commentary, the ILC states that countermeasures are justified under certain circumstances, but that:

> "countermeasures are liable to abuse and this potential is exacerbated by the factual inequalities between States. Chapter II has as its aim to establish an operational system, taking into account the exceptional character of countermeasures as a response to internationally wrongful conduct. At the same time, it seeks to ensure, by appropriate conditions and limitations, that countermeasures are kept within generally accepted bounds" (*Yearbook of the International Law Commission, 2001, Volume II, Part Two*, p. 128).

The ILC further comments that countermeasures are not intended to be by way of punishment, must be proportionate, and must not depart from certain basic obligations, in particular those under peremptory norms of international law. Countermeasures cannot affect any dispute settlement procedure which is in force between the two States and applicable to the dispute. They must be preceded by a demand by the injured State that the responsible State comply with its obligations, must be accompanied by an offer to negotiate and must be suspended if the internationally wrongful act has ceased and dispute is submitted in good faith to a court or tribunal (*ibid.*, at p. 129). The ILC warns:

> "... A State taking countermeasures acts at its peril if its view of the wrongfulness turns out not to be well founded. A State which resorts to countermeasures based on its unilateral assessment of the situation does so at its own risk and may incur responsibility for its own wrongful conduct in the event of an incorrect assessment.
>
> ...
>
> ... The test is always that of proportionality, and a State which has committed an internationally wrongful act does not thereby make itself the target for any form or combination of countermeasures, irrespective of their severity or consequences" (*ibid.*, at p. 130).

81. In similar vein, the Arbitral Tribunal in the case concerning *Air Service Agreement* states:

> "It goes without saying that recourse to counter-measures involves the great risk of giving rise, in turn, to further reaction, thereby causing an escalation which will lead to a worsening of the conflict. Counter-measures should be a wager on the wisdom, not on the weakness of the other Party. They should be used with a spirit of great moderation and be accompanied by a genuine effort at resolving the dispute" (*Case concerning the Air Service Agreement of 27 March 1946 between the United States of America and France, Decision of 9 December 1978, Reports of International Arbitral Awards, Vol. XVIII,* pp. 417-493, at para. 91).

82. Following the above-mentioned commentaries, the ILC sets out a number of Articles, of which the Respondents are aware, as they have cited the ILC Reports. Under Article 50:

> "1. Countermeasures shall not affect:
>
> ...
>
> b) obligations for the protection of fundamental human rights;
>
> ...
>
> d) other obligations under peremptory norms under general international law".

By virtue of Article 51:

> "Countermeasures must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question."

Article 52 provides:

> "1. Before taking countermeasures, an injured state shall:
>
> a) call upon the responsible State... to fulfil its obligations...;
>
> b) notify the responsible State of any decision to take countermeasures and offer to negotiate with that State" (p. 135).

83. **The State of Qatar will show, at the stage of the merits, on the facts and in law, that the conditions for the imposition and continuation of the alleged countermeasures by the Respondents have not been met. By imposing these alleged countermeasures, the Respondents have violated international law. International law does not recognize the actions of the Respondents as valid countermeasures. International law is not so far removed from the concept of justice so as to condone the actions of the Respondents.**

84. If the Respondents were to claim a defence of countermeasures, as is their stated intention, this is an admission that their actions are otherwise in breach of their obligations under the IASTA.

85. **In the history of international litigation, the Respondents can point to a single case where certain limited countermeasures were deemed to be lawful (the *Air Services Arbitration*), and that concerned countermeasures in the same field as the breach of international obligation giving rise to the countermeasures, namely, air traffic rights.**

NEGOTIATIONS

86. The Respondents claim that the State of Qatar did not comply with Article 2 (g) of the ICAO *Rules for the Settlement of Differences*, and that the Council is thereby deprived of jurisdiction to consider the case. Article 2 (g) is a formalistic rule which requires a statement from an Applicant that "negotiations to settle the disagreement had taken place between the parties but were not successful."

87. The absence of the Article 2 (g) statement on the requirement of Article II, Section 2 of the IASTA does not prevent the Council from assuming jurisdiction. The State of Qatar is at liberty, under international jurisprudence, to amend its pleadings or submissions before the Council decides the case.

88. It also has the right to present to the Council now additional evidence to show that negotiations were attempted or took place at different levels and fora, which were not successful. In this regard, the State of Qatar will show hereunder that, in the words of Article II, Section 2 of the IASTA, the disagreement cannot be settled by negotiation.

a) Article 2 (g) of the Rules

89. The pleadings in this case have not closed. In its response to the Preliminary Objections, the State of Qatar can avail itself of the opportunity to bring new facts and documents before the Council. After the pleadings have closed, "no further documents may be submitted by any party except with the consent of the other party or by permission of the Council granted after hearing the parties" (Article 7(4) of *the Rules for the Settlement of Differences).* Before that, however, such as is the case here, no special permission is required.

90. This Rule is similar to that contained in Practice Direction IX of the ICJ, paragraph 1, which provides that:

> "The parties to the proceedings before the Court should refrain from submitting new documents after the closure of the written proceedings."

91. In *Military and Paramilitary Activities in and against Nicaragua* (1984), the U.S. claimed that following the filing of the Application, Nicaragua was not permitted to assert in subsequent pleadings jurisdictional grounds of which it was presumably aware at the time it filed its Application. The Court addressed the issue thus:

> "An additional ground of jurisdiction may however be brought to the Court's attention later, and the Court may take it into account provided the Applicant makes it clear that it intends to process upon that basis... and provided also that the result is not to transform the dispute before the Court by application into another dispute which is different in character" (para. 80).

The Court also noted that:

> "Nicaragua has made no direct reply to the United States argument of estoppel, which was *only fully developed during the oral proceedings*" (emphasis added) (para. 50).

92. The Respondents have not actually indicated the consequence of the Article 2 (g) omission, namely, is that pure formal omission enough to vitiate the jurisdiction of the Council, or is the omission indicative of a substantive obligation which was not met? If it is the former, the Council is invited to

consider the case *Concerning Military and Paramilitary Activities in and against Nicaragua* where the ICJ held:

> "It would make no sense now to require Nicaragua to institute fresh proceedings based on the Treaty, which it would be fully entitled to do. As the Permanent Court observed, 'the Court cannot allow itself to be hampered by a mere defect of form, the removal of which depends solely on the party concerned'" (*Certain German Interests on Polish Upper Silesia, Jurisdiction, Judgment No. 6, 1925, P.C.I.J., Series A, No. 6*, p. 14)" (para. 83).

Similarly, in the *Armed Activities* case, the Court stated:

> "... the Court should not, however, penalize a defect in procedure which the Applicant could easily remedy ... [T]he DRC could on its own initiative have remedied the procedural defect in its original Application by filing a new Application. The argument by Rwanda must accordingly be rejected" (*Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 2006*, p. 6 at para. 53).

The Court therefore, will not penalize an Applicant for procedural defects which it can easily remedy, as otherwise it could simply file a new application. The Council should apply the same rule of law here. The State of Qatar hereby amends its pleadings to include the following statement:

> "Negotiations to settle the disagreement had taken place between the parties but were not successful."

b) Content of the obligation to negotiate

93. Negotiations can be bilateral, in multilateral fora, or utilising the good offices of a third party. In a case where diplomatic relations do not exist, bilateral efforts may be more difficult, and other approaches assume more prominence.

94. An obligation to negotiate or to attempt to negotiate does not imply an obligation to reach a settlement, as otherwise the case would not reach the Council. As stated by the ICJ:

> "Defining the content of the obligation to negotiate, the Permanent Court, in its Advisory Opinion in the case of *Railway Traffic between Lithuania and Poland*, said the obligation was 'not only to enter into negotiations but also to pursue them as far as possible with a view to concluding agreements', even if an obligation to negotiate did not imply an obligation to reach agreement (*P.I.C.J. Series A/B, No. 42, 1931, at p. 116*)" (*North Sea Continental Shelf, Judgment, I.C.J. Reports, 1969,* p. 3 at para. 87).

95. The criteria for fulfilling the requirement for prior negotiations in certain compromissory clauses (e.g. "cannot be settled by negotiations") has been developed in case law over the years.

96. In one of the earliest and most persuasive pronouncements on the matter, the Permanent Court of International Justice, the predecessor of the ICJ, stated:

> "... the question of the importance and chances of ... of diplomatic negotiations is essentially a relative one. **Negotiations do not of necessity always presuppose a more or less lengthy series of notes and despatches; it may suffice that discussion should have been commenced, and that this discussion may have been very short; this will be the case where a deadlock is reached, or if finally a point is reached at which one of the Parties definitely declares himself unable, or refuses, to give way, and there can therefore be no doubt that the dispute cannot be settled by diplomatic negotiations.**
>
> ...
>
> The Court realises to the full importance of the rule laying down that only disputes which cannot be settled by negotiations should be brought before it... **Nevertheless, in applying this rule, the Court cannot disregard, amongst other considerations, the views of the States concerned, who are in the best position to judge as to political reasons which may prevent the settlement of a given dispute by diplomatic negotiations"** (emphasis added) (*The Mavrommatis Palestine Concessions (Greece v. United Kingdom) Publications of the Permanent Court of International Justice, Series A – No. 2 (1924)* at pp. 13 to 15).

97. The *South West Africa Cases* (1962) provide some further elements. There the Respondent stated that there had been no negotiations, specifically no direct negotiations between the parties. The Applicants did not refute the fact that there had been no direct negotiations, but stated that negotiations had taken place between them and other members of the United Nations holding the same views as they, on the one hand, and the Respondent, on the other, in the Assembly and other organs of the United Nations, and that each time the negotiations reached a deadlock, due to the conditions and restrictions the Respondent placed upon them. The Court concluded that in fact no reasonable probability existed that further negotiations would reach a settlement (*South West Africa Cases* (*Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgment of 21 December 1962*: *I.C.J. Reports 1962* p. 319 at 344-345).

98. The Court further stated:

> **"It is, however, further contended by the Respondents that the collective negotiations in the United Nations are one thing, and direct negotiations between it and the Applicants are another, and that no such direct negotiations have ever been undertaken by them. But in this respect it is not so much the form of negotiations that matters as the attitude and views of the Parties on the substantive issues of the question involved. So long as both sides remain adamant, and this is obvious even**

> **from their oral presentations before the Court, there is no reason to think that the dispute can be settled by further negotiations ...**
>
> **Moreover, diplomacy by conference or parliamentary diplomacy has come to be recognized ... as one of the established modes of international negotiations**" (emphasis added) (*ibid.* at p. 346).

99. In the *Convention on Elimination of All Forms of Racial Discrimination* case, the Court confirmed that it "**has come to accept less formalism in what can be considered negotiations** and has recognized 'diplomacy by conference or parliamentary democracy'" *(Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Preliminary Objections, Judgment, I.C.J. Reports 2011,* p. 70 at para. 160).

c) Date on which negotiation condition must be fulfilled

100. The date on which the condition of negotiation must be met is not as settled in law as the Respondents claim.

101. In the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide*, the Court recalled that:

> "... the Court, like its predecessor, has also shown realism and flexibility in certain situations in which the conditions governing the Court's jurisdiction were not fully satisfied when proceedings were initiated but were subsequently satisfied before the Court ruled on its jurisdiction" *(Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Preliminary Objections, Judgment, I.C.J. Reports 2008,* p. 412 at para. 81).

The Court then cited a long string of cases to support its view, and added:

> "What matters is that, at the latest by the date when the Court decides on its jurisdiction, the applicant must be entitled, if it so wishes, to bring fresh proceedings in which the critically unmet condition would be fulfilled. In such a situation, it is not in the interests of the sound administration of justice to compel the applicant to begin the proceedings anew – or initiate fresh proceedings – and it is preferable, except in special circumstances, to conclude that the condition has, from that point on, been fulfilled" (*ibid*. at para. 85).
>
> ...
>
> ... it is not apparent why the arguments based on the sound administration of justice which underpin the *Mavrommatis* case jurisprudence cannot also have a bearing in a case such as the present one. It would not be in the interests of justice to obligate the Applicant, if it wishes to pursue its claims, to initiate fresh proceedings. In this respect it is of no importance which condition was unmet at the date the proceedings were

instituted, and thereby prevented the Court at that time from exercising its jurisdiction, once it has been fulfilled subsequently" (*ibid.* at para. 87).

102. In the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination* case, there was a very strong joint dissenting opinion by five Judges, including the then President of the Court, which stated:

> "While it is true that in principle the Court, in determining whether the conditions governing its jurisdiction or the admissibility of an application are met, looks to the date on which it was seized, it has progressively relaxed this principle... to address the situation in which a condition not met when the proceedings were begun **comes to be fulfilled between then and the date the Court decides on its jurisdiction**. In such a case it would be pointlessly formalistic to refuse to take account of the initially unmet condition after the filing of the application" (emphasis added) (para. 35).

Referring to the preliminary objections in the *Croatia v. Serbia* case, the five Judges stated:

> "In that case the condition not met until after the application had been filed was not a condition requiring an attempt at negotiated settlement, but the Court expressed itself in terms precluding all doubt as to the fact that its reasoning applies to any initially unmet condition for jurisdiction or admissibility that is fulfilled **between the date the proceedings were initiated and the date the Court decides on its jurisdiction**" (emphasis added) (para. 37).

The Judges were of the view that:

> "**In our opinion, a firmly realistic, rather than formalistic, approach should be taken to the question of negotiations**, the approach which hitherto the Court always has adopted.
>
> **There is no general criterion – nor can there be one – which makes it possible to determine at what point a State is regarded as having complied with the obligation to attempt to negotiate** with respect to its claims against another State, and to pursue those attempts as far as possible, with a view to reaching an agreement.
>
> Everything depends on the circumstances. The level of the Court's requirements is obviously bound to vary, according to the nature of the questions which form the subject matter of the dispute, and the conduct of the State that is being implicated. **Clearly some questions, by their nature, lend themselves more than others to negotiation**, the reconciling of opinions and the search for a compromise. It is also clear that **the State which is being implicated may have a range of responses to the claim made against it, from complete receptiveness to the most strenuous or indeed point-blank rejection**.
>
> The Court must therefore always make a case-by-case assessment.
>
> In every case, however, the Court should address the question not from a formal or procedural point of view, but as a question of substance. **If the Court finds that there was no longer, on the date when the proceedings were instituted – or, alternatively, that there is no longer, on the date when it decides on its jurisdiction – a reasonable prospect of the dispute**, as presented to the Court, **being settled by negotiations**

between the parties, **it must find jurisdiction**, without entering into a convoluted examination of every single action taken by the applicant, or those that it could have taken.

That is the essential purpose of the conditions established by a clause such as the one that the Court must apply in this case: not to erect needless and over-exacting procedural obstacles liable to delay or impede the applicant's access to international justice, but to allow the Court to satisfy itself, before dealing with the merits of the dispute brought before it, that a sufficient effort has been made to resolve that dispute by means other than judicial settlement.

It is in this spirit that the Court has always hitherto applied compromissory clauses that require that a negotiated settlement of the dispute must be attempted...

In the *Aerial Incident at Lockerbie cases*, the applicable clause (Article 14, paragraph 1, of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation) referred to '[a]ny dispute ... which cannot be settled through negotiation'. The Respondents maintained ... that, ... such a dispute, if it did exist, had not given rise to any attempt at a negotiated settlement.

In rejecting this objection, the Court took into account the following, among other determining factors:

> '... the Respondent has always maintained that the destruction of the Pan Am aircraft over Lockerbie did not give rise to any dispute between the Parties regarding the interpretation or application of the Montreal Convention and that, for that reason, in the Respondent's view, there was nothing to be settled by negotiation under the Convention...
>
> Consequently, in the opinion of the Court, the alleged dispute between the Parties could not be settled by negotiation ...'

The present case is the first in which the Court has found that it lacks jurisdiction solely on the basis that a condition of prior negotiation has not been fulfilled" (emphasis added) (paras. 55 to 63 of the Dissenting Opinion).

d) Duration of negotiations

103. In paragraphs 98 and 108 (b) of their Preliminary Objections, the Respondents refer to the case *United States v. 15 European States*, where apparently negotiations took place over three years, to imply that this is the standard or a standard for meeting the condition of negotiations.

104. But the Council never implied such a thing. It merely noted in the preambular paragraphs of the decision that "negotiations between the Parties, which were held over a period of three years at various levels, were adequate and sufficient to fulfill the requirements of Article 84..." (C-DEC 161/6). The Council never said that a shorter period also would not suffice. Nor could it. Circumstances and facts are different in every case. It would suit the Respondents for the Council to have a three-year standard in the current case where, in violation of the IASTA, they have imposed and continue to impose restrictions

which have a severe impact on the State of Qatar and its people. They have every motive to delay or prevent the administration of justice and a decision on the State of Qatar's claims, and so claim or at least imply that a three-year period of negotiations is a good standard to judge what is adequate.

105. In actual fact, **the time period by itself is of no consequence**.

106. In the *Appeal Relating to the Jurisdiction of the ICAO Council* (*India v. Pakistan*), India suspended the overflights of Indian territory by Pakistan civil aircraft on 4 February 1971; the matter was placed before the Council by Pakistan on 3 March 1971, *a little less than one month later*. The Council accepted on 29 July 1971 that it had jurisdiction. It was not even suggested that the period of one month for negotiations was inadequate, either before or by the Council or the ICJ.

107. In the *Case Concerning United States Diplomatic and Consular Staff in Tehran,* the actions and omissions complained of by the United States took place on 4 November 1979; the U.S. filed its Application with the ICJ on 29 November 1971, *less than a month later*; the time period was not of consequence to the ICJ when it decided that it had jurisdiction.

108. Finally, in the *Convention on the Elimination of All Forms of Racial Discrimination* case, the Court believed that the period to consider was *three days*, from the time the Court determined that a dispute existed between the Parties, to the time Georgia filed its Application (12 August 2008). On the facts, the Court concluded that there was no attempt to negotiate by Georgia. The Court did not imply that had there been such an attempt, a period of three days would not suffice. This has been the only case where the Court did not find jurisdiction because of the negotiation condition. The Dissenting Judges, referred to above, believed that the Court, in line with its earlier consistent jurisprudence, should have looked at the period also after the Application was filed, up to the date that the Court decided on its jurisdiction; and in any case, on the date the Application was filed, there was no reasonable possibility of a negotiated settlement of the dispute and the condition for negotiation had been met (para. 84 of the Dissenting Opinion).

109. In fact, **in no case has the Council or the ICJ looked at the duration of negotiations as a factor or an important factor in determining its jurisdiction ("cannot be settled by negotiations"); what is examined is the factual question whether there has been an attempt to negotiate or actual negotiations, in whatever form that might be**.

e) Other Issues related to negotiations

110. At paragraph 96 of the Preliminary Objections, the Respondents state that negotiations, "which must have been *at least attempted*", must directly concern the disagreement between the two States and must "have particularly addressed (*or at least have sought to address*) the specific question of interpretation or application of the treaty that gives rise to the dispute" (emphasis added).

111. In the *Military and Paramilitary Activities* case, the Court held that "it does not necessarily follow that, because a State has not expressly referred in negotiations with another State to a particular treaty as having been violated by conduct of that other State, it is debarred from invoking a compromissory clause in that treaty" (para. 83). In the *Elimination of All Forms of Racial Discrimination* case, the Court held that, however, the negotiations must relate to the subject matter of the treaty (at para. 161). Therefore, the State of Qatar did not have to refer to the IASTA in its negotiations or attempts to negotiate with the Respondents; it is enough that the denial of overflight and landing rights were brought into issue or more generally the unlawful measures instituted against Qatar, since prominent among them are the aviation aspects. As will be shown below, Qatar has brought to the attention of the Respondents both the actual text of the treaty in question, as well as the subject matter.

112. At paragraph 102 of the Preliminary Objections, the Respondents claim that the Council called for negotiations at its Extraordinary Session on 31 July 2017, but that despite "the Council's decision, negotiations were not initiated by the Applicant." But with respect, the State of Qatar has great difficulty in reading the relevant Council Decision in the same way as the Respondents. In paragraph d) of the Decision, the Council encouraged all five Parties to continue their collaboration and welcomed the commitment expressed by their representatives to continue consultations to ensure the promotion of optimal technical solutions; and encouraged the five Parties to collaborate to discuss larger issues elsewhere. The Council did not enter into a discussion about the legal aspects of the violations by the Respondents of their obligations under the IASTA and in any case, placed the burden for further collaboration equally on all five parties, not only on the State of Qatar. And in fact, the State of Qatar has continued to collaborate and consult within the framework of ICAO as regards technical solutions, as requested by the Council, and as evidenced by the technical coordination meetings held to develop contingency routes or measures.

113. Although Saudi Arabia is not a Respondent in Application (B), four States jointly instituted the raft of common measures against the State of Qatar, including the prohibition of Qatari aircraft from flying over, or landing in, their respective territories. These measures applied to matters covered by both the

Chicago Convention and the IASTA. For the purpose of negotiations or attempted negotiations by Qatar, as a practical matter a distinction could not always be drawn between Respondent parties to the Chicago Convention on the one hand and those to the IASTA on the other hand. Any other approach would be utterly artificial. The chronology below of negotiations by Qatar, or attempts to negotiate, consequently includes elements involving all four States, as all four were acting in concert and imposed the same aviation restrictions, whether party to the IASTA or not, and all four would be part of the solution, if any, whether the matters concerned the Chicago Convention or the IASTA.

f) Consideration and negotiations within ICAO

114. In June 2017, the President of the Council transmitted to all Council delegations, including two of the three Respondents, a series of correspondence from the State of Qatar, with Qatar's request to add an item under Article 54(n) of the Chicago Convention to the Work Programme of the 211th Session of the Council. The correspondence attached to the President's memorandum are as follows:

1) Letter from Qatar to the President of the Council dated 17 June 2017, ref. 2017/16032, which constituted a separate and dedicated communication specifically on the Article 54(n) request to be circulated to the Council, with the aim "to restore the safe, secured and efficient flow of air traffic and immediate removal of the current blockade exercised unlawfully against Qatar-registered aircraft and the State of Qatar over the High Seas" (*Exhibit 1*).
2) Letter from Qatar dated 5 June 2017, ref. QCAA/ANS.02/502/17, to the Secretary General which referred to unilateral actions taken by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates to close FIRs allocated to them to traffic to/from Qatar, including Qatar Airways flights landing to/or overflying the FIRs. The letter requested an urgent decision from ICAO on provision of services for Qatar over the high seas airspace and stated that Qatar was working with the Regional Office to develop "contingency plans passing through international airspace for traffic to/from Qatar." The letter invited the Secretary General to consider bringing the matter to the attention of the Council (*Exhibit 2*).
3) In a letter of the Qatar Civil Aviation Authority to the President of the Council, dated 8 June 2017, ref. 2017/15984, Qatar stated that the Respondents had implemented a series of coordinated measures which, if allowed to stand, "effectively impose an air blockade" of Qatar. The letter stated that numerous provisions of the Chicago Convention and Transit Agreement had been violated; and requested urgent consideration by the Council under Article 54(n), as

well as the provision of contingency measures. For the IASTA, the letter indicated violations of Article I, Section 1 (*Exhibit 3*).

4) Letter from the Minister of Transport and Communications of Qatar dated 13 June 2017 to the Secretary General, ref. 2017/15993, noting that the actions of the Respondents to close their FIRs to Qatari aircraft effectively imposed an air blockade, and that these actions were inconsistent with existing conventions. Under Article 54(n), Qatar had requested ICAO to declare that the actions of the Respondents were violations of the IASTA and to order the Respondents to remove all the sanctions on an urgent and unconditional basis (*Exhibit 4*).
5) Letter to the Secretary General from the Chairman of the CAA of Qatar dated 13 June 2017, ref. 2017/15994, with an attachment reproducing a series of NOTAMs from the Respondents (*Exhibit 5*).
6) Letter dated 15 June 2017 from the Chairman of the Civil Aviation Authority, Qatar, to the Secretary General, ref. 2017/15995, by which Qatar formally invoked Article 54(n), requesting the Council to "take the necessary measures to rectify the violations of the Chicago Convention and the Transit Agreement." Attached to the letter was the formal Article 54(n) submission by Qatar. It was stated that the Respondents had deprived the State of Qatar of its rights to transit over their territory, as granted under the IASTA. The Council was requested to determine that the Respondents had violated the IASTA, and to order them to comply (*Exhibit 6*).

115. The Council met in Extraordinary Session on 31 July 2017 and considered a number of working papers.

116. Qatar's paper (C-WP/14641), reiterated that the Respondents had closed their airspace to Qatari-registered aircraft and had imposed severe restrictions on such aircraft with respect to access to international airspace over the high seas adjacent to their airspace. It was stated that the Respondents had violated the provisions of the IASTA. The Council was invited to urge the Respondents to lift the restrictions over the high seas or to provide alternative route/route segments to transit over the high seas. In addition, the Council was invited to urge the Respondents to comply in good faith with their obligations concerning the overflight freedom stipulated in the IASTA in order to allow Qatar-registered aircraft to resume normal transit flights within the airspace of the Respondents (*Exhibit 7*).

117. In their paper (C-WP/14640), the Respondents requested the Council, *inter alia*, to:

a) note the contingency measures agreed so far between the parties;

b) recognize that the parties are cooperating to implement the contingency measures; and

c) encourage the parties to further cooperate.

The Respondents confirmed that they had "revoked access to Qatar-registered aircraft to the airspace of these States (including airspace above territorial waters) with effect from 6 June 2017" (para. 2.1). In paragraph 4, the Respondents provided lengthy information on the contingency arrangements and routes (*Exhibit 8*).

118. The Secretary General, in her paper (C-WP/14639), reported that she had received letters from Saudi Arabia and Egypt in which both States confirmed the restrictions instituted on Qatari aircraft entering their airspace as well as landing at their airports (para. 1.3). The Secretary General reported on coordination meetings involving the various parties to enhance contingency arrangements (*Exhibit 9*). Since that time, additional coordination meetings have been held.

119. In introducing C-WP/14641, the Minister of Transport and Communications of Qatar referred to the closure by the Respondents of their respective airspaces to Qatar-registered aircraft and to impose severe restrictions on such aircraft with respect to access to international airspace over the high seas (*C-MIN Extraordinary Session, 31 July 2017, Exhibit 10*, at para. 7). The Minister indicated that the actions of the Respondents was in flagrant violation of relevant ICAO instruments (para. 11). Qatar was requesting the Council to lift the blockade (para. 14). The Director, Air Safety Department of the Qatar Civil Aviation Authority stated that Qatar was convinced that violations of the IASTA were matters of high priority (para. 25).

120. The Minister of Economy of the UAE, on behalf of the four States, spoke of the successful establishment of contingency routes with the cooperation of ICAO (para. 33). Mr. Al Belushi, Alternate of the UAE, noted:

> "that the ICAO MID Regional Office had coordinated multiple meetings to review the contingency measures currently in place and to discuss additional proposals ..." (para. 45).

121. During the ensuing discussion, numerous representatives spoke of the need to *continue* to cooperate, or negotiate, or dialogue, or discuss. The five States all expressed willingness to collaborate on technical issues. In its decision, the Council encouraged all five parties to continue their collaboration.

122. The point of this extensive recapitulation is *to show that there has been negotiations between the parties within the framework of ICAO. However, although the State of Qatar raised in correspondence,*

submissions and discussions in ICAO the specific violations of the IASTA, ICAO and the Respondents have so far not dealt with this issue, except in a very limited fashion with the provision of some contingency routes. The underlying refusal to allow Qatari aircraft on scheduled air services to fly over the territory of the Respondents and/ or to land remains in place.

g) Request for consultations within the World Trade Organization

123. Within the framework of the World Trade Organization (WTO), the State of Qatar has requested consultations with Bahrain and the United Arab Emirates, including specifically on the aviation restrictions imposed by them on Qatar.

124. On 4 August 2017, the WTO circulated communications dated 31 July 2017 from Qatar to the delegations of the aforementioned two States requesting them to "enter into consultations concerning measures adopted in the context of coercive attempts at isolation" imposed by the States. The communications referred to, *inter alia*:

1) prohibition of Qatari aircraft from accessing the airspace of the States; and
2) prohibition on flights to and from the two States operated by aircraft registered in Qatar, including prohibiting the landing of Qatari aircraft at airports in their respective territories.

The communications end by Qatar "looking forward" to receiving a reply within 10 days as contemplated under relevant WTO rules, and to "fixing a mutually acceptable date for consultations" (*Exhibits 11 and 12*).

125. By a joint letter dated 10 August 2017 to the Chairman of the Disputes Settlement Body of the WTO (*Exhibit 13*), the two Respondents expressed:

> "regret that consultations have been requested in this matter and take this opportunity to reiterate their shared and unwavering position that the measures referenced in the Request implement diplomatic and national security decisions with respect to all WTO members maintain full sovereignty. As the issues underlying this matter are not trade issues, a WTO panel should not be requested.
>
> ... Nothing in the WTO Agreements or Security Exceptions thereto can be construed to require a Member to furnish information which it considers contrary to its essential security interests, as is the case concerning the present matter.
>
> Based on the above, ... the undersigned governments decline to engage in consultations on this matter."

126. Irrespective of the procedural issues within the WTO framework, namely, whether the Respondents are correct or not and the further step, if any, which might be involved, this series of communications and correspondence shows that within another multilateral framework, the State of Qatar has sought unsuccessfully to engage two of the Respondents on the subject matter of the dispute before the Council.

h) Other negotiations or attempts to negotiate

127. *5 June 2017, Doha – Information office:*

> "The Ministry of Foreign Affairs of the State of Qatar expressed deep regret over the decision of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain to **close their borders and airspace** and cut off diplomatic relations" (emphasis added) (*Exhibit 14*).

128. *6 June 2017, Doha – Information Office:*

The Foreign Minister of Qatar stressed that the strategic choice of Qatar is to solve any crisis through dialogue. He stated that if "there were real reasons, it would have been put on the table for discussion during GCC [Gulf Cooperation Council] meetings, but none of that was mentioned. It wasn't mentioned either during the American-Islamic Arab summit in Riyadh". "There was supposed to be an address by HH the Emir ... to the Qatari people" but the speech was postponed at the request of HH the Emir of Kuwait in order to allow HH the Emir of Kuwait "'the space to move and make contact with the conflict parties and try to contain the issue as he always did.'" Qatar believed that the disputes among fraternal countries should be solved at the dialogue table, and that "'the strategic choice of the State of Qatar is to solve any dispute through dialogue.'" The Foreign Minister stated that there were "'inaccurate statements' regarding the **closure of airspace** and land and marine siege..." (emphasis added). He added that "No matter what differences between our countries are, we must discuss them within GCC... (*Exhibit 15*).

129. *6 June 2017, Doha – Information Office:*

The Foreign Minister of Qatar stated that Qatar is open to mediation to resolve the crisis. He added that "We are willing to sit and talk" (*Exhibit 16*).

130. *7 June 2017, Doha – Information Office:*

Reporting on a meeting with the President of the United States, the Foreign Minister of Qatar informed that as regards funding terrorism, "we told him very clearly if there is any allegation we can sit on the table and we can sort it out" (*Exhibit 17*).

131. *7 June 2017, Doha – Information Office:*

The Emir of the State of Qatar held a meeting with the Emir of Kuwait; the latter briefed the Emir of the State of Qatar on his efforts in trying to resolve the crisis (*Exhibit 18*).

132. *9 June 2017, Germany – Information Office:*

The Foreign Minister of Qatar held a meeting with the Foreign Minister of Germany, referring to the **air**, sea and land **siege, and the closure of land borders and airspace**. The Foreign Minister of Qatar reiterated that the choice of Qatar is dialogue. He stated: "There is also support and efforts from many friendly countries to contain this crisis and lift this unjust blockade of the State of Qatar and then the start of negotiations" (*Exhibit 19*).

133. *10 June 2010, Moscow – Information Office:*

At a meeting with his counterpart in Moscow, the Foreign Minister of Qatar "reaffirmed Qatar's commitment to the approach of dialogue in resolving differences with some neighboring countries, and said the Gulf Cooperation Council (GCC) is the most appropriate framework for resolving differences in the region" (*Exhibit 20*).

134. *10 June 2017, Moscow – Information Office:*

In a televised interview, the Foreign Minister of Qatar said that Qatar would not lose hope in the mediation by the Emir of Kuwait and that such mediation was still ongoing (*Exhibit 21*).

135. *12 June 2017, London – Information Office:*

In a statement to Al-Jazeera, the Foreign Minister of Qatar said that he was in contact with the Emir of Kuwait on his mediation efforts, and that the United States was also in contact with Kuwait on the mediation efforts. The Foreign Minister stressed that diplomatic dialogue is the solution to the crisis "which needs bases that have not yet been made available, adding that Qatar is ready to discuss any requests, provided that they are clear" (*Exhibit 22*).

136. *12 June 2017, Paris – Information Office:*

The Foreign Minister of Qatar stressed that Qatar still did not know what prompted the other parties to boycott it. He reiterated that Qatar is ready for a dialogue based on principles that respect international law. He also indicated that there was "European and American support to the State of Kuwait's mediation efforts" (*Exhibit 23*).

137. *15 June 2017, Doha – Information Office:*

Reporting on the diplomatic efforts by Qatar, the Foreign Minister of Qatar stated, *inter alia*, that Britain and Qatar agreed on the need to support the Emir of Kuwait in his efforts to mediate; Germany's Foreign Minister stressed the need to lift the land, sea and **air blockade** (*Exhibit 24*).

138. *17 June 2017, Doha – Information Office:*

The Foreign Minister of Qatar mentioned the strong efforts of the Emir of Kuwait and that there are "continued visits by the Kuwaiti brothers to the countries that have undertaken those unfair measures." However, no demands had been put forward (*Exhibit 25*).

139. The **New York Times** reported on 20 June 2017 (*Exhibit 26*) that the U.S. State Department "issued a blistering critique of Saudi Arabia and other Persian Gulf countries for enforcing a two-week embargo against Qatar without giving the tiny country any specific ways to resolve the crisis". The article cites the Department's spokesperson as follows:

> "Now that it has been more than two weeks since the embargo has started, we are mystified that the gulf states have not released to the public nor to the Qataris the details about the claims they are making toward Qatar.
>
> The more time goes by, the more doubt is raised about the actions taken by Saudi Arabia and the U.A.E. ...
>
> At this point, we are left with one simple question: Were the actions really about their concerns regarding Qatar's alleged support for terrorism, or were they about the long simmering grievances."

The spokesperson noted that the U.S. President had offered the (former) U.S. Secretary of State as an intermediary, but she said that Mr. Tillerson's interactions with leaders from the region had led him to conclude that his mediation role was not necessary and that "'they'll be able to work this out on their own.'"

140. The article reported that the spokesperson stated that "**Since the embargo against Qatar was announced on June 5, Mr. Tillerson has had more than 20 phone calls and meetings with leaders**

from the gulf and elsewhere, ... among those were two in-person meetings with Mr. al-Jubeir" (the Saudi Foreign Minister) (emphasis added).

141. The article ended by stating that Qatar's Foreign Minister had said that the country could not hope to resolve the crisis until Saudi Arabia and its partners provided specific reasons for their embargo. "We do not know these reasons" he is said to have stated.

142. **A list of "demands" from the Respondents** was thereupon presented by Kuwait to Qatar, on 22 June 2017 (*Exhibit 27*). The list of demands is at *Exhibit 28*; the Council is invited to consider the nature of these demands in the context of a negotiation.

143. On 25 June 2017, the **BBC** reported that the then U.S. Secretary of State said that some of these demands would be difficult to meet, but that the proposals provided a basis for dialogue. It further reported that Qatar's Foreign Minister subsequently rejected the list. Qatar's Foreign Minister is reported to have said that "the demands were proof that the sanctions had 'nothing to do with combatting terrorism ... [but] limiting Qatar's sovereignty and outsourcing our foreign policy'" (*Exhibit 29*).

144. Qatar was given ten days to respond to the "demands" or until 3 July 2017. The **BBC** reported on 27 June 2017 that the UAE government spokesperson had stated that Qatar "is not responding positively to what we've sent" and that "we'll cut all our ties with Qatar, economic, political and even social as a result of the **flight bans**" (emphasis added). The article indicates that: "For now, neutral Kuwait is trying to mediate, so far without success" (*Exhibit 30*).

145. *27 June 2017, Washington – Information Office:*

The Foreign Minister of Qatar affirmed that the "demands" are mere claims, should be supported by evidence and should be realistic and feasible. Referring to a meeting with the then U.S. Secretary of State, the Foreign Minister said: "We agree that the State of Qatar will engage in a constructive dialogue with the parties concerned if they want to reach a solution and overcome this crisis". The Minister noted that statements had been heard that the demands were not negotiable (*Exhibit 31*).

146. 27 June 2017, Washington – Information Office

On 27 June 2017, Qatar's Minister of Foreign Affairs met with the then U.S. Secretary of State. The Secretary of State expressed the importance of reaching a satisfactory solution as soon as possible and expressed his readiness to provide support to achieve this (*Exhibit 32*).

147. The **BBC** on 28 June 2017 reported that Qatar's Foreign Minister "has condemned its Gulf neighbours for refusing to negotiate over their demands for **restoring air**, sea and land **links**" (emphasis added). The article further states that "after holding talks with Mr. Tillerson in Washington on Tuesday, Saudi Foreign Minister Adel al-Jubeir was asked by journalists if the demands were non-negotiable. He replied 'yes'". The article also said that "Qatar's foreign minister, who met Mr. Tillerson... later on Tuesday, called the Saudi position 'unacceptable'". Further, the article quotes the UN Special Rapporteur on freedom of expression, David Kay, to the effect that "the closure of Al-Jazeera would 'strike a major blow against media pluralism in a region already suffering from severe restrictions on reporting and media of all kinds'" (*Exhibit 33*).

148. *30 June 2017, Washington – Information Office:*

At a gathering hosted by the Arab Center in Washington, the Foreign Minister of Qatar stated that the parties should "start by dialogue, making demands, discussing and verifying these demands, and then comes the stage where we overcome the challenges ... but setting demands with a deadline is an unusual precedent." He stated that any list of requests or demands should be negotiated, but making non-negotiable demands shows lack of respect for international law (*Exhibit 34*).

149. *1 July 2017, New York – Information Office:*

The Foreign Minister of Qatar met with the representatives of the five permanent members of the Security Council and with representatives of some non-permanent members; the Foreign Minister stressed Qatar's belief in the importance of dialogue and of supporting the mediation by the State of Kuwait (*Exhibit 35*).

150. *1 July 2017, Rome – Information Office:*

At a meeting with the Minister of Foreign Affairs of Italy, the Foreign Minister of Qatar reiterated that Qatar was ready to engage in constructive dialogue and negotiations with the Respondents, provided that the dialogue is based on sound foundations (*Exhibit 36*).

151. **And so it went on, at meeting after meeting and in one public forum after another, where the State of Qatar took every opportunity to offer to negotiate with the Respondents, to no, or virtually no, avail.**

152. *1 July 2017, Rome – Information Office:*

The Foreign Minister of Qatar stated that the Respondents prepared demands that were meant to be rejected; the demands violated international law and did not look to combat terrorism and instead

focussed on undermining and infringing the sovereignty of Qatar. Qatar, on the other hand, wanted dialogue with suitable conditions (*Exhibit 37*).

153. *4 July 2017, Doha – Information Office:*

At a joint press conference, the Foreign Ministers of Qatar and Germany praised the mediation efforts of the Emir of Kuwait. For the Foreign Minister of Qatar, it was clear that there was no solution except through negotiations (*Exhibit 38*).

154. *5 July 2017, London – Information Office:*

In a speech at the British Royal Institute of International Affairs, Chatham House, Qatar's Foreign Minister stated that for almost three weeks, after 5 June 2017, Qatar had been asking for specific demands, and that "only under international and especially American pressure did they on June 23rd, present us with a list of 13 'demands' that they said we had to meet by July 3rd."

> "... they did not represent 'reasonable and actionable' grievances against Qatar, as the US Secretary of State had hoped, and they were not 'measured' and realistic, as the UK's Foreign Secretary said they should be.
>
> ...
>
> The answer to our disagreements is not blockades and ultimatums. It is dialogue and reason. We in Qatar are always open to both, and we welcome any serious efforts to resolve our differences with our neighbours ... And we always welcome dialogue and negotiations.
>
> ...
>
> ... As the 48-hour extension is coming to an end, Qatar continues to call for dialogue...
>
> ... Qatar stands ready to engage in a negotiations process with a clear framework and set of principles that guarantee that our sovereignty is not infringed upon ..." (*Exhibit 39*).

155. *6 July 2017, London – Information Office:*

In an interview with CNN, Qatar's Foreign Minister stated that Qatar would not comply with any demands that it considers a violation of international law and that any demand that affects the sovereignty of the State of Qatar would not be discussed (*Exhibit 40*).

156. *7 July 2017, Doha – Information Office:*

A senior Qatar Foreign Ministry source referred to the fact that Qatar's response to the demands had been handed to the Emir of Kuwait as the mediator. The source reiterated Qatar's readiness to cooperate and review all claims that do not contradict the sovereignty of the State of Qatar (*Exhibit 41*).

157. *10 July 2017, Doha – Information Office:*

The Director of Qatar's Government Communications Office said that some of the allegations and demands of the Respondents had no basis, while the others were an attack on the sovereignty of Qatar; therefore Qatar had rejected those demands (*Exhibit 42*).

158. *10 July 2017, Abidjan – Information Office:*

Qatar's Minister of State for Foreign Affairs affirmed that Qatar was ready "to dialogue, negotiate and find solutions to existing problems within the framework of respect for the rights of every State without dictating or threatening" (*Exhibit 43*).

159. *11 July 2017, Doha – Information Office:*

On the occasion of the signature by Qatar and the U.S. of an MOU on combatting terrorism financing, it was noted that a tripartite meeting had been held with Kuwait, where they discussed the Gulf crisis' developments. The U.S. Secretary of State "described his discussions with the Qatari leadership as deep and constructive, noting that he would head to Saudi Arabia to discuss their concerns and options for settling the crisis". The Secretary of State confirmed that the purpose of his visit was to support Kuwait's efforts in mediation, to help both parties understand the source of concern, and to find a possible solution to their differences (*Exhibit 44*).

160. *11 July 2017, Doha – Information Office:*

A joint meeting was held between Qatar, Kuwait and the U.S. to discuss developments in the crisis and to review the Kuwaiti mediation efforts (*Exhibit 45*).

161. According to a **New York Times** article dated 11 July 2017, on 12 July 2017 the U.S. Secretary of the State would take the MOU on terrorism financing signed with Qatar to:

> "leaders in Saudi Arabia, United Arab Emirates and Bahrain to see if it will be enough to end a standoff that has led four Arab nations to blockade Qatar for more than a month...
>
> The State Department has openly questioned whether the Saudi-led group's real intent is to settle old scores with Qatar, and on Tuesday Mr. Tillerson made clear that on the issue of terrorism financing, Qatar had now leapfrogged its rivals.
>
> ...
>
> Mr. Tillerson hoped to avoid this trip. **During the first days of the crisis, he spent hours on the phone urging the two sides to compromise**. In his first major public address about the dispute, he cited humanitarian reasons for the four countries to end their embargo unconditionally.

...

> 'The purpose of the trip is to explore the art of the possible of where a resolution can be found', said R.C. Hammond, a spokesperson for Mr. Tillerson.
>
> But with failure all too likely, Mr. Hammond said that Mr. Tillerson was maintaining his distance and not trying to act as a mediator" (emphasis added) (*Exhibit 46*).

162. *13 July 2017, Doha – Information Office:*

Another meeting between the U.S, Qatar and Kuwait also discussed the results of the U.S. Secretary of State's visit to Jeddah. The Foreign Minister of Qatar took the opportunity to once again express that Qatar:

> "is always open to constructive dialogue to resolve any disputes between states. This crisis can only be resolved through dialogue based on the principles of mutual respect and the sovereignty of States ...and the State of Qatar is ready to discuss all the demands presented by the four countries and their evidence based on these grounds" (*Exhibit 47*).

163. *14 July 2017, Ankara – Information Office:*

At a meeting with Turkey's Minister of Foreign Affairs, the Foreign Minister of Qatar stressed that Qatar believed in the importance of dialogue to resolve the crisis (*Exhibit 48*).

164. *15 July 2017, Doha – Information Office:*

At a meeting with the Minister of Foreign Affairs of France, Qatar's Foreign Minister stressed that:

> "Qatar was prepared to hold constructive dialogue with the siege countries, so long as it doesn't infringe on the sovereignty of the State of Qatar and that it is done in accordance with international law" (*Exhibit 49*).

165. *17 July 2017, Athens – Information Office:*

Qatar's Ambassador to Greece stated that Qatar "still awaits the return of its Arab brothers to the dialogue table"; he also expressed regret about the land, sea and **air siege** of Qatar (*Exhibit 50*).

166. *21 July 2017,* ***Independent*** *Newspaper, UK:*

The Independent reported a speech by the Emir of Qatar in which he called for dialogue to resolve the crisis. The paper reported that the U.S. Secretary of State said the U.S. was satisfied with Qatar's efforts to implement an agreement aimed at combatting terror financing, and urged the four States to lift their land blockade. The speech was said to come days before the Turkish President "was due to visit Qatar,

Saudi Arabia and Kuwait to try to resolve the rift." The paper also referred to a round of shuttle diplomacy earlier in the month by the U.S. Secretary of State (*Exhibit 51*).

167. *25 July 2017, Washington – Information Office:*

In an interview with the Washington Post, the Foreign Minister of Qatar expressed Qatar's eagerness for dialogue to settle the crisis, "adding that it is a 'victim of geopolitical bullying' by larger neighbours who are seeking 'nothing short of the surrender of Qatari sovereignty', the newspaper reported" (*Exhibit 52*).

168. *25 July 2017, Washington – Information Office:*

In an interview with the Al-Jazeera, the Foreign Minister of Qatar praised "'the great efforts made by US Secretary of State Rex Tillerson during his recent visit to the Gulf countries, which came out with proposals we are going to respond to.'" He stressed that: "'Qatar will not negotiate on its national sovereignty and is ready to talk about the claims of the siege countries of the threat of Qatar to their national security, provided that these allegations are substantiated'" (*Exhibit 53*).

169. *25 July 2017, Vienna – Information Office:*

The Ambassador of Qatar to Austria stated in an interview that "'Dialogue is needed ... We will continue to adhere to this principle. We call on the other party to take the same step'" (*Exhibit 54*).

170. *27 July 2017, Washington – Information Office:*

In statements to Al Jazeera, the Foreign Minister of Qatar said that he discussed with the U.S. Secretary of State the American proposals on the crisis which the Secretary of State "came with during his recent visit to the Gulf countries". He pointed out that Qatar deals positively with the proposals (*Exhibit 55*).

171. *27 July 2017, New York – Information Office:*

In a meeting with the UN Secretary General, the Foreign Minister of Qatar stressed Qatar's keenness on pursuing dialogue to resolve the crisis "and its readiness to sit on dialogue table along with the siege countries based on the principles of respect for international law and the sovereignty of the State of Qatar" (*Exhibit 56*).

172. The **official Saudi Press Agency** reported on 30 July 2017 that the Minister of Foreign Affairs of Saudi Arabia "said there **is no negotiation over the 13 demands or the six principles** that were issued in the Cairo Declaration" (emphasis added) (*Exhibit 57*).

173. *18 August 2017, Oslo – Information Office:*

At a meeting with Norway's Foreign Minister, Qatar's Foreign Minister "reiterated Qatar's supportive stance of the Kuwaiti mediation, dialogue and an effective and sustainable diplomatic solution based on respect for international law and sovereignty. H.E the Minister also briefed his Norwegian counterpart on the status of the Kuwaiti mediation, stressing Qatar's positive interaction with it" (*Exhibit 58*).

174. *30 August 2017, Doha – Information Office:*

The Qatar Foreign Minister met his Russian counterpart and "reiterated Qatar's readiness for dialogue ..., noting that the State of Qatar has presented an official request to the State of Kuwait stating its readiness for dialogue but it has not been answered by the siege countries" (*Exhibit 59*).

175. *30 August 2017, Doha – Information Office:*

In a joint press conference with Russia's Foreign Minister, Qatar's Minister of Foreign Affairs referred to:

> "...**the letters sent by HH the Emir of Kuwait to all the parties, which called for dialogue directly and unconditionally. He noted that the State of Qatar was the only country to respond to the Kuwaiti letter after a few days, in the contrary, non of the siege countries responded, in continuation of their approach of not responding and ignoring any mediation efforts, whether from Kuwait or any other friendly country, referring in this regard to the visits of the US Secretary of State's envoys who presented some proposals that were also ignored by the siege countries"** (emphasis added).
>
> ...
>
> "HE the Foreign Minister recalled several attempts to hold an unconditional dialogue by mediators and most recently by HH the Emir of Kuwait. The siege countries did not respond to those calls for dialogue and set conditions each time they were invited to talk. The State of Qatar has expressed its desire to resolve the crisis through dialogue more than 12 times..."

The Foreign Minister said that "international organizations are doing their work and that the movements have led to results with regard to the sea, **aviation**, humanitarian cases and other illegal measures" (emphasis added) (*Exhibit 60*).

176. *1 September 2017, Brussels – Information Office:*

At a meeting with a number of European Parliament members, the Foreign Minister of Qatar stressed "Qatar's respect to the Kuwaiti mediation efforts, and renewed Qatar's readiness to hold a dialogue with the siege countries which respects international law and sovereignty" (*Exhibit 61*).

177. On 8 September 2017, it was widely reported that the Emir of Qatar had a telephone conversation with the President of the United States. The U.S. President briefed the Emir on the results of his communication with the Crown Prince of Saudi Arabia, as well as discussions held with the Emir of Kuwait. **In one of the few direct contacts between the parties, there followed a telephone call between the Emir of Qatar and the Crown Prince of Saudi Arabia**, where it seems both stressed the need to resolve the crisis by sitting down to dialogue.

178. However, things degenerated from that point.

179. The Qatari newspapers stated that the Emir of Qatar welcomed the proposal of the Crown Prince of Saudi Arabia to assign two envoys "to resolve controversial issues in a way that does not affect the sovereignty of states" (*Exhibit 62*).

180. The **official Saudi Press Agency** reported on 9 September 2017 that a Saudi official at the Foreign Ministry said that what was published was a distortion of facts. The press release went on:

> "**The contact was at the request of Qatar and its request for dialogue with the four countries on the demands**, and because this proves that the authority in Qatar is not serious in dialogue and continues its previous policies, **the Kingdom of Saudi Arabia declares than any dialogue or communication with the authority in Qatar shall be suspended**..." (emphasis added) (*Exhibit 63*).

The above clearly shows that such contact was at the behest of Qatar, that the parties were in direct contact, but that this was futile and that the parties are at a deadlock.

181. *11 September 2017, Emirates News Agency:*

The Emirates News Agency referred to an editorial by Gulf News, a UAE newspaper, which states:

> "There have been attempts by third-party intermediaries to intercede and broker an end to this impasse, and the Emir of Kuwait ... has acted as a go-between during this time of indirect communications. **The US, Germany and France have all played a role. Each of the quartet's 13 demands are non-negotiable and non-divisible and are the bare minimum required to return once more to normalcy between neighbours. And the quartet are ready to listen**" (emphasis added) (*Exhibit 64*).

182. *11 September 2017, Geneva – Information Office:*

Speaking at a press conference, the Foreign Minister of Qatar stated that Qatar responded to the 13 demands "in a legal and rational language and sent the response to the four countries, which subsequently issued the six principles, which Qatar has expressed a willingness to discuss, as long as there are collective obligations from all countries, but we were surprised by the retreat of the four countries and insist again on the 13 demands, and one of which would be void after 10 days." Referring to the

telephone call between Qatar and Saudi Arabia, the Foreign Minister said that: "Half an hour later Saudi Arabia issued a statement saying what we said about communication is a lie, and all the points mentioned in our statement were based on facts". However, Qatar's position had not changed; Qatar was ready to talk to the other States and to participate in any efforts to resolve the crisis (*Exhibit 65*).

183. *15 September 2017, Paris – Information Office:*

During a meeting in France, the Emir of Qatar and the President of France discussed the efforts to resolve the crisis "through dialogue and diplomatic means through the sisterly State of Kuwait, which is supported by the two countries" (*Exhibit 66*).

184. *19 September 2017, New York – Information Office:*

At the opening session of the 72nd Session of the UN General Assembly, the Emir of Qatar stated:

> "Qatar is managing successively its living, economy, development plans and its outreach to the outside world, with the availability of air and sea routes ...
>
> The blockade was imposed abruptly and without warning...
>
> ...
>
> ...At the same time we have taken an open attitude towards dialogue without dictation, and have expressed our readiness to resolve differences through compromises based on common understandings. From here, I renew the call for unconditional dialogue based on mutual respect for sovereignty and I highly value the sincere and appreciated mediation that the State of Qatar has supported since the outbreak ..." (*Exhibit 67*).

185. *19 September 2017, New York – Information Office:*

The Emir of Qatar met with the President of the United States and discussed the Gulf crisis and the efforts to solve it through dialogue and diplomatic means. The President of the U.S. noted that there were ongoing efforts to solve the problem. For his part, the Emir stated that the efforts of the U.S. President would help a lot in finding a solution, stressing Qatar's readiness and openness for dialogue (*Exhibit 68*).

186. *26 September 2017, New York – Information Office:*

In a statement at a Ministerial Meeting of the Non-Aligned Movement, the Minister of State for Foreign Affairs affirmed Qatar's readiness for a constructive and direct dialogue on the allegations raised against it and to resolve differences of views. He drew attention to the land, sea, and **air siege** imposed on Qatar (*Exhibit* 69).

187. *19 October 2017,* ***Bloomberg*** *reported that:*

> "**Secretary of State Rex Tillerson** has little hope that a Saudi-led bloc's stand off with Qatar will end anytime soon, **blaming the four countries lined up against the emirate for a lack of progress** and casting doubts on U.S. efforts to mediate the crisis.
>
> **'There seems to be real unwillingness on the part of some of the parties to want to engage', Tillerson said** in an interview Thursday in Washington. **'Its up to the leadership of the quartet when they want to engage with Qatar because Qatar has been very clear – they're ready to engage**.'
>
> Tillerson made the comment days before he embarks on a trip to the region, including stops in Saudi Arabia and Qatar, in a renewed push to solve the dispute" (emphasis added) (*Exhibit 70*).

188. *22 October 2017, Doha – Information Office:*

At a meeting with the U.S. Secretary of State during his visit to Doha, the Foreign Minister of Qatar briefed his counterpart on the latest developments of the Gulf Crisis and the Kuwaiti mediation efforts and affirmed Qatar's continued commitment to engage in constructive dialogue to resolve the Gulf Crisis. He also stated that the convening of any summit of the GCC would be a good opportunity for a civilized and diplomatic dialogue (*Exhibit 71*).

189. The **U.S. Department of State**, Bureau of Public Affairs, has published a transcript of remarks made by the U.S. Secretary of State while in Doha on 22 October 2017. He stated, *inter alia*:

> "So we call again on all the parties involved to continue to work towards discussion and dialogue and finding a way to deal with differences...
>
> The U.S. is continuing to do our part. **We're going to continue to support the Emir of Kuwait in his efforts towards finding a diplomatic solution, and we will continue to engage all parties as how we can better help them understand concerns and possibly find a solution**.
>
> ...
>
> **...We are staying in very close contact with all the parties. President Trump himself speaks to the leaders of the countries that are involved**, and he has stressed to all of those that he believes that it is time to find a solution to this dispute. The U.S. is prepared to facilitate in any way we can, whether it be facilitating the discussion themselves or offering possible roadmaps for solutions.
>
> ...
>
> **With respect to talks getting underway, yes, I did in my meetings with Crown Prince Mohammad bin Salman ask him please engage, please engage in dialogue**. There's not a strong indication that parties are ready to talk yet ... But we are going to continue to work towards that dialogue and toward that engagement ...

> With respect to Iran gaining, I think the most immediate and obvious gain that Iran has is that it is Qatar's only airspace available for Qatar to operate..." (emphasis added) (*Exhibit 72*).

190. *22 October 2017, Doha – Information Office:*

At a joint press conference with the U.S. Secretary of State, the Foreign Minister of Qatar stated that Qatar believed that the convening of any GCC meeting would be a golden opportunity to at least start a dialogue, noting that Qatar had received no official messages regarding a postponement of the summit, and hoping that the summit would take place as scheduled. He said that any postponement of such an important meeting would be due to "the intransigence of the siege countries and their rejection of dialogue." He wished that these countries would "shoulder their responsibility in terms of engaging in a positive and serious dialogue to put an end to this crisis that has no clear reason so far neither to the State of Qatar nor to any of its allies" (*Exhibit 73*).

191. *4 November 2017, Marrakech – Information Office:*

The Foreign Minister of Qatar re-affirmed that Qatar has called for dialogue as a solution to crises, and expressed hope that the countries will come to the dialogue table again. He stated:

> "...We expect more allies and more friends to declare their rejection of the violation of international law, and that the U.S. has been at the forefront of these countries, they try to call for dialogue, but in any conflict or crisis, there are always two sides, if one part is unwilling to dialogue, the crisis cannot be ended, even if one of the parties is forced to the dialogue table, they will not come up with a good intention to solve the problem.
>
> Qatar maintained its position to resolve this crisis, it will be on the table waiting for it with our friends and allies ..." (*Exhibit 74*).

192. *14 November 2017, Doha – Information Office*:

The Emir of the State of Qatar addressed the opening of Qatar's Advisory Council on 14 November 2017, referring to the unjust blockade, and stating:

> "... we mean what we say when we express our readiness for settlements within the framework of dialogue based on mutual respect for sovereignty and joint commitments. On the other hand, we are aware that the indicators we receive reveal that the siege countries are unwilling to reach a solution.
>
> ...
>
> ... I extend my sincere thanks to [the] ... Emir of the brotherly State of Kuwait, for all his commended efforts in mediating among our Gulf States...
>
> ...

> We have, of course, taken the necessary measures to counter the new challenges in areas of **air** and maritime transport" (*Exhibit 75*).

193. The **Office of the United Nations High Commissioner for Human Rights (OHCHR)** undertook a technical mission to Qatar from 17 to 24 November 2017. The United Arab Emirates and Bahrain were informed of the invitation to conduct such a mission, and the OHCHR expressed a readiness to conduct similar missions to their States, which were not accepted.

The OHCHR stated:

> "While the Emir of Kuwait endeavoured to engage with all the States concerned so as to ease tensions and avoid any escalation, **dialogue appears to have stalled**".
>
> ...
>
> In a meeting with Director's Managing Team of Qatar Airways, the [OHCHR] team was informed that the **closure of airspace** of KSA, UAE and Bahrain, with only a narrow corridor to the north available, requiring Qatar Airway's flights to be routed through Iran and then flow wide around Saudi Arabia to access destinations to the west and south. This combined with the end of flights to and from KSA, UAE ab (*sic*) Bahrain has significantly reduced Qatar's accessibility by **air** and increased travel times and costs.
>
> ...
>
> The crisis has been characterized by the absence of dialogue among the States concerned, with **the mediation efforts initiated by Kuwait having stalled**" (emphasis added) (*Exhibit 76*, at paras. 10, 30 and 65).

194. *18 November 2017, Doha – Information Office:*

In an interview with the U.S. T.V. network MSNBC, the Deputy Prime Minister and Foreign Minister of Qatar stressed that Qatar was still committed to resolving the GCC crisis. He stated that Qatar was getting support from the U.S. "across the board for putting an end to the siege". Qatar was committed to reaching a resolution (*Exhibit 77*).

195. *3 December 2017, Doha – Information Office:*

The Foreign Minister and Deputy Prime Minister said at a lecture that he hoped that the GCC crisis would be resolved in the context of the GCC and through Kuwaiti mediation. He referred to meetings to be hosted next day by the Emir of Kuwait, at the ministerial level. He stressed that the summit "must result in a clear mechanism that puts an end to this crisis which has lasted six months so far." He said that:

> "they now rely on the wisdom of HH Sheikh Sabah [Emir of Kuwait] and the other countries to have a voice of reason that calls for coming to a table and discussing differences, on the condition that any agreement is binding to all parties involved. In that case Qatar will be the first to welcome such an agreement."

The Deputy Prime Minister and Foreign Minister:

> "highlighted the United States' many attempts to resolve the situation, including a road map presented by the U.S. Secretary of State at the onset of the crisis and an invitation from the president of U.S. for holding a dialogue in Camp David. Both invitations were rejected ..." (*Exhibit 78*).

196. *10 January 2018, Doha – Information Office:*

In an interview on Qatar Television, the Deputy Prime Minister and Foreign Minister of Qatar:

> "noted that **the demands were leaked to the media** after being delivered to the State of Qatar, adding that **Doha legally submitted its response to these demands** to HH the Emir of Kuwait..., **and then the six principles were issued in Cairo and were welcomed by the State of Qatar as governing principles. However, ... the siege countries brought the 13 demands again to the forefront and at that point it was not understood whether they want the 13 demands or the six principles.**"
>
> ...
>
> "As for the efforts of HE U.S. Secretary of State Rex Tillerson and why these efforts were not successful, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the State of Qatar dealt with HE the U.S. secretary of state in a transparent, open, positive and constructive manner.
>
> He said that the U.S. secretary of state visited Qatar and then Saudi Arabia and met with the siege countries, and then returned to Doha with a proposal of principles and a roadmap and asked for a response to this proposal within five days, and also mentioned that the Saudi crown prince told him that they do not mind a dialogue, but the State of Qatar should issue a statement in a specific format that it is ready to negotiate.
>
> 'We agreed and he gave me the wording of the proposal and it was an acceptable format. We issued it in a statement after the departure of the U.S. secretary of state. Saudi Arabia was supposed to issue a similar statement to welcome this. The Qatari statement was issued and no Saudi welcoming statement followed but rather a negative one in response to the Qatari statement.
>
> Subsequently, **we** ignored this stage and **responded to the roadmap and the list of principles after the five days mentioned by the U.S. secretary of state and nearly 90 percent of them were acceptable whether the roadmap or the principles** because they were rational and do not affect the sovereignty of any state and are binding for all, and so was the roadmap. **After that, we asked about the measures that should follow. The American response was that the siege countries did not respond and therefor the matter stalled at that time,'** HE the deputy prime minster and foreign minister said.
>
> As for the ministerial meeting that preceded the recent GCC summit in Kuwait, HE the deputy prime minister and foreign minister said that the State of Qatar was informed by HE the Kuwaiti first deputy prime minister and foreign minister that the State of Kuwait had received an acceptance from Saudi Arabia that the summit were to be held in their presence, adding that and the attendance of Saudi Arabia, the UAE and Bahrain

> was confirmed. 'We also welcomed the participation and that HH the Emir welcomes attending the summit as long as it would be held and that it would be an opportunity to discuss the issue' and be the first direct discussion at the dialogue table in a civilized way.
>
> He added that he went to the ministerial meeting and HE Sheikh Sabah Khaled Al-Hamad Al-Sabah asked him not to raise the issue of the Gulf crisis in the meeting as it would be discussed at the level of the leaders the next day. 'We respected the Kuwaiti request but asked that the final declaration included welcoming the Kuwaiti efforts to mediate just as a reference to the crisis, and that what follows would depend on the outcome of the discussion of the leaders at the summit.'
>
> HE Sheikh Mohammed bin Abdulrahman Al-Thani added that the next morning before HH the Emir left Doha, 'we were told that Saudi Arabia, the UAE and Bahrain would reduce the level of representation and that they would not participate at the level of the leaders'" (emphasis added) (*Exhibit 79*).

197. 30 January 2018, **U.S. Department of State, Media Note, Joint Statement of the Inaugural United States – Qatar Strategic Dialogue**

The governments of Qatar and the U.S. held an inaugural Strategic Dialogue in Washington D.C. on 30 January 2018.

> "Qatar and the United States discussed the Gulf crisis and expressed the need for an immediate resolution which respects Qatar's sovereignty ... Qatar emphasized its appreciation for the role played by the United States in the mediation of the dispute in support of the Emir of Kuwait...
>
> ...
>
> Qatar and the United States stressed the importance of maintaining **freedom of navigation, of overflight**, and of unimpeded lawful commerce in accordance with international law" (emphasis added) (*Exhibit 80*).

198. *4 February 2018, Washington – Information Office:*

In an interview with Al-Jazeera, the Deputy Prime Minister and Foreign Minister of Qatar explained that Qatar asked the siege countries to sit at the table to discuss a solution based on clear principles and foundations. He added:

> "Today the State of Qatar is still in the same position, and other countries still reject dialogue..." (*Exhibit 81*).

199. *19 February 2018, Doha – Information Office:*

The Qatari Deputy Prime Minister and Minister for Foreign Affairs, before the Qatari Advisory Council, stated that:

> "Qatar, over eight months, sought dialogue but the siege countries closed the door, noting that there are no endeavours on Qatar's side now but it welcomes any constructive efforts."

He added that there were no new efforts except from the United States, especially those related to the Camp David summit; if Qatar were invited, it would attend. He reiterated that "there are no positive indicators from the siege countries" (*Exhibit 82*).

200. *3 March 2018, Geneva – Information Office:*

The official spokesperson for the Foreign Ministry of Qatar said that the affirmation of the siege States that the only way out of the crisis was through Kuwaiti mediation was a good development. She added that the siege imposed on Qatar by the **closure of** land, sea and **air routes was illegal** (emphasis added) (*Exhibit 83*).

201. *14 April 2018, Arab News:*

In an article updated on 14 April 2018, the Saudi-based Arab News reported that the Foreign Ministers of Saudi Arabia, Egypt, the UAE and Bahrain held a meeting and discussed "the developments regarding the Qatari crisis and stressed the Quartet's firm position on the necessity of Doha fulfilling the 13 demands that have been put forward, as well as its adherence to the Six Principles of Cairo Meeting and Manama Declaration as a necessary foundation for normalizing relations with them" (*Exhibit 84*).

i) Summary of Negotiations

202. Negotiations between the parties have taken place in the framework of ICAO, where specific references to breaches of the IASTA were identified. Within WTO, Qatar asked for consultations with two of the Respondents, including on the subject of Qatari aircraft not being able to access their airspace and the prohibition on landing by Qatari aircraft in these States. Negotiations in the framework of international organizations is one of the recognized modalities in international law.

203. Beyond these, Qatar has on innumerable occasions requested to negotiate with the States. From the very earliest stages, the Emir of Kuwait has attempted to "mediate", essentially using his good offices. From his efforts, on 22 June 2017, a list of "demands" from the Respondents was given to Qatar

to which Qatar replied. Later, some "principles" were added by the Respondents. From the side of the Respondents, these demands are not negotiable (see *Exhibits 33, 57 and 64*). As of 14 April 2018, the Respondents are still insisting on the fulfillment of the "demands" and "principles" (Exhibit 84) but are not willing to sit with Qatar or to discuss.

204. The United States has also played a significant, if unsuccessful role, to bring the parties together to find a solution. There has been many telephone calls and several visits to the parties from high-level government officials. The then U.S. Secretary of State requested the Crown Prince of Saudi Arabia to "please engage in dialogue", but there was no strong indication that the parties wanted to talk (*see Exhibit 72*). The then Secretary of State met Qatar and then the Respondents and came back with a proposal of principles and a road map; Qatar responded but the Respondents did not (*see Exhibit 79*).

205. Efforts have also been made by some European States to find a solution.

206. On 8 September 2017, there was a telephone call between the President of the United States and the Emir of Qatar, following which the Emir of Qatar and the Saudi Crown Prince had a telephone discussion, a rare direct contact (*see Exhibit 62*). However, soon afterwards, some of the reported contents of that call were disputed, and Saudi Arabia declared "that any dialogue or communication with the authority in Qatar shall be suspended" (*see Exhibit 63*).

207. The airspace closures and landing prohibitions constitute one of the most, if not the most, severe measures imposed by the Respondents. The exchanges contain many references to the measures generally and to the aviation aspects specifically.

208. All these efforts have come to naught. For almost five months before Qatar filed its Application with ICAO (30 October 2017) and eleven months to the filing of this Response, the Respondents still violate the provisions of the IASTA and prevent Qatari aircraft on scheduled air services from flying over, or landing on, their territory.

209. The above shows that there has been negotiations, or attempted negotiations by Qatar, in multilateral fora, through the good offices of several third parties, and a direct telephone call with one of the four States instituting the air blockade.

210. However, there cannot be clearer factual evidence that all this has led to no progress to solving the matter, that the negotiations are futile and the parties are deadlocked and that the disagreement cannot be settled by negotiations, whether one takes the date of the filing of Qatar's Application or the current date. As was stated in the *South West Africa* case, so long as both sides remain

adamant, there is no reason to think that the dispute can be settled by further negotiations (para. 98 above); or, in the words of the PCIJ, "if finally a point is reached at which one of the Parties definitely declares himself unable, or refuses, to give way, and there can be therefore no doubt that the dispute cannot be settled by diplomatic negotiations" (*Mavrommatis Palestine Concession*, cited in para. 96 above).

211. In every single case before the Council, it has decided that the condition of negotiation was met; in every single case, bar one (*Convention on Elimination of All Forms of Racial Discrimination*) where the question arose before the ICJ, it decided that the condition of negotiation had been met.

Concluding Remarks on negotiations

212. A renowned jurist has said in one of the most authoritative books on ICAO:

> "In principle, the ICAO Council lacks jurisdiction to decide a case submitted to it by a state that has made no effort, beyond going through certain diplomatic formalities, to enter into *bona fide* negotiations with the respondent state. As a practical matter, however, *a plea based on this ground will rarely – if ever – succeed*, because such an allegation is extremely difficult to prove. Moreover, the Council cannot and probably should not substitute its judgment for that of the applicant state in deciding whether the dispute could have been settled by negotiations, for in the final analysis that decision is political in nature"[5] (emphasis added).

213. It is also worth recalling the words of the then Director of the Legal Bureau when the Council considered the settlement of differences between *United States v. 15 European States* (2000):

> "[T]he terms negotiations in the article in question... obviously was intended not to be restrictive. Whether these negotiations would take place in one form or another, regarding the form, might perhaps not matter as much as if there was exchange between the parties on their respective views and their respective positions" (C-MIN 161/5, para. 39).

214. Based on these thresholds and those enunciated elsewhere in this Response, the State of Qatar respectfully submits that it has proved, in the words of Article II, Section 2 of the IASTA, that the disagreement cannot be settled by negotiation.

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[5] T. Buergenthal, Law-Making in the *International Civil Aviation Organization* (1st ed) (Syracuse University Press, 1969) at p.130-131.

SUBMISSIONS OF THE STATE OF QATAR

215. For the above reasons, and reserving the right to supplement, amend or otherwise modify these submissions in the course of the proceedings if necessary, the State of Qatar respectfully invites the Council to:

a) declare that it has jurisdiction to consider the disagreement;

b) declare that it has no competence at this Preliminary Objection Phase to consider the claims, arguments and submissions of the Respondents on admissibility;

c) reject the preliminary Objections of the Respondents in their entirety; and

d) order, pursuant to Article 5 (3) of the ICAO *Rules for the Settlement of Differences*, that the period given to the Respondents for the filing of their counter-memorial, which was interrupted by the filing of the Preliminary Objections, shall begin to run again immediately following the Council's rejection of the Preliminary Objections.

Respectfully submitted

Essa Abdulla Al-Malki

Agent for the State of Qatar

Exhibits relating to Application B

EXHIBIT 1

Date: 17/06/2017

الهيئة العامة للطيران المدني-CAA
ص ع/ر/2017/15032
17/6/2017

Dr. Olumuyiwa Benard Aliu
President of the Council
International Civil Aviation Organization
999, Robert-Bourassa Boulevard
Montréal, Quebec
Canada

Sub: Confirmation of the decision of the State of Qatar to invoke Article 54 n) and include a top-urgent item to the Work Programme of the ongoing ICAO Council 211th Session

Your Excellency,

In response to your communication reference no. AN 13/4.3.Open-AM066892 dated 13 June 2017, in which you requested a separate and dedicated communication specifically on the Article 54 n) to be circulated to the Council for a decision to include this top-urgent item to the Work Programme of the ongoing ICAO Council 211th Session.

I would like to refer to the following communications:
In reference to our letter reference no. ANS.02/502/17, dated 05 June 2017;
In reference to your letter reference no. AN 13/4.3.Open-AMO66892, dated 07 June 2017
In reference to our letter reference no. 2017/15984 dated 08 June 2017;
In reference to our letter reference no. 2017/15993 dated 13 June 2017;
In reference to our letter reference no. 2017/15994 dated 13 June 2017;
In reference to your letter reference no. AN 13/4.3.Open-AMO66892 dated 13 June 2017; and
In reference to our letter reference no. 2017/15995 and its supplement dated 15 June 2017.

I would like to confirm that the State of Qatar has officially submitted the application addressed to the Secretary General and Your Excellency through our letter reference no. 2017/15995 and its supplement dated 15 June 2017, requesting the urgent intervention of the ICAO Council under Article 54 n).
Therefore, I would like to request that the Council include this **top-urgent** item to the Work Programme of the ongoing ICAO Council 211th Session and request urgent actions to restore the safe, secured and efficient flow of air traffic and immediate removal of the current blockade exercised unlawfully against Qatar-registered aircraft and the State of Qatar over the High Seas, which is a high risk to the safety, security and efficiency of international air transport.

The Civil Aviation Authority of the State of Qatar avails itself of this opportunity to express the assurances of our highest consideration to the President of the ICAO Council.

Sincerely,

Abdulla Nasser Turki Al-Subaey
Chairman, Civil Aviation Authority

CC: Dr. Fang Liu, Secretary General of ICAO

www.caa.gov.qa
هاتف: +٩٧٤٤٤٥٥٧٢٢٢
فاكس: +٩٧٤٤٤٥٥٧٢٢٣

EXHIBIT 2

CIVIL AVIATION AUTHORITY

State of Qatar

Dr Fang Liu
Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

QCAA/ANS.02/502/17
05 June 2017

Subject: **Subject: Unilateral action taken by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates (UAE) in closing their respective Flight Information Regions (FIR) for all flight to/from the State of Qatar, breaching the spirit of the Chicago Convention.**

Dear Madam,

We were surprised to note the unilateral action taken by concerned States regarding the closure of Bahrain, Cairo, Jeddah and UAE Flight Information Regions for traffic to/from Qatar, including Qatar Airways flights landing to/or overflying the respective FIRs. This has resulted in practically isolating the State of Qatar to the outside world.

It is to be noted that the State of Qatar has delegated provision of services above its territorial airspace to Bahrain. Qatar lies within Bahrain FIR and we control traffic within our Terminal Control Area (TMA) up to Flight Level 245 (FL 245). We need urgent decision from ICAO on provision of services from Qatar over the high seas airspace.

The action taken by the concerned States in not in accordance with the Spirit of the Chicago Convention and will have major impact on safety and efficiency of international air transport in the region and we fail to understand the rationale behind this drastic approach.

We are accordingly working with the ICAO Regional Office to develop contingency plans passing through international airspace for traffic to/from Qatar.

We would invite you to consider bringing this issue to the attention of the ICAO Council, with a view make an appeal in accordance with the "*Settlement of Dispute*" mechanism in conformance with Article 84 of the Chicago Convention.

Accept Madam, the assurances of our highest consideration.

Sincerely,

Abdulla Nasser Turki Al-Subaey
Chairman Civil Aviation Authority

Copy: 1. President of the ICAO Council
2. Regional Director ICAO Middle East office

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EXHIBIT 3

CIVIL AVIATION AUTHORITY

Chairman's Office

State of Qatar

Dr. Olumuyiwa Benard Aliu
President of the Council
International Civil Aviation Organization
999, Robert-Bourassa Boulevard
Montréal, Quebec
Canada

الهيئة العامة للطيران المدني-CAA
ص غ/م ر: 2017/15984
8/6/2017

Sub: Request for the Intervention of the ICAO Council in the Matter of the Actions of the Arab Republic of Egypt, the Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain to close their Airspace to aircraft registered in the State of Qatar

Your Excellency,

As Your Excellency is aware, the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, and the Arab Republic of Egypt on 5 June 2017 cut all diplomatic ties with the State of Qatar and implemented a series of coordinated measures that, if allowed to stand, effectively impose an air blockade of the State of Qatar. This collective action, which is ongoing, was undertaken without the mandate or sanction of the United Nations Security Council or any other international body, and is inconsistent with existing laws and conventions.

In an unprecedented act, the above-mentioned States announced that, effective immediately, all Qatar-registered aircraft, including the aircraft of the national carrier, Qatar Airways, will be prevented from accessing the airspace over their national territories. In the case of the Kingdom of Bahrain, a verbal threat of imminent military interception of Qatar-registered aircraft, has prompted the State of Qatar to write for the urgent intervention of the ICAO Council under Chicago Convention Article 54(n), as Bahrain's actions in particular are wholly unwarranted and pose a direct and imminent threat to the safety and good governance of international air transport. This unwarranted action is being taken in peacetime, and in the absence of any threat from the State of Qatar. The State of Qatar consistently has maintained open and cooperative relations with its neighboring countries, and takes strong objection to this precipitous and unilateral action taken by its neighbors.

This letter supplements our letter QCAA/ANS.02/502/17 dated 05 June, which was addressed to Her Excellency Dr. Liu FANG. In addition to requesting urgent consideration under Article 54(n), this is a formal notice of the State of Qatar's intent to invoke Article 84 of the Council's Dispute Settlement mechanism.

The following information provides the background of the unlawful and coordinated acts of our neighbors, which threaten the sovereignty and security of the State of Qatar, and violate numerous provisions of the ICAO Convention and Transit Agreement, discussed more fully herein.

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BACKGROUND

1. Kingdom Of Saudi Arabia

The Kingdom of Saudi Arabia has been a member of the ICAO Council since 1986. Located to the west and south of the State of Qatar, the Kingdom of Saudi Arabia is the only State sharing a land border with the State of Qatar. The Kingdom of Saudi Arabia has closed all overland routes to Qatar.

The Kingdom of Saudi Arabia has also decided that Qatar-registered aircraft will no longer be allowed to use Saudi airspace. The air transport corridor controlled by the Kingdom of Saudi Arabia is the major air corridor from the State of Qatar to Africa and Middle East. The State of Qatar is dependent upon the Kingdom of Saudi Arabia for access to southern destinations.

In addition Saudi Arabia issued a NOTAM closing the airspace of Yemen to all Qatari registered aircraft with immediate effect, without giving due regard to the safety of aircraft on-route to Africa over the high seas.

2. United Arab Emirates

To the east of Qatar, the United Arab Emirates (UAE), which has been a member of the ICAO Council since 2006, has also announced that Qatar-registered aircraft will not be allowed to use UAE territorial airspace. The UAE is a major aviation partner of the State of Qatar and its decision will affect Qatar's access to the international air transport system.

3. Arab Republic of Egypt

The Arab Republic of Egypt, which has been a member of the ICAO Council since 1974, also announced that all Qatar-registered aircraft would be prevented from flying to, from or within its territorial airspace, which has a serious immediate impact on over 200,000 Egyptian ex-patriots and families resident in Qatar.

4. The Kingdom of Bahrain

Qatar's northern air transport corridor is the most critical to the State of Qatar in maintaining its access to international civil aviation. Access to our most important markets in Europe, Asia and North America is only available through the northern corridor.

The northern air corridor is controlled by the Kingdom of Bahrain, an ICAO Member State, which has announced that Qatar-registered aircraft will no longer be allowed to use its airspace or airport. The decision taken by the Kingdom of Bahrain to close its airspace to Qatari aircraft, has profoundly affected the operations of our national air carrier, Qatar Airways.

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Furthermore, the Kingdom of Bahrain has gone further than either KSA or UAE by informing the State of Qatar that it intends to establish a so-called "buffer zone", adjacent to its territorial waters, and will not allow Qatar-registered aircraft access to its territorial airspace or to the "so-called" buffer zone. During a telephonic conversation, Bahraini government officials implied that any Qatari-registered aircraft that entered into this unilaterally declared "buffer zone" will be subject to interception by Bahraini military aircraft. The threat of military interception of our aircraft in international airspace has forced the State of Qatar to re-route air traffic through the northern corridor into airspace controlled by the Islamic Republic of Iran.

In relation to the Kingdom of Bahrain, the Council should be aware that there is a signed agreement between the Ministry of Transport of the State of Qatar and the Ministry of Transport of the Kingdom of Bahrain that details that Qatar's airspace at 24,500 feet and above is delegated to Bahrain to provide air navigation services.

Under the terms of this agreement and Annex 11 to the Chicago Convention, the Kingdom of Bahrain has an international obligation to provide air navigation services within this airspace and has no right to close the airspace or deny air navigation services to aircraft in this airspace without following the terms of the Agreement between the State of Qatar and the Kingdom of Bahrain.

The State of Qatar denounces the decision of the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the Arab Republic of Egypt and the United Arab Emirates to close their airspace to Qatar-registered aircraft. These measures amount to a blockade of the State of Qatar, which under international law is a hostile act.

5. Economic impact

The unilateral and uncoordinated action taken by the concerned States is having a significant economic impact on the State of Qatar and has resulted in disruption of services at all levels of the State.

ARGUMENT

1. Violation of the International Air Services Transit Agreement

The collective action of Qatar's neighboring States is in violation of the **International Air Services Transit Agreement** (IASTA) to which the State of Qatar (effective 25 June 2008), the Arab Republic of Egypt (effective 12 April 1947), the United Arab Emirates (effective 25 May 1972), and the Kingdom of Bahrain (effective 12 October 1971) are Contracting Parties.

Article 1, Section 1 of the International Air Services Transit Agreement, states, in relevant part, as follows:

> *"Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:*
>
> 1. *The privilege to fly across its territory without landing;*
> 2. *The privilege to land for non-traffic purposes;"*

The collective actions of the Arab Republic of Egypt, the United Arab Emirates and the Kingdom of Bahrain violate this most basic principle, in that each of these States have now refused to allow Qatar-registered aircraft to fly across its territory.

2. Violations of the Chicago Convention

The actions of Bahrain, Saudi Arabia, Egypt and the U.A.E. further violate the Chicago Convention, to which these states and Qatar are parties, and stand against accepted practice and international consensus.

Article 9 of the Chicago Convention sets out the factors that a contracting State must observe to validly restrict access to its airspace.

Article 9 (Prohibited Areas) of the Chicago Convention states, in part:

> *"Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged . . (Article 9(a).)*

Further, under Article 9(b), each State "reserves the right in exceptional circumstances or during a period of emergency, or in the interest of public safety," to prohibit overflights of its territory, as long as the prohibition is applied without distinction based on nationality. The four neighboring countries have not and cannot justify the closure of their airspace under the requirements of **Article 9(a) or (b)**. These States have not shown that there is a military necessity justifying the prohibition of Qatar-registered aircraft from their airspace or that a period of emergency has been declared. Further, no claim of public safety has been advanced by any of the States which have closed their airspace to the State of Qatar.

Even if any of these factors were present, under Article 9, the States would need to apply the prohibition uniformly to all States, rather than single out the State of Qatar. In this case, each of the States involved have prevented only Qatar-registered aircraft from utilizing their airspace. Aircraft registered in other countries are allowed free navigation over each of the countries that have prevented Qatari-registered aircraft from flying over their territory. As noted above, Qatar is not embroiled in any sort of military conflict with any of the States that have imposed this illegal blockade, underscoring the unlawfulness and lack of logic for this action.

3. Unlawful Restriction of International Airspace

In the case of the Kingdom of Bahrain, the international law violation is not limited to the confines of its own airspace. This week, Bahrain's civil aviation authorities informed the State of Qatar that a purported military "buffer zone" has been unilaterally created with no reference to the internationally agreed prerequisites justifying the establishment of such a buffer zone. This buffer zone is designed to block Qatar-registered aircraft from transiting around Bahraini airspace, and Bahrain unlawfully has threatened military action should a Qatar-registered aircraft attempt to enter it.

The principle of freedom of access to international airspace is well-settled in international aviation law and is explicitly recognized in other international treaties in addition to the Chicago Convention.

The freedom of navigation in international territory, which includes freedom of navigation and of overflight, is recognized in **Article 87 of the United Nations Convention on the Law of the Sea Convention 1982.**

Article 87 states:

> *"The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked States:*
>
> *(a) Freedom of navigation;*
> *(b) Freedom of overflight..."*

Therefore, the high seas and the airspace above the high seas, are acknowledged to be beyond the territory or jurisdiction of any State.

Over the high seas, the "rules of the air" mentioned in **Article 12 of the Chicago Convention** govern:

"Over the high seas, the rules in force shall be those established under this Convention."

The ICAO Council, through the Standards And Recommended Practices (SARPs) promulgated by **Annex 2** of the Chicago Convention, regulates the flight and movement of aircraft over the high seas. ICAO member States cannot unilaterally depart from such standards.

Additionally, the State of Qatar recalls **Assembly Resolution 39/15 of the ICAO 39th Assembly**, in which the Assembly urged Member States to avoid adopting unilateral and extraterritorial measures that may affect the orderly, sustainable and harmonious development of international air transport.

The action of the Kingdom of Bahrain, threatening military action against our airlines in international airspace, is wholly unlawful and poses an unwarranted threat to the State of Qatar and to the traveling public, and is in direct contradiction of the **Assembly Resolution 39/15 of the ICAO 39th Assembly**.

State of Qatar Request to ICAO Council

The State of Qatar wishes to remind the Council of the guiding principles of the Convention. According to the Preamble of the Convention, "it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends.

Based on **Assembly Resolution 39/15**, the Civil Aviation Authority of the State of Qatar believes that the ICAO Council, which is the supreme decision-making body of ICAO, has the overriding authority and obligation to address concerns about unilateral measures that affect the orderly development of international air transport.

The Council of ICAO has the duty to urge all Member States to cease using these unjustified measures against the State of Qatar, in order to ensure the rights of the State of Qatar under the Chicago Convention are fully respected.

While the State of Qatar is in the process of formulating a formal complaint under Article 84 of the Chicago Convention, we hereby formally invoke **Article 84 of Chicago Convention** 1944 on the following bases:

(1) against the Arab Republic of Egypt, Kingdom of Saudi Arabia, United Arab Emirates and the Kingdom of Bahrain for the violation of fundamental principles of Chicago Convention and the limitations set out in Article 9 of such Convention,
(2) against the Arab Republic of Egypt, United Arab Emirates and the Kingdom of Bahrain for the violation of the International Air Services Transit Agreement; and
(3) against the Kingdom of Bahrain for violation of the Law of the Sea Convention and Annex 2 of the Chicago Convention.

The State of Qatar also invokes Article 54(n) and requests that the ICAO Council urgently convene to consider the actions of the Kingdom of Bahrain in refusing to provide the legally required air navigation services to the carriers and aircraft of the State of Qatar within its FIR. and in threatening military intervention in international airspace.

The State of Qatar further requests that the ICAO Council urgently provide contingency measures for the disruption of air traffic services, as per Chicago Convention Annex 11 (Air Traffic Services), Attachment C. We ask that the ICAO Council consider the establishment of a direct ATS routes between Doha and Tehran FIR, and the provision of an Air Navigation Services within the portion of the ATS route situated within Bahrain's FIR, which will be supported by a Doha Approach Control Unit.

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Finally, the State of Qatar requests that the Council :

- Declare that the actions of the aforementioned States have adversely affected the safety, regularity and efficiency of international air transport, which constitutes an egregious violation of the fundamental principles of Chicago Convention **(Articles 28, 37, 44 and 69);**

- Investigate the actions of the Kingdom of Bahrain and determine whether these action violate Bahrain's international obligations to civil aviation under **Article 69 of the Chicago Convention;**
- Reaffirm its commitment to the orderly development of international air transport pursuant to **Article 44 of the Chicago Convention;**
- Reaffirm that all Member States are obligated to respect the principles of the Chicago Convention and must refrain from interfering with international civil aviation.
- Urge the concerned countries to cease using these unjustified measures against the State of Qatar, in order to ensure the rights of the State of Qatar under the Chicago Convention are fully respected; and
- Require the Kingdom of Bahrain to continue to meet their legally binding obligation to provide air navigation services to the carriers and aircraft of the State of Qatar in accordance with the FIR agreement between Qatar and Bahrain.
- Based on the forgoing, the State of Qatar urges the ICAO Council to take immediate steps for the establishment of a distinct Qatari Flight Information Region (FIR), encompassing the area over the exclusive economic zone and contiguous with the Tehran FIR. This will cater for the current and forecasted traffic growth and will enable safe and efficient provision of air navigation services. It is to be noted that Qatar has at present about 1000 movement per day and the current system will not be able to cope with the airspace capacity. This will also ensure that never ever will the State of Qatar be landlocked to the outside world.

The Civil Aviation Authority of the State of Qatar avails itself of this opportunity to express the assurances of our highest consideration to the President of the ICAO Council.

Sincerely,

Abdulla Nasser Turki Al-Subaey
Chairman

CC: Dr. Liu FANG
Regional Director, ICAO Middle East Office

EXHIBIT 4

Ministry of Transport & Communications

Office of the Minister

وزارة المواصلات والاتصالات

مكتب الوزير

Ref: الهيئة العامة للطيران المدني-CAA

ص خ/م ر.2017/15993

13/6/2017

Date:13/06/2017

Dr. Fang LIU
Secretary General
International Civil Aviation Organization (ICAO)
999 Robert-Bourassa Boulevard
Montreal, Quebec,
Canada

Subject:**Request for the Immediate Intervention of the ICAO Council in 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**

Your Excellency,

I would like to present the highest compliments to the International Civil Aviation Organization.

In reference to Your Excellency's letter ref. AN 13/4.3, Open-AMO66892, dated 07 June 2017, the Civil Aviation Authority of the State of Qatar highly appreciates the prompt reply and the efforts to coordinate with the concerned parties.

We note that the actions taken by the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, and the Arab Republic of Egypt to close their (FIRs) to aircrafts registered in the State of Qatar effectively imposing an air blockade on the State of Qatar. These actions, which have caused extreme hardships to the State of Qatar, its citizens and its national carrier, were both precipitous and unwarranted, and are entirely inconsistent with existing laws and conventions. Despite all efforts to seek an informal resolution to this crisis, these efforts have been unavailing. The continued unlawful actions taken by the above-mentioned governments leave us with no choice other than to formally pursue this matter with the ICAO Council.

We are writing to inform you that the State of Qatar today is taking a series of formal steps with the ICAO Council to address this most urgent state of affairs. Specifically, under the ICAO Council's mandate provided in Article 54(n) of the Chicago Convention, the State of Qatar has requested that the ICAO Council:

1) Urgently declare the actions taken by the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the United Arab Emirates and Arab Republic of Egypt to be violations of the Chicago Convention;

Ministry of Transport & Communications

Office of the Minister

وزارة المواصلات والاتصالات

مكتب الوزير

2) Urgently declare the actions taken by the Kingdom of Bahrain, the United Arab Emirates and the Arab Republic of Egypt, to be violations of the International Air Services Transit Agreement;
3) Require these States to comply with the provisions of the Chicago Convention and the International Air Services Transit Agreement, and
4) Order these States to take immediate action to remove all the sanctions imposed on the State of Qatar on an urgent and unconditional basis.

The State of Qatar also wishes to raise a critical concern about procedure and fairness concerning the handling of this most dire situation. According to Article 84 of the Chicago Convention,"...***No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party...***" Accordingly, the State of Qatar respectfully urges that pursuant to Article 84, the Arab Republic of Egypt, the Kingdom of Saudi Arabia and the United Arab Emirates be prohibited from participating in any of the deliberative or other proceedings of the ICAO Council concerning this matter. This specifically includes prohibiting representatives of these governments from being present at any discussions concerning this matter, and participating and voting in any proceedings of the Council of ICAO concerning this dispute.

The unilateral and unlawful actions of the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, and the Arab Republic of Egypt threaten not only the State of Qatar, but, if left unchecked, also threaten to undermine the rule of law. Allowing these egregious actions to go unchallenged will perhaps embolden others to commit similar transgressions. To that end, we urgently and strongly request that you take all necessary steps to ensure the fairness and procedural propriety of all further proceedings.

A formal application for the settlement of differences by the State of Qatar, pursuant to Article 84 of the Convention on International Civil Aviation (Chicago Convention) and Article 2 of the Rules for the Settlement of Differences (Doc.7782/2), and a corresponding formal application requesting Council action on a complaint pursuant to Article II, Section 2 of the International Air Services Transit Agreement and Article 21 of the Rules for Settlement of Differences, along with their supporting memorials, will be submitted to the Council under separate cover.

Accept, Madam, the assurances of our highest consideration

Jassim Bin Saif Al-Sulaiti
Minister of Transport and Communications

Cc: Mohamed Khalifa Rahma, regional Director, ICAO Middle East Office

EXHIBIT 5

الهيئة العامة للطيران المدني
CIVIL AVIATION AUTHORITY

مكتب الرئيس
Chairman's Office

Date: 13/06/2017

H.E. Fang LIU
Secretary General
International Civil Aviation Organization (ICAO)
999 Robert-Bourassa Boulevard
Montreal, Quebec,
Canada

الهيئة العامة للطيران المدني-CAA
ص ع/م د: 2017/15994
13/6/2017

Sub: Update on Evidence re: Appendix 1 and 2 on Application 1 of the State of Qatar, dated 8 June 2017 (Complaint Arising under the International Air Transit Agreement)

Update on Evidence re: Appendix 1 and 2 on Application 2 of the State of Qatar, dated 8 June 2017 (Application of Disagreement Arising under the Convention on International Civil Aviation)

Your Excellency,

I would like to present the highest compliments to the International Civil Aviation Organization.

In reference to our letter, reference no., ANS.02/502/17, dated 5 June 2017;
In reference to Your Excellency's letter, reference no. AN 13/4.3, Open-AMO66892, dated 8 June 2017;
In reference to our letter, reference no., 2017/15984, dated 8 June 2017;
In reference to the Complaint of the State of Qatar, dated 8 June 2017;
In reference to the Application of the State of Qatar, dated 8 June 2017;

The State of Qatar hereby attaches an Annex herewith called Appendix 1-1 and Appendix 2-1, to section d) of its Complaint dated 8 June 2017, "*Supporting Data Related to the Facts*".

a) The full list of NOTAMS issued by the Respondents and the Kingdom of Saudi Arabia on behalf of Republic of Yemen from 5 June 2017 to 12 June 2017, as attached here in addition to Appendix 1 and Appendix 2 of the above Application of Complaint.

b) Transcript of the hotline conversations between Doha Approach Control Unit and Abu Dhabi Area Control Centre (ACC) dated 12 June 2017, Appendix 1-3.

The State of Qatar hereby attaches an Annex, herewith called Appendix 1-1 and Appendix 2-1, to section d) of its Application dated 8 June 2017, "*Supporting Data Related to the Facts*".

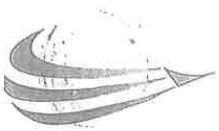
a) The full list of NOTAMS issued by the Respondents and the Kingdom of Saudi Arabia on behalf of Republic of Yemen from 5 June 2017 to 12 June 2017, as attached here in addition to Appendix 1 and Appendix 2 of the above Application of Disagreement.

c) Transcript of the hotline conversations between Doha Approach Control Unit and Abu Dhabi Area Control Centre (ACC) dated 12 June 2017, Appendix 3.

Accept Madam, the assurances of my highest considerations.

Sincerely,

Abdulla Nasser Turki Al Subaey
Chairman, Civil Aviation Authority



الهيئة العامة للطيران المدني
CIVIL AVIATION AUTHORITY

مكتب الرئيس
Chairman's Office

Appendix 1-1

ALL NOTAMs for

Bahrain

UAE

Saudi

Yemen

Egypt

الهيئة العامة للطيران المدني
CIVIL AVIATION AUTHORITY

مكتب الرئيس
Chairman's Office

BAHRAIN NOTAMs (OBBB)

LYA9537 1706051117
GG OTBDQRNO OTZZNAZX
051117 OBBBYNYX
(A0204/17 NOTAMN
Q) OBBB/QXXXX/IV/NBO/E /000/999/
A) OBBB B) 1706060000 C) PERM
E)NO FLIGHT WILL BE ALLOWED FROM KINGDOM OF BAHRAIN TO STATE OF QATAR AND FROM STATE OF QATAR TO KINGDOM OF BAHRAIN.)

LYA9690 1706051122
GG OTBDQRNO OTZZNAZX
051122 OBBBYNYX
(A0205/17 NOTAMN
Q) OBBB/QXXXX/IV/NBO/E /000/999/
A) OBBB B) 1706060000 C) PERM
E)ALL FLT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORISED TO OVERFLY BAHRAIN AIRSPACE)

LYA0006 1706051129
GG OTBDQRNO OTZZNAZX
051129 OBBBYNYX
(A0206/17 NOTAMN
Q) OBBB/QXXXX/IV/NBO/E /000/999/
A) OBBB B) 1706060000 C) PERM
E)FOR FLIGHTS AFFECTED BY NOTAM A0204/17 THE FOLLOWING AWYS ARE AVBL:
1-UT430 OUTBOUND VIA RAGAS
2-UR659 INBOUND VIA MIDSI)

LYA0964 1706051157
GG OTBDQRNO OTZZNAZX
051157 OBBBYNYX
(A0207/17 NOTAMC A0206/17
Q) OBBB/QXXXX/IV/M /E /000/999/
A) OBBB B) 1706051155
E)CNL OBBB NOTAM A0206/17)

LYA1022 1706051159
GG OTBDQRNO OTZZNAZX
051159 OBBBYNYX
(A0208/17 NOTAMN
Q) OBBB/QXXXX/IV/NBO/E /000/999/
A) OBBB B) 1706060000 C) PERM
E)FOR FLIGHTS AFFECTED BY NOTAM A0205/17 THE FOLLOWING AWYS ARE AVBL:
1-UT430 OUTBOUND VIA RAGAS
2-UR659 INBOUND VIA MIDSI)

LYA0120 1706071140
GG OTBDQRNO OTZZNAZX
071140 OBBBYNYX
(A0210/17 NOTAMR A0205/17
Q) OBBB/QXXXX/IV/NBO/E /000/999/
A) OBBB B) 1706071135 C) PERM
E)ALL FLT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORISED TO OVERFLY BAHRAIN AIRSPACE.

OPERATORS NOT REGISTERED IN KINGDOM OF BAHRAIN INTENDING TO USE BAHRAIN AIRSPACE FROM OR TO THE STATE OF QATAR REQUIRE PRIOR APPROVAL FROM BAHRAIN CAA ON THE FLW CONTACT:
TEL:00973 17329035 / 00973 17329069
EMAIL: AT-SCHEDULE(AT)MTT.GOV.BH)

LYA1473 1706071253
GG OTBDQRNO OTZZNAZX
071253 OBBBYNYX
(A0211/17 NOTAMR A0210/17
Q) OBBB/QXXXX/IV/NBO/E /000/999/
A) OBBB B) 1706071250 C) PERM
E)ALL FLT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORISED TO OVERFLY BAHRAIN AIRSPACE.

OPERATORS NOT REGISTERED IN KINGDOM OF BAHRAIN INTENDING TO USE BAHRAIN AIRSPACE FROM OR TO THE STATE OF QATAR REQUIRE PRIOR APPROVAL FROM BAHRAIN CAA ON THE FLW CONTACT:
TEL:00973 17329035 / 00973 17329096
EMAIL: AT-SCHEDULE(AT)MTT.GOV.BH)

LYA6666 1706071749
GG OTBDQRNO OTZZNAZX
071749 OBBBYNYX
(A0212/17 NOTAMR A0211/17
Q) OBBB/QXXXX/IV/NBO/E /000/999/
A) OBBB B) 1706071748 C) PERM
E)ALL FLT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORISED TO OVERFLY BAHRAIN AIRSPACE.

OPERATORS NOT REGISTERED IN KINGDOM OF BAHRAIN INTENDING TO USE BAHRAIN AIRSPACE FROM OR TO THE STATE OF QATAR REQUIRE PRIOR APPROVAL FROM BAHRAIN CAA ON THE FLW CONTACT:
TEL:00973 17329035 / 00973 17329096
EMAIL: SCHEDULE(AT)MTT.GOV.BH)

LYA9661 1706081104
GG OTBDQRNO OTZZNAZX
081104 OBBBYNYX
(A0213/17 NOTAMR A0087/17
Q) OBBB/QXXXX/IV/NBO/E /000/999/
A) OBBB B) 1706081101 C) 1709082359 EST
D)DAILY BTN 0500-0700
E)ALL FLIGHTS DEPARTING OR OVERFLYING BAHRAIN FIR EXITING VIA ROTOX ON ATS ROUTE UT444 OR UT602 REQUESTED LEVELS FL340-FL360-FL380 MAY

BE LIMITED TO LOWER LEVELS DUE TO TRAFFIC VOLUMES)
LYA9262 1706092207
GG OTBDQRNO OTZZNAZX
092207 OBBBYNYX
(A0214/17 NOTAMR A0208/17
Q) OBBB/QXXXX/IV/NBO/E /000/999/2616N05038E005
A) OBBB B) 1706092202 C) PERM
E)FOR FLIGHTS AFFECTED BY NOTAM A0212/17 THE FOLLOWING AWYS ARE AVBL:
1-UT430 OUTBOUND VIA RAGAS
2-UR659 INBOUND VIA MIDSI)

LYA6271 1706102311
GG OTBDQRNO OTZZNAZX
102311 OBBBYNYX
(A0215/17 NOTAMR A0214/17
Q) OBBB/QXXXX/IV/NBO/E /000/999/2616N05038E005
A) OBBB B) 1706110600 C) PERM
E)ALL ROUTES WITHIN BAHRAIN FIR ARE AVILABLE FOR FLIGHTS AFFECTED BY NOTAM A0212/17, EXCEPT THE FOLLOWING AWYS THAT FALL WITHIN BAHRAIN AIRSPACE:
1- B/UB457, L/UL604 AND N/UN685 BETWEEN DENVO AND NARMI
2- M/UM444 AND T/UT444 BETWEEN DENVO AND DESBU
3- N/UN318 BETWEEN LADNA AND ASTAD
4- A/UA453 BETWEEN ASTAD AND DESBU
5- P/UP699 BETWEEN ASTAD AND NARMI)

الهيئة العامة للطيران المدني
CIVIL AVIATION AUTHORITY

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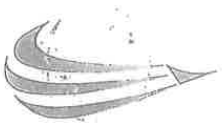
Chairman's Office

UAE NOTAMs (OMAE)

LYA7213 1706050837
GG OTBDQRNO OTZZNAZX
050837 OMAEYNYX
(A0812/17 NOTAMN
Q)OMAE/QXXXX/IV/NBO/E/000/999/2500N05430E999
A)OMAE B)1706060000 C)PERM
E)ALL ACFT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO OVERFLY EMIRATES FIR,DEPART OR LAND AT UAE AERODROMES.

OPERATORS NOT REGISTERED IN UAE INTENDING TO USE EMIRATES FIR FROM OR TO THE STATE OF QATAR REQUIRE PRIOR APPROVAL FROM GCAA AVIATION SECURITY AFFAIRS ON THE FLW CONTACT:
TEL: 00971 50 642 4911
EMAIL: AVSEC-DI(A)GCAA.GOV.AE)

LYA7689 1706121012
GG OTNOYNYX OTZZEADN
121012 EUECYIYN
(A0848/17 NOTAMR A0812/17
Q) OMAE/QAFLP/IV/NBO/E /000/999/2500N05430E999
A) OMAE
B) 1706121010
C) PERM
E) ALL ACFT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO OVERFLY UAE AIRSPACE, DEPART OR LAND AT UAE AERODROMES.
OPERATORS NOT REGISTERED IN UAE INTENDING TO OPERATE NON-SCHEDULED FLIGHTS OR CHARTER INCLUDING PRIVATE FLIGHTS, CARGO AND PASSENGER FROM OR TO THE STATE OF QATAR VIA UAE AIRSPACE SHALL OBTAIN APPROVAL FROM THE GCAA AVIATION SECURITY AFFAIRS BY PROVIDING A COPY OF THE DETAILED MANIFEST OF THE FLIGHT INCLUDING PASSENGER NAMES AT LEAST 24 HOURS PRIOR TO DEPARTURE TO THE FLW CONTACT:
TEL: 00971 50 642 4911
EMAIL: AVSEC-DI(A)GCAA.GOV.AE)



مكتب الرئيس
Chairman's Office

SAUDI NOTAMs (OEJD)

LYA3245 1706050442
GG OTBDQRNO OTZZNAZX
050442 OEJDYNYX
(A0592/17 NOTAMN
Q) OEJD/QXXXX/IV/NBO/E /000/999/
A) OEJD B) 1706050435 C) PERM
E)ALL FLIGHTS REGISTERED IN THE STATE OF QATAR ARE NOT AUTH TO LAND AT SAUDI ARABIAN AIRPORTS.)

LYA7940 1706050937
GG OTBDQRNO OTZZNAZX
050937 OEJDYNYX
(A0593/17 NOTAMN
Q) OEJD/QXXXX/IV/NBO/E /000/999/
A) OEJD B) 1706060001 C) PERM
E)ALL FLT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO OVERFLY SAUDI ARABIAN AIRSPACE.)

LYA8262 1706051004
GG OTBDQRNO OTZZNAZX
051004 OEJDYNYX
(A0594/17 NOTAMN
Q) OEJD/QXXXX/IV/NBO/E /000/999/
A) OEJD B) 1706060001 C) PERM
E)ALL NON QATAR REGISTERED AIRCRAFT INTENDING TO OPR TO/FM QATAR AIRPORTS THROUGH SAUDI ARABIAN AIRSPACE SHALL COORDINATE WITH GENERAL AUTHORITY OF CIVIL AVIATION (GACA)
FOR SPECIAL ARRANGEMENT VIA EMAIL 'SPECIAL(AT)GACA.GOV.SA')

LYA0611 1706051141
GG OTBDQRNO OTZZNAZX
051141 OEJDYNYX
(A0596/17 NOTAMN
Q) OEJD/QXXXX/IV/M /E /000/999/
A) OEJD B) 1706060001 C) PERM
E)ALL NON-SAUDI OR NON-QATARI REGISTERED ACFT INTENDING TO USE SAUDI AIRSPACE TO/FM QATAR AIRPORTS SHALL COORDINATE WITH GENERAL AUTHORITY OF CIVIL AVIATION (GACA) WI ONE WEEK FM TODAY TO OBTAIN ALL GACA REQUIREMENTS FM THE FLW CONTACT
TEL: +966115253336
EMAIL: 'SPECIAL(AT)GACA.GOV.SA')

LYA0719 1706051144
GG OTBDQRNO OTZZNAZX
051144 OEJDYNYX
(A0597/17 NOTAMC A0594/17
Q) OEJD/QXXXX/IV/M /E /000/999/

الهيئة العامة للطيران المدني
CIVIL AVIATION AUTHORITY

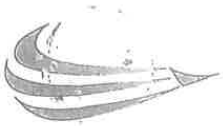
مكتب الرئيس
Chairman's Office

A) OEJD B) 1706051142
E)REPLACE BY OEJD A0596/17)

EGYPT NOTAMs (HECC)

LYA1479 1706051225
GG OTNOYNYX OTZZEADN
051224 EUECYIYN
(A0202/17 NOTAMN
Q) HECC/QAFXX/IV/NBO/E /000/999/2810N03128E521
A) HECC B) 1706060400 C) PERM
E) ALL ACFT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO OVERFLY CAIRO FIR,DEPART OR LAND AT EGYPTIAN AERODROMES.
OPERATORS NOT REGISTERED IN A.R.E INTENDING TO USE CAIRO FIR FROM OR TO THE STATE OF QATAR REQUIRE PRIOR APPROVAL FROM ECAA ON THE FLW CONTACT :
TEL : +202 22678535
+202 24175605
AFTN : HECAYAYX)

LYA8477 1706101136
GG OTNOYNYX OTZZEADN
101135 EUECYIYN
(A0206/17 NOTAMR A0202/17
Q) HECC/QAFXX/IV/NBO/E /000/999/2810N03128E999
A) HECC B) 1706101130 C) PERM
E) ALL ACFT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO OVERFLY EGYPTIAN AIRSPACE, DEPART OR LAND AT EGYPTIAN AERODROMES.
OPERATORS NOT REGISTERED IN A.R.E INTENDING TO USE EGYPTIAN AIRSPACE FROM OR TO THE STATE OF QATAR REQUIRE PRIOR APPROVAL FROM ECAA ON THE FLW CONTACT :
TEL : +202 22678535
+202 24175605
AFTN : HECAYAYX)



الهيئة العامة للطيران المدني
CIVIL AVIATION AUTHORITY

مكتب الرئيس
Chairman's Office

Appendix 2-1

YEMEN NOTAMs (Issued by SAUDI)

LYA4147 1706061546
GG OTBDQRNO OTZZNAZX
061546 OEJDYNYX
(A0603/17 NOTAMN
Q) OEJD/QXXXX/IV/M /E /000/999/
A) OEJD B) 1706061535 C) PERM
E)ONBEHALF OF REPUBLC OF YEMEN/ADEN.

ALL ACFT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO OVERFLY REPUBLIC OF YEMEN AIRSPACE.)

LYA6777 1706061818
GG OTBDQRNO OTZZNAZX
061818 OEJDYNYX
(A0604/17 NOTAMR A0603/17
Q) OEJD/QXXXX/IV/NBO/E /000/999/
A) OEJD B) 1706070001 C) PERM
E) ONBEHALF OF REPUBLC OF YEMEN/ADEN.

ALL ACFT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO OVERFLY REPUBLIC OF YEMEN AIRSPACE.)

مكتب الرئيس
Chairman's Office

Appendix 3

Conversion between Doha App and Abu Dhabi ACC dated 12 June 2017

Unit	Transcript
ABU DHABI ACC	Hello
DOHA APP	May I speak to the supervisor again please
ABU DHABI ACC	Air Traffic Controller Hamad
DOHA APP	This is Doha radar again Getting a question through my manager now Can you confirm If we are able to use the airways over the seas which remain north of the UAE mainland around Muscat or is every area of your airspace
Abu Dhabi ACC	For Qatari totally our airspace not allowed
Doha Approach	So any airspace no matter how far off the coast , we are not allowed
Abu Dhabi ACC	Totally the airspace
Doha App	OK
Doha App	Completely shut down to A7 aeroplanes every bit
Abu Dhabi ACC	Totally in our airspace
Doha App:	Totally shut down for certain aeroplanes
Abu Dhabi ACC	But traffic which is non -schedule and non A7 registered (Qatari registered aircraft), they can use our FIR
Doha APP	But No any A7 not in any portion of your airspace at all?
Abu Dhabi ACC:	Ya ya
Doha App	Ok thanks you very much
Doha APP/Abudhabi ACC:	Ok thanks you

EXHIBIT 6

Date: 15/06/2017

H.E. Fang LIU
Secretary General
International Civil Aviation Organization (ICAO)
999 Robert-Bourassa Boulevard
Montreal, Quebec,
Canada

الهيئة العامة للطيران المدني-CAA
2017/15995 ص غ/م ر
15/6/2017

Subject: **Urgent request of the State of Qatar to invoke Article 54(n) of the International Convention on Civil Aviation concerning matters of urgent attention for action as stated in:**
a) the Complaint of the State of Qatar, dated 8 June 2017 (Complaint Arising under the International Air Transit Agreement); and
b) the Application of the State of Qatar, dated 8 June 2017 (Application of Disagreement Arising under the Convention on International Civil Aviation).

Your Excellency,
I would like to present the highest compliments to the International Civil Aviation Organization.

In reference to our letter, reference no., ANS.02/502/17, dated 5 June 2017;
In reference to Your Excellency's letter, reference no. AN 13/4.3, Open-AMO66892, dated 08 June 2017;
In reference to our letter, reference no., 2017/15984, dated 8 June 2017;
In reference to the Complaint of the State of Qatar, dated 8 June 2017;
In reference to the Application of the State of Qatar, dated 8 June 2017;
In reference to our letter, reference no., 2017/15993, dated 13 June 2017;
In reference to our letter, reference no., 2017/15994, dated 13 June 2017.

The State of Qatar hereby submits this request, pursuant to **Article 54(n)**, so that the distinguished Council members investigate and examine the actions of the Kingdom of Saudi Arabia, the Kingdom of Bahrain, the United Arab Emirates and the Arab Republic of Egypt, and take the necessary measures to rectify the violations of the Chicago Convention and the International Air Transit Agreement.

As Your Excellency is aware, the series of on-going violations, collective action and discrimination as described in the Complaint and Disagreement referenced above and submitted to ICAO, continue to exist and affect the safety, security, regularity, efficiency and good governance of international air traffic.

Therefore the current situation requires immediate and urgent intervention and action of the Council, the Secretary General, and the President of the Council to restore the orderly flow of international air traffic in the region and for the State of Qatar.
Accept Madam, the assurances of my highest considerations.
Sincerely,

Abdulla Nasser Turki Al Subaey
Chairman, Civil Aviation Authority

www.caa.gov.qa
هاتف: ٤٩٧١١١٥٥٧٣٣٣ +
Tel. +974 44557333
فاكس: ٤٩٧١١١٥٤٢٣٣٣ +
Fax: +974 44552233

الهيئة العامة للطيران المدني
CIVIL AVIATION AUTHORITY

Before the Council of the International Civil Aviation Organization (ICAO)

REQUEST OF THE STATE OF QATAR FOR CONSIDERATION BY THE ICAO COUNCIL UNDER ARTICLE 54 (n) OF THE CHICAGO CONVENTION

(Supplement to our letter reference no. 2017/15995, dated 15 June 2017)

Request submitted by:

H.E. Abdulla Nasser Turki Al-Subaey, Chairman

Civil Aviation Authority of the State of Qatar

15 June, 2017

The State of Qatar hereby invokes:

- **Article 54 – "Mandatory functions of Council", Paragraph (n) "Consider any matter relating to the Convention which any contracting State refers to it" of the Convention on International Civil Aviation ("Chicago Convention").**

Accordingly, the State of Qatar requests that:

- **The ICAO Council urgently convene to examine and consider the actions of the Kingdom of Saudi Arabia, the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain in the current international airspace blockade over the High Seas against Qatar-registered aircraft and the State of Qatar.**

In particular, the State of Qatar requests the ICAO Council to urgently include the below 5 items in its Work Programme during the current session, inclusive of the attached Background, Statement of Facts, and specific Requests to the Council which are referred to in pages 1 to 10 of this Request:

- To examine urgently how the current international airspace blockade against Qatar-registered aircraft and the State of Qatar over the High Seas is putting at risk the safety, security, regularity and efficiency of civilian air transport services, including the good governance of international air transport;
- To examine urgently and confirm whether Qatar-registered aircraft have access to international airspace over the High Seas in the FIRs of the above-mentioned four countries, which are currently exercising the international airspace blockade against Qatar-registered aircraft and the State of Qatar over the High Seas;
- To confirm urgently how the current international airspace blockade over the High Seas has extended its reach to the point that the Kingdom of Saudi Arabia has started issuing NOTAM on behalf of the Republic of Yemen, which also specifically target Qatar-registered aircraft by preventing access to the Yemeni FIR, including the international airspace over the High Seas;
- To investigate urgently whether the NOTAM re-issued by the UAE, which claims to impose airspace restrictions only to the country's sovereign airspace actually – in fact and practice – still includes restrictions to the international airspace over the High Seas for Qatar-registered aircraft.
- To note that all of the above mentioned countries have re-issued NOTAM clarifying that the current airspace blockade against Qatar-registered aircraft is restricted to their national airspace. Yet, the current fact and practice is that an international airspace blockade over the High Seas is still imposed on Qatar-registered aircraft.

Accordingly, the State of Qatar submits this Request for Consideration by the Council under Article 54(n) of the Chicago Convention on 15 June 2017.

1. BACKGROUND

Effective 5 June 2017, **the Kingdom of Saudi Arabia, the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain**, through a series of collective and coordinated actions, have imposed an airspace blockade against Qatar-registered aircraft and the State of Qatar. These hostile actions, taken without warning and without justification in law or in fact, have imposed significant hardship on the State of Qatar, its residents, and international passengers flying to, from, and through the State of Qatar.

In particular, **the Kingdom of Saudi Arabia, the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain** have jointly prevented all Qatar-registered aircraft, including the aircraft of the national carrier Qatar Airways, from accessing their Flight Information Regions (FIRs), which effectively blocks Qatar-registered aircraft from access to international airspace over the High Seas.

Additionally, the above-mentioned four countries have imposed restrictions on other aircrafts flying to/from the State of Qatar. The Kingdom of Bahrain has even issued a verbal threat of imminent military interception of Qatar-registered aircraft, which ultimately poses a direct threat to the safety, security, regulatory and efficiency of air operations in the region and puts at risk the good governance of international air transport.

In sum, the Kingdom of Saudi Arabia[1], the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain have:

- Deprived the State of Qatar of its right to transit over their territories, as granted under the International Air Services Transit Agreement;
- Discriminated the provision of air traffic services in the airspace over the High Seas;
- Denied air operations in the international airspace over the High Seas;
- Disrupted the safe and efficient flow of air traffic in the region;
- Prevented international air carriers from flying to/from or through the State of Qatar by imposing additional approval processes; and
- Unlawfully restricted the access of Qatar-registered aircraft to international airspace.

For the above reasons, the State of Qatar has requested that the ICAO Council:

- Determines that the above countries have violated the Chicago Convention and the International Air Services Transit Agreement;
- Orders these countries to comply with all provisions of the Chicago Convention and the International Air Services Transit Agreement; and
- Order these countries to take immediate steps to remove all air transport sanctions that have unilaterally and wrongfully imposed on the State of Qatar.

[1] The Kingdom of Saudi Arabia is not a signatory party to the International Air Services Transit Agreement.

The State of Qatar has further requested the ICAO Council:

- To develops immediate contingency plans to facilitate traffic flows to/from Hamad International Airport (DOH).

2. STATEMENT OF RELEVANT FACTS

On 5 June 2017, in an unprecedented act, **the Kingdom of Saudi Arabia, the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain** announced that, effective immediately, all Qatar-registered aircraft, including the aircraft of the national carrier Qatar Airways, would be denied access to their Flight Information Regions (FIRs). It must be noted that these four countries have also imposed restrictions on other aircraft proceeding to/from the State of Qatar.

In the case of the Kingdom of Bahrain, a verbal threat of military interception of Qatar-registered aircraft has prompted the State of Qatar to seek the urgent intervention of the ICAO Council, as the Kingdom of Bahrain's actions in particular are wholly unwarranted and pose a direct and imminent threat to the safety, security, regularity and efficiency of the lawful operation of civilian air transport services by Qatar-registered carriers.

Most importantly, this unwarranted action has been taken in peacetime, and in the absence of any imminent threat from the State of Qatar. Indeed, the State of Qatar has consistently maintained open and cooperative relations with these four countries, and has previously signed an agreement for the administration by the Kingdom of Bahrain of both Qatari and Bahraini Flight Information Regions (FIRs).

In the absence of any international approval to do so, **the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain** have taken collective actions to isolate and impose Flight Information Regions (FIRs) restrictions against the State of Qatar, in clear violation of the settled rights enshrined in the International Air Services Transit Agreement.

In sum, **the Kingdom of Saudi Arabia, the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain** acted collectively to close the Flight Information Regions (FIRs) for traffic to/from the State of Qatar, including Qatar Airways' flights landing to/or overflying their respective FIRs.

a) Kingdom of Saudi Arabia

The Kingdom of Saudi Arabia has been a member of the ICAO Council since 1986. Located to the west and south of the State of Qatar, the Kingdom of Saudi Arabia is the only country sharing a land border with the State of Qatar. The Kingdom of Saudi Arabia has also closed all overland routes to Qatar.

The Kingdom of Saudi Arabia has also decided that Qatar-registered aircraft will no longer be allowed to use its FIR. It must be noted that the air transport corridor controlled by the

Kingdom of Saudi Arabia is the major air corridor from the State of Qatar to Africa and the Middle East. The national carrier of the State of Qatar is also highly dependent upon the Kingdom of Saudi Arabia for access to southern destinations.

Recently, the Kingdom of Saudi Arabia has issued a NOTAM closing the airspace of Yemen to all Qatar-registered aircraft with immediate effect, without giving due regard to the safety of Qatar-registered aircraft en-route to Africa in the international airspace over the High Seas.

It is worth noting that the Civil Aviation Authorities of the Kingdom of Saudi Arabia have unlawfully issued a mandate, purportedly on behalf of the Yemen Civil Aviation Authority, to prohibit Qatar-registered aircraft from over-flying the Yemeni FIR, including the international airspace over the High Seas;

Further, the Civil Aviation Authorities of Saudi Arabia have also disrupted the flow of safe and efficient international air traffic in violation of Assembly Resolution A38-12, Appendix *G Delimitation of Air Traffic Services (ATS) Airspaces*.

b) United Arab Emirates

To the east of Qatar, the United Arab Emirates (UAE), which has been a member of the ICAO Council since 2007, has also announced that Qatar-registered aircraft will not be allowed to use UAE FIR. The UAE decision will affect the State of Qatar's access to the international air transport system.

c) Arab Republic of Egypt

The Arab Republic of Egypt, which has been a member of the ICAO Council since 1974, also announced that all Qatar-registered aircraft would be prevented from flying to, from or within its FIR. In addition to being a clear and unjustified breach of the International Air Transit Services Agreement, this action also will have a serious immediate impact on over 200,000 Egyptian expatriates and families currently residing in Qatar.

d) Kingdom of Bahrain

Qatar's northern air transport corridor is the most critical to the State of Qatar in maintaining its access to international civil aviation. This northern corridor provides critical access to national points in Europe, North America and parts of Asia, serving as a key point of access to global and regional markets.

The unwarranted denial of such access, paired with the unwarranted threat of military interception, imposes undue threats to Qatari nationals and to expatriates living in the country, as well as to global transit travelers.

The above actions come close to grounding Qatar Airways, which plays a critical role in Qatar's national economy. With all ground access to the State of Qatar eliminated by the

decision of the Kingdom of Saudi Arabia to close its land border with the State of Qatar, the country relies heavily upon Qatar Airways and other foreign airlines to provide critical supplies of food and necessary goods.

The northern air corridor is controlled by the Kingdom of Bahrain, an ICAO Member State since 1971, which has announced that Qatar-registered aircraft will no longer be allowed to use its Flight Information Region (FIR) or airport. The decision taken by the Kingdom of Bahrain to close its (FIR) to Qatari registered aircraft, has imposed significant constraints on the operations of Qatar Airways.

The Kingdom of Bahrain has also informed the State of Qatar that it intends to establish a so-called "buffer zone," adjacent to its territorial waters, and will not allow Qatar-registered aircraft access to its territorial airspace or to the "so-called" buffer zone. During a telephonic conversation, Bahraini government officials indicated that any Qatari-registered aircraft that entered into this unilaterally declared "buffer zone" will be subject to interception by Bahraini military aircraft.

The threat of military interception (and the threat this poses to the safety of innocent civilians) in international airspace has forced the State of Qatar to re-route air traffic through the northern corridor into (FIR) controlled by the Islamic Republic of Iran.[2]

The State of Qatar denounces the decision of the four countries referred above to close their FIRs to Qatar-registered aircraft. These measures amount to a de facto illegal peacetime blockade against the State of Qatar.

e) Economic impact and blatant disregard for internationals travelers

The unilateral action taken by these four countries, without international consultation or coordination, is having a significant economic impact on the State of Qatar and has resulted in disruption of services at all levels.

The State of Qatar is aware of a number of passengers who are stranded in several regions, specifically the Gulf region, where national carriers of these countries have taken another collective action against passengers ticketed on Qatar Airways, causing further disruption to international air transport and traffic.

For example, in the UAE and Kuwait, Egypt Air has refused carriage to Egyptian nationals who are holders of Qatar Airways' tickets to Egypt. The national carriers of the above-mentioned four countries are perpetuating the unlawful collective action against Qatar Airways by refusing carriage, transfer and interline for Qatar Airways' ticketed passengers stranded at airports, including Abu Dhabi International Airport, Dubai International Airport,

[2] As noted in the application referenced in footnote 1, the Council should be aware that there is a signed agreement between the Ministry of Transport of the State of Qatar and the Ministry of Transport of the Kingdom of Bahrain that details that Qatar's airspace at 24,500 feet and above is delegated to Bahrain to provide air navigation services. The Kingdom of Bahrain has an international obligation to provide air navigation services within this airspace and has no right to close the airspace or deny air navigation services to aircraft in this shared airspace.

and all other UAE airports, as well as Bahrain International Airport and all airports in Egypt.

Moreover, Qatar Airways' offices were closed in the territories of the four countries by written civil aviation directives and using, in some cases, security forces located in the territory of these countries, inclusive of town and airport offices.

Currently Qatar Airways is unable to resolve problems for its international passengers stranded in those territories, including individuals and families of all nationalities, because it is being prevented from re-routing and re-issuing tickets to facilitate travel.

3. SUPPORTING DATA RELATED TO THE FACTS

Please see Appendix 1: The NOTAMs of the four countries.

Please see Appendix 2: NOTAM of the Republic of Yemen issued by the Kingdom of Saudi Arabia. The State of Qatar reserves the rights to submit further supplemental data in support of this request.

4. VIOLATIONS OF THE CHICAGO CONVENTION

The actions of **the Kingdom of Saudi Arabia, the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain** violate the Chicago Convention, to which they are Contracting Parties, and the hostile nature of the actions also stand against accepted practices and international consensus.

Article 5 of the Chicago Convention

As referenced in the letter from the ICAO Secretary General (reference number AN 13/4.3.Open-AMO66892 dated 7 June 2017), *"...besides some ASAs, **Article 5 of the Convention on International Civil Aviation**...governs the operation of international non-scheduled flights."*

Article 9 of the Chicago Convention

Article 9 sets out the factors that a contracting State must observe to validly restrict access to its airspace:

> *"Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. (Article 9(a).)*

Further, under Article 9(b), each State "reserves the right in exceptional circumstances or during a period of emergency, or in the interest of public safety," to prohibit overflights of its territory, as long as the prohibition is applied without distinction based on nationality.

The above-mentioned four countries have not and cannot justify the closing of their airspace under the requirements of **Article 9(a) or (b)**.

These States have not shown that there is a military necessity justifying the prohibition of Qatar-registered aircraft from their airspace or that a period of emergency has been declared. Further, no claim of public safety has been advanced by any of the States which have closed their airspace to aircraft registered in the State of Qatar.

Even if any of these factors were present, under Article 9, the States would need to apply the prohibition uniformly to all States, rather than discriminating against the State of Qatar. In this case, each of the States involved have prevented only Qatar-registered aircraft from utilizing their airspace. Aircraft registered in other countries are allowed free navigation over each of the countries that have prevented Qatari-registered aircraft from flying over their territory. As noted above, Qatar is not embroiled in any sort of military conflict with any of the States that have imposed this illegal blockade, underscoring the unlawfulness and lack of logic for this action.

Unlawful Restriction of International Airspace

In the case of the Kingdom of Bahrain, the international law violation is not limited to the confines of its own (FIR). This week, Bahrain's civil aviation authorities informed the State of Qatar that it had created a purported military "buffer zone."

The creation of this buffer zone, taken against a neighboring state during peacetime, cannot withstand legal scrutiny. This buffer zone is solely designed to block Qatar-registered aircraft from operating lawfully within and around Bahraini airspace, and Bahrain unlawfully has threatened military action should a Qatar-registered aircraft attempt to enter it.

The principle of freedom of access to international airspace is well-settled in international aviation law and is explicitly recognized in other international treaties in addition to the Chicago Convention. The freedom of navigation in international territory, which includes freedom of navigation and of overflight, is recognized in **Article 87 of the United Nations Convention on the Law of the Sea Convention 1982**, which states:

> *"The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked States:*
>
> *(a) Freedom of navigation;*
> *(b) Freedom of overflight..."*

Therefore, the high seas and the airspace above the high seas, are acknowledged to be beyond the territory or jurisdiction of any State.

Over the high seas, the "rules of the air" mentioned in **Article 12 of the Chicago Convention** govern:

"Over the high seas, the rules in force shall be those established under this Convention."

The ICAO Council, through the Standards and Recommended Practices (SARPs) promulgated by **Annex 2** of the Chicago Convention, regulates the flight and movement of aircraft over the high seas. ICAO member States cannot unilaterally depart from such standards.

Additionally, the State of Qatar recalls **Assembly Resolution 39/15 of the ICAO 39th Assembly**, in which the Assembly urged Member States to avoid adopting unilateral and extraterritorial measures that may affect the orderly, sustainable and harmonious development of international air transport.

By threatening military action against Qatar-registered airlines in international airspace, the Kingdom of Bahrain has breached its duties under the Chicago Convention and settled international law. These actions pose an unwarranted threat to the State of Qatar and to the traveling public, and is in direct contradiction of the **Assembly Resolution 39/15 of the ICAO 39th Assembly**.

Violation of Assembly Resolution A38-12

As referenced in the letter from the ICAO Secretary General (reference number AN 13/4.3.Open-AMO66892, dated 7 June 2017), **Assembly Resolution A38-12**, Appendix G: *Delimitation of air traffic services (ATS) airspaces*, Resolving Clause 7 states, *"...the provision by a State of air traffic services within airspace over the high seas does not imply recognition of sovereignty of that State over the airspace concerned."*

Accordingly, prohibiting Qatari-registered aircraft to transit through entire FIRs controlled by the **Kingdom of Saudi Arabia, the United Arab Emirates, the Arab Republic of Egypt, and the Kingdom of Bahrain** that contain non-sovereign airspace violated **Assembly Resolution A38-12**.

5. CONCLUSION

The State of Qatar wishes to remind the Council of the guiding principles of the Convention. According to the Preamble of the Convention, "it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends."

Based on **Assembly Resolution 39/15**, the Civil Aviation Authority of the State of Qatar believes that the ICAO Council, which is the supreme decision-making body of ICAO, has the overriding authority and obligation to address concerns about unilateral measures that affect the orderly development and conduct of international air transport.

The Council of ICAO has the duty to urge all Member States to cease using these unjustified measures against the State of Qatar, in order to ensure the rights of the State of Qatar under the Chicago Convention are fully respected.

The State of Qatar hereby formally invokes **Article 54 – "Mandatory functions of Council", paragraph (n) "Consider any matter relating to the Convention which any contracting State refers to it" of Chicago Convention** on the following grounds:

1) Against the Kingdom of Bahrain, the Arab Republic of Egypt, the United Arab Emirates and the Kingdom of Saudi Arabia for the violation of fundamental principles of Chicago Convention and the limitations set out in Article 9 of such Convention;
2) Against the Kingdom of Bahrain for violation of Annex 2 of the Chicago Convention;
3) Against the Kingdom of Saudi Arabia and the Kingdom of Bahrain for interrupting the safe and efficient flow of air traffic in violation of the Assembly Resolution A38-12, Appendix *G Delimitation of Air Traffic Services (ATS) Airspaces*, Resolving Clause 7.

The State of Qatar requests that the ICAO Council urgently provide contingency measures for the disruption of air traffic services, as per Chicago Convention Annex 11 (Air Traffic Services), Attachment C, and further urges. that the ICAO Council consider the establishment of a direct ATS routes between Doha and Tehran FIR, and the provision of Air Navigation Services within the portion of the ATS route situated within Bahrain's FIR, which will be supported by a Doha Approach Control Unit.

Further, the State of Qatar requests that the Council:

- Suspend participation of the Arab Republic of Egypt, the United Arab Emirates and the Kingdom of Saudi Arabia to the Council sessions pertaining to the current airspace blockade and with regard to all consideration of the Request presented herewith;
- Declare that the actions of the four countries have adversely affected the safety, security, regularity, efficiency and good governance of international air transport, which constitutes an egregious violation of the fundamental principles of Chicago Convention **(Articles 5, 28, 37, 44 and 69);**

- Investigate the actions of the Kingdom of Bahrain and determine whether these actions violate Bahrain's international obligations to civil aviation under **Article 69 of the Chicago Convention;**
- Reaffirm its commitment to the orderly development of international air transport pursuant to **Article 44 of the Chicago Convention;**
- Reaffirm that all Member States are obligated to respect the principles of the Chicago Convention and the Transit Agreement, and must refrain from interfering with international civil aviation.
- Urge the concerned countries to cease using these unjustified measures against the State of Qatar, in order to ensure the rights of the State of Qatar under the Chicago Convention are fully respected;
- Require the Kingdom of Bahrain to continue to meet their legally binding obligation to provide air navigation services to the carriers and aircraft of the State of Qatar in accordance with the FIR agreement between Qatar and Bahrain; and
- Develop contingency plans to facilitate traffic flow to/from Hamad International Airport-Doha.

Finally, based on the forgoing, the State of Qatar urges the ICAO Council to take immediate steps for the establishment of a distinct Qatari Flight Information Region (FIR), encompassing the area over the exclusive economic zone and contiguous with the Tehran FIR.

This will account for the current and forecasted traffic growth and will enable safe and efficient provision of air navigation services. It is to be noted that Qatar has at present about 1000 movements per day and the current system will not be able to cope with the airspace capacity. This will also ensure that State of Qatar will never again be deprived of critical access to the outside world.

Report of Negotiations

Direct discussions, occurring on June 5 and 6, 2017 via conference call with officials of the Governments of the four countries, did not bring the crisis to a conclusion. In fact, the crisis has continued to intensify despite the best efforts of the State of Qatar.

The escalation of the situation has continued unabated to the point that the four countries have now declared that all nationals and residents of Qatar are persona non grata and must leave the territory of the four countries within 14 days. As a result, all diplomatic ties between the nations concerned have been ruptured and negotiations are no longer possible.

EXHIBIT 7

International Civil Aviation Organization

C-WP/14641
Restricted
19/7/17

WORKING PAPER

COUNCIL — EXTRAORDINARY SESSION

Subject No. 14: Subjects relating to air navigation
Subject No. 27: Convention on International Civil Aviation (Chicago Convention)

REQUEST OF THE STATE OF QATAR FOR CONSIDERATION BY THE ICAO COUNCIL UNDER ARTICLE 54 (n) OF THE CHICAGO CONVENTION

(Presented by the State of Qatar)

EXECUTIVE SUMMARY

Since 5 June 2017, the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates closed their air space for Qatari-registered aircraft and have imposed severe restrictions on such aircraft with respect to access to international airspace over the high seas adjacent to their territorial airspace.

This situation which is unprecedented in the entire history of international civil aviation causes serious concern for the continuing safety, security, regularity and economy of international air navigation and air transport.

Action: The Council is invited to consider the present Working Paper pursuant to Article 54(n) of the Chicago Convention. The Council is invited to:

a) urge the Blocking States to lift all the restrictions over the high seas to accommodate traffic flow within their respective FIRs for Qatar departures and arrivals. Alternatively;
b) provide alternative routes/route segments to transit through airspace over the high seas; and
c) urge the Blocking States which are Contracting Parties to the International Air Services Transit Agreement 1944, to comply in *good faith* with their obligations concerning over-flight freedom stipulated in this multilateral treaty in order to allow Qatar-registered aircraft to resume normal transit flights within the airspace of the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates.

Strategic Objectives:	This working paper relates to Strategic Objectives on Safety; Air Navigation Capacity and Efficiency.
Financial implications:	No additional resources required.
References:	Doc 7300, *Convention on International Civil Aviation*; Doc 7559/9, *Rules of Procedure for the Council;* International Air Services Transit Agreement, also known as the Transit Agreement (IASTA) 1944; Annex 2 and Annex 15 of the Chicago Convention; Assembly Resolutions A38-12 & A39-15; The UN Convention on the Law of the Sea

1. INTRODUCTION

1.1 On 5 June 2017, the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (the "Blocking States") published NOTAMs that all Qatar-registered aircraft would be denied from overflying their airspace and barred from landing at or departing from their airports. They also severed diplomatic relations with the State of Qatar.

1.2 In their NOTAMs, certain restrictions also applied to foreign aircraft flying to/from the State of Qatar and via the FIRs of the Blocking States. Foreign (non-Qatar-registered) aircraft were required to obtain prior approval from the civil aviation authorities of the Blocking States.

1.3 It is to be noted that the State of Qatar delegated the provision of services over its sovereign airspace to the Kingdom of Bahrain through a bilateral agreement since April 2000.

1.4 The ongoing actions of the Blocking States pose a direct and imminent threat to the safety, security, regularity and efficiency of international civil aviation, in particular for Qatar-registered aircraft, and put at risk the good governance and integrity of the international air navigation.

1.5 In response to the current airspace blockade, the State of Qatar has made repeated efforts to coordinate with the ICAO Middle East Office in order to develop contingency routes. Only one contingency route out of the State of Qatar was implemented on 22 June 2017. Despite several proposals submitted by the State of Qatar to establish additional contingency routes, none have so far been established.

2. LEGAL INSTRUMENTS

2.1 The international community is governed by the rules of law which States themselves have created and which they committed themselves to respect. Regretfully, the Blocking States have flagrantly violated several general and specific legal obligations which they have earlier freely accepted. The actions of the four Blocking States violate several fundamental principles of general international law, as well as the specific sources of law relating to international civil aviation. The following summary may be noted:

a) **In the Preamble of the Charter of the United Nations, States have committed themselves "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained";**

b) **The sanctity of international treaties ("*pacta sunt servanda*") is confirmed by Article 26 of the United Nations Convention on the Law of Treaties: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith". Severance of diplomatic relations does not affect the legal validity of treaties;**

c) **The collective actions against the State of Qatar do not promote cooperation between nations and peoples and contravenes the spirit of the Chicago Convention.**

The collective actions against the State of Qatar contravene the Preamble of the Chicago Convention, which states in its second paragraph that:

"...it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends";

d) The airspace over the high seas are open to all States and cannot be restricted

The airspace blockade over the high seas imposed by the four States is in violation of Article 87 of the United Nations Convention on the Law of the Sea 1982.

Articles 1 and 2 of the Chicago Convention make it evident that the exclusive sovereignty of the States is limited only to the territorial airspace of each State. Furthermore, Article 12 of the Chicago Convention emphasizes that the flight and movement of aircraft over the high seas are regulated under the Chicago Convention and its Annexes. Article 12 of the Chicago Convention States:

"...Over the high seas, the rules in force shall be those established under this Convention."

Annex 2 of the Chicago Convention (Rules of the Air) regulates the flight and movement of aircraft over the high seas in a mandatory manner, which is the only Annex among 19 Annexes that Contracting States cannot file a difference under Article 38 of the Convention.

Assembly Resolution A38-12, Appendix G: *Delimitation of air traffic services (ATS) airspaces*, Operative Clause 7 states, *"...the provision by a State of air traffic services within airspace over the high seas does not imply recognition of sovereignty of that State over the airspace concerned."*

Accordingly, prohibiting Qatari-registered aircraft to transit through the Blocking respective FIRs, including the areas over the high seas would be in violation of the Assembly Resolution A38-12;

e) The collective actions against the State of Qatar violate the principles of safety, regularity and efficiency of air navigation and air transport

Preserving the safety, regularity, and efficiency in air navigation and in economical air transport are fundamental principles of international air law so that it has been reiterated in three articles of Chicago Convention: Articles 37 (k), 44 (d), and 69. The collective action of the four Blocking States is a conspicuous violation of safety, regularity and efficiency of air navigation and economical air transport, which is against the spirit of the Chicago Convention;

f) The collective actions against the State of Qatar violate the obligation of Contracting States to provide facilities for the international air navigation to other Contracting States

Article 28 emphasizes that each contracting State shall provide air navigation facilities to facilitate international air navigation in accordance with the provisions of the Chicago Convention and its Annexes (SARPs). The acts of the four Blocking States with respect to preventing Qatar-registered aircraft from utilizing their FIR are in clear violation of Article 28 of the Chicago Convention;

g) **Preventing Qatar-registered aircraft to overfly the airspace of three of the Blocking States is a clear violation of their obligations under the International Air Services Transit Agreement**

The Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates are among the 131 States contracting parties to this multilateral agreement, which grants the following "freedom of the air" to other contracting States with respect to scheduled international air services:

1. The privilege of overfly across its territory without landing
2. The privilege to land for non-traffic purposes

By interdicting the Qatar-registered aircraft (the State of Qatar also being a contracting party to the International Air Services Transit Agreement) to fly over their airspace, the three Blocking States are violating the IASTA;

h) **The issuance of NOTAMs by the Blocking States violates the 7 days-notice obligation under Annex 15 of the Chicago Convention**

Annex 15 of the Chicago Convention (*Aeronautical Information Services)*, Chapter 5 (NOTAM) section 5.1.1.4 indicates that at least seven days' advance notice shall be given of the activation of established danger, restricted or prohibited areas and of activities requiring temporary airspace restrictions other than for emergency operations. There was no emergency as a ground for immediate effect of the NOTAMs issued by the four Blocking States to deny access of Qatar-registered aircraft to the FIR of those four States. The NOTAMs should have been effective after 7 days.

Note: It is a matter of concern to note that the Kingdom of Saudi Arabia issued a NOTAM on 6 June purportedly on behalf of the Republic of Yemen closing the Yemeni airspace to Qatari registered aircraft; the NOTAM was back-timed by 11 minutes and had serious safety and security implications on a score of Qatari registered aircraft finding themselves in that part of the airspace at that time;

i) **Denying Qatar-registered aircraft their overfly rights is in violation of Article 5 of the Chicago Convention, which governs the freedom of international non-scheduled flights**

The Blocking States deny Qatari-registered aircraft the freedom of overflying their territories in non-scheduled international air service in clear violation of Article 5 of the Chicago Convention;

j) **The actions of the Blocking States cannot be justified under Article 9 of the Chicago Convention on Prohibited Areas**

Article 9 of the Chicago Convention requires that any declaration of prohibited air space must be made on a non-discriminatory basis without distinction as to nationality of the aircraft. The four States instigating the current airspace blockade against the State of Qatar have closed their airspace in a clearly discriminatory manner exclusively for Qatar-registered aircraft;

k) **The actions of the Blocking States undermine the obligation of Contracting States to avoid unilateral and extra-territorial measures**

Assembly Resolution A39-15 of the ICAO 39th Assembly urges Member States to avoid adopting unilateral and extraterritorial measures that may affect the orderly, sustainable and harmonious development of international air transport. The actions of the Blocking States contravene this Resolution.

3. PROPOSED ACTION BY THE COUNCIL

3.1 The Council is invited to:

a) urge the Blocking States to lift all the restrictions over the high seas to accommodate traffic flow within their respective FIRs for Qatar departures and arrivals. Alternatively;

b) provide alternative routes/route segments to transit through airspace over the high seas; and

c) urge the Blocking States which are Contracting Parties to the International Air Services Transit Agreement 1944, to comply in *good faith* with their obligations concerning over-flight freedom stipulated in this multilateral treaty in order to allow Qatar-registered aircraft to resume normal transit flights within the airspace of the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates.

— END —

EXHIBIT 8

International Civil Aviation Organization

C-WP/14640
Restricted
19/7/17

WORKING PAPER

COUNCIL — EXTRAORDINARY SESSION

Subject No. 14: Subjects relating to air navigation
Subject No. 27: Convention on International Civil Aviation (Chicago Convention)

RESPONSE TO QATAR'S SUBMISSIONS UNDER ARTICLE 54 (n)

(Presented by Bahrain, Egypt, Saudi Arabia, and the United Arab Emirates)

EXECUTIVE SUMMARY

This paper presents a response to the submissions sent by Qatar to ICAO between 5 and 15 June 2017, referenced below, to invoke Article 54 (n) of the Convention on International Civil Aviation. The States presenting this working paper underline their full commitment to the safety of international civil aviation and of the flying public in their region and worldwide as their highest priority. The paper provides an analysis of the situation, an overview of the contingency measures adopted, and presents the viewpoint of these States on the various types of relief requested by Qatar from the Council.

Action: The Council is invited to:

a) deny, as a preliminary matter, the request of Qatar to exclude Egypt, Saudi Arabia and the United Arab Emirates from participating in the Council deliberations on this matter;
b) decide to limit its deliberations to the urgent Article 54 (n) matters which are related to the safety of international civil aviation, and to defer the other, non-urgent matters properly falling under other related procedures until such procedures are taken up, taking into account that this meeting was requested on a basis of urgency, and that the related procedures under Article 84 of the Convention should not be pre-empted;
c) note the contingency measures agreed so far between the parties and concur that they are adequate to maintain a safe air navigation system in the region and to avoid disruption of air traffic;
d) recognize that the parties are cooperating to implement the contingency measures to accommodate the Qatari requests in order to ensure the safety of international civil aviation in the region;
e) recognize the ongoing work by ICAO, including the MID Regional Office in Cairo, to ensure safety and efficiency of civil aviation; and
f) encourage the parties to further cooperate regarding this matter.

Strategic Objectives:	This working paper relates to Strategic Objectives on Safety; Air Navigation Capacity and Efficiency.
Financial implications:	No additional resources required.
References:	Doc 7300, *Convention on International Civil Aviation* , Doc. 7559/7, *Rules of Procedure for the Council,* Doc. 7782/2, *Rules of Procedure for the Settlement of Differences,* Submissions of Qatar to ICAO dated 5 June 2017 (ref. ANS.02/502/17), 8 June 2017 (ref. 15984/2017), 13 June 2017 (ref. 2017/15993), 13 June 2017 (ref. 2017/15994, with Attachments) and 15 June 2017 (ref. 2017/15995, with supplement.

1. INTRODUCTION

1.1 This Working Paper is presented in response to the submissions of Qatar to ICAO of June 5 to 15 set out in the References shown above, all of which were circulated to members of the Council, by which Qatar, inter alia, invoked Article 54 (n) of the Convention on International Civil Aviation (Chicago Convention) on a basis of urgency. It presents the views of the presenting States in summary form. The more detailed response is set out in **Appendix A.**

2. GENERAL COMMENTS ON THE SUBMISSIONS OF QATAR

2.1 The States presenting this working paper underline their full commitment to the safety of the international civil aviation and of the flying public in their region and worldwide as their highest priority. The Governments of the Kingdom of Bahrain, the Arab Republic of Egypt, the Kingdom of Saudi Arabia, and the United Arab Emirates revoked access for Qatar-registered aircraft to the airspace of these States (including airspace above territorial waters) with effect from 6 June 2017. These measures were a legitimate and proportionate response to Qatar's actions and are permitted under international law. It is important to note that these measures do not constitute an "air/sea blockade", as has been alleged by the Qatari Government and its media networks. The State of Qatar's airports and airspace remain open, and its maritime ports continue to operate at full capacity, receiving vessels and goods. Moreover, all other international traffic using the respective airspace to travel to and from Qatar is operating normally.

2.2 As members of ICAO, the States presenting this working paper consider that their priority is to ensure the safe operation of civil aviation in the region, and all four States have therefore contributed fully to the implementation of contingency arrangements and measures in order to ensure that operation of aircraft over the airspace administered by them is conducted under safe conditions at all times.

3. ANALYSIS OF THE SUBMISSIONS OF QATAR

3.1 The abovementioned five letters of Qatar aim at initiating the following three procedures before the Council of ICAO:

a) **procedure under Article 54 (n) of the Chicago Convention on a basis of urgency,** mainly seeking contingency routes, but also other action including a finding that Articles 5, 9, 28, 37, 44 and 69 of the Chicago Convention have been violated;

b) **procedure under Article 84 of the Chicago Convention against three (3) States** regarding alleged violations of the International Air Services Transit Agreement (IASTA);

c) **procedure under Article 84 of the Chicago Convention against four (4) States regarding alleged violations of the Chicago Convention**, *inter alia* of Articles 5, 9, 28, 37, 44 and 69 of the Chicago Convention.

3.2 The above five letters are, for the major part, intermingling requests and arguments under Article 54 (n) with requests and arguments under Article 84. The Article 54 (n) procedure is governed by the Rules of Procedure for the Council, while the two Article 84 procedures are governed by the Rules of Procedure for the Settlement of Differences. The two types of proceedings are procedurally and materially different and should be strictly separated.

3.3 **The present meeting of the Council has been called to deal specifically with the urgent request under Article 54 (n) only.** It is submitted that the Council should therefore refrain at this meeting from discussing any non-urgent subject matters falling under either of the two Article 84 procedures requested by Qatar. This is necessary in order not to pre-empt the Article 84 proceedings, and specifically not to pre-empt the Parties' rights. In particular, in any Article 84 procedure the Respondents must first be given the opportunity to respond by counter-memorial before the matter is discussed by the Council (see Rule 3 (1) (c) of the *Rules of Procedure for the Settlement of Differences)*. Such opportunity has not yet been given.

3.4 **The Council is therefore invited to limit its deliberations to the urgent Article 54 (n) matters related to the safety of international civil aviation only, taking into account that this meeting was requested on a basis of urgency, and that the procedures initiated under Article 84 of the Convention should not be pre-empted.**

4. CONTINGENCY ARRANGEMENTS AND ROUTES

4.1 In order to ensure the continued safety of international civil aviation and of the flying public, and to prevent disruption of air traffic in the region, the following action has been taken by the parties regarding urgent contingency measures, in cooperation with the ICAO Regional Office in Cairo:

a) implementation of **six (6) contingency routes over the respective FIRs of Bahrain, Iran and Oman**, to enable the safe air navigation of Qatar-registered aircraft;

b) arrangements between Saudi Arabia, the United Arab Emirates, Bahrain, Iran and Oman **to allocate certain flight levels for the exclusive use of Qatar-registered aircraft**, allocating the use of these flight levels for the United Arab Emirates FIR traffic (GABKO FL310, TONVO FL310 and FL350, TARDI FL310 and FL350, LABBI FL310 and FL350, TUMAK FL300);

c) informal technical briefing on 30 June 2017 to the Council. ICAO officials confirmed that the contingency plan has been smoothly implemented with the full cooperation of all relevant States and expressed their confidence in the safety and regularity of air navigation in the MID Region. It was confirmed that neither ICAO HQ nor the MID Regional Office have received reports of any serious incidents or events arising from the measures or from the contingency plan being implemented;

d) Special Technical Meetings at the Regional (MID) Office in Cairo, Egypt on 6 July 2017 and in Doha, Qatar, on 9 July 2017 to review the contingency measures currently in place and to discuss additional proposals to allow Qatar registered aircraft operations over the high seas;

e) Qatari proposals for two (2) additional contingency routes were accepted by the United Arab Emirates, **bringing the number of contingency routes to eight (8)**, to accommodate Qatar-registered aircraft departures (eastbound) and arrivals (westbound);

f) Egypt accepted the Qatari proposal for one additional contingency route over the respective FIRs (Cyprus, Egypt, Libya), after the safety mitigation by lateral and longitudinal separation minima for additional contingency routes, **bringing the number of contingency routes to nine (9)**.

4.2 More specific information regarding the contingency measures agreed upon so far between the parties, including relevant charts showing the location of the contingency routes, and the allocation of flight levels is set out in the **Appendix B** to this working paper.

4.3 In light of the above situation, it is submitted that the requests of Qatar made between 5 and 15 June 2017 to urgently provide for contingency measures as per Annex 11 Attachment C, in particular between Doha and the Tehran FIR, and the provision of ANS services within the portion of the ATS route situated within the Bahrain FIR, have been essentially met. The overriding need to maintain the **safe operation of civil aviation in the region** has likewise been met.

4.4 The submissions of Qatar to the Council to provide for contingency measures on a basis of urgency under Article 54 (n) have therefore become largely moot. The Council is invited to note the contingency measures agreed between the States concerned and concur that they are adequate to maintain a safe air navigation system in the region and to avoid disruption of air traffic.

4.5 The Council is further invited to recognize that the parties are cooperating to implement the urgent contingency measures to accommodate the Qatari requests in order to ensure the safety of international civil aviation in the region.

5. CONCLUSIONS

5.1 **The States presenting this working paper underline their full commitment to the safety of international civil aviation and of the flying public, not only in their region but worldwide, as their highest priority. The Council is invited to:**

a) deny, as a preliminary matter, the request of Qatar to exclude Egypt, Saudi Arabia and the United Arab Emirates from participating in the Council deliberations on this matter;

b) decide to limit its deliberations to the urgent Article 54 (n) matters which are related to the safety of international civil aviation, and to defer the other, non-urgent matters properly falling under other related procedures until such procedures are taken up, taking into account that this meeting was requested on a basis of urgency, and that the related procedures under Article 84 of the Convention should not be pre-empted;

c) note the contingency measures agreed so far between the parties and concur that they are adequate to maintain a safe air navigation system in the region and to avoid disruption of air traffic;

d) recognize that the parties are cooperating to implement the contingency measures to accommodate the Qatari requests in order to ensure the safety of international civil aviation in the region;

e) recognize the ongoing work by ICAO, including the MID Regional Office in Cairo, to ensure safety and efficiency of civil aviation; and

f) encourage the parties to further cooperate regarding this matter.

— END —

EXHIBIT 9

International Civil Aviation Organization

WORKING PAPER

C-WP/14639
14/07/17
Restricted
(Information paper)

COUNCIL — EXTRAORDINARY SESSION

Subject No. 14.3: Other air navigation activities

CONTINGENCY ARRANGEMENTS TO FACILITATE THE FLOW OF TRAFFIC OVER THE HIGH SEAS AIRSPACE IN THE GULF REGION

(Presented by the Secretary General)

EXECUTIVE SUMMARY

This working paper provides information concerning the restrictions imposed by the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates on the use of their airspace by aircraft registered in the State of Qatar. The paper also presents the contingency arrangements and the result of the coordination meetings held on 6 July 2017 in Cairo, Egypt and on 9 July 2017 in Doha, Qatar.

Strategic Objectives:	This working paper relates to Strategic Objectives on Safety; Air Navigation Capacity and Efficiency.
Financial implications:	N/A
References:	C-DEC 211/4; C-DEC 211/10

1. INTRODUCTION

1.1 During its 211th Session, at the fourth meeting (C-DEC 211/4), on 9 June 2017, the Council was informed of the receipt of a letter dated 5 June 2017 from Qatar regarding "the closure of Bahrain, Cairo, Jeddah and UAE Flight Information Regions (FIRs) for traffic to/from Qatar, including Qatar Airways flights landing to/or overflying the respective FIRs".

1.2 By letter dated 17 June 2017 to the President of the Council, Qatar confirmed "the decision of the State of Qatar to invoke Article 54 n)" of the *Convention on International Civil Aviation* (Doc 7300). The letter referenced earlier correspondence from Qatar which specifically requested the intervention of the Council under Article 54 (n) in relation to 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".

1.3 The President of the Council and the Secretary General also received letters from Saudi Arabia and Egypt dated 7 and 8 June 2017, respectively, in which both States confirmed the restrictions instituted on aircraft registered in Qatar entering their airspace as well as landing at their airports. These letters also stated that there were no restrictions on foreign aircraft crossing Egyptian or Saudi airspace from/to Qatar.

1.4 At the tenth meeting of its 211th Session (C-DEC 211/10), on 23 June 2017, the Council was advised of the actions taken in response to correspondence from Qatar. The Council was also briefed on the technical aspects of the matter including contingency arrangements implemented to facilitate the air traffic flow in and out of Qatar. The Council agreed that, in accordance with Rule 19 of the *Rules of Procedure for the Council* (Doc 7559/10), an extraordinary session of the Council would be scheduled as soon as practicable. The Council also requested an informal briefing on the technical issues, which was provided by the Secretariat on 30 June 2017.

2. RESTRICTIONS ON AIRCRAFT REGISTERED IN QATAR

2.1 On 5 June 2017, a series of Notice to Airmen (NOTAM) were issued by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates that imposed restrictions, effective from 0000 UTC (Coordinated Universal Time) on 6 June 2017, on the use of their airspace by aircraft registered in Qatar. During the week of 5 June 2017 and subsequently, after coordination by the ICAO Middle East (MID) Office in Cairo with the States concerned, a number of NOTAMs promulgating restrictions were modified, clarifying that restrictions against aircraft registered in Qatar were over their airspace — meaning territory of the State within the FIR(s) concerned — and did not include high seas airspace.

2.2 On 6 June 2017, Saudi Arabia, on behalf of the Republic of Yemen, issued a NOTAM that imposed a similar restriction on the use of Yemen airspace by aircraft registered in Qatar. The restriction was to be with immediate effect, which was later changed, effective from 0001 UTC on 7 June 2017, in response to a request from the ICAO MID Office.

3. CONTINGENCY ARRANGEMENTS

3.1 Pursuant to Section 2.31, Annex 11 — *Air Traffic Services,* air traffic services (ATS) authorities are required to develop and implement contingency plans in the event of disruption, or potential disruption, of air traffic services and related supporting services. Such plans shall be developed

with the assistance of ICAO as necessary, in close coordination with the ATS authorities responsible for the provision of services in adjacent portions of airspace and with airspace users concerned.

3.2 The ICAO MID Office, according to established procedures, activated a Contingency Coordination Team (CCT) of States and international organizations concerned immediately after the promulgation of the above-mentioned NOTAMs and maintained direct and continuous communication with all States involved.

3.3 The ICAO MID Office also facilitated, in close coordination with Headquarters (HQ), particularly Air Navigation Bureau (ANB), the development of, and agreement on, contingency routes and measures to accommodate the rerouted flights operated by aircraft registered in Qatar. The contingency routes and measures, including new flight level allocation schemes (FLAS) and reduced separation minima, have been progressively implemented since 5 June 2017.

3.4 During this process, Qatar provided the ICAO MID Office with a proposal for the establishment of additional contingency routes over the high seas airspace in a number of FIRs, which were to provide more efficient routes available for flights operated by aircraft registered in Qatar. The ICAO MID Office organized a special coordination meeting, inviting Bahrain, Egypt, Saudi Arabia and the United Arab Emirates and the International Air Transport Association (IATA) to review the proposals. Subsequently, the results of this meeting were reviewed during a technical coordination meeting held in Doha, Qatar, attended by Iran (Islamic Republic of), Oman and Qatar. The overview and outcome of the meetings are summarized below.

4. COORDINATION MEETINGS TO ENHANCE CONTINGENCY ARRANGEMENTS

4.1 The first Air Traffic Management (ATM) Contingency Coordination Meeting for Qatar was held at the ICAO MID Office, Cairo, Egypt, on 6 July 2017. The meeting was attended by fourteen participants from four States (Bahrain, Egypt, Saudi Arabia and the United Arab Emirates) and one international organization (International Air Transport Association (IATA)).

4.2 The meeting was opened by Mr. Mohamed Khalifa Rahma, ICAO Regional Director, MID Office and chaired by Mr. Chris Dalton, Chief, Airspace Management and Optimization (C/AMO) Section at ICAO HQ, Montréal, Canada. Mr. Elie El Khoury, ICAO Regional Officer, Air Traffic Management/Search and Rescue (RO/ATM/SAR), Middle East Office was Secretary.

4.3 Participants were provided with an overview of the ICAO provisions related to the operations over the high seas and were invited to consider the reasonableness of contingency route proposals in the portion over the high seas within their respective FIRs. The meeting also noted that the main concern of ICAO was the safety of air transport, which would be maintained through the effective implementation of contingency routes and measures.

4.4 Following briefings and presentations by Bahrain, Saudi Arabia and the United Arab Emirates on the contingency measures undertaken to accommodate aircraft registered in Qatar, the meeting discussed in detail the proposals made by Qatar related to the routes over the high seas. A summary of conclusions is as follows:

a) **Proposal 1 — Cairo FIR (Beirut-Tunis)**: Egypt accepted the proposal in principle with a slight modification in the routing and allocation of specific flight levels. The meeting noted a need for coordination with Libya and Malta.

b) **Proposal 2 — Bahrain FIR (additional inbound routes to Doha)**: Bahrain was unable to accept the proposals due to operational challenges, but indicated its readiness to introduce further enhancements to the current contingency routes and measures as required.

c) **Proposal 3 — Emirates FIR (inbound and outbound routes)**: the United Arab Emirates accepted the proposed routes provided that specific ATM measures were implemented to avoid or minimize the impact on traffic within Emirates FIR. The United Arab Emirates also indicated its ability to implement the proposals within 48 hours from the time of the final agreement.

d) **Coordination with Iran (Islamic Republic of)**: The meeting agreed that the proposals be coordinated with Iran, given that a number of contingency routes enter and exit the airspace under their responsibility. It was also recognized that some additional modifications may be required to accommodate Tehran Area Control Centre's operational needs.

e) **Enhancement of the current route structure:** It was agreed that the implemented contingency routes be considered during the on-going review of the MID Region ATM Contingency Plan with a view to enhancing the current route structure to ensure the safety and sustainability of air transport in and across the MID Region.

4.5 Immediately following the meeting in Cairo, C/AMO and RO/ATM/SAR were instructed to travel to Doha, Qatar for a technical coordination meeting with technical experts from Iran (Islamic Republic of), Oman and Qatar on 9 July 2017. At the time of writing, these parties had accepted the additional contingency routes and measures agreed to in the paragraph above with small modifications, as well as additional restrictions necessary to support operations in the Tehran FIR. Coordination is on-going and the Secretariat will continue to keep the Council informed of developments.

5. CONCLUSION

5.1 A number of contingency measures and routes have been progressively implemented to ensure safe and efficient operation of international air traffic, in particular flights operated by aircraft registered in Qatar. The ICAO Secretariat will continue to coordinate and collaborate with all States concerned to find optimum technical solutions for increased safety and more efficient operations in the airspace over the high seas.

— END —

EXHIBIT 10

International Civil Aviation Organization

C-MIN Extraordinary Session (Closed)
22/8/17

COUNCIL — EXTRAORDINARY SESSION

SUMMARY MINUTES

(THE COUNCIL CHAMBER, MONDAY, 31 JULY 2017, AT 1000 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Algeria	— Mr. A.D. Mesroua
Argentina	— Mr. G.E. Ainchil
Australia	— Mr. S. Lucas
Brazil	— Mrs. M.G. Valente da Costa
Cabo Verde	— Mr. C. Monteiro
Canada	— Mr. M. Pagé
China	— Mr. Shengjun Yang
Colombia	— Mr. A. Muñoz Gómez
Congo	— Mr. R.M. Ondzotto
Cuba	— Mrs. M. Crespo Frasquieri
Ecuador	— Mr. I. Arellano
Egypt	— H.E. S. Fathi, Minister of Civil Aviation
France	— Mr. P. Bertoux
Germany	— Mr. U. Schwierczinski
India	— Mr. A. Shekhar
Ireland	— Mrs. A. Smith Floch
Italy	— Mr. M.R. Rusconi
Japan	— Mr. S. Matsui
Kenya	— Ms. M.B. Awori
Malaysia	— Mr. Y.-H. Lim
Mexico	— Mr. D. Méndez Mayora
Nigeria	— Mr. M.S. Nuhu
Panama	— Mr. G.S. Oller
Republic of Korea	— Mr. J. Hur
Russian Federation	— Mr. A.A. Novgorodov
Saudi Arabia	— H.E. A.M. Al-Tamimi President of GACA
Singapore	— Mr. T.C. Ng
South Africa	— Mr. M.D.T. Peege
Spain	— Mr. V.M. Aguado
Turkey	— Mr. A.R. Çolak
United Arab Emirates	— H.E. S. Al Mansoori, Minister of Economy
United Kingdom	— Mr. M. Rodmell
United Republic of Tanzania	— Mr. R.W. Bokango
United States	— Mr. S. Kotis (Alt.)
Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Mr. H. Yoshimura	— President ANC
Mrs. M.F. Loguzzo (Alt.)	— Argentina
H.E. K.B.A. Mohammed, Minister of Transportation and Telecommunications (Obs.)	— Bahrain
Mr. S.M. Hasan (Obs.)	— Bahrain
Mr. P. Langlais (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. A. Khedr (Rep.)	— Egypt
Mr. H.Y. Eladawy (Alt.)	— Egypt
Ms. A. Salama (Alt.)	— Egypt
Ms. S. Elmowafi (Alt.)	— Egypt
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Usami (Alt.)	— Japan
Mr. K.A. Ismail (Alt.)	— Malaysia
Mrs. D. Valle Álvarez (Alt.)	— Mexico
H.E. J.B.S.A. Al-Sulaiti, Minister of Transport and Communications (Obs.)	— Qatar
Mr. A. Al-Hamadi (Obs.)	— Qatar

SECRETARIAT:

Mrs. J. Yan	— C/OSG
Mr. B. Djibo	— D/ATB
Mr. J.V. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. C. Radu	— DD/SAF
Mr. M. Fox	— C/PRC
Mr. B. Verhaegen	— SELO
Mr. Y. Nyampong	— LO
Ms. C. Kim	— TO/AMO
Mr. M. Boyd	— TO/AMO
Mr. A. Larcos	— ACC
Mr. M. Vaugeois	— LEB
Miss S. Black	— Précis-writer

ALSO PRESENT (CONTINUED):

Mr. E.A. Al-Malki (Obs.)	— Rep. of Qatar to ICAO
Mr. F.M. Kafood (Obs.)	— Qatar
Mr. A. Al-Subaey (Obs.)	— Qatar
Mr. A. Al-Shahwani (Obs.)	— Qatar
Mr. N. Al Suwaidi (Obs.)	— Qatar
Mr. A.M.A. Ishaq (Obs.)	— Qatar
Mr. E. Mandany (Obs.)	— Qatar
Mr. J. Al Haroon (Obs.)	— Qatar
Mr. F. Atti (Obs.)	— Qatar
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. S.A.R. Hashem (Rep.)	— Saudi Arabia
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Alhamdan (Alt.)	— Saudi Arabia
Mr. N.B. Alsudairy (Adv.)	— Saudi Arabia
Mr. W.M.A. Alidrissi (Adv.)	— Saudi Arabia
Mr. I.B. Al Jabri (Adv.)	— Saudi Arabia
Mr. Ö. Doğrukol (Alt.)	— Turkey
Miss A. Alhameli (Rep.)	— United Arab Emirates
Mr. H. Al Belushi (Alt.)	— United Arab Emirates
Mr. S. Al Suwaidi (Alt.)	— United Arab Emirates
Mr. A. Al Naqbi (Alt.)	— United Arab Emirates
Mr. M. Al Shehhi (Alt.)	— United Arab Emirates
Mr. L. Weber (Alt.)	— United Arab Emirates
Mr. J.C. Salazar (Alt.)	— United Arab Emirates
Ms. L. Coquard-Patry (Alt.)	— United Arab Emirates
Ms. S. Aminian (Alt.)	— United Arab Emirates
Mr. V. Singh (Obs.)	— United Arab Emirates
Mr. A. Yanovich (Obs.)	— United Arab Emirates
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. J. Méndez (Alt.)	— Uruguay

Representatives to ICAO

Cameroon
Chile
Cyprus
Greece
Iran (Islamic Republic of)
Lebanon
Libya
Peru
Qatar
Sudan

Airports Council International (ACI)
Civil Air Navigation Services Organization (CANSO)
European Union (EU)
International Air Transport Association (IATA)

Subject No. 14: Subjects relating to air navigation
Subject No. 14.3: Other air navigation activities
Subject No. 27: Convention on International Civil Aviation (Chicago Convention)

Request of Qatar – Item under Article 54 n) of the *Convention on International Civil Aviation*

1. The President referred to the Council's earlier consideration, at the Tenth Meeting of its 211th Session (211/10) on 23 June 2017, of the request by Qatar for the inclusion in the Council's work programme, pursuant to Article 54 n) of the *Convention on International Civil Aviation*, of a "top-urgent item" related to 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". He recalled that the Council had decided at that meeting to convene, in accordance with Rule 19 of its Rules of Procedure (Doc 7559), an Extraordinary Session to consider the item as soon as practicable, following the first Air Traffic Management (ATM) Contingency Coordination Meeting for Qatar at the ICAO Middle East (MID) Regional Office (Cairo) on 6 July 2017 and the related technical coordination meeting on 9 July 2017 in Doha, Qatar, on the understanding that the Extraordinary Session would occur before the end of July 2017, taking into account the need to ensure that representatives from all of the Parties could attend, as well as the need to prepare and circulate documentation that would form the basis for the Council's deliberations.

2. The President noted that the Council had, at that time, also emphasized the need to clearly differentiate between any actions that it, as a governing body, might consider taking in relation to Article 54 n) of the *Convention on International Civil Aviation*, which stipulated that it was a mandatory function of the Council to "consider any matter relating to the Convention which any Contracting State refers to it", and any actions that it might consider taking in relation to Article 84 thereof, which provided a process for the settlement of any disagreement between Contracting States concerning the interpretation or application of the Convention and its Annexes which cannot be settled by negotiation.

3. The President further highlighted that, pursuant to the Council's said decision (211/10), an informal briefing *Qatar: Technical issues* had been given during the 211th Session on 30 June 2017 by the Secretary General, with the support of the Secretariat and the ICAO Regional Director, MID Regional Office.

4. The President noted that in accordance with Article 53 of the Convention and Rule 31 of the *Rules of Procedure for the Council*(Doc 7559), and following the Council's approval (cf. President's memorandumPRES OBA/2666 dated 11 July 2017), he had invited Bahrain and Qatar to participate, without a vote, in this Extraordinary Session on grounds of special interest. Furthermore, in the absence of any objections by close of business on 26 July 2017 in response to his e-mails dated 19 July 2017, the President had, in accordance with Rule 32 a) of the said Rules of Procedure, invited the European Union (EU), Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO) and the International Air Transport Association (IATA) to participate therein as Observers.

5. On behalf of the Council, the President then extended a warm welcome to the following distinguished high-level Government officials who were duly accredited to represent their respective affected Member States during this Extraordinary Session: H.E. Kamal Bin Ahmed Mohammed, Minister of Transportation and Telecommunications of Bahrain; H.E. Sherif Fathi, Minister of Civil Aviation of Egypt; H.E. Jassim Ben Saif Ahmed Al-Sulaiti, Minister of Transport and Communications of Qatar; H.E. Abdulhakim M. Al-Tamimi, President of the General Authority of Civil Aviation of Saudi Arabia; and H.E. Sultan Bin Saeed Al Mansoori, Minister of Economy of the United Arab Emirates. In addition, he welcomed the Directors General, Advisers and other officials from the said five Member States who were also in attendance.

6. In accordance with ICAO's mandate and its own mandate under the Convention, the Council proceeded to consider the technical issues relating to the aforesaid urgent Article 54 n) matter on the basis of the following three papers: working paperC-WP/14641**Restricted** *[Request of the State of Qatar for consideration by the ICAO Council under Article 54 n) of the Chicago Convention]*, presented by Qatar; working paperC-WP/14640**Restricted** *[Response to Qatar's submissions under Article 54 n)]*, jointly presented by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates; and information paperC-WP/14639**Restricted** *(Contingency arrangements to facilitate the flow of traffic over the high seas airspace in the Gulf region)*, presented by the Secretary General.

*Introduction of*C-WP/14641 *Restricted*
[Request of the State of Qatar for consideration by the ICAO Council under Article 54 n) of the Chicago Convention]

7. H.E. Jassim Ben Saif Ahmed Al-Sulaiti (Qatar) introduced C-WP/14641Restricted, which elaborated on the actions taken on 5 June 2017 by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates to close their respective airspace to Qatar-registered aircraft and to impose what Qatar considered to be severe restrictions on such aircraft with respect to access to international airspace over the high seas adjacent to their territorial airspace [with effect from 0000 UTC (Coordinated Universal Time) on 6 June 2017], which in Qatar's view caused serious concern for the continuing safety, security, regularity and economy of international air navigation and air transport. The paper also highlighted the repeated efforts made by Qatar to coordinate with the ICAO MID Regional Office in order to develop contingency routes, summarized the general and specific legal obligations and fundamental principles which Qatar considered had been violated by the said four Member States, and proposed actions by the Council.

8. H.E. Al-Sulaiti began by expressing Qatar's gratitude: to ICAO, for its relentless efforts for the benefit of international civil aviation and for assuming its responsibility by convening this Extraordinary Session of the Council to review Qatar's requests regarding the said unjust air blockade imposed upon it by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates; and to Council Member States, for having agreed to hold the Extraordinary Session at such a critical time, which reflected the importance ICAO attached to the aviation-safety- and security-related matter at hand.

9. H.E. Al-Sulaiti also voiced Qatar's deep appreciation to all ICAO Bureaus involved, including the MID Regional Office, for their efforts since the beginning of the said air blockade on Qatar on 5 June 2017. He underscored, however, that the first ATM Contingency Coordination Meeting for Qatar held at the MID Regional Office with the four blockading Member States on 6 July 2017 and the subsequent technical coordination meeting held in Doha, Qatar on 9 July 2017 had not achieved the desired results, due to the procrastination of the said Member States under unsubstantiated pretexts regarding certain technical issues, thus preventing Qatar from having full access to international air routes.

10. H.E. Al-Sulaiti noted that Qatar had evinced, over the years, its profound respect for all rules and institutions established by the international civil aviation community to govern relations between countries. He emphasized that Qatar was proud to have adhered to the 1944 Chicago Convention and its Annexes and to be an active participant in the activities of ICAO, a United Nations (UN) Specialized Agency, in support of a safe, secure and sustainable civil aviation sector. H.E. Al-Sulaiti further underscored that Qatar was committed to implementing, with a high degree of professionalism, ICAO's international Standards relating to the peaceful use of airspace, the freedom of air navigation over the high seas, and aviation environmental protection.

11. H.E. Al-Sulaiti indicated, however, that as there was a high level of global compliance with ICAO instruments, Qatar had been taken aback by the successive NOTAMs and arbitrary action taken by the four blockading Member States starting on 5 June 2017, in flagrant violation of all relevant ICAO international Standards, as well as of relevant ICAO instruments to which they were parties. That action had

included the publication by Saudi Arabia, on 6 June 2017, of a NOTAM on behalf of Yemen which had: imposed a similar restriction on the use of Yemen's airspace by Qatar-registered aircraft, with immediate effect, in total disregard of Yemen's sovereignty over the airspace above its territory; and urged other Member States to close their airspace to Qatar-registered aircraft. H.E. Al-Sulaiti underscored that while the NOTAM was to have taken immediate effect, less than two hours after its issuance its effective date had been changed to 0001 UTC on 7 June 2017.

12. H.E. Al-Sulaiti noted that the arbitrary measures had continued, when the Civil Aviation Authority of the United Arab Emirates had banned non-Qatar-registered civil aircraft flying to/from Qatar from crossing its Flight Information Region (FIR), including the airspace above its territory and the airspace over the high seas. When Qatar had appealed to ICAO to resolve that issue, the United Arab Emirates had published a NOTAM conforming to the Organization's international Standards relating to transit through airspace over the high seas. However, the air traffic control tower in Doha had been shocked when that NOTAM had been revoked verbally, as indicated in the technical document that had been submitted to the Council, in a blatant violation that put at risk passengers' lives and undermined aviation safety and security.

13. H.E. Al-Sulaiti underscored that the four blockading Member States had persisted in their unjustifiable aggressive behaviour and had continued to misinterpret international law, without any regard for aviation safety and security, leaving a grave humanitarian impact on civil aviation users in Qatar and all around the world. Thus a large number of innocent passengers, including the elderly, women and children who were practicing their religious rites in the holy sites during the month of Ramadan, had been stranded at the King Abdulaziz International Airport in Jeddah while Saudi Arabia's General Authority of Civil Aviation had ignored Qatar's appeals and had not paid attention to ICAO's international Standards relating to NOTAMs in such humanitarian situations.

14. H.E. Al-Sulaiti noted that Qatar, in affirming its profound respect for the provisions of the Chicago Convention and its commitment to upholding them, had consequently decided to appeal to ICAO's august Council and to document its position and the actions it requested the Council to take, in particular, Qatar's urgent request for the enforcement of Article 54 n) of the Chicago Convention to lift the unjust air blockade that had been imposed upon it by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates. Qatar deemed that necessary in order to be able to exercise its sovereign right of overflight over the high seas in those countries' respective FIRs, in accordance with the principles of international law and related binding conventions. H.E. Al-Sulaiti emphasized that the matter at hand was of utmost importance, not solely to Qatar but to all parties to the Chicago Convention, as it was a dispute that touched upon the Convention's essence and could seriously compromise aviation safety and security.

15. In highlighting that the said four Member States had unfortunately stood against Qatar's requests by word and deed, H.E. Al-Sulaiti noted that they claimed that it was legitimate for them to exercise sovereign and border control rights in the airspace above their territory and the airspace over the high seas, including the exclusive right to prevent all aircraft, whether registered in Qatar or not, from flying to and transiting through Qatar using their respective FIRs. Qatar considered that that went beyond the rights enshrined in the Chicago Convention and constituted an abuse of such rights in a way that undermined the Convention itself and misinterpreted its provisions. In Qatar's view, the fact that the said Member States had actually reversed some of their decisions undeniably proved the extent of uncertainty and lack of transparency on their part and constituted an implicit confession of their grave breaches of international law.

16. Recalling that Qatar and Bahrain had signed an Agreement under which Qatar had delegated the provision of air navigation services within its sovereign airspace to Bahrain from April 2000 onwards (cf. paragraph 1.3 of C-WP/14641 Restricted), H.E. Al-Sulaiti indicated that that had been a gesture of support for the Bahraini national economy, turning it into a major hub in the Middle East, in line with Qatar's tradition of supporting the economies of neighbouring countries. He underscored that Bahrain

had, however, broken its pledge and annulled that Agreement without prior notice, as documented. Moreover, Bahrain had arbitrarily enforced some measures in clear violation of ICAO's international Standards with the intention of undermining aviation safety in Qatar. H.E. Al-Sulaiti emphasized that Bahrain had acted unilaterally in so restricting the use of international airspace and routes that were beyond its sovereign right.

17. H.E. Al-Sulaiti highlighted that the said measures taken by Bahrain had compelled Qatar to manage its own FIR, according to the highest standards of safety. Its civil aviation authorities were acting in a highly-professional way, which was widely praised and recognized.

18. H.E. Al-Sulaiti underscored that over the course of 70 years of safe international civil aviation no country in the world had ever faced such an air blockade and a blatant violation of international law as Qatar. In emphasizing that the behaviour of Bahrain, Egypt, Saudi Arabia and the United Arab Emirates towards Qatar was lamentable and against the interests of the world at large, he stressed that tolerating such conduct would encourage other Member States to attempt to play the role, and have the authority, of the UN and its organizations, while ignoring all the obligations arising from binding international and regional instruments to which they were parties.

19. H.E. Al-Sulaiti noted that the Delegation of Qatar had not come to this Extraordinary Session to discuss political issues and false accusations, but rather to present issues related to the safety and security of international civil aviation and the right of overflight over the high seas according to international law. He thus urged not only the four blockading Member States, but all Council Member States, which represented the whole international aviation community, to be neutral in the present discussion, based on the principles of international law, the UN common system and relevant binding conventions. H.E. Al-Sulaiti emphasized that Qatar did not wish to live in a world where the law of the jungle and capriciousness prevailed and where international instruments were infringed upon and distorted to serve the narrow interests of individual Member States. In Qatar's view, the four blockading Member States had placed themselves above international law, in total disregard of aviation safety and security, thus endangering the lives of the flying public. It considered that failure to hold them accountable would lead to the recurrence of such violations, which constituted a gross breach of safety, security and the right of overflight over the high seas.

20. Recalling that the 103rd anniversary of the first-ever scheduled commercial passenger flight had recently been celebrated, H.E. Al-Sulaiti underscored that ICAO had achieved much progress and prosperity since its own establishment in 1944. He noted that its 191 Member States had placed their full trust in the Council and its Members, who represented the world and who were the voice of the voiceless. In particular, they trusted Council Members to take the necessary action and to draw on their conscience in order to ensure the continued safety and security of civil aviation, given the Council's essential role as the main arbitrator in the implementation of all binding conventions, in particular the 1944 Chicago Convention, and its Annexes.

21. In conclusion, H.E. Al-Sulaiti reiterated Qatar's deep appreciation for all of the efforts which ICAO had made and would continue to make towards resolving the matter at hand due its paramount importance, not only for Qatar, but also for the Gulf region and indeed the whole world. He affirmed that it was also of utmost importance for the safety of international civil aviation and the legal framework for international air navigation, adopted by the international community after long and hard deliberations that had spanned many years.

22. H.E. Al-Sulaiti looked forward to all present assuming their collective responsibility in tackling this dangerous precedent. He had full trust in the integrity of this process, as well as in the Council's demonstrated credibility, transparency and sound judgment to resolve the matter at hand.

23. H.E. Al-Sulaiti then gave the floor to Mr. A. Al-Hamadi, the Director, Air Safety Department of the Qatar Civil Aviation Authority, to elaborate further on various elements of C-WP/14641Restricted and the actions which the Council was invited to take.

24. Mr. Al-Hamadi prefaced his remarks by reiterating Qatar's gratitude to Council Members for their willingness to meet in an Extraordinary Session, outside the normal schedule of the Council, and in the middle of their summer holidays. In its view, the urgency of the matter at hand justified their selfless sacrifice.

25. In stressing that Qatar was not bringing before the Council any matters of a political nature, Mr. Al-Hamadi underscored that any such matters should be ruled to be out of order and should not be permitted to overshadow the real issue of its submissioninC-WP/14641 Restricted, which was strictly based on Article 54 n) of the Chicago Convention, according to which it was a mandatory function of the Council to "consider any matter relating to the Convention which any Contracting State refers to it". He highlighted that there was no provision requiring that such matter be urgent in nature. Nevertheless, Qatar was convinced that violations of the Chicago Convention and the 1944 International Air Services Transit Agreement (IASTA) were matters of high priority. Indicating that it was hard to imagine anything more urgent for the Council to consider, Mr. Al-Hamadi underscored that the consequences of those violations of legal obligations were unprecedented in the entire history of international civil aviation and had caused serious concern for the continuing safety, security, regularity and economy of international civil aviation. He reiterated that such violations could be repeated elsewhere in the world unless condemned by the international community, and that tolerance thereof could undermine the very foundation of ICAO.

26. Mr. Al-Hamadi noted that C-WP/14641Restricted described the situation after the said four blockading Member States had published, on 5 June 2017, NOTAMs prohibiting all Qatar-registered aircraft from overflying their FIRs and banning them from landing at or departing from their airports. Those Member States had also restricted foreign-registered aircraft flying to/from Qatar via their FIRs by imposing additional approval processes. Qatar considered that those actions posed a direct and imminent threat to the continuing safety, security, regularity and economy of international civil aviation, in particular for Qatar-registered aircraft.

27. Mr. Al-Hamadi underscored that the paper's core emphasis was on the applicable rules of international law that were binding for all ICAO Member States. Reference was made to the rules created by the States themselves, to which the States had committed themselves to respect in good faith. Qatar considered that the actions of the four blockading Member States contravened the spirit of the Chicago Convention as expressed in its Preambular Clause 2, which read "… it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;". In addition, their numerous violations of several provisions of the Chicago Convention,as listed inC-WP/14641 Restricted, caused serious concern for the continuing safety, security, regularity and economy of international civil aviation.

28. Referring to the IASTA, Mr. Al-Hamadi highlighted that it was in force for 131 ICAO Member States, including Bahrain, Egypt and the United Arab Emirates, which thereby granted to the other IASTA Contracting Parties the following two freedoms of the air in respect of scheduled international air services: the privilege to fly across its territory without landing i.e. overflight; and the privilege to land for non-traffic purposes (cf. Article I, Section 1). He stressed that it would be profoundly incorrect to state that any issues relating to the IASTA must be considered as a dispute under Article 84 of the Chicago Convention. Mr. Al-Hamadi noted that, in fact, the IASTA clearly indicated in Article II, Section 1 that any complaint made thereunder must be considered by the Council. He affirmed that the present meeting was the time for the Council to act under that provision of the IASTA.

29. Mr. Al-Hamadi then drew attention to the executive summary ofC-WP/14641Restricted,in which Qatar invited the Council to:

a) urge the said four blockading Member States to lift all the restrictions over the high seas to accommodate traffic flow within their respective FIRs for Qatar departures and arrivals. Alternatively:

b) provide alternative routes/route segments to transit through airspace over the high seas; and

c) urge the blockading Member States which were Contracting Parties to the 1944 IASTA to comply in *good faith* with their obligations concerning overflight freedom stipulated in that multilateral treaty in order to allow Qatar-registered aircraft to resume normal transit flights within the airspace of Bahrain, Egypt and the United Arab Emirates.

Introduction ofC-WP/14640*Restricted*
[Response to Qatar's submissions under Article 54 n)]

30. On behalf of the co-presenters (Bahrain, Egypt, Saudi Arabia and the United Arab Emirates) H.E. Sultan Bin Saeed Al Mansoori (United Arab Emirates)introducedC-WP/14640 Restricted, which set forth their response to the submissions sent by Qatar to ICAO between 5 and 15 June 2017 to invoke Article 54 n) of the Chicago Convention on an urgent basis and underlined their full commitment to the safety of international civil aviation and of the flying public in their region and worldwide as their highest priority. It also provided an analysis of the situation and an overview of the contingency measures adopted, set forth the co-presenters' viewpoint on the various types of relief requested by Qatar from the Council, and proposed actions by the Council.

31. H.E. Al Mansoori took this opportunity to reaffirm the co-presenters' strong commitment: to the principles and rules of the Chicago Convention, as well as to ICAO's Strategic Objectives and principles as confirmed during the recent 39th Session of the Assembly; and, as Member States of ICAO, to achieving their mutual objective of ensuring the safety of international civil aviation at all times, which also applied in special situations such as the present one in the Gulf region. In highlighting that Bahrain, Egypt, Saudi Arabia and the United Arab Emirates commended the work of the President of the Council, as well as that of the Secretary General and the Secretariat, he noted that the Secretariat, particularly at the MID Regional Office, had worked tirelessly with all Member States concerned and had encouraged cooperation and the implementation of contingency measures that enabled the safe operation of civil aviation in the Gulf region.

32. H.E. Al Mansoori stressed that the actions taken by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates did not constitute an "air/sea blockade" of Qatar as allegedby the latter in its paper (C-WP/14641 Restricted). Noting that under international law the term "blockade" meant action preventing entry and exit of all vessels (boats), and by analogy, arrival at and departure from airports, he emphasized that that was not the action which the said Member States had taken, as made evident by the facts that Qatar continued to receive vessels and goods and all international air traffic continued to operate normally to and from Qatar using its airspace. H.E. Al Mansoori underscored that the measures which the four Member States had taken were airspace closures, of which there were numerous precedents in ICAO. Those Member States maintained that their airspace closures were legitimate, justified, and a proportionate response to Qatar's actions and were permitted under international law.

33. Turning toC-WP/14640 Restricted, H.E. Al Mansoori indicated that the co-presenters respectfully submitted that the Council should limit its deliberations to the urgent Article 54 n) matter which was related to the safety of international civil aviation, and to defer the other non-urgent matters

properly falling under other related procedures until such procedures were taken up, taking into account that the present meeting had been requested on the basis of urgency. He referred, in this context, to the position taken by the Council at the Tenth Meeting of its 211th Session (211/10) where it had emphasized the need to clearly differentiate between any actions that it, as a governing body, might consider taking in relation to Article 54 n) of the Chicago Convention and any actions that it might consider taking in relation to Article 84 thereof (cf. paragraph 2 above). H.E. Al Mansoori underscored that as a result of the extensive work of the Member States involved in this matter, Bahrain, Egypt, Saudi Arabia and the United Arab Emirates, with the cooperation of ICAO, had successfully established contingency measures that ensured the safety of international civil aviation in the Gulf region, as highlighted in C-WP/14640Restricted. Furthermore, as a result of the excellent cooperation of several other Member States which administered the adjacent FIRs, to date they had considered nine contingency routes in total, six of which were operational. Two additional routes had been agreed upon, but their implementation was still pending due to the need to obtain the approval of adjacent Member States. Another additional route had been agreed upon but the ICAO MID Regional Office had deemed it unsuitable for implementation for the time being.

34. In then addressing Qatar's paper, C-WP/14641 Restricted, which had been issued on 19 July 2017, the same date as the co-presenters' paper, H.E. Al Mansoori highlighted that the proposed actions in the executive summary were different from those previously requested by Qatar in the five letters which it had sent to ICAO between 5 and 15 June 2017. It was unclear whether those actions replaced all the numerous actions which Qatar had previously requested from the Council or whether they supplemented or modified them. With regard to action paragraphs a) and b) ofC-WP/14641Restricted, he noted that the contingency routes already agreed upon and implemented with the active involvement of the MID Regional Office were situated over the high seas, as would be explained in the accompanying technical PowerPoint presentation. H.E. Al Mansoori emphasized that the said four Member States did not restrict or limit access of Qatar-registered aircraft to the high seas airspace, as confirmed in paragraph 2.1 of the Secretary General's paper (C-WP/14639 Restricted). He stressed that as a result of the implementation of the contingency routes over the high seas already agreed upon between the Parties, as clearly substantiated in the Secretary General's paper and in the paper co-presented by the four Member States (C-WP/14640Restricted), the actions requested by Qatar under paragraphs a) and b) had essentially already been met and were therefore moot.

35. In noting that the action requested by Qatar in paragraph c) of the executive summary of its paper overlapped with Article 84 proceedings, H.E. Al Mansoori quoted paragraph 20 of the decision taken by the Council at the Tenth Meeting of its 211th Session(C-DEC 211/10), which read "The Secretary General indicated that separately, in a letter dated 13 June 2017, Qatar had stated that two formal Applications along with supporting materials, would be lodged, one pursuant to Article 84 of the Chicago Convention and the other pursuant to the International Air Services Transit Agreement. Subsequently, two applications and memorials were delivered on 15 June 2017 …". The four Member States therefore requested that the Article 84 proceedings and the rights of the Parties thereunder should not be pre-empted.

36. In reaffirming to the Council and the international community the full commitment of Bahrain, Egypt, Saudi Arabia and the United Arab Emirates to the safety and security of international civil aviation, H.E. Al Mansoori emphasized that they were open to sitting down with all Member States concerned, including Qatar, to cooperate in order to ensure the safe operation of air traffic in the Gulf region under ICAO's auspices. He noted that the actions requested by the said four Member States were set forth in the executive summary of C-WP/14640Restricted. As they considered that updated information on the present status of the contingency measures described in Appendix B to their paper was essential to the Council's discussion of the urgent safety aspects of the matter at hand, H.E. Al Mansoori asked Mr. H. Al Belushi, the Director of Air Traffic Management of the General Civil Aviation Authority of the United Arab Emirates, to give a PowerPoint presentation thereon on their behalf.

PowerPoint presentation relating to C-WP/14640 *Restricted*
(available on the Council's secure website)

37. During his PowerPoint presentation, Mr. Al Belushi underscored that pursuant to Annex 11 – *Air Traffic Services*, Attachment C, contingency arrangements were temporary in nature and remained in effect only until the services and facilities of the regional air navigation plan were reactivated and thus did not constitute amendments to the regional plan requiring processing in accordance with the *Procedure for the Amendment of Approved Regional Plans*. Contingency arrangements were used for: the establishment of contingency/new/additional routes; and the implementation of traffic flow restrictions to enable the use of established contingency routes within neighbouring FIRs.

38. In displaying, in a colour-coded aeronautical chart of the Gulf region, the contingency routes that were currently being implemented, as well as those that would soon be activated, Mr. Al Belushi underscored that Qatar-registered aircraft were allowed to fly those routes, contrary to the statement made earlier by Mr. Al-Hamadi (Qatar). Referring to a corresponding table which set forth, for each contingency route, its name (if applicable), routing (points being flown), as well as the date of issuance, number and issuing authority (FIR) of each NOTAM, Mr. Al Belushi noted that Route 2 (unnamed), via the points PATOM-TOKMA-DAVUS, was the only operational contingency route without a NOTAM reference as it had been established by an internal agreement between Bahrain and Qatar. In further highlighting that Route 10 (unnamed), via the points L305, TATLA and NANPA, was the only contingency route that was still under consideration, he underscored that the ICAO MID Regional Office had deemed that it was not feasible for the time being in view of the availability of Route 5 (T800/UT800) for the same purpose and the fact that Route 10 was in a highly-congested area, which increased the safety risks for air traffic.

39. Mr. Al Belushi then elaborated on the contingency arrangements in each of the Bahrain, Cairo, Jeddah, Sana'a and Emirates FIRs, as follows:

40. Bahrain FIR: In highlighting the inbound and outbound routes to/from Qatar currently used by Qatar Airways, Mr. Al Belushi stressed that from the outset Qatari traffic had never been stopped by any of the said four Member States from using any of those routes during the departure and arrival phases. Thus no Qatar-registered aircraft had been grounded by any of them. Mr. Al Belushi noted that additional flight levels (FL200, 220, 240, and 260) had been granted by the Bahrain Area Control Centre (ACC) to the Tehran ACC purely for Doha arrivals to ensure that the aircraft were safely vertically separated when arriving. He further indicated that a departure route to the northwest was being implemented, and that one to the northeast had been established in coordination with colleagues in Tehran. There was another departure route to the north.

41. Cairo FIR: Mr. Al Belushi underscored that confirmation had just been received that the bi-directional contingency route proposed by the ICAO MID Regional Office had been agreed to by the Tripoli FIR and would become operational from tomorrow, 1 August 2017, at 0100 UTC, following the issuance of a NOTAM of activation by the Cairo ACC. He noted that the route was available at two flight levels, FL300 for westbound traffic and FL310 for eastbound traffic, with the standard ICAO 10 minutes longitudinal separation to separate the traffic safely.

42. Jeddah FIR: Mr. Al Belushi highlighted that as part of the contingency measures within this FIR, Saudi Arabia had issued a NOTAM restricting the use of FL310 and FL350 at point TOKRA, the convergence point between the Muscat ACC in Oman and the Jeddah FIR, in order to ensure the safety of Qatari operations.

43. Sana'a FIR: Mr. Al Belushi underscored that since the start of military operations in Yemen in March 2015, all traffic, without exception, was prohibited from overflying its territory. He noted that, from that time onwards, the air traffic services (ATS) routes over the high seas within the Sana'a FIR (B400, B403 and B404) were the routes used by civil aircraft, including Qatar-registered aircraft.

44. Emirates FIR: In outlining the network of contingency routes in the Emirates FIR, Mr. Al Belushi noted that he had just received confirmation today that the United Arab Emirates had published a NOTAM indicating that Route 8 (T665) would be activated on 7 August 2017, subject to confirmation from the Tehran ACC. He highlighted that in order to ensure aviation safety the following flight levels had been reserved for the exclusive use of Qatar-registered aircraft: FL310 at point TUMAK (the coordination point between the Emirates FIR and the Bahrain FIR); FL310 at point GABKO (the coordination point between the Emirates FIR and the Tehran FIR); FL310 and FL350 at points TONVO, TARDI and LABRI (on all of the eastern boundaries of the Emirates FIR with the Muscat FIR).

45. In summarizing the Qatar contingency route proposal, Mr. Al Belushi noted that the ICAO MID Regional Office had coordinated multiple meetings to review the contingency measures currently in place and to discuss additional proposals for Qatar-registered aircraft operations over the high seas, as even prior to the said first ATM Contingency Coordination Meeting for Qatar on 6 July 2017 the four Member States had already taken measures to ensure safe accessibility into the Gulf region.

46. Mr. Al Belushi indicated that, as presented, the United Arab Emirates had received two proposals, an eastbound proposal to accommodate Qatar-registered aircraft departures, and a westbound proposal to accommodate Qatar-registered aircraft arrivals. He underscored that despite the challenges and extra workload – the Emirates FIR handled more than 2 600 movements per day – the United Arab Emirates had still agreed to implement the westbound proposal route for Qatar-registered aircraft arrivals into Doha, subject to neighbouring States' acceptance. That route (T665) would become active on 7 August 2017.

47. In summary, Mr. Al Belushi affirmed that Bahrain, Egypt, Saudi Arabia and the United Arab Emirates were contributing significantly to the safe and successful implementation of the ICAO MID Region ATM Contingency Plan along with other neighbouring Member States. He emphasized that the said four Member States were committed to providing air traffic services when and where required to all aircraft during in-flight emergencies, regardless of their nationality. In highlighting that they were working in close coordination with the MID Regional Office to improve the regional contingency arrangements' safety for Qatar-registered aircraft, Mr. Al Belushi reiterated that safety was their priority.

48. H.E. Abdulhakim M. Al-Tamimi (Saudi Arabia) indicated that his State, as well as Bahrain, Egypt and the United Arab Emirates, considered that the statement made by H.E. Al-Sulaiti (Qatar)in introducingC-WP/14641 Restricted was an infringement of the Council's agreement to limit its discussion to the technical issues relating to this urgent Article 54 n) matter and consequently opposed it. The said four Member States wished to focus on the said technical issues, with all due respect for every Member State's complete and exclusive sovereignty over the airspace above its territory under Article 1 of the Chicago Convention. Referring to the point raised by H.E. Al-Sulaiti regarding the restriction imposed on the use of Yemen's airspace by Qatar-registered aircraft, H.E. Al-Tamimi clarified that Saudi Arabia had issued a NOTAM on 6 June 2017 imposing that restriction on the basis of a written request by Yemen, in which the latter had confirmed that military operations were still underway in its territory.

49. In commenting onC-WP/14640 Restricted, H.E. Al-Sulaiti (Qatar) noted that the four co-presenters claimed, in paragraph 4.4 thereof, that "The submissions of Qatar to the Council to provide for contingency measures on a basis of urgency under Article 54 n) have therefore become largely moot.". They invited the Council, in paragraph 5.1 c) and in action paragraph c) of the executive summary, to "note the contingency measures agreed so far between the Parties and concur that they are adequate to maintain a safe air navigation system in the region and to avoid disruption of air traffic;". The co-presenters also claimed, in paragraph 4.1, that there were: six contingency routes over the respective FIRs of Bahrain, Iran (Islamic Republic of) and Oman; two additional contingency routes accepted by the United Arab Emirates; and one additional contingency route accepted by Egypt. H.E. Al-Sulaiti underscored that Qatar strongly objected to these statements by the co-presenters, which it considered did not reflect the status of the agreed outcome regarding the contingency routes available for Qatar-registered aircraft or the current situation for the arrivals/departures of such aircraft.

50. In that regard, H.E. Al-Sulaiti presented the following facts for the Council's consideration: With regard to the Bahrain FIR, he highlighted that on 5 June 2017 Bahrain had issued a NOTAM imposing restrictions on the use of its entire airspace, including over the high seas, by Qatar-registered aircraft. Bahrain had assigned two routes, one for inbound traffic and one for outbound traffic, via points RAGUS and MIDSI, as a single corridor for use by Qatar-registered aircraft regardless of their destination. That NOTAM had been in effect from 6 June 2017 until 12 June 2017, when Bahrain had modified it to enable Qatar-registered aircraft to fly over the high seas within the Bahrain FIR. Qatar did not consider those two routes as contingency routes in view of the lifting of the said restriction over the high seas airspace. In noting that Qatar's proposals for additional inbound routes to Doha through the Bahrain FIR had not been accepted by Bahrain due to operational challenges, H.E. Al-Sulaiti emphasized that Bahrain had not presented any alternative proposals.

51. With respect to the Emirates FIR, H.E. Al-Sulaiti underscored that since the imposition of the air blockade effective 6 June 2017 the United Arab Emirates had not implemented any of Qatar's proposals for a contingency route within its FIR. He recalled that the first day after the four Member States concerned had modified their NOTAMs to lift the restrictions over the high seas airspace in their respective FIRs Qatar had submitted a proposal for a single contingency route for outbound traffic from Doha via the Emirates FIR heading toward Tehran FIR but it had been rejected for operational reasons. Referring to paragraph 4.1 e) ofC-WP/14640Restricted, in which it was indicated that the United Arab Emirates had accepted Qatari proposals for two contingency routes, H.E. Al-Sulaiti noted that that had been the outcome of the ATM Contingency Coordination Meeting for Qatar held in Cairo on 6 July 2017. He underscored, however, that although the United Arab Emirates had indicated its ability to implement those proposals for two contingency routes within 48 hours from the time of the final agreement, it was only today, some three weeks later, that confirmation had been received that it had issued a NOTAM establishing route T665 with effect from 7 August 2017. H.E. Al-Sulaiti stressed that all of the proposals for contingency routes over the high seas considered at the said meeting had been submitted by Qatar and not by ICAO or the other four Member States concerned.

52. H.E. Al-Sulaiti indicated that, on the basis of the above facts, Qatar considered that the obstacles presented by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates had only been partially removed. Qatar-registered aircraft had only been granted a single contingency route outbound from Doha, T800, which had been activated on 22 July 2017. The rest of the route, which went via points RAGUS, MIDSI, VELAM and BAYAN, was an established ATS route and was part of the MID regional air navigation plan. H.E. Al-Sulaitiunderscored that although it was claimed in paragraph 4.1 f) ofC-WP/14640 Restricted that there were nine contingency routes in the Gulf region, there was still no operational contingency route within the Emirates FIR.

53. H.E. Al-Sulaiti reiterated that Qatar was inviting the Council, in the executive summary of C-WP/14641 Restricted, to urge the said four blockading Member States to lift all the restrictions over the high seas to accommodate traffic flow within their respective FIRs for Qatar departures and arrivals. He emphasized that if the Council did not take such action during the present meeting, then each Member State would consider that it had the right to blockade airspace over the high seas without prior consultations and without taking into account ICAO's rules and regulations.

Introduction ofC-WP/14639*Restricted*
(Contingency arrangements to facilitate the flow of traffic over the high seas airspace in the Gulf region)
(available on the Council's secure website with the PowerPoint presentation)

54. In her introduction ofC-WP/14639 Restricted (which was accompanied by a PowerPoint presentation), the Secretary General indicated that she had received a letter from Qatar on 5 June 2017 informing her of "the closure of Bahrain, Cairo, Jeddah and UAE Flight Information Regions (FIRs) for traffic to/from Qatar, including Qatar Airways flights landing to/or overflying the respective FIRs" and had

brought that matter immediately to the attention of the President. The Council had been informed accordingly (211/4).

55. The Secretary General noted that an informal briefing *Qatar – Technical issues* had also been given on 30 June 2017, during which the Secretariat had reported to the Council primarily on the issue of contingency arrangements in general, and the role ICAO played, as well as on the specific steps which had thus far been taken in this particular case to ensure the safe and orderly flow of air traffic over the high seas airspace in the Gulf region. It had been highlighted that contingency arrangements, or plans, may be applied to existing routes in the regional air navigation plan or for any temporary routes established for contingency purposes. Contingency arrangements may also include application of various ATM measures, such as a flight level allocation scheme, changes in separation minima or flow management techniques.

56. To that end, the contingency arrangements provided for Qatar-registered aircraft in the hours and days following 5 June 2017 ultimately included inbound and outbound routes available to the north-west, inbound and outbound routes to the north of Doha, and an outbound route to the northeast. All of those routes operated through the Bahrain, Kuwait, Muscat and Tehran FIRs.

57. The longitudinal separation minima for those routes were variously 10, 20 and 30 nautical miles, depending on various operational considerations, including some requirements placed on those States by ACCs further afield. Workload issues still existed within the Bahrain, Muscat and Tehran FIRs; however, the Secretariat was confident that the environment posed less risk than at the start of the restrictions and was a great deal more stable. In line with a safety management system approach, the post-implementation monitoring was expected to be a key factor in determining the effectiveness of the said contingency arrangements and the extent to which they may be enhanced. Continued coordination in that regard was referred to under paragraph 4.4, Proposal 2 of C-WP/14639Restricted.

58. The Secretary General reiterated that, in addition to constant and continued coordination with all the relevant Member States in the Gulf region, the ICAO Secretariat had organized two technical coordination meetings, the first held at the ICAO MID Regional Office in Cairo on 6 July 2017 with participants from Bahrain, Egypt, Saudi Arabia the United Arab Emirates and IATA, which had discussed in detail the proposals made by Qatar related to contingency arrangements over the high seas. The results of that discussion had been reported to a second technical coordination meeting held in Doha on 9 July 2017, which had been attended by Iran (Islamic Republic of), Oman and Qatar.

59. The Secretary General had remained in very close contact with the ICAO Regional Director, MID Regional Office, in his role of acting for all Member States in the Gulf region. She was pleased to advise all present that since that time Iran (Islamic Republic of), Oman, Qatar and the United Arab Emirates had reached agreement for an additional temporary route inbound to Doha via the Muscat, Tehran and Emirates FIRs, which was the inbound portion of Proposal 3 – Emirates FIR in paragraph 4.4 of the paper. In addition, the United Arab Emirates had published today NOTAM A1065/17 establishing route T665 with effect from 0000 UTC on 7 August 2017. Iran (Islamic Republic of) was in the process of issuing a corresponding NOTAM defining its portion of the same route. Furthermore, several Member States had reached agreement on a contingency route from Beirut to Tunis via the Beirut, Nicosia, Cairo, Tripoli and Malta FIRs. NOTAMs for the temporary route had been promulgated for the Cairo and Tripoli FIRs with an implementation date of 0001 UTC on 1 August 2017. The longitudinal separation would be 10 minutes. That was Proposal 1 – Cairo FIR (Beirut-Tunis) in paragraph 4.4 of the paper.

60. The Secretary General took this opportunity to thank all Member States concerned for their cooperation and support in the development and establishment of contingency arrangements to facilitate the flow of traffic over the high seas airspace in the Gulf region for the safe operation of civil aviation. The ICAO Secretariat would continue to coordinate with them to find optimal technical solutions for increased safety and more efficient operations in the airspace over the high seas. The Secretary General would also continue to keep the President of the Council informed and facilitate his coordination with all Parties.

61. In supplementing the Secretary General's introductory remarks, the Director of the Air Navigation Bureau (D/ANB) noted that contingency arrangements included the utilization of existing routes in the MID regional air navigation plan and/or any temporary routes or procedures which might be established to augment and/or replace those existing routes should that be deemed necessary for safety or for capacity and efficiency needs. He emphasized that while to date only one temporary route had been established (T800), a second temporary route (unnamed) would become operational on 1 August 2017 and a third (T665), on 7 August 2017. D/ANB underscored that those routes were part of a network of contingency arrangements which provided access to and from various portions of the surrounding airspace from Qatar even though they were not numbered specifically.

62. D/ANB noted that the Secretariat, through the MID Regional Office, was in constant dialogue with the air traffic and safety professionals in the Member States concerned to provide guidance and counsel on the best way to meet their ICAO-mandated responsibilities to provide open access across the high seas airspace in the Gulf region. While there was room for technical disagreement about the level of risk or the level of acceptability of specific contingency arrangements that had been made, he commended all of the Member States concerned for the technical discussion which was taking place despite the very difficult challenges they faced at the diplomatic level. In underscoring that contingency arrangements continued to be developed, D/ANB indicated that the Secretariat expected to see continued progress, with the arrangements currently in place being optimized on the basis of feedback received from the relevant operational personnel.

63. Referring to the Secretary General's comments relating to Proposal 1 – Cairo FIR (Beirut-Tunis) in paragraph 4.4 of C-WP/14639Restricted, D/ANB clarified that the route to the west of Beirut out into the Malta FIR would not require additional NOTAMs for its activation as the routes in the Beirut, Nicosia, and Malta FIRs were existing routes. D/ANB noted that this would allow the route in Proposal 1 to become operational on 1 August 2017.

Discussion

64. During the ensuing discussion, all Representatives who took the floor expressed gratitude for the high-level representation of the five Parties at the present meeting, as well as for the documentation they had provided and their detailed presentations. They also voiced appreciation for the excellent work done, on an urgent basis, by the Secretariat, both at ICAO Headquarters and at the MID Regional Office, in developing and establishing contingency arrangements to facilitate the flow of air traffic over the high seas in the Gulf region in coordination with the Member States concerned.

65. In response to a query by the President, the Director of the Legal Affairs and External Relations Bureau (D/LEB) noted that, as the Council had previously been informed (211/10), Qatar had, on 15 June 2017, hand-delivered to the Office of the Secretary General two applications and memorials referred to as Applications 1 and 2. Under the *Rules for the Settlement of Differences* (Doc 7782), the Secretary General was required to verify that the applications and memorials were in compliance with certain provisions thereof. As the Secretariat had identified certain deficiencies in both applications and memorials, the Secretary General, in a letter dated 21 June 2017, had requested Qatar to rectify them.

66. D/LEB underscored that as no response to that letter had thus far been received, as of today the two applications and memorials submitted by Qatar were considered not to have been officially lodged with ICAO due to the said unrectified deficiencies. He indicated that, if and when Qatar rectified the identified deficiencies, the Secretary General would proceed to take the appropriate steps under the *Rules for the Settlement of Differences* (Doc 7782), which would include, inter alia, immediate notification of the formal receipt of the applications and memorials, and circulation thereof, to all parties to the instruments whose interpretation or application was in question, as well as to all Council Members.

67. The President concluded that it was therefore unnecessary to refer to the Article 84 procedure during the present discussion as it had not been officially initiated. He then sought clarification as to the scope of application of Article 54 n) of the Chicago Convention, in particular, whether it covered the international treaties referred to in Qatar's paper (C-WP/14641Restricted).

68. Recalling that Article 54 n) stipulated that it was a mandatory function of the Council to "consider any matter relating to the Convention which any Contracting State refers to it", D/LEB advised the Council to consider only those matters relating to, or which could reasonably be brought within the ambit of, the Chicago Convention and not matters which related exclusively to other international treaties.

69. Noting this clarification, the President requested that the Council, consistent with the decision it had taken to convene this Extraordinary Session (211/10), focus its discussion on finding technical solutions to the matter at hand as there were other fora for resolving the overarching political issues.

70. In welcoming the present meeting, the Representative of France underscored that it was important for the Council to be able to hear the views of a non-Council Member State when Article 54 n) of the Chicago Convention was invoked. He considered, however, that it could and should have been held earlier, as close as possible to the two technical coordination meetings of 6 and 9 July 2017. That being said, the Representative of France reiterated that his State was a friend of each of the five Member States involved in the matter now before the Council, and that ICAO was not the appropriate forum for addressing political issues. In hoping for a rapid resolution of the disagreement between those brother countries, France supported the efforts being made by Kuwait and other actors to mediate.

71. The Representative of France highlighted that his State's key concern in the matter at hand was to have an absolute guarantee of flight safety in the Gulf region, regardless of the flights' origin and destination and the nationality of the air operator. To that end, it was necessary to scrupulously uphold the rules established under the Chicago Convention, its Annexes and all other relevant documents. In noting that ICAO was the guarantor of the freedom of overflight of international routes, France commended the efforts of the Organization, in particular those of its MID Regional Office, in coordination with the Member States concerned, to identify and establish contingency measures in the Gulf region to that end. It called for the continuation and intensification of the dialogue with and between the Member States concerned to optimize those measures, and highlighted the need to apply any lessons learned therefrom over the longer term to the ICAO MID Region ATM Contingency Plan for the Gulf region. France considered that it was important that the Council follow up on this item at its next (212th) session in October/November 2017 to ensure that such dialogue was taking place as it should, and that it be regularly informed by the Secretariat, in the interim, of any technical developments, or lack thereof. France was also of the view that the President of the Council and the Secretary General should offer their good offices, if and when necessary, to facilitate the said dialogue, which it hoped would be fruitful.

72. The Alternate Representative of the United States indicated that his State acknowledged the progress made at the technical coordination meeting held at the MID Regional Office in Cairo on 6 July 2017 to establish contingency routes in international airspace in the Gulf region and that it was closely monitoring the ongoing implementation of those contingency measures. The United States' immediate concern was to ensure the safe operation of civil aviation in the Gulf region, and to stress the importance that all steps should be taken to ensure that transiting aircraft were not subject to unsafe conditions due to the ongoing rift between the five Parties. In the interest of mitigating the safety risk, the United States supported implementation of the new contingency routes identified at the said technical coordination meeting.

73. The Alternate Representative of the United States highlighted that over the past two months his Delegation had met with special representatives from Qatar, the United Arab Emirates, Bahrain, Egypt and Saudi Arabia and had listened to their stated positions. It had also discussed the operational situation

with experts in the United States' Federal Aviation Administration (FAA), as well as with experts in ICAO's ANB. While welcoming those informal briefs that had been received from all sides, and thanking ICAO for its immediate and proactive steps to find solutions to identified safety issues, especially in light of the Organization's paramount responsibilities with respect to the safety and security of international civil aviation in the Gulf region, the United States remained concerned about the administration of the international airspace in that region. It underscored the principle that Member States administering FIRs were responsible for providing safe and efficient air navigation services in delegated international airspace. The United States therefore considered that the closure, or threat of closure, of international airspace to civil operations, particularly on a selective basis, was a matter of concern for it and that it should also be a matter of concern for all other ICAO Member States. It also urged the Member States involved to continue their dialogue on this matter in an effort to limit the impact on international aviation. In noting that the United States was in close communication with all Parties to assist in de-escalating and resolving the underlying irritants that had led to the said airspace closures, the Alternate Representative of the United States emphasized that it was critical to maintain strong ties among key partners to sustain the fight against terrorism and violent extremist ideology. Those ties extended to commercial aviation activities. The Alternate Representative of the United States again stressed that all steps to ensure safe and secure civil air operations should be taken in the Gulf region.

74. With respect to the allegations by Qatar that the United Arab Emirates, Bahrain, Egypt and Saudi Arabia were not complying with applicable obligations under the Chicago Convention and IASTA, the Alternate Representative of the United States indicated that his State took any such allegations seriously as a general matter. It was aware that the Government of Qatar might be taking steps to file applications and memorials with ICAO under Article 84 of the Chicago Convention as explained by D/LEB. The United States consequently considered that the present meeting should focus on pressing safety and administrative concerns related to international airspace in order not to prejudice any such potential Article 84 proceedings.

75. The Representative of Spain indicated that, in view of Spain's traditional friendship with all of the Member States in the Gulf region, it would have liked to have seen the matter at hand resolved through negotiations between the five Parties. As that had not been possible, the Council was now considering, during this Extraordinary Session invoked under Article 54 n) of the Chicago Convention, those aspects thereof that were directly related to the safety, regularity and efficiency of international civil aviation. It was necessary for the Council to perform its function as custodian of the Chicago Convention, as well as of all related Conventions and Protocols.

76. The Representative of Spain observed that disagreements between Member States had existed in the past, existed at the present time, and would continue to exist in the future. Nevertheless, in drawing inspiration from Preambular Clause 2 of the Chicago Convention, which indicated that "the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world …", it could be seen, once again, today, that aviation can serve as an essential instrument for agreement among Member States. With regard to the present case, the Representative of Spain noted, with much satisfaction, that since at least 6 July 2017 a whole range of contingency measures had been established for air traffic over the high seas airspace in the Gulf region and that the situation continued to evolve as a result of the ongoing collaboration between the Member States concerned. He underscored the high importance of ensuring that the introduced contingency arrangements did not affect international air traffic using that airspace and that the airlines of third parties could operate normally therein. The Representative of Spain likewise noted, with much satisfaction, that the five Parties had expressed their full commitment to ensuring the safety of international civil aviation and of the flying public in their papers and/or during the present meeting.

77. Having heard the Parties' presentations, the Representative of Spain noted that one fundamental question remained unanswered: whether the contingency routes instituted by the various Member States concerned were sufficient to address the situation in the Gulf region.

78. The Representative of Spain then suggested that the Council take the following actions as its decision on this item: remind all Parties of the need to respect their obligations under international law and international conventions to which they had freely subscribed; review Assembly Resolution A38-12 *(Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation)* with regard to airspace over the high seas; take note of the various contingency measures thus far agreed upon by the various Member States concerned to maintain the safe operation of air navigation in the Gulf region and to avoid the disruption of air traffic, and request that those measures be consolidated and promulgated as soon as possible; acknowledge, with satisfaction, that the Parties were cooperating to implement the contingency measures necessary to ensure the safety of international civil aviation in the Gulf region, it being well-recognized that aviation safety should never be compromised under any circumstances; encourage the Parties to continue to cooperate in their search for additional technical solutions to the matter at hand; request the Secretariat, both at ICAO Headquarters and at the MID Regional Office, to continue to work in coordination with all Member States concerned to ensure the safety, regularity and efficiency of international civil aviation; and request the Secretariat: to maintain the ICAO MID Region ATM Contingency Plan up-to-date; and to gather data on the NOTAMS published, as well as on any safety-related incidents and other incidents that might arise from the traffic flow in the Gulf region, and to inform the Council thereof at the next (212th) session.

79. The Representative of Australia noted that his State welcomed the fact that the Council was now discussing these important issues raised by an ICAO Member State in accordance with Article 54 n) of the Chicago Convention. It recognized that the aviation component of the situation in the Gulf region was but one part of a complex political environment and that ICAO's role within that environment was to administer an international aviation system that delivered safe and efficient air navigation for all Member States. The Government of Australia encouraged the five Parties to continue to engage in negotiations in the appropriate fora to resolve the overall situation.

80. Highlighting that the range of air traffic services routes facilitated as part of the contingency arrangements was being delivered thanks, in no small part, to the ICAO Secretariat at the MID Regional Office and at Headquarters, the Representative of Australia acknowledged their excellent work. He also acknowledged the cooperation and collaboration by Member States in the Gulf region to deliver those contingency arrangements, including adjacent Member States not directly engaged in the matter at hand. The Representative of Australia emphasized that continued collaboration and information-sharing under ICAO's auspices was very important to ensure that contingency arrangements were made without unnecessary delay and that the reasons for any delays or denials were clearly understood by all Member States concerned. He affirmed that it was of the utmost importance, in situations such as this, that all Member States comply with all of their legal obligations under international law. The Representative of Australia recognized that the aviation situation in the Gulf region had evolved significantly through June into July 2017 and that it continued to evolve. He noted that, as highlighted earlier by the presentations, in particular, the Secretary General's presentation, any paper on this matter was out-of-date almost as soon as it was published as more contingency routes were implemented.

81. In response to the Parties' various requests for action by the Council, the Representative of Australia indicated that his Government considered that the Council should: emphasize that the safety of air navigation must be the highest priority for the Organization and all Member States; recognize the excellent work of the ICAO Secretariat at the MID Regional Office and at Headquarters, in collaboration with Member States concerned; request the Secretariat and Member States concerned to continue timely collaboration in support of contingency arrangements in the Gulf region to ensure safe and efficient air navigation over the high seas; note the importance of all Member States complying with their obligations under international law; and encourage the five Parties to continue to negotiate in the appropriate international fora to resolve the overarching political issues.

82. Reiterating that it was highly important that the five Parties fulfill their international obligations, the Representative of Turkey emphasized that it was a pity to see such problems among Member States with which all pursued brotherly relations. He sincerely urged the Parties to solve those problems as soon as possible, not only for their own benefit, but also for the benefit of the other Member States in the Gulf region and around the world. Have listened very carefully to the Parties' presentations, the Representative of Turkey expressed appreciation for the improvements in the Gulf region resulting from the implementation of the contingency measures and underscored the importance of Qatar verifying that the latter were operational and satisfactory. He emphasized that any enhancements to those contingency measures would further ensure the safety of international air traffic and of international airspace in the Gulf region.

83. The Representative of Mexico noted, with appreciation, the presentations made by the Ministers and other members of their high-level Delegations on the sensitive situation in the Gulf region as it had evolved since the beginning of June 2017. He concurred with previous speakers that this matter should be considered strictly under Article 54 n) of the Chicago Convention in order to maintain the safety, regularity and efficiency of air navigation operations in the said region. The Representative of Mexico underscored that the various contingency routes should become operational immediately after the Parties' agreement thereto had been obtained. He stressed that the Council should place emphasis on dialogue and negotiation as the fundamental ways to settle differences between Member States.

84. In line with the proposals made earlier by the Representative of Spain, the Representative of Mexico suggested that the Council take the following action: note the various contingency measures thus far agreed under the auspices of ICAO; urge the Secretariat to continue its efforts to improve the harmonization of such measures between the Member States concerned to maintain the safety, regularity and efficiency of air navigation operations in the Gulf region; urge all of the Parties to continue to cooperate to address this matter and to observe the provisions of the Chicago Convention and other applicable instruments of international law, including ICAO Standards and Recommended Practices (SARPs), so as to ensure that air navigation operations in the Gulf region were safe, regular, efficient and non-discriminatory; and request the Secretariat to provide the Council with timely updates on developments relating to the contingency measures to enable it to closely monitor the situation to ensure that the latter were satisfactory and that the Parties were continuing their negotiations in order to resolve their disagreement.

85. The Representative of Uruguay thanked the President of the Council for convening the present meeting, the Secretariat, for its hard work, and in particular the Ministers and other high-level Government officials from the five Parties, for their participation, which signaled their support for the work of ICAO and the Council in addressing this matter and, by extension, their support for, and commitment to, multilateralism and international law. While agreeing that the Council should limit its discussion to the technical issues, he underscored that there were important principles at play. The Representative of Uruguay was pleased to note from the discussion that, despite their said disagreement, which could be resolved, the five Parties all seemed to agree on those same principles. He emphasized that, in its decision, the Council should accordingly highlight the need to comply with public international law, in particular, both the letter and the spirit of the Chicago Convention, so as to ensure: the safety of air navigation, which was the highest priority and required total commitment; the efficiency of air navigation; and non-discrimination. In endorsing the actions proposed by previous speakers, the Representative of Uruguay reiterated the need for the Council to have all relevant information in real time so that it could closely monitor the situation in the Gulf region.

86. The Representative of China expressed appreciation to the five Parties for demonstrating their willingness to seek a solution, through dialogue and consultations at ICAO, to the technical safety issues relating to the matter at hand. Underscoring that the Organization was a large family comprising 191 Member States, he affirmed that the President would be able to prove once again his wisdom and leadership in guiding the Council to tackle this family matter in an appropriate manner. The Representative of China suggested, in this context, that the Council take the following actions: note the request of Qatar for

consideration by the Council under Article 54 n) of the Chicago Convention as set forth in C-WP/14641 Restricted; note the response of Bahrain, Egypt, Saudi Arabia and the United Arab Emirates to Qatar's submissions under Article 54 n) as set forth in C-WP/14640 Restricted; express its appreciation to the Secretariat at ICAO Headquarters and at the MID Regional Office for carrying out urgent coordination among the Member States concerned to reach agreement on contingency arrangements in accordance with Annex 11 – *Air Traffic Services* and applicable rules and for presenting a report to the Council on the actions taken and progress made in C-WP/14639 Restricted; direct the Secretariat to continue to take measures to carry out further coordination among the Member States concerned to refine the contingency arrangements and to take concrete steps to implement them so as to ensure the safety of international civil aviation in the Gulf region; and encourage the five Parties to continue their dialogue and consultations so as to settle their differences and maintain the safe and efficient operation of international civil aviation in the Gulf region through joint endeavours.

87. In emphasizing that ICAO played a vital role in ensuring the safety and regularity of international civil aviation, the Representative of Canada affirmed that Member States' commitment in that regard was essential. As such, Canada commended the excellent work of ICAO, including its MID Regional Office, in developing and establishing contingency routes in order to ensure the safety and regularity of flights in the Gulf region. Canada was also appreciative of the collaboration of all Member States involved in that process and emphasized that such collaboration should continue going forward. Canada supported the request that the Council continue to be informed in the timeliest manner of all ongoing developments.

88. The Representative of Italy noted that he had always been very much in favour of convening the present meeting to allow a Member State to bring to the Council's attention an issue relating to the Chicago Convention that was of interest to that Member State. He emphasized that it was of the utmost importance that the Council address such issues in due time, especially when the safety, security, regularity and efficiency of air navigation were at stake. The Representative of Italy appreciated that the five Parties had demonstrated good will to cooperate following the imposition of the said restrictions on Qatar-registered aircraft, and affirmed that important progress had undeniably been made since that time. He also commended the active role played by the MID Regional Office, with the full support of the Secretariat at ICAO Headquarters, which had coordinated efforts to find technical solutions, particularly as far as contingency routes were concerned. The Representative of Italy reiterated the importance of the Secretariat keeping the Council informed on a regular basis of developments and of the outcomes of the contacts between the Parties. In noting, from the information provided by the Secretariat and the Parties, that a possible satisfactory solution seemed to be within reach, he urged the five Parties to maintain and possibly intensify their willingness to dialogue and collaborate in order to achieve that objective. The Representative of Italy stressed that it was essential that all Member States respect all of their international obligations and duly and promptly comply with the rules to which they had committed themselves to abide by.

89. In endorsing most of the comments made by previous speakers, the Representative of Brazil reiterated that ensuring the safety of international civil aviation was the Organization's highest priority and emphasized the consequent need to continue to take all possible measures to ensure flight safety in the Gulf region. Echoing the question posed earlier by the Representative of Spain, the Representative of Brazil enquired of the Delegation of Qatar whether the existing contingency routes, together with the envisaged contingency routes which were to become operational on 1 and 7 August 2017, fully took safety into consideration in all phases of flight and whether they were sufficient to maintain the safety of air navigation in the Gulf region. She underscored the importance of the Council being kept abreast of developments regarding the effective implementation of the said envisaged contingency routes. In highlighting the extreme importance of dialogue between the five Parties, the Representative of Brazil emphasized the need for the Council to stimulate the continuation of their discussions of the technical issues despite the underlying problems that existed in the political arena and other arenas. Reiterating that the ICAO Secretariat, both at Headquarters and at the MID Regional Office, and the five Parties had done

excellent work in addressing the technical issues, she expressed the hope that the envisaged new contingency routes would further calm the situation in the Gulf region.

90. Observing that many Representatives had referred to the need for continuous dialogue between the Parties, the President of the Council stressed that it was important, notwithstanding their political situation, that their technical aviation experts be able to sit down face-to-face across the table to discuss the technical issues relating to the urgent Article 54 n) matter at hand. He sought the commitment of the Parties to make that possible.

91. H.E. Sherif Fathi, Minister of Civil Aviation of Egypt, assured the Council that Bahrain, Egypt, Saudi Arabia and the United Arab Emirates had demonstrated full cooperation and commitment to ensuring the safety of international civil aviation. In underscoring that those four Member States had extended all possible cooperation to ICAO in its efforts to develop and establish contingency routes in the Gulf region on the basis of all of the proposals that had been brought forward, he reiterated that that cooperation was ongoing. H.E. Fathi emphasized that the four Member States' high-level representatives had not come to the present meeting to enter into political debates or to try to confuse the Council; on the contrary, they had come to state the facts. The key fact was that the four Member States were committed – a strong word – to ensuring the safety of international civil aviation and to take whatever action was necessary to that end, including holding discussions with any country interested in promoting the safety of air navigation, including Qatar, at whatever venue was most convenient, including at the ICAO MID Regional Office in Cairo, Egypt.

92. H.E. Fathi underscored that the Government of Egypt, the host country, and he himself, on a personal level, were committed to extending all possible support, cooperation and facilitation to the MID Regional Office, which they recognized as being, and which they made known to be, an independent entity. He highlighted, as an example, the Government's willingness to facilitate the issuance of entry visas for delegates to ICAO meetings convened in Egypt.

93. Referring to the issue raised of compliance with international obligations and international treaties, H.E. Fathi highlighted the need for the Council to take a comprehensive view thereof instead of considering it only from the perspective of the Chicago Convention and other international air law instruments as that issue did not relate solely to aviation but rather to all aspects of life, including political relations.

94. In concluding, H.E. Fathi extended an invitation to all present to attend the Regional Ministerial Conference on Aviation Security in Africa and the Middle East Regions to be held in Sharm El Sheikh from 22-24 August 2017.

95. In supporting the above intervention by H.E. Fathi (Egypt), H.E. Abdulhakim M. Al-Tamimi, President of the General Authority of Civil Aviation of Saudi Arabia, assured the Council that Saudi Arabia was willing to meet with the technical experts of the other Parties, under the umbrella of ICAO, to discuss any technical issues relating to the matter at hand.

96. In expressing appreciation for the comments made by H.E. Fathi (Egypt), H.E. Jassim Ben Saif Ahmed Al-Sulaiti, Minister of Transport and Communications of Qatar, indicated that his State was very grateful for all the work carried out by the ICAO MID Regional Office in developing and establishing contingency routes in the Gulf region. In noting that Qatar supported the presence of that Regional Office in Cairo, he underscored that it was well-staffed and well-run and that its said activities were being carried out in a transparent manner. H.E. Al-Sulaiti recalled that Egypt had been the first country to address Qatar on the subject of cooperation in terms of respecting international obligations. He also thanked H.E. Al-Tamimi for his comments, and H.E. Kamal Bin Ahmed (Bahrain) and H.E. Sultan Bin Saeed Al Mansoori (United Arab Emirates) for taking part in the present meeting. H.E. Al-Sulaiti emphasized that while the five Parties had a disagreement, they also had links of friendship and brotherhood that they needed to respect. In

affirming that the Parties were ready to work together, under ICAO's auspices, to resolve their disagreement, he stressed the need for them to not only hold discussions but also take concrete actions in that regard. Highlighting that technical experts had been included in the Parties' Delegations with a view to developing technical solutions to the matter at hand, H.E. Al-Sulaiti underscored that Qatar was interested in not only establishing some new contingency routes but also having proper air traffic services and a proper flow of air traffic over the high seas airspace in the Gulf region.

97. In thanking all of the Council Members who had taken the floor, H.E. Al-Sulaiti expressed particular appreciation to the Representatives of Spain and Brazil who had highlighted the need to determine whether the existing and envisaged contingency routes in the Gulf region met Qatar's needs. He emphasized that Qatar was ready to sit down with its brother countries and ICAO officials at any time to continue to discuss the technical issues related to the matter at hand and to develop optimal technical solutions thereto.

98. In expressing pleasure at participating in this Extraordinary Session of the Council, H.E. Kamal Bin Ahmed Mohammed, Minister of Transportation and Telecommunications of Bahrain, underscored that its purpose was to discuss aviation safety, an issue of high importance to all attendees. Having heard the presentations by the five Parties and the more important presentation by the Secretary General, he noted with satisfaction that the latter's conclusions reflected exactly the conclusions set forth by the United Arab Emirates on behalf of the four co-presenters of C-WP/14640 Restricted (Bahrain, Egypt, Saudi Arabia and the United Arab Emirates). H.E. Mohammed emphasized that Bahrain was ready to continue to work and cooperate with all Member States concerned, including Qatar. Underscoring that Bahrain's civil aviation authorities were already in contact with their Qatari counterparts on a daily basis and were serving aircraft in Qatar's airspace, he affirmed that Bahrain had never closed Qatar's airspace. However, within five days of the imposition of the said restrictions on Qatar-registered aircraft Bahrain had re-routed two existing ATS routes as they had fallen within the airspace above its territorial water (12 nautical miles from its coastline). With regard to the sufficiency of the contingency routes, H.E. Mohammed assured all present that, to Bahrain's knowledge, the number and the efficiency of the routes now available to Qatar-registered aircraft in the Bahrain FIR under the contingency arrangements were greater than those of the pre-contingency routes. He indicated that Bahrain's civil aviation authorities were willing to discuss those contingency routes with their Qatari colleagues, in the presence of ICAO officials, if there was an issue with them.

99. In expressing pleasure at hearing all of the positive comments made during the discussion, H.E. Sultan Bin Saeed Al Mansoori, Minister of Economy of the United Arab Emirates, underscored that while there were challenging political issues to be addressed in the Gulf region, the safety and security of international civil aviation as a whole was a high priority for all of the Member States concerned, including their representatives at the present meeting, all of whom were frequent flyers.

100. H.E. Al Mansoori noted that while he was now the Minister of Economy, he had previously worked in the aviation industry, at Dubai International Airport, and thus knew first-hand of the connectivity achieved through the brotherhood of aviation in which all Member States were a part. He supported the Council's agreed-upon approach of focusing on addressing the technical issues of the matter at hand and coming up with an amicable agreement. H.E. Al Mansoori emphasized, however, that that was a very challenging and complicated undertaking as the Gulf region encompassed many different countries and some of the busiest routes in the world. He underscored that the technical implementation of the contingency routes in the Gulf region was also challenging, particularly as it was necessary to obtain the prior agreement of the many Member States concerned. H.E. Al Mansoori stressed that progress was nevertheless being achieved, due to the role played by ICAO in the form of the President of the Council, the Secretary General and her team. In taking this opportunity to thank the MID Regional Office for its excellent work in bringing the sides together, he noted that there were lessons to be learned therefrom. H.E. Al Mansoori underscored that it was necessary to somehow find a way for all five Parties to sit together and

continue that process to make sure that they addressed the issue of the safety and security of international civil aviation, which as he had mentioned earlier was a priority for all of them.

101. The Representative of Ecuador thanked the President for his openness to dialogue and compromise, two of ICAO's governing principles. He underscored that the Council should view the presentations and interventions by the Parties with optimism and recognize that the latter were open to finding a solution to the difficult situation in the Gulf region which undeniably had global implications. The Representative of Ecuador emphasized that the Council should seek a consensus solution to the matter at hand in order to maintain the high level of aviation safety and security, as well as the operational levels of international civil aviation.

102. Noting that the contingency routes proposed by the Secretariat had largely been accepted by the five Parties, the Representative of Ecuador stressed the need for ICAO Member States to comply with the principles established in the Chicago Convention and other international air law instruments to which they were parties. In that regard, he affirmed that the settlement of differences could be done through openness to dialogue, which was what the Parties were demonstrating in expressing their good intentions. The Representative of Ecuador recommended that the President, on behalf of the Council, provide direct mediation in the matter at hand to enable the continuation of the in-depth dialogue on the related technical issues, which could assist the Organization in its associated work. He emphasized that the agreed contingency routes were an indication of the progress being made in achieving an amicable and timely solution that would guarantee the safety of international air transport. The Representative of Ecuador further recommended that the Secretariat develop a plan for the immediate implementation of the various contingency measures over the short-term within the broad framework of an integrated plan, taking into consideration the underlying principles of the harmonized and coordinated regional and global plans for international air navigation.

103. The Representative of Cuba noted the information presented by the Secretariat inC-WP/14639 Restricted, as enriched by the updated data provided orally on the contingency arrangements in the Gulf region. She voiced appreciation for the role being played by the Organization, both at ICAO Headquarters and at the MID Regional Office, in developing and establishing contingency routes to ensure aviation safety in that region. The Representative of Cuba also expressed special thanks for the attendance of the high-level Government officials and aviation experts from the five Parties and for their related papers and presentations.

104. In reaffirming the importance of addressing, and resolving, the technical issues relating to the matter at hand, the Representative of Cuba expressed the hope that the Council and the Secretariat would play their respective roles in an impartial, neutral and transparent manner. Emphasizing that it was encouraging to see the progress that had thus far been made and to hear the firm commitment by each of the five Parties to ensure aviation safety in the Gulf region, she stressed the need to continue to move forward to achieve concrete technical solutions. The Representative of Cuba underscored that the Council should further urge all of the Parties to continue to cooperate to resolve the technical issues while upholding the provisions of the Chicago Convention, the SARPs contained in its technical Annexes, its Procedures for Air Navigation Services (PANSs), and other applicable documents so as to ensure the safety and efficiency of operations in the Gulf region. The Representative of Cuba stressed the need to ensure that the contingency arrangements did not complicate international air traffic and in particular did not complicate the performance of the air traffic controllers in the FIRs involved. She reiterated the importance of the Council continuing to closely monitor the situation in the Gulf region until a final technical solution was achieved.

105. Observing that a number of Representatives had highlighted the need for the contingency arrangements to ensure aviation safety not only for aircraft operating in the Gulf region but also for transiting aircraft, the President of the Council emphasized that that had been taken into consideration by the Secretariat in its technical work.

106. D/ANB confirmed that airspace management in the Gulf region ensured safe access for all aircraft.

107. The Representative of Nigeria voiced appreciation to the President of the Council, the ICAO Secretariat, and especially the MID Regional Office for their relentless, and untiring efforts to address this situation from the outset. In thanking the President for seeking, and obtaining the commitment of all five Parties to sit down together to discuss the technical issues relating to the matter at hand with a view to finding optimal technical solutions, he affirmed that this was a very positive step towards resolving the matter as far as ICAO was concerned. Recalling that several Representatives had raised the issue of safety and efficiency of air transportation within the Gulf region, and globally, the Representative of Nigeria emphasized that the Parties' said commitment was a right step towards attaining that objective. He expressed gratitude to the Ministers of Bahrain, Egypt, Qatar, Saudi Arabia, the United Arab Emirates, and other Members of their high-level Delegations, for their presentations and their extremely important commitment to seek optimal technical solutions for this matter.

108. Noting that his State was closely monitoring the evolving situation in the Gulf region, the Representative of Argentina reiterated that the Council should once again urge all five Parties to commit to dialogue in order to find a solution that was satisfactory to all. He supported the ongoing mediation efforts by the various actors to create channels of dialogue and negotiation with which to bring the Parties closer together. In that context, the Representative of Argentina underscored the need to ensure that moderate decisions and actions were taken that were in accordance with international law. In noting the new contingency routes that had been announced during the present meeting, he emphasized that it was essential that all such routes be effectively implemented, with the agreement, and to the satisfaction, of all Parties. The Representative of Argentina underscored that even if there were justified delays for their implementation, it was always necessary to ensure the safety of international civil aviation. He agreed with the Secretariat and other Representatives on the importance of strict compliance with the letter and spirit of the Chicago Convention and other instruments applicable to international civil aviation. The Representative of Argentina noted with much satisfaction the positive interventions made by the five Parties in which they committed to continue their consultations with a view to finding optimal technical solutions. He expressed general support for the Council actions proposed by previous speakers, in particular, the Representative of Mexico.

109. In associating himself with the comments made by other Representatives, the Representative of the Republic of Korea expressed appreciation for the impartiality, neutrality and professionalism demonstrated by the MID Regional Office in developing and establishing contingency arrangements in the Gulf region. Observing that the five Parties had evinced a common friendship, as well as patience, in their efforts to address the matter at hand, he underscored that their continuing efforts, and those of ICAO, would show the world how differences between Member States could be resolved in a civilized manner.

110. The Representative of Singapore noted that the very high level of representation of the five Parties reinforced the primacy of ICAO as the forum for addressing international civil aviation issues. In commending the Secretariat, both at ICAO Headquarters and at the MID Regional Office, for their urgent and difficult work in developing and establishing contingency routes in the Gulf region, he encouraged all involved to press on with the planning and coordination of those routes and to expeditiously implement the ones that had been agreed upon so that they would be available to the aviation industry. The Representative of Singapore requested that there be periodic reviews of the contingency routes, perhaps with feedback from the aviation industry, to ensure their adequacy, and that the Secretariat keep the Council well-informed of developments.

111. Endorsing many of the comments made by previous speakers, the Representative of Singapore reaffirmed the emphasis which C-WPs/14640 Restricted and /14641 Restricted placed on freedom of overflight over the high seas. In reiterating the need for Member States to ensure the freedom of

overflight for international air traffic over the high seas as provided for under international agreements such as the Chicago Convention and the IASTA, he noted that all of the five Parties were working together to establish that, with ICAO's facilitation. The Representative of Singapore supported the strong emphasis placed on safety and reaffirmed the need for Member States to abide by the rule of law and to continue fulfilling their commitments and duties under, inter-alia, the UN Charter, as well as the Chicago Convention and the IASTA, even as they worked to resolve their issues, so as to ensure the continued safety, efficiency and regularity of international civil aviation. Like other Representatives who had called for consultations and negotiations among the five Parties, he was very encouraged to hear that all of them were so willing to cooperate together and to discuss their issues at the technical level in order to find optimal technical solutions. In recalling that under Article 2, Section 1, of the IASTA, when a State brought a disagreement relating to the interpretation or application of that Agreement before the Council, the latter "shall call the States concerned into consultation" as a first step, the Representative of Singapore indicated that it would be appropriate for the Council, in the present case, to encourage all five Parties to hold consultations, which was separate from the Article 84 process referred to in Article 2, Section 2, of the IASTA. He joined previous speakers in advocating that the good offices of the President of the Council be called upon, if necessary, to mediate, with the Secretariat's support and collaboration.

112. Recalling the clarification provided by D/LEB (cf. paragraph 68 above), the President indicated that the Council could call for dialogue and consultations among the five Parties without, however, making any particular reference to other international treaties.

113. The Representative of the Russian Federation noted, with great satisfaction, that the Council had demonstrated its full commitment to the spirit of the Chicago Convention and that the five Parties had expressed their sincere willingness to engage in negotiations to find optimal technical solutions to the technical issues now under discussion. In sharing the views expressed by the Representative of France, he also endorsed the actions proposed by other Representatives. The Representative of the Russian Federation underscored the need to continue to regard aviation as the basis for creating and preserving friendship and understanding and for promoting peace and cooperation among the nations and peoples of the world, in line with the Preamble of the Chicago Convention, and expressed the hope that it would be in that spirit that all future work relating to the matter at hand would be conducted.

114. The Representative of Japan highlighted the Council's paramount responsibility to ensure aviation safety under any circumstances, as well as adherence to the rules of international law during any phase of consultations which it established, the Council having called for consultations between Member States on several occasions over the years. In addressing the regional safety and security concerns in the present case, he expressed the hope that, as the Extraordinary Session had been convened on an urgent basis, the agreed contingency routes would accordingly be implemented as soon as possible, on an official basis. The Representative of Japan emphasized that the solution to this matter as a whole must be found based on the shared factual understanding of the status of contingency arrangements in the Gulf region and their implementation, with due respect for each Member State's sovereign rights in full accordance with the rule of law. In light of the discussion, he encouraged all five Parties to jointly seek a solution through cooperation and the emerging "spirit of Montréal".

115. In noting that his State's position was aligned with a great number of the statements already made by other Representatives, the Representative of the United Kingdom only wished to emphasize the point made by the Representative of Singapore that of freedom of overflight for international air traffic over the high seas was a matter of principle which the Council must ensure was given the highest degree of attention. With regard to the long-term issues surrounding the matter at hand, he agreed that it would be sufficient for the Council: to urge all Member States to ensure that they were in compliance with their international obligations; and to urge the five Parties, and indeed ICAO itself, to continue negotiations through appropriate fora in order to resolve such difficulties as existed.

116. The Representative of the United Kingdom noted, however, that there were also a number of short-term issues to be dealt with by the Council. While it was fairly clear that a degree of progress had been made with regard to the development and establishment of contingency routes to address the immediate situation in the Gulf region, there was still some lack of clarity as to the adequacy of that process and the extent to which contingency routes had been agreed in principle or had actually been operationalized and were fully available. The Representative of the United Kingdom indicated that it was clear that there was, in each case, a continuum along the line of progress between agreement in principle and actual operationalization where the Council needed to be better informed. As highlighted earlier by the Representative of Australia, the information provided to the Council quickly became out-of-date. He therefore considered it important that the Council have not only timely but also quite frequent updates thereon. Recalling the Secretary General's memorandum SG 2373/17 dated 17 July 2017 on the outcomes of the two technical coordination meetings held on 6 and 9 July 2017, which had served as a useful point of reference for the Council, the Representative of the United Kingdom suggested that two or three updates be provided between now and the beginning of the next (212th) session in October/November 2017 to ensure that Representatives were as well-informed as possible and to enable them to decide, on the basis of the degree of progress made, if it was necessary for the Council to return to the matter more urgently.

117. Reiterating that this matter was before the Council for reasons that went beyond civil aviation, the Representative of Ireland looked forward to the Parties' continued discussions in the appropriate fora towards the overall resolution of the situation in the Gulf region. Emphasizing that the Council, as the guardian of the Chicago Convention, nevertheless had the responsibility to remind Member States of the importance of respecting their international obligations, she supported calls made by previous speakers in that direction. In expressing gratitude to the Secretariat, both at ICAO Headquarters and the MID Regional Office, for its work and its update on the contingency measures that had thus far been implemented, the Representative of Ireland looked forward to the full implementation of what had been discussed and agreed to date, such that international airspace would be open to aircraft of all nationalities on an equitable basis as indicated by D/ANB, subject only to safety and technical considerations. She agreed with other Representatives that the Council should be kept informed regularly on the implementation of those contingency measures to ensure safe and efficient air navigation in the Gulf region.

118. Adding to the positive comments that had been made by previous speakers, the Representative of Colombia also thanked the high-level Delegations from Bahrain, Egypt, Qatar, Saudi Arabia and the United Arab Emirates for attending this Extraordinary Session and for their presentations, and the Secretariat, at both ICAO Headquarters and at the MID Regional Office, for its work and its presentation. Underscoring that all present wished to ensure the safety, security, regularity and efficiency of international civil aviation, he observed, from the discussion, that all agreed on its underlying principles and on the need to fulfill obligations under international law. In noting the coherency of the contingency routes in the Gulf region, the Representative of Colombia urged the Secretariat to continue its work thereon in close cooperation with the Parties, including the evaluation of the routes' safety and capacity, and to report to the Council, which was monitoring developments. The Representative of Colombia affirmed that the existing and envisaged contingency routes would contribute to ensuring that civil aviation continued to unify the world.

119. The Representative of Germany expressed pleasure that the five Parties had been working on technical solutions to their problems prior to the present meeting. In also noting, with satisfaction, that implementation of the contingency routes was in progress, he encouraged the Parties to continue their efforts to implement them as soon as possible. The Representative of Germany very much appreciated the commitment made earlier by the five Parties to continue to work on technical solutions to further improve the situation in the Gulf region. He shared the sentiments expressed by other Representatives regarding compliance with international obligations, free and unrestricted access to, and movement in, international airspace on a non-discriminatory basis, and continuing to ensure that the ICAO principles of safety, regularity and efficiency of international civil aviation were complied with at all times and under all

circumstances. In addition, the Representative of Germany fully supported the calls made by previous speakers for follow-up actions.

120. The Representative of Turkey applauded the Heads of the Delegations of the five Parties for their contributions to the positive atmosphere in the Council, which he appreciated very much. He underscored that it was extremely important that the Parties had agreed that the matter at hand be addressed, for the time being, within the framework of contingency measures in the Gulf region and not the dispute resolution process under Article 84 of the Chicago Convention. The Representative of Turkey emphasized that the acknowledgement and full implementation of the explained contingency measures by all of the Parties was critical to ensure the safety and security of air traffic in the international airspace over the high seas in the Gulf region. He stressed that if, as anticipated by the media, a Press conference on the outcome of this Extraordinary Session were given, then it would be necessary for the message delivered by the President on behalf of the Council and ICAO to be precise so as to avoid being challenged by the Parties.

121. Noting the media's interest in the results of the Council's deliberations, the President underscored that it was, by now, aware that the Council always conducted its work in a spirit of compromise, consensus, collaboration and cooperation, which ensured that aviation was the safest mode of transport. He enjoined all Representatives to interact in that spirit.

122. In welcoming all of the Ministers attending the present meeting, who were from brother countries, the Representative of Algeria informed the Council that the Minister of Foreign Affairs of Algeria was currently touring the Gulf region in order to come up with common approaches to resolving the matter at hand which were in line with the underlying principles of aviation safety and security which all supported. Algeria encouraged its brother countries of Bahrain, Egypt, Qatar, Saudi Arabia and the United Arab Emirates to continue to dialogue with a view to rectifying the technical issues.

123. Observing that his position was quite similar to those of other Representatives, the Representative of India noted, with satisfaction, the work done by the ICAO Secretariat, particularly at the MID Regional Office, in identifying the technical solutions which had been presented to the Council. He supported all interventions made regarding the need to continue discussions and negotiations to identify further technical solutions and to ensure their adequacy, as well as to keep the Council informed of developments. The Representative of India also supported the comment made by the Representative of Singapore and others that the good offices of the President of the Council should be called upon, if necessary, to mediate, with the Secretariat's support and collaboration.

124. The Representative of Panama endorsed the interventions by previous speakers. In recalling the comments made by H.E. Al Mansoori (United Arab Emirates) on the brotherhood of aviation (cf. paragraph 100 above), he reiterated that international civil aviation united countries. In underscoring that not only the safety but also the efficiency of operations were of high importance to airlines, he stressed the need, when establishing and implementing contingency routes in the Gulf region, to take into consideration their economic aspects and to shorten flight times whenever possible.

125. In expressing support for the interventions made by the Representatives of Spain, Singapore, the United Kingdom and Ireland, the Representative of South Africa referred to the recent comments by the Representative of Turkey and reiterated the high importance of the Council speaking to the media in one voice, through its President, on the achievements of this Extraordinary Session in the event that a Press conference were held.

126. The Representative of Kenya leant her support to the various proposals put forward for Council action whereby it would, inter alia: recognize the work of the Secretariat at ICAO Headquarters and the MID Regional Office, in collaboration with Member States concerned, to develop and establish the contingency arrangements in the Gulf region and request the continuation of that work; encourage the five Parties to pursue their consultations in that regard, while also encouraging them to continue to discuss the

larger political issues in the appropriate fora; and request the Secretariat to provide regular and timely updates on developments relating to the implementation of the said contingency arrangements, including at the next (212th) session.

127. In also supporting such action by the Council, the Representative of the Congo emphasized that a definitive solution to the crisis in the Gulf region would not be found through the resolution of the technical issues under ICAO's auspices but rather through the resolution of the larger political issues in other fora.

128. Note was taken of the above-mentioned additional information provided during the presentation of the three papers, as well as of the comments made by Council Representatives and the representatives of the five Parties and the clarifications provided in response by the President, D/LEB and D/ANB during the Council's discussion.

129. The Council took the action then proposed by the President in light of its deliberations and:

a) noted C-WPs/14641 Restricted *[Request of the State of Qatar for consideration by the ICAO Council under Article 54 n) of the Chicago Convention]*, /14640 Restricted *[Response to Qatar's submissions under Article 54 n)]* and /14639 Restricted *(Contingency arrangements to facilitate the flow of traffic over the high seas airspace in the Gulf region)* and expressed appreciation to the presenters of those three papers;

b) expressed appreciation for the work done by the Secretariat at ICAO Headquarters and particularly at the MID Regional Office (Cairo), in close coordination with the relevant Member States, to develop and establish the said contingency arrangements in the Gulf region;

c) requested the Secretariat to continue the above-mentioned work in close coordination with Bahrain, Egypt, Qatar, Saudi Arabia, the United Arab Emirates and neighbouring Member States to ensure the expeditious implementation of the said contingency arrangements;

d) encouraged all five Parties to continue their collaboration in that regard and welcomed the commitment expressed by their representatives at the present meeting to continue consultations, including under the aegis, and through the platform, of ICAO, to ensure the promotion of the implementation of optimal technical solutions;

e) while noting ICAO's priority focus on the safety and security of international civil aviation, recognized that there were overarching political issues to be addressed and encouraged the said five Parties to continue to collaborate and to discuss those larger issues in the appropriate fora with a view to their resolution;

f) requested the Secretariat to provide regular and timely updates on developments with respect to the implementation of the contingency arrangements in the Gulf region, and to present a comprehensive progress report thereon for its consideration during the next (212th) session of the Council in October/November 2017;

g) urged all ICAO Member States, in compliance with the *Convention on International Civil Aviation*, to continue to collaborate, in particular to promote the safety, security, efficiency and sustainability of international civil aviation; and

h) expressed appreciation to all five Parties for the spirit of compromise and consensus which they had demonstrated during the present meeting.

130. Emphasizing that the Council always worked in a spirit of compromise, consensus, collaboration and cooperation, the President urged the five Parties to fulfill the commitment they had made before the Council to continue their discussions of the matter at hand and to collaborate, particularly at the technical level, in order to find optimal technical solutions thereto. He indicated that, as requested by several Representatives, he would continue to offer his good offices to support that process of coordination and mediation among the five Parties, with the support and collaboration of the Secretariat, both at ICAO Headquarters and at the MID Regional Office.

131. On behalf of the Council, the President thanked the distinguished representatives of Bahrain, Egypt, Qatar, Saudi Arabia and the United Arab Emirates and their Delegations for their participation in this Extraordinary Session of the Council, which underscored the importance they attached to ICAO, and encouraged their continuous cooperation at the bilateral and multilateral level.

132. The Secretary General expressed gratitude to the Council for its recognition of the Secretariat's achievements thus far relating to the development and establishment of contingency arrangements to facilitate the flow of traffic over the high seas airspace in the Gulf region. She reiterated her appreciation to ICAO Member States, both within and outside that region, for their cooperation and support in that regard. In addition, the Secretary General thanked D/ANB, the ICAO Regional Director of the MID Regional Office and their staff for their hard work in putting those contingency arrangements in place.

133. Reiterating that aviation safety was the paramount objective of ICAO and its Member States, the Secretary General assured all present that the Secretariat would continue to coordinate proactively with the Member States involved in the said contingency arrangements with a view to enhancing the latter so as to ensure the safety, as well as the security, efficiency and sustainability, of global air transport, including in the Gulf region. The Secretary General confirmed that she would keep the Council abreast of developments in that regard by reporting thereon in a regular and timely manner, including through the presentation of a comprehensive progress report during the upcoming (212th) session.

134. The meeting adjourned at 1330 hours.

— END —

EXHIBIT 11

WORLD TRADE ORGANIZATION

WT/DS527/1, G/L/1181
S/L/416, IP/D/36

4 August 2017

(17-4220)

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BAHRAIN – MEASURES RELATING TO TRADE IN GOODS AND SERVICES, AND TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

REQUEST FOR CONSULTATIONS BY QATAR

The following communication, dated 31 July 2017, from the delegation of Qatar to the delegation of the Kingdom of Bahrain and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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1. My authorities have instructed me to request the Kingdom of Bahrain ("Bahrain") to enter into consultations concerning measures adopted in the context of coercive attempts at economic isolation imposed by Bahrain against the State of Qatar ("Qatar") and detailed further in this document.

2. The request is made pursuant to Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Article XXIII of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), Article XXIII of the General Agreement on Trade in Services ("GATS"), and Article 64.1 of the *Agreement on Trade-related Aspects of Intellectual Property Rights* ("*TRIPS Agreement*"). For the avoidance of any doubt, consultations under the *TRIPS Agreement* are requested solely under Article XXIII of the GATT 1994 as elaborated and applied by the DSU, as that provision is made applicable to the *TRIPS Agreement*. Qatar intends that the first sentence of Article 4.11 of the DSU shall not apply to consultations in this dispute.

3. This request identifies the measures at issue in Section A, and indicates the legal bases for Qatar's complaint in Section B.

A. Measures at issue

4. The measures at issue in this request include all written and unwritten, published and unpublished measures adopted in the context of coercive attempts at economic isolation imposed by Bahrain against Qatar. The measures individually and collectively affect trade in goods, trade in services and trade-related aspects of intellectual property rights.

5. In respect of goods, the coercive attempts at economic isolation entail acts and/or omissions through which Bahrain bans, prohibits or otherwise restricts the import, export, sale, purchase, license, transfer, receipt, and shipment of goods originating in, transiting through, towards or from, or with the destination of Qatar.

6. In respect of services, the coercive attempts at economic isolation entail acts and/or omissions through which Bahrain bans Qatari nationals from travelling to and remaining in Bahrain in order to provide services, as well as bans on the provision of services by Qatari service suppliers established in Bahrain. They include bans on the supply of (digital and other) services from Qatar to consumers of Bahrain as well as prohibitions on nationals of Bahrain to travel to and remain in Qatar in order to consume Qatari services.

7. In respect of trade-related aspects of intellectual property rights, coercive attempts at economic isolation entail interference with intellectual property rights enjoyed by nationals of

Qatar. Specifically, these measures include prohibitions or restrictions on display of and accessing television content over which Qatari nationals hold copyrights and related broadcasting rights.

8. Without limiting the scope of the general description of the measures in the preceding paragraphs, the measures at issue include the following specific acts and/or omissions:

(i) Bahrain's closure of its maritime borders with Qatar, and prohibition on Qatari aircraft from accessing its airspace;

(ii) Bahrain's prohibition on the use of all Bahrain ports and territorial waters for marine navigation from and to Qatar;

(iii) Bahrain's prohibition on flights to and from Bahrain operated by aircraft registered in Qatar; including prohibiting landing of Qatari aircraft at airports in Bahrain;

(iv) Bahrain's closure of certain Qatari service suppliers' offices in Bahrain;

(v) Bahrain's prohibitions and restrictions on (a) the import of Qatari audio-visual equipment that is necessary to access Qatari audio-visual content in Bahrain, and (b) accepting new and renewing existing subscriptions to Qatari audio-visual service providers' channels;

(vi) Bahrain's prohibitions or restrictions on display of and accessing television content over which Qatari nationals hold copyrights and related broadcasting rights;

(vii) Bahrain's unilateral suspension of the handling of international mail items and parcels originating from or designated to Qatar Postal Services Company; and,

(viii) Bahrain's omission to publish certain measures of general application imposing the coercive attempts at economic isolation described in the paragraphs above.

B. Legal bases of the complaint

9. Qatar is concerned that the measures at issue taken by Bahrain, as described in Section A of this request, are inconsistent with Bahrain's obligations under the WTO covered agreements.

10. *First*, it appears that certain of the measures at issue contravene provisions of the GATT 1994. Specifically, certain measures appear to violate:

(a) Article I:1 of the GATT 1994, because, through the:

- maritime border and airspace closure by Bahrain;
- prohibition on the use of all Bahrain ports and territorial waters for marine navigation from and to Qatar;
- prohibition on the landing of Qatari aircraft at airports in Bahrain; and
- prohibition on the importation of Qatari audio-visual equipment that is necessary to access Qatari audio-visual content in Bahrain,

Bahrain appears to fail to accord immediately and unconditionally to like products originating in Qatar relevant advantages, favours, privileges or immunities that are granted by Bahrain to products originating in other countries;

(b) Article V:2 of the GATT 1994, because, through the:

- maritime border and airspace closure by Bahrain,
- prohibition on the use of all Bahrain ports and territorial waters for marine navigation from and to Qatar; and,

- prohibition on the landing of Qatari aircraft at airports in Bahrain,

Bahrain appears to deny freedom of transit through the territory of Bahrain, via the routes most convenient for international transit, for traffic in transit to or from the territory of Qatar, and makes distinctions based on the flag of vessels and/or place of registration of aircraft, the place of origin, departure, entry, exit or destination or on circumstances relating to the ownership of goods, vessels or of other means of transport;

(c) Article X:1 and X:2 of the GATT 1994, because:

- through the omission to publish relevant measures affecting trade in goods; and,

- by enforcing such measures prior to publication,

Bahrain appears to be in violation of the obligations under these provisions;

(d) Article XI:1 of the GATT 1994, because, through the:

- maritime border and airspace closure by Bahrain;

- prohibition on the use of all Bahrain ports and territorial waters for marine navigation from and to Qatar;

- prohibition on the landing of Qatari aircraft at airports in Bahrain; and,

- prohibition and restriction on the importation of Qatari audio-visual equipment that is necessary to access Qatari audio-visual content in Bahrain,

Bahrain appears to institute or maintain prohibitions or restrictions, other than duties, taxes or other charges, on the importation of products of the territory of Qatar, and on exportation of products to the territory of Qatar;

(e) Article XIII:1 of the GATT 1994, because, through the:

- maritime border and airspace closure by Bahrain;

- prohibition on the use of all Bahrain ports and territorial waters for marine navigation from and to Qatar;

- prohibition on the landing of Qatari aircraft at airports in Bahrain; and

- prohibition and restriction on the importation of Qatari audio-visual equipment that is necessary to access Qatari audio-visual content in Bahrain,

Bahrain appears to apply prohibitions and restrictions on the importation of products of the territory of Qatar, and on the exportation of products destined for the territory of Qatar, without any corresponding prohibitions or restrictions on the importation of the like product of any other countries or the exportation of the like product to or from any other countries being similarly prohibited or restricted.

11. In addition to, and independently of, the multiple violations of obligations under the GATT 1994 identified above, Qatar considers that benefits accruing to Qatar directly and indirectly under the GATT 1994 are being nullified and impaired as a result of the application of the measures identified above, within the meaning of Article XXIII:1(b) of the GATT 1994.

12. *Second*, it appears that certain of the measures at issue contravene provisions of the GATS. Specifically, certain measures appear to violate:

(f) Article II:1 of the GATS, because, by:

- prohibiting Qatari persons, vessels and vehicles from crossing maritime borders with Bahrain or entering Bahrain via airspace to supply services, as well as persons from Bahrain crossing maritime borders with Qatar, or entering Qatar via airspace, to consume services;
- prohibiting aircraft registered in Qatar from operating flights to and from Bahrain, including prohibiting landing of Qatari aircraft at airports in Bahrain, which prevents Qatari service suppliers from supplying services;
- prohibiting certain Qatari service suppliers, from providing any service from their offices in Bahrain;
- prohibiting Qatari audio-visual service suppliers from providing services in Bahrain and/or to consumers located in Bahrain; and,
- prohibiting Qatari service suppliers, such as Qatar Postal Services Company, from providing services in relation to mail items that are originating from or designated to Qatar,

Bahrain fails to accord immediately and unconditionally to services and/or service suppliers of Qatar, in a variety of services sectors and through multiple modes of supply, treatment no less favourable than that it accords to like services and service suppliers of any other country;[1]

(g) Articles III:1-2 and III:3 of the GATS, because, through the:

- omission to promptly publish, or make otherwise available, relevant measures pertaining to or affecting the operation of the GATS; and,
- omission to promptly inform the Council for Trade in Services of the introduction of, or changes to, measures that significantly affect trade in services covered by Bahrain's specific commitments under the GATS,

Bahrain violates the transparency obligations enshrined in Article III of the GATS;

(h) Article XVI of the GATS, because, by:

- banning Qatari persons or vessels and vehicles from crossing maritime borders with Bahrain, or entering Bahrain via airspace, to supply services, as well as persons from Bahrain crossing maritime borders with Qatar, or entering Qatar via airspace, to consume services; and,
- banning aircraft registered in Qatar from operating flights to and from Bahrain, which prevents Qatari service suppliers from supplying services,

Bahrain appears to unduly restrict market access for Qatari services and/or service suppliers, thereby according treatment that is less favourable than that provided for under the terms, limitations, and conditions agreed and specified in Bahrain's schedule of specific commitments.

13. Bahrain thus fails to carry out its obligations and/or specific commitments under the GATS within the meaning of Article XXIII:1 of the GATS.

14. In addition to, and independently of, the multiple violations of obligations under the GATS identified above, the measures appear to nullify or impair benefits that Qatar could reasonably have expected to accrue to it under Bahrain's specific commitments under the GATS within the meaning of Article XXIII:3 of the GATS.

[1] Bahrain does not appear to have scheduled exemptions in the sense of Article II:2 of the GATS.

15. *Third*, it appears that certain measures contravene provisions of the *TRIPS Agreement*. Specifically, certain measures appear to violate:

(i) Article 3 of the *TRIPS Agreement*, because, by:

- making it impossible for holders of licenses to copyrights, trademarks and other forms of intellectual property owned by Qatari nationals to honour their obligations under licensing agreements; and,

- making it impossible for Qatari owners of copyrights, trademarks and other forms of intellectual property, and their licensees, to use those intellectual property rights in the territory of Bahrain,

Bahrain appears to have failed to accord to the nationals of Qatar treatment no less favourable than that it accords to its own nationals with regard to the protection of intellectual property.

(j) Article 4 of the *TRIPS Agreement*, because, by:

- making it impossible for holders of licenses to copyrights, trademarks and other forms of intellectual property owned by Qatari nationals to honour their obligations under licensing agreements; and,

- making it impossible for Qatari owners of copyrights, trademarks and other forms of intellectual property, and their licensees, to use those intellectual property rights in the territory of Bahrain,

Bahrain appears to have failed to accord, immediately and unconditionally, to the nationals of Qatar, advantages, favours, privileges and immunities granted by it to the nationals of other countries with regard to the protection of intellectual property.

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16. This request for consultations also concerns any modification, replacement or amendment to the measures identified above, and any closely connected, subsequent measures.

17. Qatar reserves its rights to raise additional matters during the course of these consultations and in any future request for panel proceedings.

18. Qatar looks forward to receiving a reply from Bahrain to this request within 10 days after receipt of this request, as contemplated by Article 4.3 of the DSU, and to fixing a mutually acceptable date for consultations.

EXHIBIT 12

WORLD TRADE ORGANIZATION

WT/DS526/1, G/L/1180
S/L/415, IP/D/35

4 August 2017

(17-4219)

Page: 1/6

Original: English

UNITED ARAB EMIRATES – MEASURES RELATING TO TRADE IN GOODS AND SERVICES, AND TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

REQUEST FOR CONSULTATIONS BY QATAR

The following communication, dated 31 July 2017, from the delegation of Qatar to the delegation of the United Arab Emirates and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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1. My authorities have instructed me to request the United Arab Emirates ("UAE") to enter into consultations concerning measures adopted in the context of coercive attempts at economic isolation imposed by the UAE against the State of Qatar ("Qatar") and detailed further in this document.

2. The request is made pursuant to Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Article XXIII of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), Article XXIII of the General Agreement on Trade in Services ("GATS"), and Article 64.1 of the *Agreement on Trade-related Aspects of Intellectual Property Rights* ("*TRIPS Agreement*"). For the avoidance of any doubt, consultations under the *TRIPS Agreement* are requested solely under Article XXIII of the GATT 1994 as elaborated and applied by the DSU, as that provision is made applicable to the *TRIPS Agreement*. Qatar intends that the first sentence of Article 4.11 of the DSU shall not apply to consultations in this dispute.

3. This request identifies the measures at issue in Section A, and indicates the legal bases for Qatar's complaint in Section B.

A. Measures at issue

4. The measures at issue in this request include all written and unwritten, published and unpublished measures adopted in the context of coercive attempts at economic isolation imposed by the UAE against Qatar. The measures individually and collectively affect trade in goods, trade in services and trade-related aspects of intellectual property rights.

5. In respect of goods, the coercive attempts at economic isolation entail acts and/or omissions through which the UAE bans, prohibits or otherwise restricts the import, export, sale, purchase, license, transfer, receipt and shipment of goods originating in, transiting through, towards or from, or with the destination of Qatar.

6. In respect of services, the coercive attempts at economic isolation entail acts and/or omissions through which the UAE bans Qatari nationals from travelling to and remaining in the UAE in order to provide services, as well as bans on the provision of services by Qatari service suppliers established in the UAE. They include bans on the supply of (digital and other) services from Qatar to consumers of the UAE as well as prohibitions on nationals of the UAE to travel to and remain in Qatar in order to consume Qatari services.

7. In respect of trade-related aspects of intellectual property rights, the coercive attempts at economic isolation entail interference with intellectual property rights enjoyed by nationals of

Qatar. Specifically, these measures include prohibitions or restrictions on displaying and accessing television content over which Qatari nationals hold copyrights and related broadcasting rights.

8. Without limiting the scope of the general description of the measures in the preceding paragraphs, the measures at issue include the following specific acts and/or omissions:

(i) the UAE's closure of its maritime borders with Qatar, and prohibition on Qatari aircraft from accessing its airspace;

(ii) the UAE's prohibitions on entry into its ports of (i) all ships owned by Qatar, Qatari individuals or Qatari companies; and (ii) all ships bearing the Qatari flag;

(iii) the UAE's prohibition on the discharge in UAE ports of any goods shipped from Qatar;

(iv) the UAE's prohibition on the loading in UAE ports of any goods destined for Qatar;

(v) the UAE's prohibition on flights to and from the UAE operated by aircraft registered in Qatar; including prohibiting landing of Qatari aircraft at airports in the UAE;

(vi) the UAE's closure of certain Qatari service suppliers' offices in the UAE;

(vii) the UAE's blocking of access to certain Qatari service suppliers' websites, in the UAE;

(viii) the UAE's removal of Qatari audio-visual service suppliers' channels from tourist facilities in the Emirate of Abu Dhabi and in the Emirate of Sharjah;

(ix) the UAE's prohibition and restriction on the broadcasting and operation of certain Qatari service suppliers' media content in commercial establishments in the Emirate of Abu Dhabi;

(x) the UAE's unilateral suspension of the handling of international mail items and parcels originating from or designated to Qatar Postal Services Company; and,

(xi) the UAE's omission to publish certain measures of general application imposing the coercive attempts at economic isolation described in the paragraphs above.

B. Legal bases of the complaint

9. Qatar is concerned that the measures at issue taken by the UAE, as described in Section A of this request, are inconsistent with the UAE's obligations under the WTO covered agreements.

10. *First*, it appears that certain of the measures at issue contravene provisions of the GATT 1994. Specifically, certain measures appear to violate:

(a) Article I:1 of the GATT 1994, because, through the:

- maritime border and airspace closure by the UAE;
- prohibition on entry into UAE ports of (i) all ships owned by Qatar, Qatari individuals or Qatari companies; and (ii) all ships bearing the Qatari flag;
- prohibition on the landing of Qatari aircraft at airports in the UAE;
- prohibition on the discharge in UAE ports and airports of any goods transported from Qatar; and,
- prohibition on the loading in UAE ports and airports of any goods destined for Qatar;

the UAE appears to fail to accord immediately and unconditionally to like products originating in, or destined for, Qatar relevant advantages, favours, privileges or immunities that are granted by the UAE to products originating in, or destined for, other countries;

(b) Article V:2 of the GATT 1994, because, through the:

- maritime border and airspace closure by the UAE;
- prohibitions on entry into UAE ports of (i) all ships owned by Qatar, Qatari individuals or Qatari companies; or (ii) ships bearing the Qatari flag;
- prohibition on the landing of Qatari aircraft at airports in the UAE;
- prohibition on the discharge in UAE ports and airports of any goods transported from Qatar;
- prohibition on the loading in UAE ports and airports of any goods destined for Qatar,

the UAE appears to deny freedom of transit through the territory of the UAE, via the routes most convenient for international transit, for traffic in transit to or from the territory of Qatar, and makes distinctions based on the flag of vessels and/or place of registration of aircraft, the place of origin, departure, entry, exit or destination or on circumstances relating to the ownership of goods, vessels or of other means of transport;

(c) Article X:1 and X:2 of the GATT 1994, because:

- through the omission to publish relevant measures affecting trade in goods; and,
- by enforcing such measures prior to publication,

the UAE appears to be in violation of the obligations under these provisions;

(d) Article XI:1 of the GATT 1994, because, through the:

- maritime border and airspace closure by the UAE;
- prohibitions and restrictions on entry into UAE ports of goods from Qatar shipped by (i) ships owned by Qatar, Qatari individuals or Qatari companies, or (ii) ships bearing the Qatari flag;
- prohibition on the landing of Qatari aircraft at airports in the UAE;
- prohibition and restriction on the discharge in UAE ports and airports of any goods transported from Qatar; and,
- prohibition and restriction on the loading in UAE ports and airports of any goods destined for Qatar,

the UAE appears to institute or maintain prohibitions or restrictions, other than duties, taxes or other charges, on the importation of products of the territory of Qatar, and on exportation of products to the territory of Qatar;

(e) Article XIII:1 of the GATT 1994, because, through the:

- maritime border and airspace closure by the UAE;

- prohibitions and restrictions on entry into UAE ports of (i) all ships owned by Qatar, Qatari individuals or Qatari companies; or (ii) ships bearing the Qatari flag;

- prohibition on the landing of Qatari aircraft at airports in the UAE;

- prohibition and restriction on the discharge in UAE ports and airports of any goods transported from Qatar; and,

- prohibition and restriction on the loading in UAE ports and airports of any goods destined for Qatar,

the UAE appears to apply prohibitions and restrictions on the importation of products of the territory of Qatar, and on the exportation of products destined for the territory of Qatar, without any corresponding prohibitions or restrictions on the importation of the like product of any other countries or the exportation of the like product to or from any other countries being similarly prohibited or restricted.

11. In addition to, and independently of, the multiple violations of obligations under the GATT 1994 identified above, Qatar considers that benefits accruing to Qatar directly and indirectly under the GATT 1994 are being nullified and impaired as a result of the application of the measures identified above, within the meaning of Article XXIII:1(b) of the GATT 1994.

12. *Second*, it appears that certain of the measures at issue contravene provisions of the GATS. Specifically, certain measures appear to violate:

(f) Article II:1 of the GATS, because, by:

- prohibiting Qatari persons, vessels and vehicles from crossing maritime borders with the UAE, or entering the UAE via airspace, to supply services, as well as persons from the UAE crossing maritime borders with Qatar, or entering Qatar via airspace, to consume services;

- prohibiting (i) all ships owned by Qatar, Qatari individuals or Qatari companies; and (ii) all ships bearing the Qatari flag, from entering UAE ports, which prevents Qatari service suppliers from supplying services;

- prohibiting the discharge in UAE ports and airports of any goods transported from Qatar, which prevents Qatari service suppliers from supplying services;

- prohibiting the loading in UAE ports of any goods destined for Qatar;

- prohibiting aircraft registered in Qatar from operating flights to and from the UAE, including prohibiting landing of Qatari aircraft at airports in the UAE, which prevents Qatari service suppliers from supplying services;

- prohibiting certain Qatari service suppliers from providing any service from their office(s) in the UAE;

- prohibiting certain Qatari service suppliers, from providing any service in the UAE and/or to consumers located in the UAE through their website;

- prohibiting Qatari audio-visual service suppliers, from providing services in certain parts of the UAE, such as in tourist facilities and commercial establishments, and/or to consumers located in the UAE; and,

- prohibiting Qatari service suppliers, such as Qatar Postal Services Company, from providing services in relation to mail items that are originating from or designated to Qatar,

the UAE fails to accord immediately and unconditionally to services and/or service suppliers of Qatar, in a variety of services sectors and through multiple modes of

supply, treatment no less favourable than that it accords to like services and service suppliers of any other country;[1]

(g) Articles III:1-2 and III:3 of the GATS, because, through the:

- omission to promptly publish, or make otherwise available, relevant measures pertaining to or affecting the operation of the GATS; and,

- omission to promptly inform the Council for Trade in Services of the introduction of, or changes to, measures that significantly affect trade in services covered by the UAE's specific commitments under the GATS,

the UAE violates the transparency obligations enshrined in Article III of the GATS;

(h) Article XVI of the GATS, because, by:

- banning Qatari persons or vessels and vehicles from crossing maritime borders with the UAE, or entering the UAE via airspace, to supply services, as well as persons from the UAE crossing maritime borders with Qatar, or entering Qatar via airspace, to consume services;

- banning (i) all ships owned by Qatar, Qatari individuals or Qatari companies; and (ii) all ships bearing the Qatari flag, from entering UAE ports;

- banning aircraft registered in Qatar from operating flights to and from the UAE, including prohibiting landing of Qatari aircraft at airports in the UAE; and,

- banning Qatari service suppliers, such as Qatar Postal Services Company, from providing services in relation to mail items that are originating from or designated to Qatar,

the UAE appears to unduly restrict market access for Qatari services and/or service suppliers, thereby according treatment that is less favourable than that provided for under the terms, limitations, and conditions agreed and specified in the UAE's schedule of specific commitments.

13. The UAE thus fails to carry out its obligations and/or specific commitments under the GATS within the meaning of Article XXIII:1 of the GATS.

14. In addition to, and independently of, the multiple violations of obligations under the GATS identified above, the measures appear to nullify or impair benefits that Qatar could reasonably have expected to accrue to it under the UAE's specific commitments under the GATS within the meaning of Article XXIII:3 of the GATS.

15. *Third*, it appears that certain measures contravene provisions of the *TRIPS Agreement*. Specifically, certain measures appear to violate:

(i) Article 3 of the *TRIPS Agreement*, because, by:

- making it impossible for holders of licenses to copyrights, trademarks and other forms of intellectual property owned by Qatari nationals to honour their obligations under licensing agreements; and,

- making it impossible for Qatari owners of copyrights, trademarks and other forms of intellectual property, and their licensees, to use those intellectual property rights in the territory of the UAE,

[1] The UAE does not appear to have scheduled relevant exemptions in the sense of Article II:2 of the GATS. *See* GATS/EL/121, 2 April 1996, United Arab Emirates, Final List of Article II (MFN) Exemptions, p. 1.

the UAE appears to have failed to accord to the nationals of Qatar treatment no less favourable than that it accords to its own nationals with regard to the protection of intellectual property.

(j) Article 4 of the *TRIPS Agreement*, because, by:

- making it impossible for holders of licenses to copyrights, trademarks and other forms of intellectual property owned by Qatari nationals to honour their obligations under licensing agreements; and,
- making it impossible for Qatari owners of copyrights, trademarks and other forms of intellectual property, and their licensees, to use those intellectual property rights in the territory of the UAE,

the UAE appears to have failed to accord, immediately and unconditionally, to the nationals of Qatar, advantages, favours, privileges and immunities granted by it to the nationals of other countries with regard to the protection of intellectual property.

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16. This request for consultations also concerns any modification, replacement or amendment to the measures identified above, and any closely connected, subsequent measures.

17. Qatar reserves its rights to raise additional matters during the course of these consultations and in any future request for panel proceedings.

18. Qatar looks forward to receiving a reply from the UAE to this request within 10 days after receipt of this request, as contemplated by Article 4.3 of the DSU, and to fixing a mutually acceptable date for consultations.

EXHIBIT 13

13

WORLD TRADE ORGANIZATION

10/08/2017

On behalf of

Amb. Junichi Ihara
Chairman of the Dispute Settlement Body

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البعثة الدائمة لمملكة البحرين
لدى الأمم المتحدة
جنيف

البعثة الدائمة للإمارات العربية المتحدة
لدى الأمم المتحدة
جنيف

البعثة الدائمة للمملكة العربية السعودية
لدى منظمة التجارة العالمية
جنيف

H.E. Junichi IHARA
Chairman
Dispute Settlement Body
World Trade Organization
Centre William Rappard
Rue de Lausanne 154
1211 Geneva

Geneva, August 10th 2017

cc: The Trade Negotiations Committee
WTO General Council
WTO Council on Trade in Goods
WTO Council on Trade in Services
WTO Council on Trade-Related Aspects of Intellectual Property Rights

Re: Response of the United Arab Emirates, the Kingdom of Bahrain, and the Kingdom of Saudi Arabia to Request for Consultations in WT/DS526, WT/DS527, and WT/DS528, Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights (the "Request")

Your Excellency,

This response concerns the Request under Article 4 of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes which was dated 31 July 2017, and circulated on 4 August 2017. The undersigned governments respectfully and exceptionally request that you transfer this response to the

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لدى الأمم المتحدة
جنيف

البعثة الدائمة للمملكة العربية السعودية
لدى منظمة التجارة العالمية
جنيف

complaining Member in connection with each of the above-referenced distinct matters.

Our governments regret that consultations have been requested in this matter and take this opportunity to reiterate their shared and unwavering position that the measures referenced in the Request implement diplomatic and national security decisions with respect to all WTO Members maintain full sovereignty. As the issues underlying this matter are not trade issues, a WTO panel should not be requested.

The measures referenced in the Request are maintained pursuant to the Security Exceptions set out in Article XXI of the General Agreement on Tariffs and Trade 1994, Article XIV bis of the General Agreement on Trade in Services, Article 73 of the Agreement on Trade-related Aspects of Intellectual Rights, and other relevant provisions of the WTO Agreements. Nothing in the WTO Agreements or Security Exceptions thereto can be construed to require a Member to furnish information which it considers contrary to its essential security interests, as is the case concerning the present matter.

Based on the above, having carefully considered the request for consultations, and as a reflection of our abiding respect for WTO rules and obligations, the undersigned governments decline to engage in consultations on this matter. We strongly urge the complaining Member to remain committed to the only appropriate avenue for resolving this matter, which is the existing arrangement through which

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the diplomatic and national security aspects of the matter are currently being addressed.

Respectfully yours,

Obaid Salem Al Zaabi
Ambassador/
Representative of the
United Arab Emirates to
the United Nations and
other International
Organizations in Geneva

Dr. Yusuf Bucheeri
Ambassador/
Representative of the
Kingdom of Bahrain to
the United Nations and
other International
Organizations in Geneva

Saleh E. Al-Husseini
Permanent Representative
of the Kingdom of Saudi
Arabia To the WTO

EXHIBIT 14

Qatar regrets the decision by Saudi Arabia, the United Arab Emirates and Bahrain to sever relations

Doha- Information Office- June 05

The Ministry of Foreign Affairs of the State of Qatar expressed deep regret over the decision of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain to close their borders and airspace and cut off diplomatic relations. Such measures are unjustified and are based on baseless and unfounded allegations.

Qatar has been exposed to an instigation campaign based on allegations that amounted to absolute fabrications, which proves that there are premeditated intentions to cause damage to the State. Qatar is an active member of the Gulf Cooperation Council (GCC), committed to its Charter, respects the sovereignty of other countries, does not interfere in their internal affairs, and carries out its duties in combating terrorism and extremism.

It is clear that the media campaign failed to convince public opinion in the region and in the Gulf countries in particular, which explains the continued escalation.

The fabrication of reasons for taking action against a sister country in the GCC is clear evidence that there is no legitimate justification for these measures, which were taken in coordination with Egypt, and the purpose is clear : the imposition of guardianship over the State. This in itself is a violation of its sovereignty as a state which is categorically rejected.

The statement pointed out that the allegations contained in the statements of severing the relations issued by the three countries represent an undisclosed attempt which further confirms the premeditated planning of media campaigns, which contained many fabrications.

The Ministry of Foreign Affairs stressed that these measures taken against the State of Qatar will not affect the normal course of life of the citizens and residents of the State and that the Qatari Government will take all necessary measures to ensure this and to thwart attempts to influence and harm the Qatari society and economy.

Finally, Qatar's Foreign Ministry expressed its regret that the three countries did not find at this critical stage a more important and crucial challenge for their people than targeting the State of Qatar and attempting to harm it.

Monday, Jun 05, 2017

EXHIBIT 15

Foreign Minister: Dialogue Is Qatar's Strategic Choice for Settling Disputes

Doha / Information Office / June 06

HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani expressed regret over the move by Saudi Arabia, Bahrain and UAE, in cooperation with Egypt, to sever ties with the State of Qatar, saying that it is an "unprecedented escalation" and stressing that the strategic choice of Qatar is to solve any crisis through dialogue.

"Regarding the reasons for this escalation, honestly, we don't know if there were real reasons for this crisis or whether it was based on things we're unaware of," HE Sheikh Mohammed bin Abdulrahman Al-Thani was quoted as saying during an interview with Al Jazeera.

The foreign minister added that if there were real reasons, "there wouldn't have been such an escalation and the media fabrications wouldn't have portrayed such a wrong image about Qatar in an attempt to undermine its security and stability" based on "false stories and fabrications."

"If there were real reasons, it would have been put on the table for discussion during the GCC meeting, but none of that was mentioned. It wasn't mentioned either during the American-Islamic-Arab summit in Riyadh. There were no indications whatsoever," HE the minister added.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said the escalation started when fake stories began to be circulated in the wake of the hacking of Qatar News Agency website, adding that such "fabrications were used as a basis for an unprecedented media escalation that reached advanced stages we never had in GCC countries, especially when there is an abuse of GCC countries by the media based in these countries" and falling to a low level of abuse, but "we will not fall to that level and will not meet the escalation with escalation."

"There was supposed to be an address by HH the Emir Sheikh Tamim bin Hamad Al-Thani to the Qatari people regarding the recent developments," HE the foreign minister said, adding that the speech was postponed after a phone call from HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah in order to allow HH the Emir of Kuwait "the space to move and make contacts with the conflict parties and try to contain the issue as he always did."

HE Sheikh Mohammed bin Abdulrahman Al-Thani said HH the Emir of Kuwait played a big role in the 2014 crisis. "We in Qatar and HH the Emir Sheikh Tamim bin Hamad Al-Thani look up to him as a father and respect his desire to postpone any speech or step until the crisis has a clearer picture."

HE the foreign minister added that the countries in question took "unilateral" and "unprecedented" measures that affected the citizens and family ties that connect GCC peoples. "At the end, there won't be any escalating measures in response from Qatar because it believes such disputes among fraternal countries should be solved at a dialogue table," the foreign minister said, adding that there must be a disclosure session to discuss points of view, identify the areas of difference and work to limit them while respecting each side's opinions.

HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said contacts were made with the foreign ministers of fraternal and friendly countries, during which everyone expressed their solidarity with Qatar and voiced their hope that the conflict be contained as soon as possible and that efforts are made towards that end, noting that many of them offered their help. "For us, the strategic choice of the State of Qatar is to solve any dispute through dialogue."

HE the foreign minister said "we are going through extremely difficult circumstances and challenges and there are wars in the Arab world and people killed whether due to terrorism and extremism or terror crimes committed by regimes against their peoples, and there is a crisis in Yemen, Syria and Libya, and these challenges must unite us. We are surprised that at such a time, a GCC country is being attacked by other GCC countries."

"There are question marks over the future of GCC because internal ties in the council should be based on solidarity and cooperation and everyone knows that Gulf peoples are united by one culture as well as kinship," HE Sheikh Mohammed bin Abdulrahman Al-Thani told Al Jazeera, adding that "using the council as a tool to impose a guardianship on a member state or thinking about imposing a guardianship on the State of Qatar, interfering in our internal affairs and addressing the people is unacceptable."

He added that HH the Emir "directed us to have a strategic program" for the State of Qatar so that it is not affected by any measures that might be taken by regional countries and to "work to be self-reliant in providing basic resources so that life would go by normally for citizens and residents."

The foreign minister said daily life and projects in Qatar will not be affected, stressing that Qatar designed its programs and took such steps in order to independently achieve its vision regardless of any political pressures.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said there are "inaccurate statements" regarding the closure of airspace and land and marine siege, adding that the only measure that might affect movement is the closure of borders but maritime and air paths are international paths to provide daily life needs and life will go on normally.

HE the foreign minister pointed to the campaign that was aimed at Qatar in Western capitals and the United States, expressing regret that some GCC ambassadors are carrying out a campaign of incitement and distortion of the reputation of Qatar contrary to the basic charter of GCC and the social cord between GCC states. "No matter what the differences between our countries are, we must discuss them within GCC rather than export them to Western capitals, but we noticed a campaign of incitement in the past few days led by some GCC ambassadors to demonize the State of Qatar and aim accusations and fabrications at it, especially in cases of financing terrorism."

"As for central institutions in the United States, our relations with them are extremely excellent and it is a strategic partnership in the peace process and counterterrorism. The Qatari-American ties are not led by marginal institutions, but from official institutions that take their positions on the basis of strategic partnerships," HE Sheikh Mohammed bin Abdulrahman Al-Thani said.

Monday, Jun 05, 2017

EXHIBIT 16

Foreign Minister: Qatar 'Willing to Talk' to Resolve Diplomatic Crisis

Doha / Information Office / June 06

Qatar is open to mediation to resolve the crisis that has seen a group of nearby countries move to sever diplomatic ties with Doha, HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said.

"We are willing to sit and talk," Sheikh Mohammed bin Abdulrahman Al-Thani said Tuesday in an interview with CNN, adding that the "progressive and modern" country believes in diplomacy and promoting peace in the Middle East.

"We are not a superpower here, we are not believing in solving things with confrontation," HE the foreign minister said, stressing that Qatar is combating terror financing and "protecting the world from potential terrorists."

HE Sheikh Mohammed bin Abdulrahman Al-Thani disputed a Saudi statement accusing Qatar of "embracing terrorist and sectarian groups aimed at de-stabilizing the region."

"With all due respect, this statement is full of contradictions because it is saying that we are supporting Iran and on the other hand supporting the extremist groups in Syria, and (that) we are supporting the

Muslim Brotherhood in Saudi or in Yemen and we are supporting the Iranian-backed Houthis from the other side. In all battlefields, there are adversaries," he told CNN.

"About our support to the Saudi opposition or the sectarian movements in al-Qatif, this is totally false information. Actually the cooperation between our security and intelligence agencies between Qatar and Saudi has been serving the purpose of the national security of Saudi," HE the foreign minister added.

Referring to tweets from U.S. President Donald Trump on Tuesday about the diplomatic crisis, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that during Trump's recent visit to the region, he and HH the Emir Sheikh Tamim bin Hamad Al-Thani discussed the issue "that the funding of terrorism needs to be stopped by various countries."

He said that there have been multiple reports issued by official agencies in the United States "commending our role in combating terror financing."

Tuesday, Jun 06, 2017

EXHIBIT 17

Foreign Minister Says Measures Taken Against State of Qatar Were Surprising

Doha – Information Office – 07 June

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that the recent measures taken against the State of Qatar were surprising, stressing that what happened was collective punishment from three countries in the region that tried to put Qatar and its people under a blockade.

In an interview televised by the BBC on Tuesday, HE Sheikh Mohammed bin Abdulrahman Al-Thani wondered why the countries in question believed that Qatar was siding with Iran. His Excellency added that all parties involved want a positive relation with Iran and would not want to escalate against any side, but rather resolve disputes through dialogue in line with the principles adopted by GCC leaders.

Responding to a question on tweets posted by U.S. President Donald Trump on countries severing ties with the State of Qatar, HE the Foreign Minister said that president Trump met with HH the Emir Sheikh Tamim bin Hamad Al-Thani and discussed allegations of funding terrorism by countries in the region, including Qatar and Saudi Arabia. His Excellency noted that president Trump repeated that remark several times during the meeting. "And we told him very clearly if there is any allegation we can sit on the table and we can sort it out."

His Excellency added that they assured the U.S. president that the allegations were based on media reports. The intelligence community, government-to-government relations all know very well about the relation between Qatar and the cooperation between Qatar and the U.S.

Wednesday, Jun 07, 2017

His Excellency added that there was not a single piece of evidence that the State of Qatar was supporting radical Islamists, adding that official government bodies in the U.S. praised the State of Qatar for its counter-terrorism efforts.

EXHIBIT 18

HH the Emir Meets HH the Emir of Kuwait

Doha / Information Office / June 07

HH the Emir Sheikh Tamim bin Hamad Al -Thani held a meeting with HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, here this evening.

During the meeting, HH the Emir of Kuwait briefed HH the Emir on his efforts in trying to resolve the crisis in relations between the State of Qatar and each of the Kingdom of Saudi Arabia , the United Arab Emirates (UAE) and the Kingdom of Bahrain, in order to restore the normal relations and the unity of the GCC countries.

For his part, HH the Emir expressed his thanks and appreciation for the sincere efforts of HH the Emir of the State of Kuwait to resolve the Gulf crisis.

The meeting was attended by HH the Deputy Emir Sheikh Abdullah bin Hamad Al -Thani, HH Sheikh Jassim bin Hamad Al-Thani, the Personal Representative of HH the Emir, as well as a number of Their Excellencies Ministers. The meeting was also attended by members of the official delegation accompanying HH the Emir of Kuwait.

Wednesday, Jun 07, 2017

EXHIBIT 19

Foreign Minister, German Counterpart Hold Joint Press Conference

Wolfenbuttel, Germany / Information Office / June 09

Qatar's Minister of Foreign Affairs HE Sheikh Mohammed bin Abdulrahman Al-Thani has underlined that the measures taken by some neighboring countries and other countries towards the State of Qatar are "contrary to international law and humanitarian law". He stressed that there is an attempt to mobilize international public opinion against Qatar.

Speaking during a joint press conference with his German counterpart HE Sigmar Gabriel here today, HE the Foreign Minister that these measures had damaged the social fabric of the Gulf .. pointing out that such measures were not taken against hostile countries. He expressed surprise that such measures to taken against a sisterly country which is an integral part of the Gulf Cooperation Council.

HE the Foreign Minister thanked his German counterpart for his courageous stance and solidarity with the State of Qatar, which was based on principles before the interests, especially with regard to economic, air, sea and land siege, which is considered collective punishment by three countries of the Gulf Cooperation Council against the State of Qatar, HE the Foreign Minister added.

HE the Foreign Minister said that the meeting with his German counterpart dealt with the background of the crisis, which was based on a media escalation according to exacerbated fabrications that led to the point of severing diplomatic relations and siege of the land borders and closing the airspace and ports. He pointed out that this matter started from Bahrain, Saudi Arabia and the UAE in coordination with Egypt .

Friday, Jun 09, 2017

HE the Minister said there is a mobilization for the inclusion of other countries in this list and we do not know the reasons for this mobilization against the State of Qatar in this way, wondering what was crime committed to deserve this collective punishment, which violates all international laws." HE Sheikh Mohammed bin Abdulrahman Al-Thani said that if there are disputes or differences, there are clear laws and mechanisms to resolve them.

HE the Foreign Minister said that his meeting with his German counterpart also included an explanation of the background of the crisis and its impacts now and in the future, criticizing attempts to silence the mouths and block the views of sympathizers with Qatar through sanctions.

HE the Minister stressed that the strategic choice of the State of Qatar is the dialogue despite the successive escalation by these countries, pointing out the efforts and efforts of HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah to resolve the crisis .. "There is also support and efforts from many friendly countries to contain this crisis and lift this unjust blockade of the State of Qatar and then the start of negotiations. ", HE the Minister added.

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that there were a lot of question marks raised over the terrorist list issued last night by the four countries mentioned. His Excellency added that the list was the latest in a series of false accusations that lack any proof.

His Excellency noted that the list included people who had no ties to the State of Qatar and did not live there and may be have never even passed by Qatar. His Excellency added that the list included individuals from Qatar which are designated as terrorists by the UN Security Council, but are already facing legal punishment. HE the Foreign Minister said that the list also included journalist that had no ties with any organizations. There were also charitable organizations that are highly prestigious with consultative status in the United Nations such as Qatar Charity, His Excellency added.

HE the Foreign Minister added that terrorism lists are subject to laws and international standards and should not be done for political means to target an individual or an institution. His Excellency added that the State of Qatar does not know the standards that the countries used to set up the list, but it was clear that its goal was to continue making false accusations and did not have clear standards. His Excellency noted that the State of Qatar will not interact with such baseless accusations, but will clarify to the public opinion the background of those people to reveal the work being done to target the State of Qatar.

HE the Foreign Minister said there were question marks about listing individuals and linking them to Qatar, even though they reside in the countries that set up the list.

For his part, Minister for Foreign Affairs Sigmar Gabriel said that Qatar was a strategic partner in counter-terrorism efforts. He stressed his country's rejection of severing ties and enforcing a blockade on Qatar as unacceptable.

He noted that there must be a resolution and a lifting of aerial and maritime blockade enforced on Qatar. He highlighted that the State of Qatar was an important part of the international coalition against ISIS and added that there shouldn't be a desire to weaken that coalition, and that the focus should turn to ISIS once the Qatar crisis ends.

He added that his country and the international community express their alarm at the tension in the Middle-East.

EXHIBIT 20

Foreign Minister : Qatar Committed to Approach of Dialogue in Resolving Differences with Neighboring Countries

Neighboring Countries

Moscow / Information Office / June 10

Qatar's Minister of Foreign Affair HE Sheikh Mohammed bin Abdulrahman Al-Thani has reaffirmed Qatar's commitment to the approach of dialogue in resolving differences with some neighboring countries, and said the Gulf Cooperation Council (GCC) is the most appropriate framework for resolving differences in the region.

During his official talks with his Russian counterpart HE Sergey Lavrov in Moscow on Saturday, HE the Foreign Minister said that his visit to Moscow was aimed at informing the Russian Federation of the illegal measures taken against the State of Qatar and thanked the Russian institutions that offered their assistance during the crisis.

HE the Foreign Minister referred to the friendly relations between the State of Qatar and the Russian Federation. He said that Russia plays an important role on the international arena . He expressed hope that the joint cooperation between the two countries would continue in various fields.

For his part, HE the Russian Foreign Minister expressed his country's concern about the crisis of severing

relations with Qatar and asserted Russia's support for resolving the crisis through dialogue . He stressed Russia's non-interference in the affairs of other countries and said: "We can not be satisfied with the current situation and deteriorating relations between neighbors.

Lavrov said his country was convinced that terrorism was the main threat to the Gulf countries and stressed the need to focus efforts to tackle terrorism.

EXHIBIT 21

The Foreign Minister's Interview with RT on GCC Crisis

Moscow – Information Office – 10 June

HE the Foreign Minister of Qatar Sheikh Mohammed bin Abdulrahman Al-Thani said that his visit to Moscow was to inform friends in Russia on the latest developments in the region especially as the State of Qatar has friendly relations with Russia, a main player on the international arena. As a result, His Excellency added, it was important for the two sides to discuss crisis and its developments.

Speaking at a televised interview with RT, HE the Foreign Minister said that he discussed the developments with Russian Foreign Minister Sergey Lavrov. His Excellency added that talks with the Russian side were constructive, noting that Qatar explained its view of the crisis like it did with other friends over the past few days. Qatar also discussed the backdrop of the crisis and explained its vision regarding that matter, His Excellency added.

HE the Foreign Minister said that Lavrov for his part shared his point of view and said that the conflict should stay within the GCC. Lavrov added that his country is against escalation, something they agree on with the State of Qatar and stressed that any differences must be resolved through dialogue. HE the Foreign Minister expressed regret that the countries which took those measures involved other countries from outside the GCC in taking these unfair and illegal measures, it also mobilized other countries to adopt similar measures. Despite that, HE the Foreign Minister maintained that Qatar views the current differences as one between Qatar on one side, and three GCC countries in Saudi Arabia, UAE, and Bahrain on the other.

On the reasons behind the sudden crisis, His Excellency said that the side of the story visible to the State of

Qatar is that the backdrop of the crisis should not be deep, as relations were friendly a day before the escalation and there were no requests made by the countries which took those measures against the State of Qatar. His Excellency added that the media campaign which preceded the escalation was based on fabricated news after the hacking of Qatar News Agency (QNA). His Excellency added that this is the biggest proof that a crisis based on media campaigns do not have a solid foundation. HE the Foreign Minister stressed that to this day Qatar has only heard false accusations, adding that there were no specific requests made to the State of Qatar from these countries.

His Excellency noted that measures being taken against the State of Qatar, were not being taken against hostile countries. His Excellency added that Qatar is being blamed for having secretive ties with Iran, even though Qatar's ties with Iran are clear and transparent.

HE the Foreign Minister said that the hostility towards the State of Qatar raised a lot of question marks, particularly as statements made by Saudi Arabia, UAE, Bahrain, and Egypt were contradictory. HE the Foreign Minister wondered how was it possible that Qatar gets accused of supporting Hezbollah and Iran, and at the same time faces accusations of backing Al Qaeda in Syria. His Excellency also wondered how could Qatar back Al Houthi in Yemen, and then support the Muslim Brotherhood as well. HE the Foreign Minister stressed that such contradictions were the biggest proof that accusations directed at Qatar were baseless and unclear. His Excellency noted that if there were clear requests, it would be better to hold a dialogue over them before taking such measure in order to give Qatar the right to respond. HE the Foreign Minister noted that instead Qatari channels were blocked and opinions expressing the Qatari view were oppressed. Afterwards a media campaign took place against the State of Qatar demonizing it and fabricating false news against HH the Emir Sheikh Tamim bin Hamad Al-Thani and Qatari officials, which shows that there is a bigger matter than just the State of Qatar and its role.

On rumors of meeting with Qasem Soleimani in Baghdad, HE the Foreign Minister said that such rumors were a work of fiction. His Excellency added that he would have met with Soleimani in Doha or Tehran if there was a need to. HE the Foreign Minister stressed that Qatar always looks to take its steps publicly, confirming that news of a meeting with Soleimani were fabricated after the hacking of Qatar News Agency's website. His Excellency added that he arrived at the airport in Baghdad and headed to the office of Iraqi Prime Minister Haider Al Abadi, before heading back to the airport and then Doha. His Excellency added that this took place at the same time when Saudi Minister of Energy was meeting the Iraqi Prime Minister. HE the Qatari Foreign Minister said that he left Iraq while the Saudi Minister was still in Baghdad.

As for the remarks by U.S. President Donald Trump in which he said he was told that Qatar supports terrorism, HE the foreign minister said relationships between Qatar and the United States are "historic" and extend back

to several decades, adding that, after the signing of agreements on military cooperation and facilitations, Qatar "exerted great efforts in combating terrorism" and had a major contribution with its allies, notably the United States.

HE the foreign minister said it was strange that the U.S. president's statements were based on opinions of heads of states who have political stances that oppose Qatar and "always use terrorism as a pretext against their political opponents whether they were countries or individuals because it is easier to promote and is more acceptable in the West, and they wanted to attain Western support against Qatar by accusing it of supporting terrorism."

HE Sheikh Mohammed bin Abdulrahman Al-Thani said the U.S. institutions always commend Qatar's role and partnership in the fight against terrorism, adding that the clearest evidence that the accusations against Qatar by Saudi Arabia, UAE, Bahrain and Egypt are "baseless" is that the list the four countries issued was refuted on the grounds that it included charity organizations that have a consultancy status at the United Nations as well as journalists and prisoners in Egypt, and others who are sanctioned by the U.N.

He stressed that the list is part of the campaign of accusations that they want to associate Qatar with, adding that the U.S. has clear lists of terrorism.

"We don't support the Muslim Brotherhood. The State of Qatar supports governments and forges relationships with governments. We are a state not a political party," HE the foreign minister said, adding that Hamas movement, which is listed as a terrorist organization in the U.S. is a "legitimate resistance" movement for Arab countries.

"We support the Palestinian people not Hamas and we cooperate with the official Palestinian Authority, and Hamas' presence in Qatar is a political representation for the movement," HE Sheikh Mohammed bin Abdulrahman Al-Thani said.

"Qatar is delegated by its international partners to work towards Palestinian reconciliation, so there are leaders from Fatah and Hamas movements and we are surprised as to how Hamas has become an indictment by Arab countries," he said, adding that Hamas isn't listed on GCC terrorism lists.

Asked about the possibility of hosting both American and Turkish bases in Qatar, HE the foreign minister said

Qatar has a space available for military interaction with any country it wants in line with its sovereignty, adding that there is military cooperation between Qatar and Turkey, France, Britain, the U.S. and several others, and "this is a sovereign decision," dismissing reports about Qatar's use of troops from Pakistan.

HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed that the partnership between Qatar and the U.S. "extends greatly beyond these problems that they want to stir," adding that cooperation with the U.S. and all friendly countries wasn't affected. "All the measures that were taken against Qatar are unfair and illegal. They want to impose a mass punishment against Qatar to pressure it regarding an issue that we don't know until now."

The foreign minister denied that Qatar intends to create a Turkish-Iranian-Qatari axis in the region, saying that "the region can't afford new crises and GCC states used to be the center of stability in the region, and the measures against Qatar undermine the stability of the Gulf region," stressing that Qatar will not be a reason for undermining that center of stability.

As for the possibility for Qatar to change its policies based on the current circumstances, HE the foreign minister said that "our policies that have been built based on our principles will remain as are," adding that Qatar "wants positive ties with Iran but according to our principles, and we have differences with Iran and they must be solved through dialogue."

Asked whether Qatar is about to open commercial routes with Iran in light of the ongoing blockade, he said that Iran "opened all routes for us since the beginning of the crisis but we don't need them now but at the end the interests of our people remain our guide when making decisions."

"Qatar is the fifth-ranked Gulf state in trade balance with Iran, while the UAE is Iran's second-largest trade partner after China," the minister said, adding that "trade with Iran isn't criminalized at GCC, and if they accuse us of it, they should have taken such hostile measures against the state that they accused us of having ties with."

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that Qatar will not lose hope in the mediation of HH Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah that "we value and appreciate because it is still ongoing, and HH the Emir Sheikh Tamim bin Hamad Al-Thani considers HH Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah a father."

- HE the foreign minister noted that HH Emir of Kuwait had asked HH the Emir to have a space for movement and "we support this space and our contacts with friendly countries contribute to supporting the efforts of HH Emir of Kuwait," adding that "we haven't received clear demands from the other side because there is no clear vision regarding the demands."

HE the minister reiterated that Qatar can provide its food needs "forever," adding that "the talk about a food crisis is part of the media war against us."

"Qatar has strategically prepared for such crises because we have been through previous ones whether during the failed coup attempt in 1996 or the withdrawal of ambassadors in 2014," HE the foreign minister said, adding that HH the Emir gave clear directives that Qatar becomes fully "self-reliant."

Asked whether Qatar is about to review the issue of Al Jazeera channel, HE Sheikh Mohammed bin Abdulrahman Al-Thani said decisions that relate to Qatari sovereignty and Qatari foreign policy are "out of the GCC collective security frame and are reviewed within Qatar not imposed from outside, and we will not accept the guardianship of anyone."

"The decisions that affect Gulf security are those that matter," HE the foreign minister said, adding that, other than that, nothing will be discussed.

EXHIBIT 22

Foreign Minister : Qatar Focuses on Solving Humanitarian Problems of Illegal Siege

London / Information Office / June 12

HE Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani has reaffirmed that Qatar is focusing on solving humanitarian problems as a result of the illegal siege imposed on the country.

In a statement to Al-Jazeera News Channel , HE the Foreign Minister said that he had explained to British officials during his current visit to London the illegal situation of the blockade and presented Qatar's view regarding this issue.

He also said that the State of Qatar is in contact with HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, on his mediation efforts, and that the United States is also in contact with Kuwait on the mediation efforts .

He stressed that the diplomatic dialogue is the solution to the Gulf crisis which needs bases that have not yet been available, adding that Qatar is ready to discuss any requests, provided that they are clear.

HE the Foreign Minister reiterated Qatar's assertion that "decisions concerning the Qatari internal affairs are Qatari sovereignty and no one has to interfere with them."

EXHIBIT 23

Foreign Minister : Dialogue is Qatar's Strategic Choice to Resolve GCC Crisis

Paris / Information Office /June 12

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani stressed Monday that the State of Qatar still does not know the reasons that prompted the Kingdom of Saudi Arabia, the United Arab Emirates, and the Kingdom of Bahrain to Boycott it. His Excellency stressed that the State of Qatar does not accept any dictations from abroad when it comes to taking measures against the illegal blockade enforced on Qatar.

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani was speaking at a press conference held in Paris and said that the State of Qatar is ready for a dialogue based on principles that respect international law. His Excellency stressed that dialogue is the strategic choice of the State of Qatar.

HE the Foreign Minister added that, so far, there was no European mediation to resolve the crisis that came in the aftermath of the three countries' boycott. Instead, there is European and American support to the State of Kuwait's mediation efforts. HE the Foreign Minister stressed that the State of Qatar does not interfere in the internal affairs of the three boycotting countries. His Excellency added that Qatar also does not accept foreign dictations as well, noting that Doha rejects discussing any matter related to Al Jazeera channel as it considers it an internal affair.

Responding to some of the accusations that were used as a pretext for severing ties with the country, HE the Foreign Minister said that the State of Qatar does not support the Muslim Brotherhood or Hamas. His Excellency added that Qatar deals only with governments, pointing to Egypt and Tunisia as two examples.

Monday, Jun 12, 2017

His Excellency also noted that Qatar supports the rebuilding of the Gaza strip and supports the Palestinian national unity government. HE the Foreign Minister then stressed that Hamas was a resistance movement, with the State of Qatar dealing with it just like it deals with any other Palestinian group.

On Iran, HE the Foreign Minister said that Qatar does not have a stronger cooperation with Tehran compared to other GCC members. His Excellency highlighted that the UAE was Iran's second-largest trading partner.

His Excellency added that there were many contradictions in the statements and allegations made by the three GCC countries, stressing that Doha has the right to demand proof of such allegations that led to the boycott.

EXHIBIT 24

Successes of Qatari Diplomacy Put a Limit to Efforts of Blockade Cluster

Doha / Information Office /June 15

Qatar's careful and wise diplomacy has made great successes in explaining its viewpoints and revealing reality of the false accusations levelled against it without evidence or proof. The false accusation were used as a pretext for issuing decisions and imposing arbitrary measures to block Qatar in a historical precedent. The remarkable successes of Qatari diplomacy put a limit to the efforts the countries that boycotted Qatar and placed them in the ditch of self-defense on more than one occasion.

Over the past ten days and with the help of this careful diplomacy and the directives of HH the Emir Sheikh Tamim bin Hamad Al-Thani, Qatar has mobilized wide international support and understanding from various friendly and sisterly countries. This has contributed to prevent any action that would disturb the success of Qatar over many years as an active member of the international community and a reliable partner in resolving differences and in establishing the principles of international peace and security.

Since the beginning of the crisis, the contacts between HH the Emir and a number of world leaders formed reference upon which the Qatari diplomacy built its successful moves to reveal reality and put things in perspective. There is no doubt that when major countries listen to HH the Emir of Qatar, this gives a strong indication on Doha's influence and its weight not only in the region but in the whole world.

During the first days of the siege, HH the Emir received calls from the leaders of France, Russia, the United States of America and Germany, all of whom expressed their willingness to do everything possible to contain the Gulf crisis in order to preserve the security and stability of the region. In other calls, HH the Emir received from leaders of Kuwait, Turkey and Indonesia, the leaders focus was on the possible means of mediation and expressed solidarity of the peoples of these Arab and Islamic countries with the people of Qatar and their initiative to provide all kinds of assistance and support to the government and the people of Qatar.

Germany reiterated its position vis-a-vis the Gulf crisis and the need to resolve it through dialogue during the phone call received by HH the Emir from the German Chancellor Angela Merkel, during which she stressed the need to resolve the Gulf crisis through dialogue and pointed to Berlin's efforts to lift the embargo imposed by Saudi Arabia and the United Arab Emirates and Bahrain on the State of Qatar and expressed concern about the possible repercussions of any escalation on the whole region.

Along with the phone calls, Doha was an important stop for leaders and senior officials of friendly and brotherly countries who are keen on finding a solution to the crisis and to break the siege imposed on the State of Qatar and the consequent effects. In this regard, HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, paid a visit to Doha to confirm the importance of resolving the dispute within the Gulf country and this was also emphasized by HE minister responsible for foreign affairs in the Sultanate of Oman Yousef bin Alawi bin Abdullah during his visit to Qatar.

In order to affirm Turkey's support for Qatar, HE Turkish Foreign Minister Mevlut Cavusoglu, and HE Turkish Minister of Economy Nihat Zeybekci visited Qatar and underscored the deep Qatari-Turkish relations and Turkey's active role in containing the crisis and its rejection of the embargo imposed on the State of Qatar.

The State of Qatar's diplomacy in dealing with the current Gulf crisis parallels the efforts of the Ministry of Foreign Affairs with all the ministries, bodies and institutions concerned with the State, to achieve more than one objective at the same time, all of which are aimed at emphasizing the supremacy of national decision-making. On the daily life of the citizen and resident on the land of the State of Qatar.

Since the announcement of the blockade on the June 5, 2017, Qatari diplomacy has been active, at home and through its ambassadors accredited to the various capitals of the world, in communicating with senior officials in those countries to explain the reality of what the State of Qatar is facing.

Qatari diplomatic contacts began and continued during the past ten days through telephone calls between HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani and his counterparts in friendly and sisterly countries. The Qatari view point was communicated to foreign ministers of a number of Arab, European, African, Asian, American and Latin countries as well as to the European Union.

These contacts represented the initial move, which was followed by a successful step towards presenting the country's perspective on the screens of the top four global news stations (CNN), Russia's RT, BBC and Al Jazeera, where it has been stressed that the measures taken against the State of Qatar were shocking and represent collective punishment by three countries in the region, which tried to impose a siege on the State of Qatar and its people. It has also been stressed that all disputes need to be resolved through dialogue, in accordance with the principles approved by the GCC leaders.

The Qatari efforts continued at the level of HE Foreign Minister through direct visits and meetings with his counterparts and all decision-makers in five major capitals (Berlin, Brussels, Moscow, London and Paris), as well as meeting with his Turkish counterpart in Doha.

The European tour began with a visit to Berlin, during which HE the Foreign Minister met with his German counterpart Sigmar Gabriel, who expressed his country's support for Qatar after a number of countries announced cutting off ties with Doha. He said that Qatar has been a strategic partner in counter-terrorism efforts, affirming that his country sees severing ties and imposing a blockade on Qatar as unacceptable.

Stressing the need for resolving the crisis and lifting the land, sea and air blockade on Qatar, German Foreign Minister said that the State of Qatar is an important part of the international coalition against ISIS. "We do not want to weaken this alliance and we must focus on confronting ISIS," he said.

In Brussels, HE the Foreign Minister met with EU foreign policy chief Federica Mogherini, who expressed hope that the current crisis between the State of Qatar and a number of Gulf countries will be solved through dialogue and political talks, calling for avoiding escalation of the situation in the region. She stressed that regional cooperation and dialogue are the way to adopt a cooperative approach among the countries of the region.

During his visit to Russia and meeting with his counterpart Sergei Lavrov, Russia stressed its support for resolving the crisis through dialogue and Moscow's non-interference in the affairs of other countries, expressing concern over the current situation and deterioration of relations between neighbors.

In London, the State of Qatar and Britain agreed on the need to support HH Emir of the State of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah in his efforts to mediate between the State of Qatar and the three Gulf States. British Foreign Secretary Boris Johnson was also briefed on developments in the Gulf crisis and all illegal measures taken against the State of Qatar.

Following his meeting with his French counterpart Jean-Yves Le Drian in Paris, HE the Foreign Minister, Sheikh Mohammed bin Abdulrahman Al-Thani, announced that the State of Qatar does not accept foreign dictates and is taking action against the illegal blockade.

The Qatari diplomatic efforts continued on all fronts and included meetings held by HE Foreign Minister Sheikh Mohamed bin Abdulrahman Al-Thani in Europe as well as those held by HE Minister of State for Foreign Affairs Sultan bin Saad Al Muraikhi in a number of African countries.

Over three days, the tour of HE Minister of State for Foreign Affairs reflected Qatar's readiness to keep contacts with

friendly and partner countries in Africa that has great influence at international level.

That coincides with the continued efforts by the ambassadors of the State of Qatar with officials and decision-makers in the capitals of the countries accredited to in order to strengthen the effort in clarifying the reality of the State of Qatar's siege and the unacceptable procedures which violated all international laws.

Through its careful diplomacy, Qatar managed to respond to all inquiries and concerns surrounding the false accusations levelled against it and rejected all these accusations. Qatar also enhanced its status in the face of the boycott and blockade and introduced the world public opinion to the really of the conspiracy targeting it.

This was clearly presented by Chairman of the National Committee for Human Rights (NHRC) Dr. Ali bin Smaikh Al Marri during his European tour in London and in Geneva to explain the negative humanitarian impact of the embargo on the State of Qatar before the Office of the High Commissioner for Human Rights, the Office of Special Procedures on all special rapporteurs of the United Nations, Amnesty International and the International Federation of Journalists and others.

Many international organizations supported the view of the State of Qatar and categorically rejected the pressure exerted on it. Secretary General of Amnesty International Salil Shetty stressed that to deal with the repercussions of the blockade on Qatar and its impact on common families are vague and insufficient, and do not address the human rights situation, , stressing that rights are inherent in the human and can not be waived or fragmented. He stressed that these measures affect all other rights violated by this siege and called for lifting it by saying "Amnesty International continues its international moves to this end."

United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein described the measures that have been taken as too wide in scope and implementation and seriously impede the lives of thousands of women, children and men only because they belong to one of the nationalities of the countries involved in the conflict.

The International Federation strongly condemned the harassment that restricted the right to freedom of opinion and expression and stressed the need to intervene quickly to stop the arbitrary measures that affected the satellite channels rejecting the siege, closing the offices of Al-Jazeera satellite channel and preventing the broadcast of Qatari channels and the channels in solidarity with Qatar as well as the blocking of Qatari newspapers on citizens of the three countries which constitutes a clear violation of freedom of opinion and expression and the right to information.

Thursday, Jun 15, 2017

EXHIBIT 25

HE Foreign Minister Expresses Surprise of Reaction of GCC Countries Blockading Qatar

Doha – Information Office – 17 June

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani expressed surprise at the reaction of GCC members putting Qatar under siege following the hacking crime Qatar News Agency (QNA) was subjected to.

His Excellency said that contact was made with GCC Foreign Minister in order to disregard what has been transmitted, however that communication did not follow through except with the ministers of Kuwait and the Sultanate of Oman. They expressed their solidarity and demanded that Qatar does not escalate in response to the actions of media in the UAE and Saudi Arabia. His Excellency added that Qatar for its part responded to these demands.

Speaking at a televised interview on Qatar TV, HE the Foreign Minister said that things are moving along naturally with other GCC member countries. His Excellency added that there were regular meetings before the hack, at the GCC level and at bilateral levels. His Excellency noted that there was even a visit by HH the Emir Sheikh Tamim bin Hamad Al-Thani in Jeddah that involved discussions related to the GCC and bilateral ties. No side discussed any differences of any kind and there were no signs of differences as the meetings were friendly, HE the Foreign Minister added. His Excellency also said that it was surprising that the response to the hack came in the matter it did. Especially, His Excellency added, that Qatar noted that there were pre-recorded tapes of analysts who defamed Qatar.

On investigations into the hack, HE the Foreign Minister that there was an initial report released a few days ago but they were still waiting for a detailed one from the entities that dealt with the Ministry of Interior. His Excellency noted that there will be a detailed report presented on the matter.

On the allegations directed at the State of Qatar from the countries putting it under siege, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the problem was the lack of an accurately-determined accusations by the countries in question. HE the Foreign Minister added that they accused Qatar of supporting and financing political foes, but added that Qatar is betting on the awareness of the Arab street which became capable of distinguishing between what is right, and what is being exaggerated. HE the Foreign Minister said that cases should be built on logic and so far, nothing of what has been presented has any of it. His Excellency added that Qatar for its part does not want to slip into responding to such allegations as they answer themselves.

On the recording televised by Bahraini television, HE the Foreign Minister said that the timing for airing that recording undermined its credibility. His Excellency added that there was Qatari mediation to stop the bloodshed, done with the knowledge of Saudi and Bahraini authorities. His Excellency stressed that media was discussing those mediation efforts, but making such an accusation now reflects that they are relying on the short-term attention span of the receiver. It was also taking the conversation out of its historical context and undermining its credibility. HE the Foreign Minister expressed his belief that they have not succeeded with that accusation because the conversation makes it clear that Qatar was not involved in an act of incitement, but rather looking to calm the situation.

On the Kuwaiti mediation, HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani pointed that there are strong efforts by the brothers in Kuwait, led by HH Emir of the State of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, and there are continued visits by the Kuwaiti brothers to the countries that have taken those unfair measures.

However, no demands have been put forward, HE the Foreign Minister said adding, "This is why we are confused about the statements of officials in these countries, who sometimes say they will hand over their demands to the State of Kuwait and sometimes say that the list of demands has not yet been prepared." This uncertainty is evidence of the fragility of the basis of the actions against Qatar, he added.

On postponing the speech HH the Emir Sheikh Tamim bin Hamad Al Thani, HE the Foreign Minister said that HH the Emir wanted to address the State of Qatar's people and residents, explaining that His Highness responded to the desire of the Emir of Kuwait on giving an opportunity for the mediation efforts.

Regarding Saudi Foreign Minister Adil Al Jubeir's statement that Saudi Arabia is working on a list of complaints, HE the Foreign Minister said that the demands were not clear, adding that that matter started with talk about demands that will be resolved within the Gulf states, then it was changed to be demands that will be handed over to the US. and then became complaints. These contradictions and accusations are evidence of the fragility of the actions, which we wonder whether they were taken to change Qatar's policies or to impose guardianship over it.

As for the diplomatic steps taken by the State of Qatar, HE the Minister said: "We relied on the diplomatic solution and stated that the solution should be through dialogue. In addition Qatar's citizens and residents refused to be dragged to the low level of abusive rhetoric against Qatar."

HE the Foreign Minister said that Qatar's diplomatic moves were aimed at explaining the Qatari point of view, especially after some parties sought to internationalize the dispute and started foreign visits to convince others to follow the measures against Qatar. "In Qatar we went to those countries to explain our point of view because of our common interests, their keenness on the stability of the region and because they are aware of Qatar's standards in handling political and counterterrorism issues." HE Sheikh Mohammed bin Abdulrahman Al-Thani. There have been positive positions supporting the containment of the dispute and lifting the blockade on the State of Qatar, he added.

On the contacts made by the three Gulf States, HE the Foreign Minister said that they moved in different direction towards African countries and the countries that need to be pushed to take positions and measures against the State of Qatar. "There are those who followed them," he said adding, "But Qatar knows its friends well."

Sunday, Jun 18, 2017

EXHIBIT 26

State Dept. Lashes Out at Gulf Countries Over Qatar Embargo

Gardiner Harris

Photo

President Trump and Secretary of State Rex W. Tillerson in May in Riyadh, Saudi Arabia. Credit Stephen Crowley/The New York Times

WASHINGTON — The State Department on Tuesday issued a blistering critique of Saudi Arabia and other Persian Gulf countries for enforcing a two-week embargo against Qatar without giving the tiny country any specific ways to resolve a crisis over accusations of Qatar's funding of terrorism.

The statement seemed to put President Trump and Secretary of State Rex W. Tillerson further at odds about who is to blame for the dispute, which threatens a host of American diplomatic and security priorities in the gulf.

The State Department also announced that, despite Mr. Trump's direction that

Mr. Tillerson assist in resolving the impasse, the secretary of state was all but washing his hands of it.

"Now that it has been more than two weeks since the embargo has started, we are mystified that the gulf states have not released to the public nor to the Qataris the details about the claims they are making toward Qatar," Heather Nauert, the department's spokeswoman, said in a news briefing.

"The more time goes by, the more doubt is raised about the actions taken by Saudi Arabia and the U.A.E.," she said, referring to the United Arab Emirates, which joined the Saudi embargo along with Egypt and Bahrain.

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"At this point," she added, "we are left with one simple question: Were the actions really about their concerns regarding Qatar's alleged support for terrorism, or were they about the long simmering grievances" among countries in the Gulf Cooperation Council, who share both common interests and rivalries.

She noted that Mr. Trump had offered Mr. Tillerson as an intermediary, but she said that Mr. Tillerson's interactions with leaders from the region had led him to conclude that his mediation role was not necessary and "that they'll be able to work this out on their own."

The last time the State Department gave an update on the dispute among Sunni Muslim nations in the Persian Gulf, Mr. Tillerson called for a "calm and thoughtful dialogue" to resolve the dispute. Then, barely an hour later, Mr. Trump accused Qatar of being a "funder of terrorism at a very high level" and demanded that the energy-rich nation cut off that flow of money and rejoin the circle of responsible nations.

Mr. Trump then lavished praise on Saudi Arabia's monarch as "my friend, King Salman," who hosted the president in May in Riyadh.

With Mr. Trump squarely on their side, Saudi Arabia and its allies have done little to resolve the dispute, with the Saudi foreign minister, Adel al-Jubeir, promising on Friday in London to "soon" release a list of "grievances" involving Qatar, which hosts an American base that is crucial in the fight against the Islamic State.

Mr. Tillerson canceled a trip this week to attend a meeting of the Organization of American States in Cancun, Mexico, to instead stay home so he could continue to help resolve the dispute in the gulf.

Many countries in the gulf allow funding to groups or organizations that are considered by Western countries to encourage extremism or underwrite terrorism. Saudi Arabia, for instance, has long underwritten mosques around the world that teach a stark form of Islam strongly associated with extremism.

Before joining the administration, Mr. Tillerson was the chief executive of Exxon Mobil, which has extensive dealings with Qatar.

Mr. Tillerson has been sympathetic to the Qataris in the dispute, initially calling on Saudi Arabia and its allies to unconditionally lift the embargo on Qatar while negotiations continued.

Since the embargo against Qatar was announced on June 5, Mr. Tillerson has had more than 20 phone calls and meetings with leaders from the gulf and elsewhere, Ms. Nauert said, adding that among those were two in-person meetings with Mr. al-Jubeir.

Despite the work, the parties remain far apart, and Ms. Nauert suggested Mr. Tillerson would try to stay out of the dispute.

"We see this as long-simmering tensions that have been going on for quite some time, and that is why we believe that this can be resolved peacefully among the parties without the United States having to step in in some sort of formal mediation role, that they can do this on their own, and we're asking them to 'Let's move this along,'" Ms. Nauert said.

In remarks to reporters this week, Qatar's foreign minister, Mohammed bin Abdulrahman al-Thani, said that the country could not hope to resolve the crisis until Saudi Arabia and its partners provided specific reasons for their embargo. "We do not know these reasons," he said.

Continue reading the main story

EXHIBIT 27

State of Qatar Announces Receipt of Paper Containing Demands from Siege Countries, Egypt

Doha / Information Office / June 23

The State of Qatar announced its receipt of a paper, on June 22, 2017, containing demands from the siege countries and Egypt.

A statement issued Friday by the Ministry of Foreign Affairs said that the State of Qatar is currently studying this paper, the demands contained therein and the foundations on which they were based, in order to prepare an appropriate response to it and hand it over to the State of Kuwait.

The statement affirmed Qatar's gratitude and appreciation for Kuwait's efforts aiming to overcome the current crisis.

Friday, Jun 23, 2017

EXHIBIT 28

List of demands by Saudi Arabia, other Arab nations

1) Scale down diplomatic ties with Iran and close the Iranian diplomatic missions in Qatar, expel members of Iran's Revolutionary Guard and cut off military and intelligence cooperation with Iran. Trade and commerce with Iran must comply with US and international sanctions in a manner that does not jeopardise the security of the Gulf Cooperation Council.

2) Immediately shut down the Turkish military base, which is currently under construction, and halt military cooperation with Turkey inside of Qatar.

3) Sever ties to all "terrorist, sectarian and ideological organisations," specifically the Muslim Brotherhood, ISIL, al-Qaeda, Fateh al-Sham (formerly known as the Nusra Front) and Lebanon's Hezbollah. Formally declare these entities as terror groups as per the list announced by Saudi Arabia, Bahrain, UAE and Egypt, and concur with all future updates of this list.

4) Stop all means of funding for individuals, groups or organisations that have been designated as terrorists by Saudi Arabia, UAE, Egypt, Bahrain, US and other countries.

5) Hand over "terrorist figures", fugitives and wanted individuals from Saudi Arabia, the UAE, Egypt and Bahrain to their countries of origin. Freeze their assets, and provide any desired information about their residency, movements and finances.

6) Shut down Al Jazeera and its affiliate stations.

7) End interference in sovereign countries' internal affairs. Stop granting citizenship to wanted nationals from Saudi Arabia, UAE, Egypt and Bahrain. Revoke Qatari citizenship for nationals where such citizenship violates those countries' laws.

8) Pay reparations and compensation for loss of life and other financial losses caused by Qatar's policies in recent years. The sum will be determined in coordination with Qatar.

9) Align Qatar's military, political, social and economic policies with the other Gulf and Arab countries, as well as on economic matters, as per the 2014 agreement reached with Saudi Arabia.

10) Cease contact with the political opposition in Saudi Arabia, the UAE, Egypt and Bahrain. Hand over files detailing Qatar's prior contact with and support for opposition groups, and submit details of their personal information and the support Qatar has provided them.

11) Shut down all news outlets funded directly and indirectly by Qatar, including Arabi21, Rassd, Al Araby Al Jadeed, Mekameleen and Middle East Eye, etc.

12) Agree to all the demands within 10 days of list being submitted to Qatar, or the list will become invalid.

13) Consent to monthly compliance audits in the first year after agreeing to the demands, followed by quarterly audits in the second year, and annual audits in the following 10 years.

EXHIBIT 29

Qatar demands difficult to meet, says US

25 June 2017

Qatar crisis

The land borders have been closed for days now

Some demands set by four Arab states on Qatar in return for lifting sanctions will be "difficult to meet", US Secretary of State Rex Tillerson says.

However, Mr Tillerson said the proposals provided a basis for dialogue leading to a solution of the crisis.

On Saturday, Qatar's foreign minister rejected the list of 13 conditions imposed by Saudi Arabia and its allies, Egypt, the UAE and Bahrain.

They accuse Qatar of backing terrorism - a charge it denies.

Qatar has been under unprecedented diplomatic and economic sanctions for more than two weeks, with Iran and Turkey increasingly supplying it with food and other goods.

The four countries also want Qatar to reduce its ties with Iran and close a Turkish military base, **setting a deadline on Friday** of 10 days.

- **Qatar crisis deepens as Gulf allies dig in**
- **Why Qatar is the focus of terrorism claims**
- **Five surprising facts about Qatar**

Among other things, the fellow Gulf states have demanded the closure of Al Jazeera TV, which is funded by the Qatari government.

Mr Tillerson said Qatar was assessing the demands and stressed there were "significant areas which provide a basis for ongoing dialogue leading to resolution".

He urged the countries to sit together to stop terrorism and counter extremism.

"A lowering of rhetoric would also help ease the tension," Mr Tillerson said.

After the demands were made on Friday, White House spokesman Sean Spicer said the dispute was "a family issue" that the countries should work out together.

What has Qatar's government said?

On Saturday, Qatari Foreign Minister Sheikh Mohammed bin Abdulrahman al-Thani, quoted by Al Jazeera, said: "The US secretary of state recently called upon the blockading nations to produce a list of grievances that was 'reasonable and actionable'.

"The British foreign secretary asked that the demands be 'measured and realistic.' This list does not satisfy that [sic] criteria."

Giles Trendle of Al Jazeera speaking in June: "We're not partisan to any particular group or ideology"

He said the demands were proof that the sanctions had "nothing to do with combating terrorism... [but] limiting Qatar's sovereignty, and outsourcing our foreign policy".

Al Jazeera accused them of trying to silence freedom of expression, adding: "We assert our right to practise our journalism

professionally without bowing to pressure from any government or authority."

What effect are sanctions having?

Qatar's main import routes - by land from Saudi Arabia and by sea from container ships docked in the UAE - have been disrupted, and much of the surrounding airspace has been closed to its air traffic.

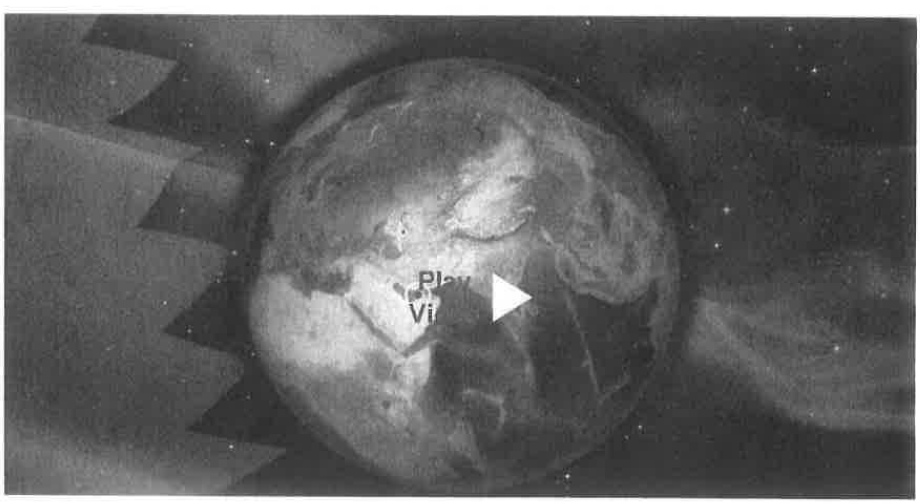
However, the small but wealthy country has so far avoided economic collapse by finding alternative routes.

Qatari citizens living in neighbouring countries or with family living there have been hit harder, Reuters news agency notes, because of ultimatums issued for them to leave.

What happens if the demands are not met?

UAE's foreign minister said on Saturday there would be a "parting of ways" with Qatar if it failed to meet the demands.

"The alternative is not escalation," he said. "The alternative is parting of ways. It's very difficult for us to maintain a collective grouping with one of the partners... actively promoting what is an extremist and terrorist agenda."



The disruption could have an impact on Qatar if the dispute drags on

US President Donald Trump has taken a hard line towards Qatar, accusing it of being a "high-level" sponsor of terrorism.

However, the Arab states involved in the crisis are all close allies of the US, while the largest US base in the Middle East is in Qatar.

Correction 26 June 2017: An earlier version of the story erroneously said the UAE had been trying to mediate in the crisis.

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EXHIBIT 30

Qatar facing indefinite isolation, UAE says

By Frank Gardner
BBC security correspondent

27 June 2017

Qatar crisis

The crisis shows no sign of being resolved

With less than a week remaining for Qatar to comply with a tough set of 13 demands from its Gulf Arab neighbours, it is looking increasingly likely that this month's economic and political sanctions imposed on Qatar will become permanent.

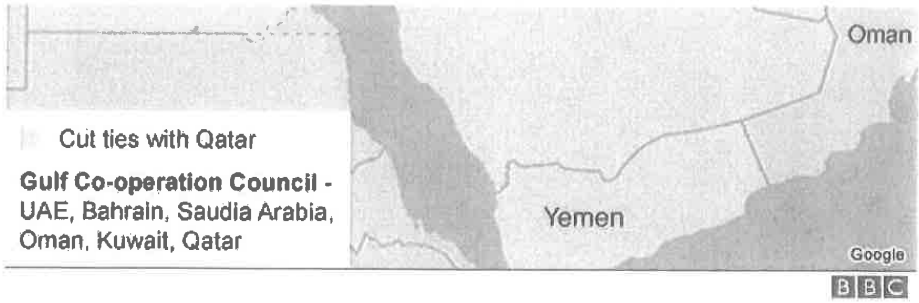
Saudi Arabia, UAE, Bahrain and Egypt have demanded, inter alia, that Qatar stop funding terrorism - which it denies - downgrade ties with Iran and close down its Al Jazeera broadcaster, or face permanent isolation.

Qatar is not backing down.

'Cut all ties'

"Qatar is not responding positively to what we've sent," says UAE government spokesman Omar Ghobash, who, as well as being the country's ambassador to Moscow, is also the author of a counter-extremism book, Letters to a Young Muslim.

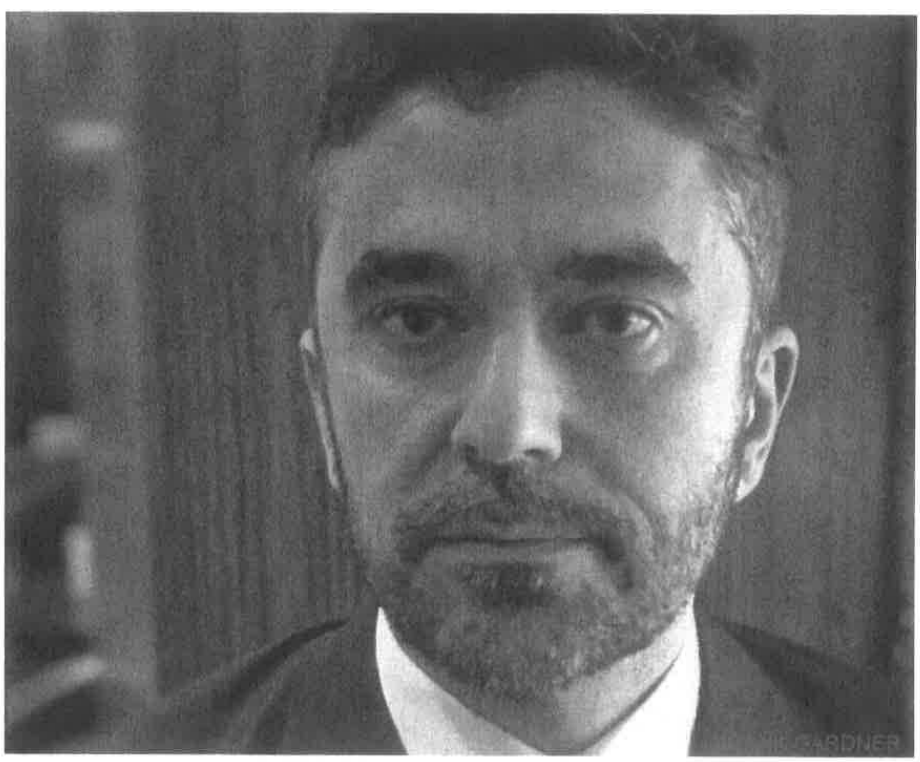
"I think the whole idea would be to ultimately, simply disengage from Qatar."



Including, I ask him, expelling Qatar from the Gulf Cooperation Council (GCC)? Not immediately, he says, but that is certainly under discussion.

Is there a risk this could escalate into a military conflict?

"Not from our side," says Mr Ghobash. "These are relatives and friends. They have a leadership that's decided to undermine us. We'll cut all our ties with Qatar, economic, political and even social as a result of the flight bans."



UAE ambassador Omar Ghobash played down the risk of a military confrontation

The deadline imposed on Qatar to comply runs out on Monday, 3 July. What exactly will change then, I asked Mr Ghobash.

"The difference would be that we'd no longer be interested in bringing Qatar back into the Gulf and the Arab fold," he says.

Pivot towards Iran?

So if Qatar is going to be effectively declared a pariah state by its most powerful Gulf Arab neighbours, then is there not a risk for them that this will drive Qatar into the arms of Saudi Arabia's arch rival, Iran?

"Unfortunately Qatar has been in the arms of Iran and many Sunni extremist groups for a long time," says Mr Ghobash. "So the idea of it falling into Iran's lap is something we accept [as a risk] but at least it will provide clarity to the region and we'll know who our friends and enemies are.

- **Why Qatar is the focus of terrorism claims**
- **What is behind the Qatar row?**
- **All you need to know about Qatar**

Iran and Turkey both share Qatar's backing for political Islam and they have both rushed to help the beleaguered Gulf state.

Turkey already has a military base there, which the Arab coalition has demanded be closed. Instead, Turkey has airlifted in armoured vehicles, which have been rolling through the capital Doha at the weekend, and has hinted it may reinforce its contingent with hundreds more troops.

This has prompted Bahrain to accuse Qatar of "military escalation".

Around the Gulf there is a degree of irritation that this spat between neighbours has ballooned into such a public and embarrassing quarrel, one which will ultimately damage the whole region's economies. I put it to Mr Ghobash that some people in the West might see this crisis as a needless squabble between dynastic monarchies.

AFP

Saudi Arabia has sealed its border with Qatar

"I would say that is a complete misrepresentation of the situation," he responds. "This is not a squabble between monarchs, this is a serious conflict and a turning point in our societies... This is a principled stand that we are taking against very powerful negative narratives of Islam being funded by countries like Qatar."

For now, neutral Kuwait is trying to mediate, so far without success. But ultimately everyone knows it will be the US that has to broker a solution.

The Pentagon has more than 11,000 servicemen and women stationed in Qatar, at Central Command's forward base at Al-Udaid airbase, from which it directs most of its air operations throughout the Middle East.

Qatar is an ally of both the US and Britain, and Washington has agreed to sell Qatar $12bn (£9.4bn) worth of sophisticated F15 warplanes.

Every day that this crisis drags on adds more uncertainty to the future direction of the US-led military campaign against so-called Islamic State.

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Qatar demands difficult to meet, says US
25 June 2017

Al Jazeera director: 'Accusations are a red herring'

EXHIBIT 31

Foreign Minister : Siege Countries' Allegations Should Be Supported by Evidence

Washington / Information Office / June 27

Qatar's Minister of Foreign Affairs HE Sheikh Mohammed bin Abdulrahman Al-Thani has affirmed that the demands of the siege countries are mere claims and should be supported by evidence, adding that the demands should be realistic and feasible, and all that otherwise is unacceptable.

HE the Foreign Minister told reporters after his meeting with his US counterpart Rex Tillerson that the meeting was very excellent and constructive and we talked about the crisis and the siege imposed on the State of Qatar by the three countries in coordination with Egypt as well as the list of collective demands submitted by the siege countries," HE the Minister said that Qatar and the United States agree that the demands must be reasonable, but before talking about demands, the allegations against Qatar should be discussed.

"We agree that the State of Qatar will engage in a constructive dialogue with the parties concerned if they want to reach a solution and overcome this crisis," HE the Foreign Minister added, stressing that the State of Qatar is ready to hold positive dialogue with all countries if they have claims that based on clear evidence.

In a response to a question about whether he was informed by the US Secretary of State of any additional matters from the other side and whether they are ready for negotiations, HE Sheikh Mohammed bin Abdulrahman Al-Thani said "we talked about the matters in general , but the willingness to negotiate reflects

the behavior they want," .

HE the Minister noted that "we have heard statements that these demands are not negotiable, as this is contrary to the basis of international relations , to present lists of demands and to refuse to negotiate. To find serious solutions to the issues require a clear framework in accordance with international law to be respected by all parties, stipulating that all States should be on an equal footing in such crises so that clear and realistic grounds are negotiated for a solution, HE the Minister added.

HE the Foreign enquired if the other side does not want to negotiate, what is its second option?" . "Is it the continuation of this siege and the unlawful measures?" He added, "We do not see fit in view of the legal violations committed by this party." , he added

HE the Minister said that if there are allegations, they must be supported by evidence, noting that demands should come after proving the allegations in order to address errors, if any. The causes of this crisis should be clearly discussed at their roots in order to find an appropriate understanding formula, HE the Minister stressed.

Concluding his statement, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that "Washington says that the demands must be clear and feasible, otherwise it is unacceptable by the international community, Washington and others and we agree with them in terms of a realistic framework for negotiations if the parties want the solution"

EXHIBIT 32

Foreign Minister Meets US Counterpart

Washington / Information Office / June 27

Qatar's Minister of Foreign Affairs HE Sheikh Mohammed bin Abdulrahman Al-Thani met here today with HE US Secretary of State Rex Tillerson .

During the meeting, they discussed bilateral relations between the two friendly countries and means of enhancing them.

HE the Foreign Minister briefed the American side on the current Gulf crisis and the illegal measures taken against the State of Qatar by the siege countries.

HE the Minister expressed his support for the statement of the US State Department, which stressed the importance of resolving the differences in a realistic and feasible framework.

HE the Minister welcomed the US role which seeks to resolve differences between the parties, reiterating Qatar's commitment to combating and financing terrorism.

For his part, HE the US Secretary of State expressed the importance of reaching a satisfactory solution as soon as possible and expressed his readiness to provide support to achieve this in accordance with the recognized. principles and international conventions .

HE the US Secretary of State praised the initiative of HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah,and his efforts to end the crisis.

The State of Qatar looks forward to further cooperation with the sisterly State of Kuwait and the United States of America to strengthen efforts to achieve progress in resolving the crisis.

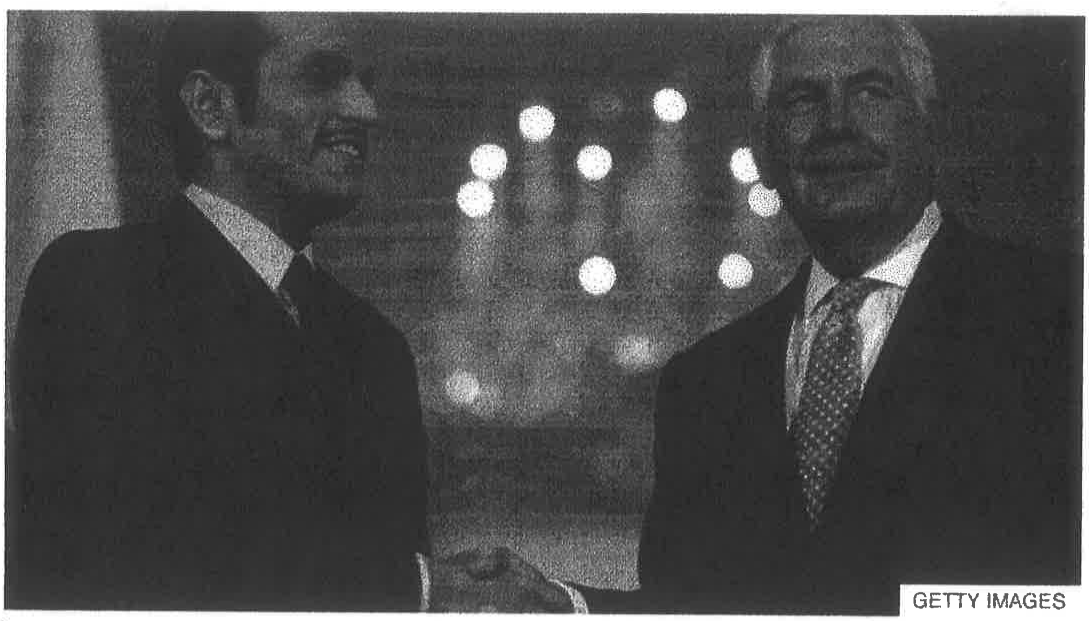
Tuesday, Jun 27, 2017

EXHIBIT 33

Qatar condemns Saudi refusal to negotiate over demands

28 June 2017

Qatar crisis



GETTY IMAGES

Qatar's foreign minister held talks with the US secretary of state in Washington on Tuesday

Qatar's foreign minister has condemned its Gulf neighbours for refusing to negotiate over their demands for restoring air, sea and land links.

Sheikh Mohammed al-Thani said the stance was "contrary to the principles" of international relations.

Saudi Arabia, the United Arab Emirates, Bahrain and Egypt accuse Qatar of aiding terrorism - a charge it denies.

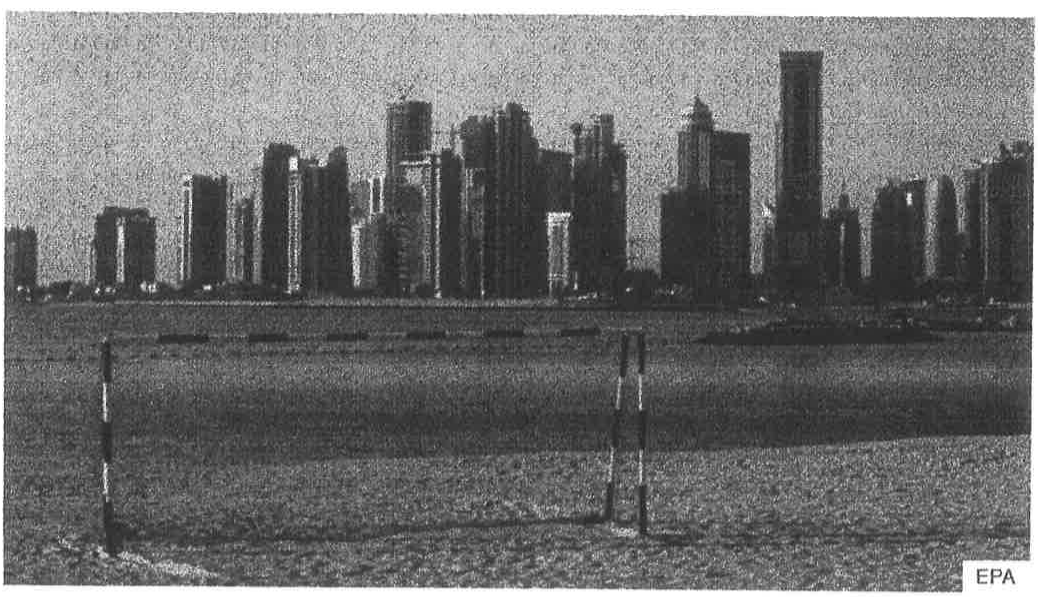
It has been presented with a list of demands that the Saudi foreign minister on Tuesday called "non-negotiable".

The restrictions have caused turmoil in Qatar, an oil- and gas-rich nation that is dependent on imports to meet the basic needs of its population of 2.7 million.

Qatar 'facing indefinite isolation'

Qatar crisis deepens as Gulf sides stand their ground

On Friday, Qatar was given 10 days to comply with a **13-point list of demands** to end the crisis that included shutting down the Al Jazeera news network, closing a Turkish military base, cutting ties with the Muslim Brotherhood, and curbing diplomatic relations with Iran.



Qatar will host the the football World Cup in 2022

US Secretary of State Rex Tillerson, who has sought to resolve the crisis, acknowledged that some elements would "be very difficult for Qatar to meet", but

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that there were "significant areas which provide a basis for ongoing dialogue".

But after holding talks with Mr Tillerson in Washington on Tuesday, Saudi Foreign Minister Adel al-Jubeir was asked by journalists if the demands were non-negotiable. He replied: "Yes."

"It's very simple. We made our point. We took our steps and it's up to the Qataris to amend their behaviour. Once they do, things will be worked out. But if they don't, they will remain isolated," he said.

"If Qatar wants to come back into the [Gulf Co-operation Council] pool, they know what they have to do."

Adel al-Jubeir accused Qatar of harbouring known terrorists and funding extremist groups

Mr Jubeir stressed that the decision to sever ties with Qatar was made after taking into account the history of its behaviour, which he alleged included harbouring known terrorists and funding extremist groups throughout the region.

Qatar's foreign minister, who met Mr Tillerson at the state department later on Tuesday, called the Saudi position "unacceptable".

Why Qatar is the focus of terrorism claims

All you need to know about Qatar

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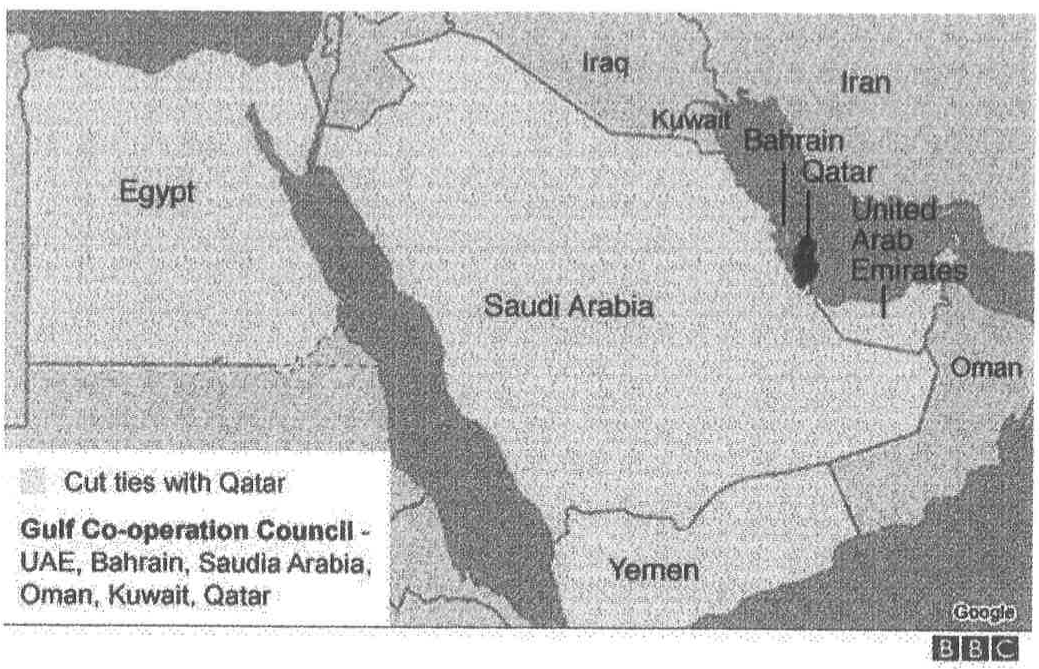
"This is contrary to the principles that govern international relations because you can't just present lists of demands and refuse to negotiate," Sheikh Mohammed was quoted as saying in a ministry **statement**.

Sheikh Mohammed said the US agreed the demands had to be "reasonable and actionable", and that the allegations against Qatar also needed to be discussed.

"We agree that the State of Qatar will engage in a constructive dialogue with the parties concerned if they want to reach a solution and overcome this crisis."



The UAE ambassador to Russia **told** the Guardian newspaper on Wednesday that the Gulf Arab states were considering fresh economic sanctions on Qatar.

"One possibility would be to impose conditions on our own trading partners and say you want to work with us then you have got to make a commercial choice," Omar Ghobash said.

Meanwhile, UN Special Rapporteur on freedom of expression David Kay said the closure of Al Jazeera would "strike a major blow against media pluralism in a region already suffering from severe restrictions on reporting and media of all kinds".

Related Topics

EXHIBIT 34

Foreign Minister : Political Solution is the Only Way to End the Gulf Crisis

Washington / Information Office / June 30

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani affirmed that political solution is the only way to end the current Gulf crisis.

In a gathering hosted by the Arab Center in Washington, HE the Foreign Minister underlined the important role of the United States in ending the Gulf crisis, saying that "the American role is vital as all parties to the conflict are allies of Washington." He called on the United States to continue putting pressure on some parties to reach a solution to the crisis.

The Minister appreciated the efforts of the State of Kuwait for ending the crisis, pointing to the State of Qatar's support for these efforts, because Kuwait is a country in the regional system and it understands the ramifications of the crisis. "The role of Washington is also needed because these countries are allies of the United States," he said, adding that "the US administration plays an active role in supporting the efforts of the Emir of Kuwait, but also committed to mediation between the conflicting parties."

On the position of US President Donald Trump from the Gulf crisis, HE the Foreign Minister said that "the American president could have made sure that the State of Qatar does not support terrorism if he listened to the US government departments which the State of Qatar deals with. These departments know the efforts of Qatar in the fight against terrorism, " he said adding that US President Donald Trump have said in his Tweets that he gets his information from the leaders of the siege countries.

Thursday, Jun 29, 2017

HE Sheikh Mohammed bin Abdulrahman Al-Thani also praised the position of Chairman of the Senate Foreign Relations Committee, Senator Bob Corker, on withdrawing the approval for US arms sales to the Gulf Cooperation Council (GCC) countries, pointing out that this position may help in resolving the crisis.

"We believe that any decision that puts pressure on these countries would help discontinue their siege, and we appreciate this decision which we believe contributes to resolving this crisis," he said.

He also denied that Doha used the US airbase as a bargaining chip saying: "We do not want to use it. There is a long history of cooperation between Qatar and the US and Al Udeid Air Base is an exemplar of the strength of relations between the two countries. There are 11 thousand US troops at Al Udeid."

He added that the two countries value this cooperation and its contribution to the efforts of the international coalition against ISIS. It is therefore important for the security of the region that this base remains effective, he said.

On the demands of Closing Al Jazeera Network, HE the Foreign Minister said that Al Jazeera plays an important role in the region, being the voice to millions. "We believe in its importance and independence," he added stressing that closure of Al Jazeera, if it happens, will be Qatar's decision and will not be forced by another country.

"Qatar is not isolated, it is part of the international community and it has always been a reliable partner to many countries. We will take legal actions to put an end to this siege," he said.

On the Qatari-Turkish relations, he said that it is always as strong, just like Ankara's relationship with the rest of the Gulf countries. "Ankara's position and support for Qatar does not affect its relations with the other Gulf countries, as it calls on all parties to resolve this crisis. He added "This is the position taken by all our allies to ease tension between all parties.

"We thank Turkey for its food support to us," he added.

On the next step after the expiration of the ten-day deadline set by the siege countries, HE the Foreign Minister said that "these requests will be null as they were based on their (the siege countries') beliefs and attitudes and

they act as if these shortcomings have been proven". He added "We should start by dialogue, making demands, discussing and verifying these demands, and then comes the stage where we overcome the challenges .. but sending demands with a deadline is an unusual precedent."

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani pointed that any list of requests or demands should be negotiated, but making non-negotiable demands shows lack of respect for international law.

He stressed that international law governs relations between countries and that there is an agreed framework among the international community to be referred to in times of dispute, adding that making these demands and refusing to negotiate them is an uncivilized way to seek resolving disputes.

On the future of the Gulf Cooperation Council (GCC), HE the Foreign Minister stressed the need for the region to remain united and to pursue the single goal of combating terrorism. He said that there was agreement between the GCC, the United States and a number of Arab countries to combat terrorism, but two days after this agreement, some of these countries changed their stance into siege on Qatar.

Targeting an active country in the international coalition to combat terrorism and attempting to attack its sovereignty and endangering its security raise a big question about the GCC, which is supposed to be a framework for greater internal security towards external dangers with a goal of providing security and peace, he added.

"We believe that even after the end of this crisis there should be a long-term solution," HE Sheikh Mohammed bin Abdulrahman Al-Thani said.

On the hacking of the Qatar News Agency's website, HE the Foreign Minister said "We have information provided by the Attorney General in addition to sufficient evidence that some of the siege countries are involved in the incident, and the FBI, which participated in the investigations into the incident, has confirmed this."

HE the he Foreign Minister stressed that the Saudi accusations, on the State of Qatar' failure to implement the 2014 agreement, are baseless. He said that the siege countries violated the Riyadh agreement which, provides for an arbitration mechanism to discuss the demands of any party to the agreement. "We were surprised by all

these measures taken against us, especially that we were not informed of anything during the Gulf-US summit. We therefor believe that these countries violated the Riyadh agreement," he added.

On Qatar-Iran relations, he said that Qatar has a clear position regarding these relations, explaining that "Iran is a neighboring country and we must have constructive relations with it, something that can not be achieved without communicating with Tehran.

We are doing all this within the framework of the GCC and we transfer the decisions of the Council to the Iranian officials .. Iran and the GCC exchange proposals and Kuwait is the mediator thereon."

He expressed belief that it was necessary for all GCC countries to have positive relations with Iran, and for the State of Qatar, it had always built its relations on mutual respect and non-interference in internal affairs. "We have borders with Iran and we share a gas field with them." HE the Foreign minister said adding "They accuse us of being the closest to Iran, though Qatar is in fifth place in the volume of trade exchanges with Iran .. we think they exaggerate with regard to reducing the level of relations with Tehran because the measures imposed on us have not been imposed on Iran. We do not know whether it is rational or not."

He stressed that Qatar intends to have constructive relations with all its neighboring countries and will continue to cooperate with all, adding "Our country is under siege and we have one sea access through Iran .. we will do what is necessary for the life of our citizens and residents to continue well."

On the impact of this crisis on the situation in Syria, HE the Foreign Minister said, "We build our decisions on values and reality, not on commitments, and our position on Syria has not changed. He added that the human tragedy should end quickly and fairly, and those who have committed war crimes against the Syrian people should be held accountable. "The Syrians deserve protection from the international community and we will continue our efforts to urge the various parties to provide protection to the Syrian people," he said.

He noted that Qatar stands by the Syrian people as well as the Libyan people and it makes efforts for reconciliation between Eritrea and Djibouti. "We still have several ongoing efforts in Afghanistan and Somalia," he said.

He stressed that the State of Qatar will spare no effort in contributing positively to the achievement of security and peace in the world, which is clearly known to its international allies. "Our constitution stipulates that the

Qatari policy preserves the sovereignty and independence of the State and we will not accept any interference from any other country in our internal affairs. These principles are fundamental to our policy," he said.

He stressed that the State of Qatar followed the 'open doors' policy in its foreign relations as it allows entry of opponents. The justification for the foreign policy of the state is dealing with everyone and leaving a room for discussion and negotiations in order to maintain the availability of different options.

HE the Minister of Foreign Affairs went on saying: "When you have a partner who can contact your opponents, you take this as an advantage .. dealing with these opponents does not mean that we adopt their positions." This has been the policy of the State of Qatar for 20 years, he said adding "We had an Israeli commercial office and a political office of Hamas, and we have representation for the Taliban movement and also the largest US base. This does not mean that Qatar follows these opposition organizations. Qatar provides a platform for conflicting parties to find solutions to crises through negotiating ."

He stressed that Qatar's policy is based on adopting the just demands of the peoples and supporting them. He pointed out that during the Arab Spring, Qatar stood by the peoples that stood up against violent and dictatorial governments, these governments have armed several groups and thus contributed to the outbreak of civil wars.

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al -Thani said: "When it had to choose a side, The State of Qatar chose the right one".

EXHIBIT 35

Foreign Minister Meets Members of UN Security Council

New York / Information Office / July 01

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani met with the permanent representatives of the five permanent members of the UN Security Council, the United States, the French Republic, the United Kingdom, the People's Republic of China and the Russian Federation.

HE the Foreign minister also held a meeting with representatives of non-permanent members of the UN Security Council. The meeting was attended by representatives of Sweden, Italy, Senegal, Ukraine, Kazakhstan, Uruguay, Ethiopia, Japan and Bolivia.

During the meetings, HE the Foreign Minister briefed the members of the Security Council on the current Gulf crisis and the illegal measures taken against the State of Qatar, stressing Qatar's belief in the importance of dialogue and its adherence to international laws. He also underlined the importance of supporting the mediation undertaken by the State of Kuwait.

Saturday, Jul 01, 2017

EXHIBIT 36

Foreign Minister Meets Italian Counterpart

Rome / Information Office / July 01

Qatar's Minister of Foreign Affairs HE Sheikh Mohammed bin Abdulrahman Al-Thani met here today with HE Minister for Foreign Affairs of the Italian Republic Angelino Alfano .

During the meeting, they discussed bilateral relations, ways of boosting them, and latest developments among the Gulf Cooperation Council countries as well as a number of regional and international issues of common concern.

HE the Foreign Minister told his Italian counterpart that the State of Qatar is ready to engage in constructive dialogue and negotiations with the countries of the blockade, provided that the dialogue is based on sound foundations," .

HE the Minister expressed Qatar's surprise at the list of demands sent by the siege countries, which affect Qatari sovereignty and aims to impose guardianship over the State of Qatar. HE the Minister stressed that" the State of Qatar is a sovereign state and does not allow any external interference. "

Saturday, Jul 01, 2017

EXHIBIT 37

Foreign Minister Says Siege Countries Made Demands Meant to Be Rejected

Rome / Information Office / July 01

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that the four siege countries prepared demands that were meant to be rejected. His Excellency stressed that the demands violated international law and did not look to combat terrorism and instead focused on undermining and infringing on the sovereignty of Qatar, striking down on the freedom of press, and imposing auditing and probation mechanisms against the State of Qatar.

HE the Foreign Minister stressed during a press conference held Saturday in Rome that the countries which imposed the siege presented the list of demands to have them rejected, noting that the State of Qatar wants instead to have a dialogue with suitable conditions. His Excellency said that they are trying to be more practical with Kuwaiti mediation which is coordinated and supported by the United States of America.

HE the Foreign Minister highlighted that the siege imposed on Qatar led to a humanitarian crisis for many families that were separated as a result of these measures. HE the Foreign Minister noted that there were 12 thousand cases of husbands, wives, and children who were separated as a result of these measures. His Excellency stressed that those measures were collective punishment, a violation of international law, and the Charter of the United Nations. His Excellency said that the countries who took those measures did not respect international law.

HE the Foreign Minister added that the siege countries implemented those measures without resorting to the conflict-resolution mechanisms agreed upon in the 2014 Riyadh agreement. HE the Foreign Minister added that

even though the demands were made to be rejected, Qatar is trying to be more constructive than the other countries. HE the Foreign Minister said that Qatar had no reservations against discussing any grievances those countries have, provided there was a clear basis for those grievances, that they do not violate the sovereignty of any country, and that they don't impose any guardianship which is something rejected by Qatar. HE the Foreign Minister added that Qatar is trying to be more positive with mediators in the State of Kuwait, and in light of the United States' support.

On the position of the Arab League and the GCC from the crisis, HE the Foreign Minister said that both councils were muted regarding the illegal measures taken against the State of Qatar. HE the Foreign Minister added that this showed Qatar that the two councils do not have any tools to resolve the crisis and did not play any role at all. His Excellency added that the State of Qatar is relying on the mediation efforts led by HH the Emir of the State of Kuwait, which is being supported by the United States and all other friendly countries including Russia, Turkey, France, Germany, Italy, Britain along with many other countries.

On the telephone call which took place Saturday between HH the Emir Sheikh Tamim bin Hamad Al-Thani and Russian President Vladimir Putin, HE the Foreign Minister said that Russia does not want any escalation in the region and is encouraging all parties to engage in a dialogue. His Excellency added that there were many meetings with the Russian side and many phone calls that took place between HH the Emir and President Putin.

His Excellency also discussed the role of the United States and said it was true that they wanted to play a role of a mediator, but maintained that the U.S. were part of the issue from the beginning. HE the Foreign Minister called on U.S. President Donald Trump to listen to the Department of State and the Department of Defense in matters related to the GCC crisis. His Excellency noted that President Trump relied in his remarks regarding the crisis on things said by leaders in the region, without mentioning who those leaders were. HE the Foreign Minister expressed his confidence that if the U.S. President refers to his official security and defense institutions, he will find the correct information on the role of Qatar in counter-terrorism. HE the Foreign Minister pointed out that the U.S.-Qatari strategic ties extend for half a century and cover many aspects, adding that all institutions in the United States understand the importance of the State of Qatar.

On the possibility of Saudi Arabia engaging militarily against the State of Qatar, HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that there were no fears by the Qatari side of a potential military operation. HE the Foreign Minister maintained however that the international law must be respected and that Qatar will not accept any crossing of its borders from any party. His Excellency noted that the State of Qatar is in an area that must remain very stable, adding that their allies will not accept any escalation in a region considered vital to all countries around the world.

HE the Foreign Minister responded to allegations made by Saudi Arabia and its allies regarding Qatar's support to terrorism by saying that such allegations were worthy of sarcasm. His Excellency said that Qatar's counter-terrorism efforts were clear, specially that it hosts the central command for the global coalition against ISIS. HE the Foreign Minister added that Qatar's combats terrorism with another strategic element that many other countries don't consider, evident in its efforts in educating children in crisis areas as well as empowering youth and creating jobs in those areas. His Excellency said that there were seven million children worldwide that receive their education as a result of programs offered by the State of Qatar. There were also 300 thousand jobs for youth in North Africa, and HE the Foreign Minister said that all those initiatives are part of Qatar's efforts in combating the root causes of terrorism.

HE the Foreign Minister responded to allegations on financing terrorism and said that this phenomenon was present in all countries of the region and not just Qatar. His Excellency added that Qatar was at the bottom of the list when it came to that crime, stressing that there were clear efforts by Qatar to reform the laws and to place strict procedures that combat the financing of terrorism. His Excellency added that the State of Qatar does not allow anyone who supports terrorism on its soil. It also protects Qatari financial institutions from becoming a platform for funding terrorism.

HE the Foreign Minister said that the countries accusing Qatar of supporting terrorism were top of the list in that regard. His Excellency pointed out that there were financial institutions and citizens from those countries who were involved in financing terrorist organizations and terrorist attacks against Western countries and elsewhere. HE the Foreign Minister added that referring to international reports would show that Qatar was barely mentioned compared to the countries that imposed the siege on it.

On ties with Tehran, HE the Foreign Minister said that Iraq was a neighboring country to Qatar and all the GCC. His Excellency added that Qatar wants to have friendly ties with Iran in light of that and due to the fact that both share borders in terms of gas. HE the Foreign Minister also said that these ties will be based on mutual respect, and avoiding intervention in internal affairs. His Excellency said that those principles were adopted by GCC leaders in the last two summits, which shows that it is the GCC's position rather than a unilateral move by Qatar.

On demands to close Al Jazeera, HE the Foreign Minister stressed that Al Jazeera was a source of pride in Qatar given it worked for 20 years at a time when only the voice of governments was heard. HE the Foreign Minister said that Al Jazeera became a platform for freedom, expression, and for different opinions for millions of Arabs. His Excellency added that, regardless of political differences, Al Jazeera remains an ethical news outlet that proved its worth over 20 years, which is evident by voices demanding its closure. HE the Foreign Minister said that whoever wants to silence Al Jazeera must establish a channel that competes with it.

HE the Foreign Minister said that the State of Qatar invested in Al Jazeera to find a platform for freedom of opinion in the Gulf and stressed that Qatar will not abandon that investment, noting that decisions related to the future of Al Jazeera cannot be dictated from abroad.

Responding to allegations that Al Jazeera promoted a rhetoric that incites violence, HE the Foreign Minister said that channels belonging to the countries implementing the siege are inciting violence and calling for terrorist attacks in the State of Qatar. His Excellency said that these actions show the double standards these countries use and their inability to keep up with Al Jazeera.

On the Arab Spring, HE the Foreign Minister said that it was made not by Qatar but was a result of a revolution by the peoples who suffered from tyranny and saw hope of a better life in peaceful change. HE the Foreign Minister noted that the State of Qatar did not support the Arab Spring, but did not stand in its way either. His Excellency said that Qatar helped the governments who emerged from the spring present something to their people. His Excellency also said that there were no terrorist attacks during the Arab Spring, due to the hope of change that was present. However after facing that wave of change with violence and weapons, youth resorted to violence and as a result, extremist and terrorist organizations began appearing.

HE the Foreign Minister concluded by saying that the policy of the State of Qatar is based on principles and values rather than crises. His Excellency stressed that the State of Qatar will continue its policy of supporting the Palestinian people and noted that rebuilding efforts were still ongoing. His Excellency noted that the current punitive measures imposed on Qatar were an obstacle to these efforts.

EXHIBIT 38

Qatari, German Foreign Ministers : Dialogue Only Option to Resolve Crises

Doha/ information office / 4 July 2017 / HE Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani and HE German Foreign Minister have reaffirmed that dialogue and sitting down to negotiations is the only option to resolve any crisis or political dispute between countries.

This came in a joint press conference, the two minister held today in Doha, during which they reviewed the developments of the current Gulf crisis and ways to get out of it. The two ministers praised the mediation efforts undertaken by HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah to heal the rift and reach solutions to end this Gulf dispute.

In this context, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that for the State of Qatar, it is clear that there is no solution to any crisis except through sitting down for negotiations.

He noted that no matter how escalating measures taken by one party against the other in any crisis or disagreement, it will end up at the negotiating table in accordance with the agreement and a specific framework showing the rights and duties of each party.

HE the Foreign Minister pointed out that the State of Qatar is consistent with the international context that encourages constructive dialogue according to clear principles.

He noted that the behavior taken by the siege countries against the State of Qatar reflects their attitude as an attack on Qatar, which he said did not attack anyone and showed good faith and good initiative that there should be a solution based on a constructive dialogue.

On Qatar's response to the demands of the siege countries, HE the Foreign Minister said: "We can not speak in this regard because the matter is in the custody of the State of Kuwait and they are the only ones concerned with the details of the response."

On the statement by the UAE minister who said "enough support for terrorism" in reference to the State of Qatar, HE Sheikh Mohammed bin Abdulrahman Al-Thani said : (We say to him "enough slander on the State of Qatar .. And enough for these lies .. And enough to distort the reputation of the State of Qatar .. And enough to distort the Islamic civilization and its reputation in the West .. And enough accommodation for criminals of the

Iraqi war .. and enough to adopt outlawed militias .. If we start to say the word "enough" we will say a lot but we do not want to go into it.

Regarding the financing and combating of terrorism, HE the Foreign Minister affirmed that the State of Qatar is fully committed to all the international conventions in this regard and is an active member in the fight against terrorism and the drying up of its sources of funding and has taken many efforts and measures to address this phenomenon, stressing that the State of Qatar takes the issue of combating terrorism and its financing seriously and for it (Qatar) and the region is a matter of national security.

He pointed out that what was formulated in the form of a "siege" under the slogan of combating terrorism is a false and illegal measures that have been put in this framework to market them to win the international sympathy.

He stressed that Qatar's commitment to fighting terrorism and its financing far exceed the siege countries . He pointed out that the role of the State of Qatar is shown in credible reports and reliable internationally and Qatar is a key partner in international efforts and mechanisms to combat terrorism.

HE the Foreign Minister said that Qatar welcomes cooperation in combating terrorism and the drying up of its sources of funding, stressing that tackling this phenomenon is a matter of national security and the highest priority for the State of Qatar.

He noted that Qatar's counter-terrorism efforts are bearing fruit on the future of the region and that it is destroying the despair that surrounds young people.

He added that the State of Qatar, when it provides more than 300,000 jobs in North Africa, is fighting the despair that surrounds young people. And when it provides education for 7 million children in 42 countries, it replaces the weapon with the pen and teaches children not to be attacked or join extremist organizations, noting that most of the children in the refugee camps receive their education from institutions that the State of Qatar adopts and supports.

HE the Foreign Minister noted that combating terrorism is not only done by weapons, but by arming young people with work, economic empowerment and the arming of children with education, stressing the need to put the issue of terrorism in its proper context of using violence against civilians to change reality and not to differ opinions and to call "political opponents" terrorists, HE the Minister added.

Responding to a question on whether there is hope for the Kuwaiti mediation to resolve the crisis, HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani hailed the role of the sisterly State of Kuwait and all friendly countries that are trying to resolve the crisis.

HE the Minister stressed that, since the beginning of the crisis, the State of Qatar has called for dialogue. He added that Qatar's position has been very clear that it is fully prepared to discuss any allegations on clear bases and in accordance with the principles of non-interference in the internal affairs of States and respect for sovereignty.

He pointed out that the State of Qatar rejects imposing guardianship from any country, but at the same time is ready to engage in dialogue and discuss the demands of the siege countries, indicating that the State of Qatar has stated this several times, but in return, the siege countries kept issuing negative statements.

Regardless of that, the efforts of dialogue must be continuous and in accordance with a clear framework between all parties, not based on threats and escalation against any state, and must be based on the principle of equality between the countries which is highlighted in the Charter of the United Nation, HE the Minister said,

noting hat the State of Qatar's stance on engaging in dialogue is clear. "Other countries can declare their positions," he added.

In a related context, HE the Minister explained that Qatar is making great progress in the field of fighting terrorism and drying its sources of funding and that it is always committed to continuing this progress. He added that Qatar is engaged in dialogue with countries that possess the experience in combating terrorism as well as with international organizations, explaining that Qatar is working in this regard within the framework of the international system.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that Qatar has participated in most of the regional mechanisms to control the financing of terrorism, adding that it cooperates actively with the GCC countries and other parties, pointing to the great efforts being exerted in this regard.

He reiterated Qatar's commitment to continue work for its national security and not for the benefit of any other country, "It is in Qatar's interest to combat terrorism and its financing in all possible ways," he said.

In response to a question on what he expects regarding the meeting of the siege countries on Wednesday, HE the Foreign Minister said "We can not predict because all this actions were unexpected. The siege countries have clearly violated many of the principles of international law and the UN Charter by imposing an illegal siege on Qatar, that is why the results of this meeting can not be predicted".

"We believe that Qatar has done its part in this matter and delivered its response to the Kuwaiti mediator. Now it is for the siege countries to respond," he said asking "Will they take the same constructive approach that Qatar has taken from the beginning, or will they follow the same position they have followed since the beginning of the crisis? "

On the list of demands of the siege countries, submitted to the State of Qatar, HE the Foreign Minister pointed out that Qatar said that this list must be reasonable and actionable, but it turned out to be neither reasonable nor actionable. "They did not talk about fighting terrorism, but about preventing freedom of expression, besieging the country and violating its sovereignty," he said.

Stressing that this as unacceptable in accordance with international norms, HE the Minister said that the State of Qatar has adopted a positive and constructive attitude; acted with wisdom, balance and maturity and distanced from any unacceptable actions, unlike the aggressors.

"This has always been the Qatari position. We have looked at this list and presented the answers in accordance with international law and in accordance with respect for the sovereignty of our country and non-interference in our internal affairs .. these demands can not be accepted by any independent country. This is the only thing I can now disclose," he said adding that the Qatari response has been handed to the Kuwaiti mediator, who is the only one who has the right to disclose its contents.

At the beginning of the press conference, HE the Foreign Minister welcomed the German Foreign Minister Sigmar Gabriel, and expressed appreciation for his visit to the State of Qatar.

He expressed gratitude to the government of Germany for the efforts it is doing for resolving the crisis.

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani lauded the Qatari-German relations as well as the mutual investments between the two countries, looking forward to the intensification of cooperation and partnerships in all political, economic and security fields.

HE Foreign Minister of the Federal Republic of Germany Sigmar Gabriel said, during the press conference, that

his country has good relations with Qatar as well as with all the Gulf Cooperation Council (GCC) countries, affirming that Germany attaches great importance to these political, economic and security relations.

On the Gulf crisis, Gabriel stressed the importance of finding procedures and frameworks for discussing the points of contention as well as developing appropriate solutions through constructive dialogue, the development of ideas and the involvement of third parties to reach a solution. He Pointed to the importance of coordination among all countries in the region to deal with the issue of financing terrorism and the mechanisms of confronting it as well as considering relations between neighbors, stressing that the parties to the crisis will be able to reach a solution if there are good intentions.

HE the German Foreign minister repeated what he had said in Saudi Arabia and UAE, that the national sovereignty must be preserved and respected, and this must be clear and a basic condition for dialogue so that all complex issues can be discussed.

He pointed out that Europe, especially Germany, knows that there are Gulf countries that supported and funded terrorist operations and organizations such as Al-Qaeda and Nusra Front in the past, through individual and institutions, which created many major problems.

The German minister said that while the Arab world constitutes 5 percent of the world's population, 60 percent of refugees are from Arab countries and 50 percent of the world's weapons are in the Arab region. He stressed that these figures reflect a major problem and that governments in the Gulf region should try to improve the situation and address these problems.

He added that there are international organizations that help monitor the flow of funds in support of terrorism adding that it is everybody's interest to prevent this funding. He pointed out in this regard that Germany has close security cooperation between the intelligence services in the GCC countries to combat ISIS and the prevent return of Al-Qaeda.

He also underlined the importance of giving young people a chance to shape their future, so that the youth of Syria, Yemen and Libya can see an opportunity for the future. There are people without hope and this is a basic source of terrorists, he added highlighting the importance of providing education and good training to create jobs for young people.

The German Foreign Minister said that the State of Qatar has not taken any hostile measures or decisions against anyone since the beginning of the crisis and that Qatar has favored dialogue, noting that the State of Qatar's position has been against escalation.

He renewed the call to resolve the crisis via dialogue and discussion through the international community, calling all parties to start negotiation as the only solution stressing the need for good intentions among all parties.

He praised the relations of his country with the GCC countries and the joint work for the security and stability of the region while preserving the interests of all parties. He also lauded his country's relations with the State of Qatar as well as the great trust between the two countries and the constructive cooperation between them, which he felt during today's open discussions with the Qatari side.

HE German Foreign Minister Sigmar Gabriel stressed that his country does not take sides in this crisis adding that Berlin is trying to understand the essence of the problem in order to contribute to its solution and that it is coordinating with the US thereon. He explained that Germany is not involved in the mediation because this role must be done from within the region. He also appreciated the role of the State of Kuwait in this regard, adding that Germany will play its role and contribute to the solution through the international mechanisms and

the European role in the international financial institutions.

On his vision of the contents of the Qatari response, HE the German Foreign Minister pointed to the possibility of reaching a solution and embarking on a process of settling complex issues at the regional and international levels, expressing respect for all parties.

EXHIBIT 39

Foreign Minister : Any Threat to Region Is Threat to Qatar

London / Information Office / July 05

Qatar's Minister of Foreign Affairs HE Sheikh Mohammed bin Abdulrahman Al-Thani has underlined that Qatar has never undermined the collective security of the region, as we believe that any threat to the region is a threat to Qatar, he said.

Qatar continues to call for dialogue, despite the violations of international laws and regulations, despite the separation of 12 thousand families, despite the siege that is a clear aggression and an insult to all international treaties, bodies and jurisdiction, HE the Foreign Minister noted.

HE the Minister said that officials from the blockading countries were not merely criticizing Qatars policies - something we have always welcomed but they were calling for a regime change in Qatar, a coup, and inciting hate and violence.

In a speech he delivered at the British Royal Institute of International Affairs, Chatham House, HE the Minister said that officials from the besieged countries were not only criticizing Qatar's policies but also demand a change of regime in Qatar, by a coup, inciting hatred and violence.

HE the Minister said : Im sure most of you are following the latest developments, and know that Saudi Arabia, the United Arab Emirates, and Bahrain have imposed a political, economic and social blockade against our country.

Some of the audience here who follow Arabic media outlets would have noticed the double narrative that the blockading countries have been using; one for Western audiences, and one for their own people, he noted.

HE the Foreign Minister added that the one for their own people comes as they failed to justify their unjust measures against a neighboring country in the holy month of Ramadan. As you know sympathy with Qatar is now criminalized in some of these countries; an indicator of how unpopular this escalation has been in the countries that caused it, HE the Minister noted.

HE the Minister said : What distinguishes Qatar in the region is not its wealth nor its natural resources, nor is it in its high rise buildings. It is the fact that development is at the core of both its domestic and foreign policy.

Today, Qatar has a distinct economic situation and the highest level of transparency and most importantly, the highest level of security and stability in the Middle East and North Africa region. Qatar ranks first in the world in most efficient government, according to the world economic forum. Regionally, Qatar ranks first in countering administrative corruption and the adoption of judicial procedures to protect the rule of law. In regards to human potential, Qatar also ranks first, HE Sheikh Mohammed bin Abdulrahman Al-Thani said.

He added that this development emanates from the principles of good governance, as Qatar ranks first in the world in terms of confidence in political decision making and second in the level of efficiency of the legislative system.

Qatari women have been partners in this development, with their participation in the labor force and access to education reaching unprecedented heights. Qatar today is home to the highest proportion of employed women in the GCC and women outnumber men in university education, HE the Minister said.

HE the Foreign Minister further said that this development was witnessed also through freedom of worship in Qatar, with donations from HH the Father Emir Sheikh Hamad bin Khalifa Al -Thani towards the construction of the largest church in the GCC. For more than 20 years, Qatar has advanced inter-faith dialogue, as Doha has been a platform for dialogue for religious leaders and political factions alike.

Qatar has continued to encourage various political viewpoints to engage in constructive discussion in Doha, providing a platform otherwise absent in the region, he added.

HE the Minister noted that media broadcasters hosted by Qatar have completely transformed the Arab world, with the Al Jazeera network giving air time, without prejudice, to social and cultural topics, as well as political movements whether leftist, liberal or Islamist which were otherwise stifled across the region.

"The need for a free, non-partisan media which addressed the concerns of Arab citizens was badly felt, and Qatar's willingness to host an institution such as Al Jazeera undoubtedly endeared the country to the wider Arab public," HE the Foreign Minister said.

His Excellency added that Qatar's media policies were warmly received by the Arab publics as well as in the United States and in Europe.

"In contrast, they created resentment among the forces which had previously been able to control the flow of information throughout the Middle East. This resentment intensified following the popular revolutions known as the "Arab Spring" of 2011. Arab regimes, surprised by the scale of popular protest, chose to avoid accountability by blaming the media.

"For the first time in the Middle East and North Africa region, Qatar hosted televised debates known as BBC's "Doha Debates" where no government, official body or broadcaster has any control over what is said at the sessions or who is invited, he said, pointing out that this created a forum for dialogue that challenged the status quo, again, something unprecedented in the region.

"Today, Qatar has one of the most highly educated population in the region, the highest per capita GDP in the world; a thriving, diversified economy; some of the finest educational institutions in the Middle East, if not the world - and, of course, a World Cup to look forward to in 2022.

"Above all, and unlike many states in the Middle East, Qatar was not built on oppression, fear, and censorship. And through it all, we have continued to chart our own course, and take an independent view on global and regional events."

On the regional stage, Qatar has mediated in nearly 10 regional and international portfolios in less than 8 years (2008 - 2016), exerting strenuous diplomatic and political efforts at the regional and international levels in mediating between factions, entities and countries, with the request of the concerned parties, and without interfering in the internal affairs of others, with a view to achieve convergence of views and find sustainable solutions for conflicts and differences, HE the Foreign Minister said.

His Excellency also touched on some recent events, saying: "Beginning in April, Qatar was subjected to a carefully orchestrated and unprecedented smear campaign designed to misrepresent our policies and our positions on key issues affecting our region.

"The climax of that campaign came on May 24, when the website of our official news agency was hacked, and fake quotes, attributed to HH the Emir Sheikh Tamim bin Hamad Al-Thani, were posted on line. Some fake quotes with my name on them were also sent out on our twitter feed.

"Once we sorted out the technical details, we sent urgent messages to all of the news organizations in the region, alerting them to the false statements that had been posted on our website. Almost all of them immediately issued corrections and alerted their readers and viewers that the fabricated "statements" were actually "fake news", lies. Except, that is, for the news outlets in Saudi Arabia and the UAE and Bahrain and Egypt, which continued to report the fake news as fact. It is worthy to note that Qatar news outlets were censored in these blockading countries two hours before the fabricated news was published.

"Furthermore, officials from the blockading countries were not merely criticizing Qatar's policies - something we have always welcomed - but they were calling for a regime change in Qatar, a coup, and inciting hate and violence.

"Though the hacking incident was quickly exposed, Saudi Arabia and the UAE used it as the pretext for launching an unprovoked, unwarranted and unjustified blockade of Qatar on June 5.

"For almost three weeks, after June 5th, we have been asking for specific demands as our neighbors decided to put the cart before the horse. And only under international and especially American pressure did they, on June 23rd, present us with a list of 13 "demands" that they said we had to meet by July 3rd.

"It was immediately apparent to us that they did not represent "reasonable and actionable" grievances against Qatar, as the US Secretary of State had hoped, and they were not "measured and realistic "as the UK's Foreign Secretary said they should be. Instead, Qatar was asked to (1) curtail free expression, (2) hand over individuals at risk of torture and arbitration, (3) reduce its defense capabilities, (4) go against international law, (5) outsource its foreign policy to Riyadh and Abu Dhabi and (6) literally sign an open cheque to the blockading countries to pay unlimited amounts of money, described as compensation."

HE pointed out that the ultimatum did not only demand the shutting down of Aljazeera, but also other news outlets based here in the UK that represent free press for the people of the Middle East, adding "Reading between the lines, the blockading countries were demanding that we must surrender our sovereignty as the price for ending the siege - something they knew Qatar would never do."

For the record, these demands and accusations were never channeled to us previously; in fact for the first time a summit of all GCC foreign, defense and interior ministers was held in Riyadh on the 27th of April 2017. A ministerial meeting and a summit followed in May. There were no grievances or requests discussed, His Excellency added.

Clearly, the blockading countries did not submit their demands with the expectation that they would provide a framework for resolving their differences with Qatar, he added.

"Had they actually been interested in addressing the issues, they would have used the mechanisms specified in the GCC Charter, specifically the arbitration mechanism outlined in the 2014 Riyadh Agreement which they claim Qatar violated," he said, adding that the neighboring countries violated the Riyadh Agreement that states that member governments must take their grievances to the GCC executive body first, before taking action against any GCC member.

"Most of the demands were only of interest to our Arab neighbors, but the allegation that Qatar supports terrorism was clearly designed to generate anti-Qatar sentiment in the West.

"But how about policies that deal with terrorism directly. Well I can say with confidence that we have been anything, but soft on terrorism.

He added, "As the blockading countries know, Qatar has passed stringent laws and regulations to ban the financing of terrorism by private individuals and by so-called "charities." We work with the intelligence and security services of the UK, the US and all of the countries in our region to bring terrorists and their supporters to justice.

"Alongside its security and surveillance, and its coordination and the sharing of information with its allies in the war on terror. The State of Qatar is also committed to ending the social and political factors conducive to terrorism."

HE the Foreign Minister said that Qatar works against the ideologies which entrap young men and women into terrorism, as well as the tyranny and state violence which induce terrorism. While investing 12 percent of its government spending on education, Qatar has allocated 25% of its foreign aid towards education in belief that education is the cornerstone of stability and the most effective preventive measure for extremism. This is why Qatar has invested in educating 7 million children in 42 countries, he said.

"We know that terrorist groups like Al Qaeda and Daesh have put our government - just like the governments of all of the Gulf nations - on their list of enemies. More importantly, the challenges of transnational terrorism is not unique to Qatar, but it is a regional and global threat that requires a collective effort and political commitment from all."

His Excellency said that the danger here, lies in the politicization of terrorism. "Qatar opposes violent extremism, that is a global threat to all humanity. However, what other countries fail to grasp is that labeling political opponents as terrorists merely to silence them regardless of how we may feel about their agendas is both unjustified and fails to solve any problems. Not only morally wrong, it would likely make the problem worse by driving more people into radicalism, and divert attention away from the battle against the genuine terrorists.

"We are very much concerned about how politicized the label terrorism might come out of this crisis, should Western governments not take a clear position towards this manipulation of concepts and terminology. As I indicated in my introduction, this manipulation has already and will continue to obscure the real sources of violent extremism, as some of our neighbors label political dissidents as terrorists.

"We feel that demonizing people who are presenting legitimate grievances peacefully - and oppressing movements advocating for peaceful change - only drives well-meaning people into the arms of the extremists. And we feel that keeping independent news and information from the eyes and ears of the people only demonstrates fear and weakness."

HE the Foreign Minister said, "These issues are at the heart of our disagreements with our neighbors - and they are serious issues. But here is the crux of the matter: We have seen how young people - left without hope for a better future - turn to violence in the name of jihad, and we have watched as the world blames "Islam" for this tragedy. This must stop."

HE Sheikh Mohammed bin Abdulrahman Al-Thani referred to when HH the Emir said that "the problem isn't Islam, it's hopelessness and the causes of that hopelessness, too often, are governments that fail to meet the needs of their people."

HE the foreign minister added that he knows that this message "will not be well received in some of our neighboring capitals," noting that "there are serious problems in the Gulf region and in the Middle East, and silencing Qatar will not solve them."

"The answer to our disagreements is not blockades and ultimatums. It is dialogue and reason. We in Qatar are always open to both, and we welcome any serious efforts to resolve our differences with our neighbors. The nations of the Middle East all of us face enormous challenges, both externally and internally. In Qatar, we believe that we have a better opportunity to meet these challenges if we work on them together. And we always welcome dialogue and negotiations.

"All that I have described here this afternoon begs the central question: why did the blockading countries take these extraordinary, unprovoked and hostile actions against Qatar? Put another way, why is Qatar's independence such a threat to them?" HE Sheikh Mohammed bin Abdulrahman Al-Thani said.

He went on to answer, saying that he thinks "it's because we have different views on politics and governance in the Middle East, and about the best path forward for our collective future."

"In Qatar, we believe that citizens everywhere should have the right to a government that is responsive to their needs and representative of their interests.

"We are not a democracy, this is a fact and we don't claim otherwise. But our system of 'consultative monarchy' enjoys widespread and enthusiastic support from our people. It also facilitates various channels to allow policy feedback, and this is the very reason why Qatar was not alarmed by the Arab peoples' uprisings in 2011," HE the foreign minister said.

"This is why the Qatari government unlike many of our neighbors never felt threatened by the Arab Spring movement. It's why we have confidently opened our doors to political groups who are advocating for change whether we agree with them or not. And it is why Al Jazeera, an independent news network, helps inform Arabs and the wider world alike about the social, political and economic developments in our region," he added.

HE Sheikh Mohammed bin Abdulrahman Al-Thani reiterated that "Al Jazeera did and continues to look critically at all Arab countries including Qatar, hosting opposing and alternative views daily," stressing that it's "something that does not exist anywhere else in the region."

"Our neighbors see change those advocating for it, and those reporting on it as a threat and they are quick to label anyone who opposes their governments as a 'terrorist.' In Qatar, we embrace change, we welcome constructive criticism in order to develop.

"Qatar has never undermined the collective security of the region, as we believe that any threat to the region is a threat to Qatar. As the 48-hour extension is coming to an end, Qatar continues to call for dialogue, despite the violations of international laws and regulations, despite the separation of 12,000 families, despite the siege that is a clear aggression and an insult to all international treaties, bodies and jurisdiction.

"Looking at the way forward, we must layout any and all legitimate concerns and discuss the claims and allegations through presenting evidence and engaging in a constructive dialogue. Qatar stands ready to engage in a negotiations process with a clear framework and set of principles that guarantee that our sovereignty is not infringed upon," HE Sheikh Mohammed bin Abdulrahman Al-Thani said as he concluded his speech.

Wednesday, Jul 05, 2017

EXHIBIT 40

Foreign Minister: Siege on Qatar is an Act of Aggression

London – Information Office – 06 July

HE Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani affirmed that the siege imposed on the State of Qatar is an act of aggression and an insult to any independent and sovereign country.

In an interview with CNN network, HE the Minister of Foreign Affairs said that if we are looking at the demands presented to the State of Qatar, there are accusations that Qatar is supporting terrorism and demands related to shutting free speech, shutting media outlets and expelling opponents as well as other demands which are against the international law, such as withdrawing the Qatari nationality from certain individuals and return them to their countries of origin.

HE stressed that the State of Qatar wouldn't comply with any demands that it considers a violation of international law and would not comply with any action limited to the State of Qatar alone and that any solution must include everyone, not Qatar alone.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that they are accusing the State of Qatar of having special relations with Iran, while they did not take any action against Iran itself. Therefore, the measures that were taken against the State of Qatar is an act of aggression and is relating to other reasons, not Iran, he added.

HE the Minister of Foreign Affairs said that shutting down Al Jazeera is out of the question, stressing that any demand that affect the sovereignty of the State of Qatar will not be discussed.

HE affirmed that no money from Qatar is going out of the country to finance terrorism, stressing that "if there is any Qatari who are involved in financing any terrorist organization, he will be held accountable for the wrongdoing he has done."

On a previous statement by HH the Emir Sheikh Tamim bin Hamad Al-Thani that the concept of terrorism may differ in the State of Qatar from some other countries, HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed that Qatar remains committed to this position saying that the government recognizes a group as terrorist if it is designated by the UN Security Council or if there is proof it has committed violence.

Regarding the presence of Hamas movement's leaders in the State of Qatar and in light of classifying the movement by some countries such as Israel and the United States on the list of terrorism, HE the Minister of Foreign Affairs said that "Hamas representation in Qatar is a political office. It is not an military presentation."

HE explained that the current political leadership of the movement is in Gaza and some of its leaders in the State of Qatar who came to participate in negotiations of the national reconciliation in which Qatar plays the role of mediator. These negotiations are supported by the international community and in coordination with the United States, he said stressing that that State of Qatar does not support Hamas, but it supports the people of Gaza.

On the State of Qatar's supporting of the Muslim Brotherhood group, which is classified by Egypt as a terrorist group, HE the Minister of Foreign Affairs said that Egypt classifies them as a terrorist group, but for us in Qatar we do not, adding that the State of Qatar does not support the Muslim Brotherhood group and they do not exist in the country. The Muslim Brotherhood is a political group that are working in countries such as Bahrain which is one of the siege countries, HE Sheikh Mohammed bin Abdulrahman Al-Thani said adding that this is a double standard that one of the demands is to classify the Muslim Brotherhood as a terrorist group at a time when the Bahraini parliament includes members of this group.

Regarding Al Nusra Front in which the State of Qatar helped to release a US journalist held in custody, HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed that dealing with Al Nusra Front or other does not mean our support for its ideas and regarding this issue, we only played a mediator role in facilitating dialogue with them and we have no direct communication with them.

On the role of US President Donald Trump and his administration in this crisis, HE the Foreign Minister said that the US-Qatari relations are very strong and the American administration plays a major role in solving the crisis

as it tries to resolve this conflict and there are many steps taken by the American side to urge the siege countries to present their demands so that there is a role for the United States in mediation to resolve the crisis.

President Trump held via telephone a conversation with HH the Emir during which he stressed the need to resolve the crisis and called for non-escalation, HE Sheikh Mohammed bin Abdulrahman Al-Thani said adding that this is the United States' position for us.

On the real reasons behind this crisis, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that we believe that the independence and policy of the State of Qatar may be behind this crisis. Qatar's policy has always been independent and despite our visions' differences with the other parties, this has never affected the collective security of the Gulf states, he said. We have never sought to target the security of any Gulf country because such a matter would have its consequences on the State of Qatar, he added.

The progress achieved by Qatar might have been one of the motives of the crisis because the big countries may be bothered that a small country will influence its role, HE Sheikh Mohammed bin Abdulrahman Al-Thani said, however, the State of Qatar did not do so, but was only an active player at the international level through the use of international mechanisms in a clear, public and transparent manner as an attempt to unite peoples in order to achieve peace in the world and our pursuit is to solve problems through diplomacy means.

EXHIBIT 41

Qatar Expresses Regret over Content of Siege Countries' Statements

Doha / Information Office / July 07

The State of Qatar expressed regret over the content of the two statements issued in Cairo and Jeddah by the four siege countries and the false accusations included in them that amount to defamation in contradiction with the established foundations of international relations.

A senior Foreign Ministry source described the statements' claims about the State of Qatar's interference in internal affairs of countries and financing terrorism as baseless allegations, noting that the State of Qatar's position on terrorism is consistent and known for its rejection and condemnation of all forms of terrorism whatever the causes and motives are, adding that the State of Qatar is an active member committed to international conventions in combating terrorism and its financing at the regional and international levels, and the international community attests to that.

The source added that accusing Qatar of leaking the list of demands of the four countries is baseless and can be refuted with evidence.

In line with what the State of Qatar had affirmed in the official message that included the response to the demands and was handed by HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani to HH Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah as the mediator in the crisis and whom the State of Qatar's Emir, government and people highly appreciate for his sincere efforts to reach a solution to the crisis, the source reiterated the State of Qatar's readiness to cooperate and review all claims that do not contradict with the sovereignty of the State of Qatar under the sponsorship of the impartial mediator or whoever the mediator

sees appropriate to participate in solving the crisis as part of joint dialogue.

EXHIBIT 42

Qatar's Siege A Clear Violation of Riyadh Agreement, Director of Government Communications Office Says

Doha / Information Office / July 10

Director of the Government Communications Office of the State of Qatar HE Sheikh Saif bin Ahmed Al-Thani said that the siege laid on the State of Qatar is a clear violation to the Charter of the GCC, to the Riyadh agreement 2013-2014 and its implementation mechanisms.

His Excellency told CNN that the provisions and articles of Al Riyadh agreement aimed to enhance cooperation between sovereign GCC states and avoiding interference in internal affairs. His Excellency added that the recent developments were an unwarranted and unprecedented attack on Qatar's sovereignty by the siege countries.

HE Sheikh Said bin Ahmed Al-Thani added that the demands bore no relation to the Riyadh agreements which included shutting down Al Jazeera and paying damages, adding that the procedures of the siege countries led to breaking up of GCC families. His Excellency noted that neither Saudi Arabia or UAE communicated their concerns to the State of Qatar ahead of the crisis, in accordance to the mechanisms of Al Riyadh agreement.

Responding to a question by CNN on the documents broadcast by the channel allegedly revealing the contents of the Riyadh agreement 2013 and the Riyadh supplementary agreement in 2014, His Excellency said he was unaware of the channel's report on the two agreements and whether it contained the full agreements or parts of it. His Excellency stressed that some of the allegations and demands of the siege countries have no basis, while the other were an unwarranted and unprecedented attack on the sovereignty of the State of Qatar in violation to all international and regional agreements. His Excellency added that this prompted the State of Qatar rejected those demands as they were illegitimate and were condemned by the international community.

His Excellency said that the current crisis was a result of a hacking, fabricated statements, and a coordinated media campaign against the State of Qatar. His Excellency noted that Saudi Arabia and the UAE attempted to conceal facts from the general public, including their own citizens, going so far as to block Al Jazeera and other media outlets within their borders.

Monday, Jul 10, 2017

EXHIBIT 43

Minister of State for Foreign Affairs : Qatar Ready for Dialogue to Resolve Gulf Crisis

Abidjan / Information Office / July 10

Qatar's Minister of State for Foreign Affairs HE Sultan bin Saad Al-Muraikhi said that the State of Qatar has rejected to be placed in disputes and fabricated issues with some OIC member countries that would further divide the peoples of the Islamic nation, dispersing their efforts and weakening their capabilities, which must be directed towards further development, and prosperity for their peoples.

Addressing, the 44th Session of the OIC Foreign Ministers in the Ivory Coast capital of Abidjan, HE the Minister stressed the support of the State of Qatar for the sincere efforts of HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah to mediate and find a solution to the crisis in the Gulf region.

HE the Minister called on the meeting to support Kuwaiti mediation, as did the summit of the African Union and many countries of the world.

HE the Minister reiterated Qatar's adherence to international law and legitimacy and its rejection of illegal punitive measures against it. He also stressed Qatar's the adherence to all the principles that are internationally agreed upon in dealing with states, foremost among which is the respect for the sovereign right of the state, non-interference in the internal affairs of any State and rejection of guardianship.

HE the Minister also affirmed that the State of Qatar is ready to dialogue, negotiate and find solutions to existing problems within the framework of respect for the rights of every State without dictating or threatening.

Monday, Jul 10, 2017

The State Minister said that Qatar, as an active member of the international community, is in line with the vision of the Organization of Islamic Cooperation (OIC) and the international community on the need to combat terrorism and affirms its solidarity with the Islamic nation and other peoples who are exposed to terrorism in all its forms and manifestations.

He said that the State of Qatar renews its firm position that condemns terrorism in all its forms, and stresses on the importance of avoiding any linking of violence to religion. Qatar's position also calls for plucking terrorism from the roots by ending its causes represented in marginalization, poverty, and youth unemployment. He added that the State of Qatar will continue its efforts in supporting international and regional counter-terrorism efforts.

HE the Minister of State said that the OIC was the entity that gathers all Muslims, states and peoples, and so it must work on uniting rather than dividing them. He added that the State of Qatar stresses the importance of having all OIC entities remaining on equal distance from all its members, in order to maintain its credibility as an executive body that unites all their majesties, excellencies, and highnesses leaders of Islamic countries.

He added that it was regrettable that the general-secretariat of the OIC chose to release a statement on June 5 this year siding with one party, in contrast to the OIC charter and procedures in regional and international organizations around the world.

HE Minister of State for Foreign Affairs Sultan bin Saad Al Muraikhi said that the current meeting is taking place at a time when the Islamic world is faced with critical and complicated challenges, starting with the Palestinian cause which is yet to find a just resolution. Another challenge was the difficult conditions in Syria, Yemen, and Libya in the aftermath of killing and destruction. There are also the tragic conditions facing a number of Muslim minorities. All these challenges, he added, require stronger cooperation to overcome them. He stressed that defending those causes and achieving the aspirations of people of the Muslim world for stability, progress, and development will only succeed through enhancing Islamic solidarity and joint work.

EXHIBIT 44

Qatar, US Sign MoU on Combating Terrorism Financing

Doha / Information Office / July 11

The State of Qatar and the United States have announced the signing of a memorandum of understanding (MoU) on combating terrorism financing.

At a joint press conference with U.S. Secretary of State Rex Tillerson, HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that the State of Qatar, which was accused of financing terrorism, has become the first country to sign with the U.S. a similar agreement aiming to combat terrorism financing.

The MoU comes within the framework of the continuous bilateral cooperation between the State of Qatar and the U.S., and as a result of the joint work between the two sides, the exchange of experience and information and the development of this mechanism as well as the development of institutions between countries, HE the minister added.

HE foreign minister called on the countries, which imposed the siege on the State of Qatar to "join the future" and sign the agreement to combat terrorism financing.

The MoU is a separate bilateral agreement between the State of Qatar and the U.S., he said, adding that it has been discussed by the two sides for four weeks and has no direct or indirect connection to the Gulf crisis or the siege imposed on Qatar.

Tuesday, Jul 11, 2017

HE Sheikh Mohammed bin Abdulrahman Al-Thani described the meetings he held with his U.S. counterpart as "constructive" on the level of bilateral relations between the two friendly countries. He pointed out that a tripartite meeting was also held with the brothers in Kuwait, where they discussed the gulf crisis' developments and the valued efforts of the brothers in the State of Kuwait with the help of the friends in the U.S.

HE the foreign minister said that his meeting with his U.S. counterpart also discussed, within the bilateral framework, the importance of continuing cooperation and consultation between the two countries in all regional and political issues, underlining that the most significant outcome of these meetings was the signing of the MoU on combating terrorism financing, of which the State of Qatar was accused by the siege countries.

In a related context, HE the foreign minister reiterated that the State of Qatar's support for the role of the Kuwaiti mediator with the help of the U.S. "From the beginning, We were positive and open to a constructive dialogue that leads to settlement and resolution, which is the usual behavior of the State of Qatar," he said calling the siege countries to take the same behavior.

On the leaking of the Riyadh Agreement document yesterday, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the leaking and its timing indicate clear efforts to undermine the Kuwaiti mediation and to influence the visit of HE the U.S. secretary of state to the region as well as the efforts of the United States.

"If this leak reflects something, then it reflects the approach of the siege countries, the same countries which leaked the list of demands, sadly, to undermine this mediation," HE the minister said, asking about the level of trust in these countries and their international relations by leaking such secret documents, "which are usually respected even by companies, let alone countries."

HE noted that the media campaign, about Qatar's lack of commitment to the Riyadh Agreement is full of fallacies. He said that the State of Qatar has complied with all the terms of the agreement and that there were records attesting to its commitment to this, pointing out that the Riyadh Agreement is a collective agreement and not an obligation on the State of Qatar only. Qatar was not mentioned as a single country required to comply with the agreement, he explained.

He stressed that the action taken by the siege countries against the State of Qatar is a clear violation of this agreement because they did not use any of the dispute resolution mechanisms mentioned in this agreement. "Any complaints or objections should be tackled according to mechanisms listed either in the Riyadh Agreement or the Charter of the Gulf Cooperation Council," he said.

From his side, HE the US secretary of state praised the wise leadership of HH the Emir Sheikh Tamim bin Hamad Al-Thani for being the first to respond to the Riyadh summit on combating terrorism financing. He stressed on all the region's states to combat extremism and violence and to not have a safe haven for terrorism and terrorists.

In a press conference, HE the secretary of state said the US and the State of Qatar will work further to stop terrorism financing and maintain the region's safety, adding that the signing of the MoU today reflects the hard work and extensive talks held between both sides to reinforce the results of the Riyadh summit.

HE Secretary Tillerson added the MoU specifies the steps each country will take to stop terrorism financing globally, and sets a timeline for its implementation.

HE the secretary of state said the MoU has been in operation for almost a year and is considered a renewal of the talks of Riyadh's summit and US President Donald Trump's call for combatting terrorism financing. He stressed the MoU is a strong agreement on commitments to take immediate action according to a set timeframe, confirming that the State of Qatar has taken several steps in this regard and is implementing them.

HE the secretary of state highly praised the talks he held with HH the Emir Sheikh Tamim bin Hamad Al-Thani, which touched on various topics, confirming that his visit to Doha holds the same spirit President Trump had on his visit to Riyadh, where the US has one goal to eradicate terrorism around the world and maintain its safety.

HE the secretary of state described his discussions with the Qatari leadership as deep and constructive, noting that he will head to Saudi Arabia to discuss their concerns and the options for settling the crisis. He didn't predict a timeframe for these solutions due to what he called ongoing attempts and current mediation.

HE the secretary of state confirmed the purpose of this visit is to support the State of Kuwait's efforts in the Gulf mediation, to help both parties understand the source of concern, and to find a possible solution to their differences.

EXHIBIT 45

In the Presence of HH the Emir, Qatar, Kuwait and US Hold Joint Meeting

Doha / Information Office / July 11

In the presence of HH the Emir Sheikh Tamim bin Hamad Al-Thani, a joint meeting was held on Tuesday at Al Bahar Palace and attended by HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani, HE Kuwait's Minister of State for Cabinet Affairs and Acting Minister of Information Sheikh Mohammed Al-Abdullah Al-Mubarak Al-Sabah and HE US Secretary of State Rex Tillerson.

The meeting discussed the developments of the Gulf crisis and its regional and international implications. It also reviewed the Kuwaiti mediation efforts and the international support to it, in order to settle the current crisis and maintain the stability of the region, its countries and peoples.

Tuesday, Jul 11, 2017

EXHIBIT 46

Tillerson Tries Shuttle Diplomacy in Qatar Dispute

Gardiner Harris

Photo

Secretary of State Rex W. Tillerson arrived in Doha, Qatar, on Tuesday. Credit Qatar News Agency, via Associated Press

KUWAIT CITY — Secretary of State Rex W. Tillerson signed a memorandum of understanding Tuesday with Qatar's foreign minister, outlining ways the tiny gas-rich state could fortify its fight against terrorism and address terrorism funding issues.

On Wednesday, Mr. Tillerson, in his first effort at shuttle diplomacy, will take the memorandum to leaders in Saudi Arabia, the United Arab Emirates and Bahrain to see if it will be enough to end a standoff that has led four Arab nations to blockade Qatar for more than a month. But as temperatures here

hovered around 120 degrees, the chances that anything might cool down appeared dim.

The dispute began a month ago when Saudi Arabia, the United Arab Emirates, Egypt and Bahrain announced an embargo against Qatar to punish it for what the four nations called its support for terrorism. The four have since created a list of demands for Qatar to meet before the embargo will be lifted, including shutting down the news network Al Jazeera and abandoning ties with Islamist organizations, particularly the Muslim Brotherhood.

Video

Why Saudi Arabia Wants Qatar to Shut Al Jazeera

Saudi Arabia and other Persian Gulf nations have called on Qatar to shut down Al Jazeera, but Saudi disdain for the news network is nothing new.

By CHRIS CIRILLO and SARAH STEIN KERR on Publish Date June 29, 2017. . Watch in Times Video »

The State Department has openly questioned whether the Saudi-led group's real intent is to settle old scores with Qatar, and on Tuesday Mr. Tillerson made clear that on the issue of terrorism financing, Qatar had now leapfrogged its rivals. At a news conference, Qatar's foreign minister, Sheikh Mohammed bin Abdulrahman al-Thani, challenged other countries in the region to sign a similar agreement with Mr. Tillerson.

"I applaud the leadership of his highness, the emir of Qatar, for being the first to respond to President Trump's challenge at the Riyadh summit to stop the funding of terrorism," Mr. Tillerson at the news conference, adding, "Qatar, I think, has taken the initiative to move out on things that had been discussed but had not been brought to a conclusion, and to put in place a very, very strong agreement."

Continue reading the main story

Few in the region believe Qatar's government will accede to most of the demands. So far, one result of the embargo, which has squeezed the Qatari economy and put at risk a host of American priorities in the region, has been to push Qatar closer to Iran, which has stepped in with planeloads of fresh vegetables and other support.

Before beginning this week's effort, Mr. Tillerson stopped by the World Petroleum Congress in Istanbul on Sunday to accept a lifetime achievement award for his 41-year tenure at Exxon Mobil. He retired as chief executive at the company to take the job as the nation's top diplomat.

"I miss all of you," he told the gathered oil executives. "I miss you as colleagues, I

miss you as partners, I miss you as competitors."

He may have also missed the way his trips here often concluded. For oilmen, the Middle East is a land of fortune and opportunity, and Mr. Tillerson struck some of the most important and lucrative deals of his career here. For secretaries of state, however, it is a place of frustration and failure, where tribal, religious and political differences have stymied some of the most persistent and patient diplomatic campaigns in American history.

Mr. Tillerson hoped to avoid this trip. During the first days of the crisis, he spent hours on the phone urging the two sides to compromise. In his first major public address about the dispute, he cited humanitarian reasons for the four countries to ease their embargo of Qatar unconditionally. Barely an hour later, President Trump undercut those efforts by explicitly siding with the quartet and accusing Qatar of being a "funder of terrorism at a very high level."

With Mr. Trump squarely on their side, Saudi Arabia and its allies have done little to resolve the dispute.

But many crucial American policy priorities depend on Arab unity, including the defeat of the Islamic State and the rebuilding of devastated portions of Iraq and Syria. Qatar is home to the largest United States military base in the Middle East, while Bahrain hosts the Fifth Fleet, American installations caught in opposite sides of the dispute.

Last week, after the State Department warned that the dispute could drag on for months and possibly intensify, Mr. Tillerson announced that he would travel to the region for talks.

"The purpose of the trip is to explore the art of the possible of where a resolution can be found," said R. C. Hammond, a spokesman for Mr. Tillerson.

But with failure all too likely, Mr. Hammond said that Mr. Tillerson was maintaining his distance and not trying to act as a mediator.

"No, a mediator says this is what the final resolution is going to be, we'll decide it for you, that's a mediation," Mr. Hammond said, and then added: "The emir of Kuwait is leading these efforts. Our job is to make sure everybody continues to talk to each other."

Mr. Tillerson has largely sided with Qatar since the beginning.

Saudi Arabia's claim that Qatar has an unusually bad record of funding terrorism has been met with skepticism among American diplomats, since the Saudis have long been the principal financier of mosques around the world that teach a stark form of Islam associated with extremism.

The memorandum signed Tuesday with Qatar might make Saudi Arabia's claims that the dispute is all about terrorism funding more difficult. "It's a two-way

street," Mr. Hammond said. "There are no clean hands here."

Continue reading the main story

EXHIBIT 47

Foreign Minister Meets Kuwaiti Minister of State for Cabinet Affairs, U.S. Secretary of State

Doha / Information Office / July 13

HE Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani met on Thursday with HE U.S. Secretary of State Rex Tillerson, and HE Minister of State for Cabinet Affairs and Acting Information Minister of the State of Kuwait, Sheikh Mohammed Al-Abdullah Al-Mubarak Al-Sabah, during their visit to the State of Qatar.

During the meeting, they discussed the Gulf crisis and the mediation efforts of the State of Kuwait as well as the results of the U.S. secretary of state's visit to Jeddah.

"We appreciate the mediation efforts led by HH Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, and the support provided by the United States of America to reach a diplomatic solution to the current crisis," HE the foreign minister told Qatar News Agency after the meeting.

"The State of Qatar reiterates its firm position that it is always open to constructive dialogue to resolve any disputes between states. This crisis can only be resolved through dialogue based on the principles of mutual respect and the sovereignty of states in accordance with the provisions of international law and the State of Qatar is ready to discuss all the demands presented by the four countries and their evidence based on these grounds," he added.

Wednesday, Jul 12, 2017

EXHIBIT 48

Foreign Minister Meets Turkish Minister of Foreign Affairs

Ankara / Information Office / July 14

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani met Friday with HE The Republic of Turkey's Minister of Foreign Affairs Mevlut Cavusoglu.

They reviewed bilateral relations and the means to enhance them. They also reviewed a number of issues of joint interest. HE the Foreign Minister also discussed the latest developments of the GCC crisis with his Turkish counterpart, including all the illegal measures taken against the State of Qatar.

HE Sheikh Mohammed bin Abdulrahman Al-Thani expressed his appreciation to the Republic of Turkey's position which rejects the siege laid on the State of Qatar, stressing that Qatar believes in the importance of dialogue in resolving the crisis.

His Excellency said that communication with the State of Kuwait and the United States is ongoing with regards to finding ways to resolve the GCC crisis.

For his part, HE the Turkish minister stressed his country's position which rejects the siege laid on the State of Qatar. He expressed hope that the crisis is resolved in a context of mutual respects between all parties.

He stressed that the demands of the countries enforcing the siege must not violate Qatar's sovereignty. He

added that the demands should also be in accordance to international law.

EXHIBIT 49

Foreign Minister Meets With French Counterpart

Doha / Information Office / July 15

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani met Saturday with HE the French Republic's Minister of Foreign Affairs Jean-Yves Le Drian, who is currently visiting the country.

They discussed bilateral relations and the means to enhance them, in addition to discussing issues of joint interest.

HE the Foreign Minister discussed with his French counterpart the latest developments of the GCC crisis and all the illegal measures taken against the State of Qatar.

HE the Foreign Minister stressed that the State of Qatar was prepared to hold constructive dialogue with the siege countries, so long as it doesn't infringe on the sovereignty of the State of Qatar and that it is done in accordance to international law.

His Excellency noted the importance of cooperation in counter-terrorism efforts, adding that he looked forward to cooperation with the French Republic in that field.

For his part, the French Minister stressed on the importance of finding a resolution to the crisis and called for lifting all the measures that affect joint families and civilians.

He also stressed on the importance of cooperating in countering terrorist groups, particularly those designated by the United Nations and stressed that everyone must work hard to combat terrorist.

HE the French Minister of Foreign Affairs also praised the commitment of the two countries to enhancing cooperation in the field of counter-terrorism and its finance more than any time in the past.

EXHIBIT 50

Dialogue Only Way out in Gulf Crisis, Qatar's Ambassador to Greece Says

Athens – Information Office – 17 July

HE Qatar's Ambassador to Greece Abdulaziz Ali Al Naama said the State of Qatar faced and still faces a politically-motivated campaign that targets the state and its sovereignty, adding that the campaign is led by parties trying to abuse Qatar and demonize it by exercising pressure in order to thwart its efforts in boosting security and stability at the international and regional levels.

In an interview with Greek newspaper Kathimerini, HE the ambassador said Qatar still believes that the only way out of the crisis that Qatar had no hand in is dialogue rather than orders and dictations, adding that Qatar still awaits the return of its Arab brothers to the dialogue table.

He said the media campaign carried out against Qatar has been prepared in advance, with roles divided between Gulf and Arab sides. He added that the campaign started after the Riyadh Arab and Islamic summit on May 21, in which U.S. President Donald Trump took part, with the U.S. president's speech featuring remarks on the importance of Qatar's role as a significant strategic partner in combating terrorism, which, he said, affirms the invalidity of the allegations of these entities, which continue to fabricate links between Qatar and terrorism.

HE the ambassador said the campaign started after a meeting between HH the Emir Sheikh Tamim bin Hamad Al-Thani and Custodian of The Two Holy Mosques King Salman bin Abdulaziz Al Saud in Jeddah on May 1 and after a ministerial meeting for GCC states on May 17. After that, he added, the Riyadh summit took place on May 21 and the siege countries never mentioned any bilateral differences during any of these meetings.

Monday, Jul 17, 2017

HE Al Naama said that claims by the campaign parties that Qatar cooperates with Tehran at the expense of the Gulf interests are baseless, adding that Doha had recalled its ambassador to Iran after the burning down of Saudi embassy in Tehran and never reinstated him since then.

The phone call between HH the Emir and HE Iranian President Hassan Rouhani on May 27, which was mentioned by the campaign, took place as part of annual protocol of extending greetings on the advent of the holy month of Ramadan, and came under the policy of GCC states to support dialogue with Iran, HE the ambassador told the Greek newspaper.

The ambassador said that claims and fabrications that was published regarding the visit of HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani to Iraq on May 22 and his meeting with Gen. Qasem Soleimani are baseless, adding that the visit took place in order to extend an invitation to the Iraqi prime minister to visit Qatar and also as part of the settlement of the issue of the Qatari citizens who were kidnapped in Iraq.

HE Al Naama expressed regret about the land, sea and air siege of Qatar that followed the media campaign as well as the severing of diplomatic ties in a way that, he said, doesn't happen among states that have diplomatic ties of normal level compared to fraternal countries linked by a cooperation council and a lot of ties.

The ambassador-expressed Qatar's regret that the three fraternal countries could not find a more important and pressing issue for their peoples than trying to harm Qatar.

He noted that no one can dismiss the role of the United States nowadays as the great power, pointing to the U.S. administration's efforts to encourage the different parties to sit to the dialogue table and to support the Kuwaiti initiative led by HH Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah.

The Qatari ambassador said one of the signs of the U.S. administration's keenness on the settlement of the Gulf crisis was the recent agreement between Qatar and the United States on combating terrorism and eradicating its sources, which, he added, came within the continuous bilateral cooperation between the two friendly countries and a result of joint work and the exchange of expertise and information. He added that it reflects serious work and intense talks that took place to promote the outcomes of the Riyadh summit.

HE the ambassador said Qatar, which was repeatedly accused of financing terrorism, has become the first country to sign an agreement with the United States on combating terrorism and its financing. He added that Qatar hopes that signing the agreement would be a model for GCC states with the United States in order to unite counterterrorism efforts.

HE Al Naama said Qatar relies in its stance on international laws and conventions and its position is humanitarian and ethical first and foremost, adding that, while it wants to preserve ties with its brothers and neighbors, Qatar will never let go of its sovereignty and can not allow any party to interfere in its internal affairs.

On Qatar's aspiration that Greece provides Qatar with its products, HE the ambassador said commercial ties between Greece and Qatar have been there for a while and witness quantitative and qualitative progress. He added that Greek expats are helping in Qatar's renaissance in several fields, expressing hope that commercial ties will grow and develop so that the two countries would become trade partners besides behind friendly countries.

EXHIBIT 51

News › World

Emir of Qatar calls for negotiations to ease Gulf boycott

'Any solution must respect the sovereignty and will of each state'

Aziz El Yaakoubi | Friday 21 July 2017 23:53 BST | 3 comments

Sheikh Tamim bin Hamad Al Thani said Qatar remains open to dialogue *AP*

In his first speech since four Arab countries severed ties with his country, Qatar's emir called for dialogue to resolve a political crisis pitting his country against them.

A defiant Sheikh Tamim bin Hamad al-Thani said life was continuing as normal despite what he described as an unjust "siege" from Saudi Arabia, the United Arab Emirates, Bahrain and Egypt.

The countries cut ties and imposed sanctions on Qatar last month, accusing it of financing extremist groups and supporting terrorism, which the emir denied.

"Qatar is fighting terrorism relentlessly and without compromise, and the international community recognises this," Sheikh Tamim said in the televised speech.

Qatar accuses UAE of violating international law in news agency hack
What happens when you fly Qatar Airways during a diplomatic crisis
The situation in Qatar will soon become like Yemen
American Airlines Says Qatar Airways Investment Won't Fly

He spoke hours after US Secretary of State Rex Tillerson said the United States was satisfied with Qatar's efforts to implement an agreement aimed at combating terror financing, and urged the four states to lift their "land blockade".

It also comes days before Turkish President Recep Tayyip Erdogan, who had supported Qatar in the crisis, was due to visit Qatar, Saudi Arabia and Kuwait to try to resolve the rift.

Earlier this month during a round of shuttle diplomacy, Tillerson signed a deal with Qatar to fight terrorism financing, part of efforts led by Kuwait to try to resolve the most serious rift in the Western-allied Gulf in decades.

An official comment from the four Arab countries had yet to be issued, but a Saudi royal court advisor described it as a piece of literary work written by a school student. "Had it been written by a student in middle school he would have flunked," Saud al-Qahtani wrote on his Twitter account.

Commentators hosted by the Saudi-owned al-Arabiya television also denounced the speech.

"This is a speech of obstinacy which sends messages that Qatar will not stop supporting terrorism," said Ali al-Naimi, editor of an online news website published in the UAE.

The crisis revolves around allegations that Qatar supports Islamist militant groups, including in Syria and Libya, and hosts members of the Muslim Brotherhood.

It began after a speech in late May by Sheikh Tamim appeared on the state news agency's website, which Doha said he had never made and indicated the website had been hacked from one of its neighbours, indicating the UAE.

The Washington Post, citing US intelligence officials, last week reported that the United Arab Emirates had arranged for Qatari government social media and news sites to be hacked in order to post the fiery but false quotes. The UAE denied any involvement.

Sheikh Tamim described the sanctions as a campaign that had been pre-planned against Qatar, calling it an act of aggression against Doha's foreign policy.

"Its planners planted statements to mislead public opinion and the countries of the world," he said.

Sheikh Tamim vowed to withstand the sanctions and said he had instructed the Qatari government that Qataris should become more self-reliant and called for the economy to be opened up to foreign investments.

"The time has come for us to spare the people from the political differences between the governments," he said, urging dialogue.

"Any solution must respect the sovereignty and will of each state," he added.

More about: | Sheikh Tamim bin Hamad al-Thani | Qatar

EXHIBIT 52

Foreign Minister: Qatar Eager for Dialogue to Settle Gulf Crisis

Washington – Information office – 25 July

HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani lamented the "very long two months" since the start of the current Gulf crisis when four Arab countries have severed diplomatic and trade ties and imposed a siege on the State of Qatar on June 5.

In an interview with Washington Post, HE the foreign minister expressed Qatar's eagerness for dialogue as an approach to settle the crisis, adding that it is a "victim of geopolitical bullying" by larger neighbors who are seeking "nothing short of the surrender of Qatari sovereignty," the newspaper reported.

"They have no right to impose such measures against a country," said HE the foreign minister, adding that if the siege nations are not held accountable for their "illegal" actions toward Qatar, it would set an unhealthy precedent for smaller countries elsewhere.

"This is a high risk for world order, not just for Qatar," HE Sheikh Mohammed bin Abdulrahman Al-Thani said, noting that Qatar was caught in "a baseless conflict" fueled by "disinformation." That includes what he said was the initial spur for the crisis: A hack of Qatari state media by the UAE as U.S. investigators found.

HE the foreign minister said that anybody scanning the list of demands submitted to Qatar "would find it very offensive for a sovereign country to receive."

Tuesday, Jul 25, 2017

HE Sheikh Mohammed bin Abdulrahman Al-Thani said there is nothing "intrinsically wrong" with Qatar's contact with political parties such as the Muslim Brotherhood, noting that the other Gulf states have their own links with Hamas and other Islamist groups. the Washington Post reported.

He insisted that Qatar has been working on curbing financing to terrorist and extremist groups in the region and was coordinating its efforts with the United States.

"They want to address those differences by blockading a country By violating international law and norms It doesn't make sense," HE the foreign minister said.

He also emphasized that there is "no special relationship" between Qatar and Iran, highlighting how bilateral trade between the UAE and Iran was exponentially greater than Qatar's. It was, he said, a marker of the "opportunism" of Qatar's neighbors.

"It shows this issue isn't about terrorism," the minister said, but rather a reflection of how the four countries have labeled "whoever is their political opponent" as terrorists.

HE the foreign minister said he was in close communication with U.S. Secretary of State Tillerson. He played down any potential rift between Tillerson and U.S. President Donald Trump regarding the Gulf crisis.

EXHIBIT 53

Qatar's Foreign Minister Says Visit to Washington Aims to Inform US Politicians about Negative Impacts of Gulf Crisis

Washington – Information Office – 25 July

Qatar's Minister of Foreign Affairs HE Sheikh Mohammed bin Abdulrahman Al-Thani said today that his current visit to Washington is part of the follow-up efforts exerted by the State of Kuwait in partnership with the United States to reach a diplomatic solution to the Gulf crisis.

In a special interview with Al-Jazeera TV, (Liqa Al Youm) prorgramme, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that "this visit is also aimed at informing politicians, senators and MPs in the United States about the negative impacts of this crisis on the region." He praised "the great efforts made by US Secretary of State Rex Tillerson during his recent visit to the Gulf countries, which came out with proposals we are going to respond to."

HE the Foreign Minister said that "the US position demanded, since the outbreak of the crisis, the rapid lifting of the unjust siege against Qatar," "but the contradictory statements of the siege countries prevented this to happen."

He said: "Accusing Qatar of financing terrorism is a pretext on which the siege countries relied to justify their escalatory actions against Doha in a flagrant violation of international conventions and laws, noting that "Qatar has clearly stated that it is open to dialogue with these countries provided that respect for national sovereignty

and the commitment of all the States concerned to any future agreement."

HE the Minister stressed that "the State of Qatar will not negotiate on its national sovereignty and is ready to talk about the claims of the siege countries of the threat of Qatar to their national security, provided that these allegations are substantiated."

With regard to the response of the siege countries with the statements made by the US Secretary of State, HE the Foreign Minister said that "Qatar is not concerned with how these countries deal with Tillerson's statements, "but we felt a negative approach in dealing with mediation to resolve the crisis through statements and leaks that reflect their tendency to undermine the efforts to resolve the crisis."

He pointed out that "the State of Qatar is concerned with ending the measures taken against it in violation of international laws, but is not concerned with the precautionary measures taken by the siege countries to maintain their security as this is an internal matter of these countries. HE the Minister said : "lifting the siege is the first step through which the siege countries prove their good intention to resolve the crisis through mediation, which is the responsibility of all to respect their efforts."

On what is being published in some US media accusing Qatar of financing terrorism, HE the Minister said that "confronting the veiled campaigns against Qatar is to be faced by the clarification of the facts and explaining our point of view on regional issues, particularly the fight against terrorism, describing the "US institutions involved in demonizing and linking Qatar to terrorism were marginal and used by the siege countries to serve narrow agenda."

HE the Minister stressed that "Qatar spares no effort to refute the false allegations and will not miss any opportunity to explain its just cause based on facts and irrefutable evidence," rejecting "accusation by the Saudi Foreign Minister of Qatar's granting a passport to Abdul Aziz Muqrin to carry out attacks against the Kingdom."

HE the Minister explained that "Al-Muqrin, who was accused of carrying out terrorist operations, is a Saudi citizen and never entered Qatar,". In this regard, HE the Minister referred to the "intensive security cooperation between the State of Qatar and Saudi Arabia, citing the official correspondence between the two countries, which saved the Kingdom from several attacks. HE the Minister said this cooperation was valid until the day of siege and this problem had not been raised before.

On the UAE's accusation that Qatar was behind the killing of Emirati soldiers in Yemen, HE the Minister expressed his regret over the statements made by Saudi and UAE officials who denied Qatar's contribution to the Arab coalition forces by accusing Qatar of killing soldiers who were martyred in Yemen, "noting that" the UAE side contradicted more than once in dealing with the incident of the death of soldiers in Yemen, where their statements changed from accusing one the soldiers to accuse Qatar of leaking coordinates to the Houthis and say that Qatar colluded with Al Qaeda a matter which reflected their quest for gossip among the Gulf brothers

HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani asserted that the "Qatari-US relations have not been affected by the defamation of the siege countries and the accusations against Qatar as the US institutions are aware of the Qatari efforts in the fight against terrorism, which were hampered by the measures taken by the siege countries."

HE the Minister said that "the aggression of some Gulf countries on the State of Qatar, which is a committed Member State and keen to promote the Gulf Cooperation Council to a union, makes it necessary for developing charters and pledges to ensure avoiding recurrence of such violations of the GCC system, which is mandated to protect the rights of each member state.

HE the Minister noted that "the membership of Qatar in the GCC does not conflict with its relationship with all countries, including strategic relations with Turkey or with Russia,"

adding that "the implementation of the directives of HH the Emir Sheikh Tamim bin Hamad Al -Thani, in his recent speech to work for the development and renaissance that we aspire to, we must establish strong relations with any country capable of contributing to the realization of this renaissance."

HE the Minister said that "the Qatari-Russian relations are witnessing great progress as they were reinforced by contacts between the HH the Emir and the Russian President, who expressed his interest in the quick solution of the current crisis". HE the Minister noted that "Qatar considers the US State Department, assigned by US President Donald Trump with the Gulf crisis file, is the only channel coordinated by Doha to end this crisis.

HE the minister denied that "Qatar is using its financial reserves to finance terrorism, as rumored by some UAE officials who overlook the local renaissance in Qatar and the massive expansion of Qatari investments in the world, wondering about the UAE financial reserves which are used to undermine regional security and interference in the policies of other countries."

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that "the internal situation of the United States will not have any impact on the obligations of the US foreign policy towards Doha, which links with Washington with a strong relationship through institutions immune to the volatility of US domestic policy."

EXHIBIT 54

Qatar Committed to Dialogue to Solve GCC Crisis - Ambassador to Austria

Vienna – Information Office – 25 July

HE Ambassador of the State of Qatar to the Republic of Austria Sheikh Ali bin Jassim Al-Thani affirmed Qatar's continued commitment to dialogue and finding a solution to the crisis without compromising its sovereignty as a state.

"The State of Qatar is committed to the principles of the Gulf Cooperation Council, which oblige member states to resolve their differences internally and through diplomatic means," HE the Ambassador said in an interview with the Austrian daily DiePresse, stressing that the tactic of siege and boycott violates these rules as well as international law and human rights.

On the demands made by the siege countries, His Excellency said that they demanded that Qatar abandons its sovereignty and its independent foreign policy and demanded that freedom of expression be blocked through the closure of Al Jazeera, adding that the other party formulated its demands in a way that cannot be accepted due to legal considerations.

Regarding the accusations levelled by the siege countries against Doha of supporting terrorism, HE Sheikh Ali bin Jassim Al-Thani said: "We live in a country that upholds law. We have strongly mobilized all our resources in fighting this phenomenon, and we are a party to the international coalition against terrorism led by the North Atlantic Treaty Organization (NATO), the United States and the Europeans."

Wednesday, Jul 26, 2017

Regrettably, the State of Qatar was saddened by the news of the imposition of the siege on it and the demand by the siege countries to their citizens to leave Qatar, forcing them to return to their countries under threats of severe penalties if they did not comply with this decision and causing dispersal of families and unnecessary pain, His Excellency said.

Asked about the position of Qatar on armed uprising against the regime of Bashar Assad, HE the Ambassador pointed out that the uprising in Syria came directly from the Syrian people, and Qatar has nothing to do with it, adding: "We are working closely with the international coalition to end this crisis."

His Excellency also reviewed Qatar's relations with other countries of the world, including Iran, stressing that each sovereign country has the right to determine its domestic and foreign policy directions according to its interests. "We are keen to establish good political relations with all our neighboring countries. The State of Qatar has a deep-rooted relations with the Kingdom of Saudi Arabia. As for Iran, we have not done anything different from what the rest of the GCC countries are doing."

He pointed out in the same direction that Qatar's trade relations with Iran remain very low compared to that of the UAE's as an example.

Responding to a question on ways to end the Gulf crisis, HE Sheikh Ali bin Jassim Al-Thani said" "Dialogue is needed as we have emphasized since the beginning of the crisis. We will continue to adhere to this principle. We call on the other party to take the same step." The State of Qatar welcomes and supports the mediation efforts undertaken by HH the Emir of the State of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, His Excellency said.

EXHIBIT 55

Foreign Minister: No Response from Siege Countries to US Proposals on the Crisis

Washington – Information Office – 27 July

HE Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani said that the United States wants to end the Gulf crisis and there is no response from the siege countries to the American proposals to resolve it.

In statements to Al Jazeera channel, HE the Foreign Minister said that he discussed with HE US Secretary of State Rex Tillerson the American proposals on the Gulf crisis, which Tillerson came with during his recent visit to the Gulf countries.

HE pointed out that Doha deals positively with the proposals and that Washington wants to end the Gulf crisis and asserts to solve it by dialogue.

HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed that the US proposals must be first responded to before any talk about setting a date or place for dialogue.

HE the Foreign Minister also said that he discussed with Tillerson counter-terrorism efforts in light of the relevant memorandum signed by the two sides.

Regarding the Kuwaiti mediation to resolve the Gulf crisis, HE stressed that the efforts of the US, Russia and other countries support this mediation.

The siege countries, HE the Foreign Minister said, are required to respond to the American proposals so that to discuss the issue of dialogue to resolve the crisis and that Qatar's position is advanced ahead of the position of the siege countries, adding that there may be pressure in the coming days on these countries.

EXHIBIT 56

Foreign Minister Briefs UN Secretary-General on Latest Developments in Gulf Crisis

New York / Information Office / July 27

HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani met here today with HE Secretary-General of the United Nations Antonio Guterres.

They discussed during the meeting aspects of enhancing joint cooperation between the State of Qatar and the United Nations in all fields of common concern.

His Excellency briefed the UN Secretary-General on the latest developments in the Gulf crisis and all measures taken by the siege countries against Qatar and their serious violations of international treaties, conventions and laws.

HE the Foreign Minister stressed Qatar's keenness on pursuing dialogue as a means to resole the Gulf crisis and its readiness to sit on dialogue table along with the siege countries to resolve the crisis based on the principles of respect for international law and the sovereignty of the State of Qatar.

In a press statement after the meeting, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that Qatar will spare no effort to overcome these violations through the right channels, pointing out that the United Nations is

the right platform to start with.

He added that the State of Qatar has informed the UN Security Council about the existing violations. "We met with many officials and explained to them how this crisis was based on weak grounds, a hacking which in itself is a cyberterrorism against the State of Qatar," he said, adding that the Security Council and the General Assembly will have a special role to play if violations by the siege countries continue.

HE the Foreign Minister expressed Qatar's condemnation of the actions taken by the Israeli occupation forces against the Palestinian people in Al Quds as well as its condemnation of any actions that undermine the security of the Al Aqsa Mosque.

EXHIBIT 57

The official Saudi Press Agency

Foreign Ministers of Saudi Arabia, Bahrain, UAE and Egypt: Measures taken against Qatar are sovereign, and we all are negatively impacted when terrorism and extremism become stronger

Sunday 1438/11/7 - 2017/07/30

Manama, Dhu-AlQa'dah 07, 1438, July 30, 2017, SPA -- Minister of Foreign Affairs Adel Bin Ahmed Al-Jubeir affirmed that the measures taken in the Qatari crisis were sovereign and due to the policies adopted by the Qatari government with regard to supporting and financing terrorism, hosting people involved in terrorism, spreading hatred, incitement and interference in the affairs of other countries.

He also stressed that the Kingdom spares no efforts to facilitate the arrival of pilgrims and Umrah performers as it rejects the politicization of Hajj rituals because of they are scared and duties for every Muslim.

This came during a joint press conference held today in Manama with Shaikh Khalid bin Ahmed bin Mohammed Al Khalifa, Minister of Foreign Affairs of the Kingdom of Bahrain, Sheikh Abdullah bin Zayed Al Nahyan, Minister of Foreign Affairs and International Cooperation of the United Arab Emirates, and Foreign Minister of Egypt Sameh Shukri adding that there were two agreements concluded in Riyadh in 2013 and 2014 and Qatar did not abide by them and continued its negative and aggressive policy towards the countries of the region, and imposed on us taking these actions for the interest of Qatar.

He said, "We all are negatively affected when terrorism and extremism become stronger and when there is incitement or hatred speech. There are condemnations and clear international position regarding these actions, whether in UN resolutions, international conferences, the Organization of Islamic Cooperation or the Arab League.

Regarding Iran's rapprochement with Qatar, Al-Jubeir said, "Any country that deals with Iran will have a negative result. The Iranians have caused destruction, killing and corruption. There is no country that has dealt with Iran and has fared well."

"If our brothers in Qatar think they have an interest in their rapprochement with Iran, then they do not evaluate the matter as required. Qatar shoulders the responsibility of dealing with Iran, but we do not believe that the brotherly Qatari people accept that Iran has any role in Qatar."

The Foreign Minister said that there is no negotiation over the 13 demands or the six principles that were issued in the Cairo Declaration, stressing that there is no negotiation over the demand to stop supporting and financing of terrorism; either there is support for terrorism or not, we cannot say for example that support for terrorism can be reduced, this is unacceptable."

He stressed that the logic for us that we are ready to negotiate with Qatar over the application of the principles if Qatar is serious and committed, but it seems that Qatar is not committed.

He said that the brothers in Qatar are talking about the suffering of the Qatari people, and this is not true, they are also talking about the blockade, but there is no blockade. Qatar's ports and airports are open and the airspaces are open, but we made a decision not to allow our airspace or borders to be used and this is our sovereign right.

He added that "Qatar talks about everything but not about its stopping of supporting terrorism, its funding, incitement and hosting wanted persons and interference in the affairs of other countries, these matters that must be focused on and these things that we are ready to sit with the Qataris when they are ready to commit to them," stressing that the negotiation does not mean that there is a concession. the issues of terrorism and extremism and stoppin of its funding are not compromises.

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22:57 LOCAL TIME 19:57 GMT

EXHIBIT 58

Foreign Minister Meets Norwegian Counterpart

Oslo / Information Office / Aug. 18

Qatar's Minister of Foreign Affairs HE Sheikh Mohammed bin Abdulrahman Al-Thani met here today with HE Norway's Foreign Minister Borge Brende, during his current visit to Norway.

During the meeting, they discussed bilateral relations, means of boosting and developing them as well as developments of the Gulf crisis and a number of regional and international issues of mutual interest.

HE the Foreign Minister thanked HE the Norwegian Foreign Minister for his country's position calling for the dialogue among all parties.

HE the Minister briefed his Norwegian counterpart on the humanitarian impact of the Gulf crisis. He referred to the National Human Rights Committee' s record of cases, the most prominent of which are cases involving family dispersal, especially women and children, and racial discrimination against Qatari students.

HE the Foreign Minister reiterated Qatar's supportive stance of the Kuwaiti mediation, dialogue and an effective and sustainable diplomatic solution based on respect for international law and sovereignty. HE the Minister also briefed his Norwegian counterpart on the status of Kuwaiti mediation, stressing Qatar's positive interaction with it.

Friday, Aug 18, 2017

HE the Foreign Minister also stressed Qatar's keenness to enhance the prospects of cooperation with the Kingdom of Norway.

EXHIBIT 59

Foreign Minister Meets Russian Counterpart

Doha / Information Office / August 30

HE Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani met Wednesday with HE Foreign Minister of the Russian Federation Sergey Lavrov, currently visiting the country.

During the meeting, the ministers discussed bilateral relations between the two friendly countries and ways of strengthening and developing them, mainly in the field of investment and trade.

HE the Foreign Minister briefed his Russian counterpart on the developments of the current Gulf crisis and all illegal measures taken against the State of Qatar.

HE the Foreign Minister reiterated Qatar's readiness for dialogue with the siege countries, noting that the State of Qatar has presented an official request to the State of Kuwait stating its readiness for dialogue but it has not yet been answered by the siege countries.

HE Sheikh Mohammed bin Abdulrahman Al-Thani underlined that the State of Qatar welcomes the Russian position, and all efforts from friendly countries that support the Kuwaiti mediation process and a diplomatic solution to this crisis unconditionally.

Talks during the meeting also dealt with the situation in Libya, Iraq, Syria and Palestine. HE the Foreign Minister

affirmed Qatar's support for all efforts aiming at restoring stability to the region.

For his part, HE Russian Foreign Minister Sergey Lavrov stressed Russia's commitment to cooperate with the State of Qatar in all fields.

Regarding the Gulf crisis, he stressed Russia's keenness on a unified and strong Gulf Cooperation Council, noting that there is no need for new problems in the region.

HE the Russian Minister also stressed Moscow's support for the Kuwaiti mediation.

EXHIBIT 60

Foreign Minister Reiterates: Qatar Welcomes Any Effort Supports Kuwaiti Mediation to Resolve Gulf Crisis

Doha / Information Office / August 30

HE Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani reiterated that the State of Qatar welcomes any effort aiming at supporting the mediation process undertaken by HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah to resolve the current Gulf crisis, adding that Qatar also welcomes the Russian efforts and the Russian position in this direction.

In a joint press conference with HE Foreign Minister of the Russian Federation Sergey Lavrov on Wednesday, HE the Foreign Minister underlined that the State of Qatar is still firm on its belief that this crisis can only be resolved through a constructive dialogue that help reach a settlement to the issue through international obligations on all States, not by dictates or by submitting lists of demands that breach Qatar's sovereignty or the international law which the siege countries claim to respect.

"Unfortunately, we have seen nothing but the opposite, and it is very clear that the siege countries have so far failed to provide any evidence in this crisis, which was based on a hacking that involved those countries themselves," HE the Foreign Minister said.

HE the Foreign Minister said that he briefed his Russian counterpart during their talks today on the Kuwaiti initiative and mediation to resolve the Gulf crisis, and the letters sent by HH the Emir of Kuwait to all the parties,

which called for dialogue directly and unconditionally. He noted that the State of Qatar was the only country to respond to the Kuwaiti letter after a few days, in the contrary, non of the siege countries responded, in continuation of their approach of not responding and ignoring any mediation efforts, whether from Kuwait or any other friendly country, referring in this regard to the visits of the US Secretary of State's envoys who presented some proposals that were also ignored by the siege countries.

Such an approach adopted by the siege countries shows their intentions to continue the crisis and siege, and then invoke the Kuwaiti mediation when encouraged by any of the friendly countries to engage in dialogue to resolve the crisis. Meanwhile, these countries accuse everyone who encourages dialogue to internationalize the crisis, the Foreign Minister underlined.

HE the Foreign Minister reiterated that the State of Qatar welcomes all the efforts of friendly countries that support the Kuwaiti mediation, and any effort to find a solution to this crisis, which should be unconditional.

HE the Foreign Minister noted that the siege countries, which set the conditions for dialogue, think that dialogue is the main target for Qatar, while the real goal is lifting the unjust and illegal siege on Qatar and find a solution to the crisis that ensures the safety and security of Qatar and all the GCC countries.

HE the Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani described his talks with HE Russian Foreign Minister Sergey Lavrov as fruitful, noting the HH the Emir Sheikh Tamim bin Hamad Al-Thani met the Russian Foreign Minister and discussed ways of enhancing the relations between the two friendly countries.

He noted that the talks also touched upon the Russian position on the Gulf crisis and the need to end it as soon as possible, and the need to preserve the unity of the Gulf Cooperation Council and support the efforts exerted by HH the Emir of Kuwait in this regard. He stressed that the State of Qatar welcomes these efforts and expresses thanks to Russian President Vladimir Putin for his country's position on this crisis.

HE the Foreign Minister said that he briefed the Russian Foreign Minister on the latest developments in the Gulf crisis, which, despite passing nearly 90 days, are still in place. Meanwhile, the Russian Foreign Minister briefed HE Sheikh Mohammed bin Abdulrahman Al-Thani on the outcome of his visit to Kuwait which is leading the mediation supported by Russia.

HE the Foreign Minister that talks during the meeting today also dealt with the importance of strengthening the bilateral relations between the two countries, especially in the fields of energy, and increasing trade exchange, economic cooperation and joint investments.

He noted that there is a common factor between Qatar and Russia which is the organization of the World Cup. Russia hosts the 2018 World Cup and Qatar hosts the 2022 World Cup. There is an ongoing cooperation and dialogue between the two countries regarding the organization of this World Championship, the Foreign Minister said, expressing confidence that both events will be successful championships.

The meeting also touched on the Qatari-Russian cultural year in 2018. HE the Foreign Minister expressed Qatar's aspiration to host more Russian events and to organize more Qatari events in Russia.

Moreover, talks during the meetings also reviewed the outcome of the recent visit of HE the Minister of State for Defense Affairs to Russia, where it was agreed to promote cooperation in the field of exchanging experience in the defense sector, the Foreign Minister added.

He highlighted that the most important part of the Qatari-Russian talks today focused on the necessity of continuing the political consultations between the two countries, especially with regard to the regional issues, mainly the Palestinian issue, the peace process, the Palestinian reconciliation and the Russian efforts which are appreciated by the State of Qatar.

He noted that the two sides discussed the peace process in the Middle East, and stressed the importance of the two-state solution. He stated that Qatar's position is clear in this regard and that it support the Arab initiative to be the basis of the peace plan between the Palestinians and Israelis.

On the other hand, HE the Foreign Minister noted that the talks also provided opportunity to discuss the situation and the latest developments in Libya. He stressed Qatar's support for the Skhirat Agreement and to the national reconciliation government in Libya, noting that Russia is engaged in talks and dialogue with all Libyan parties and expressed hope that this would contribute to restoring stability in Libya as soon as possible.

The talks also tackled the developments in Iraq and the war against the ISIS. HE the Foreign Minister said. The two sides affirmed their support to the Iraqi government in its reconstruction efforts in the war-ravaged areas.

HE the Foreign Minister added that they had also discussed the Syrian crisis and the suffering of the Syrian people in the past six years. He praised the Russian efforts in support of the international efforts to cease fire in Syria and the establishment of safe areas. HE the underlined that the State of Qatar supports any effort to restore stability in those areas and reduce tension.

He went on saying that the talks reviewed the options of the political process in Syria, including the dialogue and the process led by the UN envoy Stephane de Mistura, and the efforts to unite the opposition to launch a dialogue between them and the Syrian regime. In this regard, HE the Foreign Minister stressed Qatar's position in support of the political transition process in accordance with the Geneva 1 Declaration, taking into account the importance of preserving the territorial integrity of Syria and the independence of the Syrian state. He said that the State of Qatar supports any solution that ensures justice to the Syrian people.

Commenting on the statements made by the UAE ambassador in Washington, in which he said that the siege countries have no objection to dialogue without preconditions, HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani wondered why is there no call for dialogue by the siege countries if that is true? adding: "we do not always take the statements of the siege countries seriously because there are a lot of contradictions".

HE the Foreign Minister recalled several attempt to hold an unconditional dialogue by mediators and most recently by HH the Emir of Kuwait. The siege countries did not responded to those calls for dialogue and set conditions each time they were invited to talk. The State of Qatar has expressed its desire to resolve the crisis through dialogue more than 12 times, and to reach a settlement that respects the sovereignty of States and the international law, based on mutual and collective commitments.

Those statements are baseless unless the siege countries show respect to the Kuwaiti mediator and the response to his proposals, the Foreign Minister underlined.

He added that the State of Qatar aims to lift the siege imposed on the Qatari people and to settle the crisis not only dialogue, saying: "Today, after three months of crisis, the problem of the siege countries has become with the Qatari people and not only with the government of Qatar".

He noted that the siege countries took illegal actions against the people of Qatar in the month of Ramadan and without justification to initiate these measures. That means that there is a problem and a major crisis that must be resolved by searching for the real causes of this crisis and its effects on the Qatari people.

- HE the Foreign Minister underlined that the State of Qatar has spared no effort since the beginning of the crisis, as it moved in all international organizations to force the siege countries to retreat from their illegal measures against Qatar. "As for their sovereignty, as they claim, this is a matter for them," he said.

The Foreign Minister underlined that violating the sovereignty of the State of Qatar and the international law in this regard is unacceptable, saying that the international organizations are doing their work and that the movements have led to results with regard to the sea, aviation, humanitarian cases and other illegal measures.

He expressed great confidence that the State of Qatar's pursuit of justice through clear official channels will achieve the desired results, while noting that these results will widen the gap between the Qatari people and the governments of the siege countries.

Speaking about the consequences of the siege, HE the Foreign Minister said that the real impact of the siege on the State of Qatar was on the humanitarian field after the measures of the siege countries led to the separation of families, the removal of students from universities and the removal of businessmen from their investments. He noted that the direct effects of the siege were in the first days when the State incurred some additional cost to ensure the arrival of goods to the Qatari market so that the people is not affected by the lack of consumer goods.

However, the siege motivated businessmen to seek alternatives and provide broad options in the country. "Today there are broad alternatives and consumer choices in Qatar that have yielded positive results as we witness diversification in the Qatari market and openness to the global markets," HE the Foreign Minister said, stressing that the State of Qatar invests in any challenge to create new opportunities that contribute positively to the development process.

"We realized that the State of Qatar must be self-reliant on food security and on matters related to its economy. The State of Qatar has been and continues to be an important platform for a free and open economy, and the crisis has shown its respect for international contracts, charters and international law," HE the Foreign Minister underlined.

HE the Foreign Minister affirmed that gas contracts were not affected by the crisis, and this is the biggest proof that Qatar is a reliable partner in supplying the world with energy. Qatar is a major energy source in the world, and it does not use this as a tool for political pressure, unlike the siege countries that claim to be open markets but prevented the flight and the supply of goods.

- The investors have greater confidence in the State of Qatar and its economy and its attractive legal environment to investment. This openness has been a political will in Qatar from the beginning, HE the Foreign Minister underlined.

For his part, HE Foreign Minister of the Russian Federation Sergey Lavrov said that his talks in Doha dealt with the Gulf crisis, the peace process in the Middle East and the situation in Libya, Syria and Iraq.

The Russian Foreign Minister stressed the need to find solutions to the Gulf crisis on the basis of reaching consensus and positions acceptable to all, and rejecting the offensive and useless speeches and searching for a compromise, stressing Russia's support for the Kuwaiti mediation, and its readiness to contribute to any effort in this regard.

He underlined that Russia is keen on preserving the unity and strength of the Gulf Cooperation Council to be able to find solutions to other problems in the region that are already aggravated and do not need new problems. He indicated in this regard that Russia is not a mediator in the Gulf crisis, but supports the Kuwaiti mediation, stressing that the solution to the crisis must be reached within the framework of the GCC.

He added that there are American efforts in this context and proposals made by the US Secretary of State, and there are a sufficient number of proposals to the launch a dialogue between all parties in the Gulf crisis. Russia are not raising any new ideas different from the Kuwaiti mediation and the US efforts in this regard.

He underlined that Russia will continue its contact with all parties in the framework of coordination, noting that he will visit Saudi Arabia and Jordan early next month.

The Russian Foreign Minister said that that his talks in Doha touched upon the pressing regional issues in the region, including Syria, Libya and Iraq. He stressed that the Qatari and Russian sides have a common position on all these issues, which calls for resolving these crises on the basis of dialogue only and involving all national and sectarian forces away from foreign influence.

"We are grateful to the State of Qatar for its praise of the Russian role in promoting the idea of reducing the escalation in Syria, which will create favorable conditions for the development of political dialogue," he said.

On the Palestinian issue, the Russian foreign minister said that his country is concerned about the impasse in the Palestinian-Israeli settlement, stressing the need to find solutions through direct dialogue and on the basis of the Arab peace initiative.

On the other hand, the Russian Foreign Minister praised the Russian-Qatari relations, noting that he discussed means of enhancing these relations in various fields in the framework of the agreements reached between the two countries, especially after the recent visit by HH the Emir Sheikh Tamim bin Hamad Al-Thani to Moscow, as well as the continuous contacts between the two leaderships of the two countries.

He underlined that Russia is keen on developing economic relations with Qatar, noting that the meeting of the joint committee for economic and technical cooperation between the two sides in Doha last April, together with the renewal of the Russian-Qatari business council will eventually result in supporting economic cooperation between the two countries.

He also highlighted both countries' keenness on the continuous coordination in the field of energy and oil within the framework of the Gas Exporting Countries Forum, and their increasing interest in cooperation in the field of investments, especially between the Russian Direct Investment Fund and the Qatar Investment Authority, in addition to the continued cultural and scientific cooperation, and the exchange of experiences in the organization of the FIFA World Cup.

The Russian Foreign Minister also highlighted the visit of HE Minister of State for Defense Affairs Dr. Khalid bin Mohammed Al Attiyah to Moscow last week and his meeting with Russian Defense Minister General Sergey Shweigo, where they stressed the importance of developing contacts between the two sides in the military field.

In response to a question on the Iranian and Syrian cooperation, he explained that any bilateral cooperation between two countries that does not violate the principles of the international law should not be a subject of questions. If, however, any party in the Middle East or anywhere in the world plans to violate the international law in a way that undermines sovereignty and divides any state, it will certainly be condemned by Russia.

EXHIBIT 61

Foreign Minister Informs European Parliament of GCC Crisis' Latest Developments

Brussels – Information Office – 01 September

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani reviewed Friday with a number of European Parliament members the latest developments of the GCC crisis, relations between the State of Qatar and the European Union, and issues of joint interest in the field of economy and commerce.

The Foreign Minister, during a luncheon banquet held by the members on the occasion of His Excellency's visit to the European Parliament, discussed Qatar's preparations for World Cup 2022 and all the projects that are currently in progress.

HE the Foreign Minister also discussed the latest developments of the GCC crisis and all the illegal measures taken against the State of Qatar by the siege countries, which led to severe legal and human rights violations, in addition to the promotion of hate speech by banning any act of sympathy with the State of Qatar, attacking the country in the media, and accusing it of financing terrorism.

The Foreign Minister stressed on the State of Qatar's firm position in countering terrorism in all its forms. HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed the State of Qatar's respect to the Kuwaiti mediation efforts, and renewed Qatar's readiness to hold a dialogue with the siege countries which respects international law and sovereignty.

Friday, Sep 01, 2017

EXHIBIT 62

The Peninsula
Local focus, Global vision
QATAR'S DAILY NEWSPAPER

(/)

« Previous Post (/article/08/09/2017/Call-for-GCC-dialogue-as-Trump-speaks-to-Qatar-Emir)

Call for GCC dialogue as Trump speaks to... (/article/08/09/2017/Call-for-GCC-dialogue-as-Trump-speaks-to-Qatar-Emir)

(/article/08/09/2017/Call-for-

GCC-dialogue-as-Trump-speaks-to-Qatar-Emir)

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We can endure siege for a long time:... (/article/09/09/2017/We-can-endure-siege-for-a-long-time-Envoy)

(/article/09/09/2017/We-can-endure-siege-for-a-long-time-Envoy)

Emir holds telephone talks with US President

09 Sep 2017 - 3:17

QNA

Emir H H Sheikh Tamim bin Hamad Al Thani held a telephone conversation yesterday evening with President Donald Trump of the friendly United States of America.

During the phone call , they discussed the latest developments related to the Gulf crisis in light of Kuwait's efforts to resolve it through diplomatic channels and through dialogue between all parties to ensure the security and stability of the region.

The US President briefed H H Emir on the results of his communication with HRH Prince Mohammed bin Salman bin Abdulaziz Al Saud, Crown Prince of the Kingdom of Saudi Arabia, as well as the discussions held in this regard with the Emir of Kuwait H H Sheikh Sabah Al Ahmad Al Jaber Al Sabah, within the framework of the generous mediation led by His Highness.

Following that, a telephone conversation was held between HH the Emir and his brother, HRH Crown Prince of Saudi Arabia, based on coordination of the US President, where they stressed the need to resolve this crisis by sitting down to the dialogue to ensure the unity and stability of the GCC countries.

HH the Emir welcomed the proposal of his brother HRH the Crown Prince of Saudi Arabia during the call to assign two envoys to resolve controversial issues in a way that does not affect the sovereignty of States.

EXHIBIT 63

Saudi Press Agency

The official Saudi Press Agency

63

Official source: What was published by Qatar News Agency is continuation of Qatari authority's distortion of facts

Saturday 1438/12/18 - 2017/09/09

Jeddah, Dhu-AlHijjah 18, 1438, September 09, 2017, SPA -- A Saudi official at the Foreign Ministry said that what the Qatar News Agency publishe not have any relevance to truth, and that what was published by the Qatar News Agency is a continuation of the distortion by the Qatari authority o facts.

It clearly shows that the Qatari authority has not yet understood that the Kingdom of Saudi Arabia is not ready at all to tolerate the change by the Q authority of agreements and facts. This is evident in the distortion of the content of the contact received by the Crown Prince from the Emir of the S of Qatar minutes after its completion.

The contact was at the request of Qatar and its request for dialogue with the four countries on the demands, and because this proves that the autho in Qatar is not serious in dialogue and continues its previous policies, the Kingdom of Saudi Arabia declares that any dialogue or communication with authority in Qatar shall be suspended until a clear statement explaining its position is made in public and that its public statements are in conformity its obligations. The Kingdom affirms that the flounder of the Qatari policy does not enhance the confidence needed for dialogue.

--SPA

02:12 LOCAL TIME 23:12 GMT

www.spa.gov.sa/1664360 (http://www.spa.gov.sa/1664360)

EXHIBIT 64

UAE Press: Qatar has distorted details of phone call

Mon 11-09-2017 10:28 AM

WAM
EMIRATES
NEWS AGENCY

ABU DHABI, 11th September, 2017 (WAM) -- A UAE newspaper has said that for the past three months, relations between Qatar and the anti-terror quartet of the UAE, Saudi Arabia, Bahrain and Egypt have been at a distinctively chilly level over Doha's aiding and abetting of those who spread sedition, extremism and terror across the region and the Middle East.

In an editorial on Monday, Gulf News said, "The quartet's actions in closing their national air and sea spaces to Qatari aircraft and vessels, combined with financial measures and diplomatic sanctions, have highlighted Qatar's missteps and misadventures by giving succour and solace to voice and forces of extremists. The quartet's 13 demands are the minimum required of the government in Doha to respect and return to international norm, conventions and agreements with the Gulf Cooperation Council to counter and combat terrorism.

The paper went on to say, "Over these past months, Qatar has taken actions to antagonise its GCC neighbours and its Arab brothers, and has refused to recognise the legitimacy of the quartet and its 13 demands. Indeed, weeks into this episode, Qatar passed on opportunities at conciliation out of hand, responding to the quartet's foreign ministers in Cairo with derision. That was an opportunity lost.

"Over these past months too, the measures taken by the quartet have highlighted just how isolated Qatar is economically, with its long-term fiscal outlook, its growth, its liquidity and indeed even its food, goods and product sectors being adversely affected. If these measures continue, the leadership in Doha will have inflicted long-term damage on its economy, people, and its bigger infrastructural works and prestige projects will be affected.

"There have been attempts by third-party intermediaries to intercede and broker an end to this impasse, and the Emir of Kuwait, Sheikh Sabah Al Ahmad Al Sabah, has acted as a go-between during this time of indirect communication. The US, Germany and France have all played a role. Each of the quartet's 13 demands are

non-negotiable and non-divisible and are the bare minimum required to return once more to normalcy between neighbours. And the quartet are ready to listen.

"Events over the weekend, where details of a telephone conversation between Qatar and Saudi Arabia were maliciously and purposefully distorted and reported by the Qatar News Agency do not help at a time when the first glimpses of reconciliation are at hand.

"Certainly, it only appears as if there's an element in Qatar that wants this self-inflicted isolation to continue and that is worrying. Doha needs to understand that this episode is of its doing. To end it, Qatar must communicate honestly and in good faith. The quartet is always ready to respond," concluded the Dubai-based daily.

EXHIBIT 65

Foreign Minister: 26,000 Violations of Universal Declaration of Human Rights As Result of Siege

Geneva – Information Office - September 11

Qatar's Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani confirmed that there are nearly 26,000 violations of the Universal Declaration of Human Rights as a result of violations of the siege imposed by the four countries against the State of Qatar.

Speaking at a press conference following the UN Human Rights Council meeting in Geneva, HE the Foreign Minister said the goal of Qatar's presence at the meetings of the Human Rights Council is to clarify the violations of the four siege countries of human rights and we look forward to the Human Rights Council's role in urging these countries," to retreat from those actions that affected the peoples of the region, both the people of Qatar or the peoples of the siege countries, and they should not engage the peoples in political differences.

HE the Foreign Minister said that the 13 demands included clear violations of international law and a direct result of our sovereignty, pointing out that the State of Qatar in respect for the mediation of HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, responded to these demands in a legal and rational language and sent the response to the four countries, which subsequently issued the six principles, which Qatar had expressed willingness to discuss, as long as there are collective obligations from all countries, but we were surprised by the retreat of the four countries and insist again on the 13 demands, and one of which would be void after 10 days.

Tuesday, Sep 12, 2017

HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed that the 13 demands are not discussed and we are ready to discuss anything, as long as it does not affect sovereignty and does not violate international law and according to key principles based on a transparent dialogue between us and the four countries to discuss their concerns and the reasons that led them to take such measures , so that we can also raise our problems with these countries and the consequences of their actions against our country and discuss the necessary solutions so that there is a collective understanding between us to avoid any aggression by any State against another.

HE the Foreign Minister said HH the Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah is making efforts to resolve the crisis. He recently visited Washington in the context of finding a solution to the crisis, and then in coordination with the United States, at the request of US President Donald Trump there was a telephone conversation between HH the Emir Sheikh Tamim bin Hamad Al -Thani, and the Crown Kingdom of Saudi Arabia, and the Crown Prince of the Kingdom of Saudi Arabia, in a positive spirit, they agreed that the crisis lasted for a long time and that dialogue is the only solution to the problem. They also agreed that the concerned countries appoint their representatives to discuss the crisis. Half an hour later Saudi Arabia issued a statement saying that what we said about communication is a lie, and all the points mentioned in our statement were based on facts. "

"Qatar's position is still the same. We are ready to talk to them and to participate in any efforts to resolve the crisis, based on principles that comply with international law and respect the sovereignty of each country," HE Sheikh Mohammed bin Abdulrahman said.

HE the Foreign Minister said that "Saudi Arabia's denial of what was stated in our statement does not reflect a good intention to engage in dialogue and to end what is happening." "The situation is still the same. We are open to dialogue. We expressed this during the meeting of the Human Rights Council, he added

On Qatar's position on the Syrian crisis, HE Sheikh Mohammed bin Abdulrahman Al-Thani, said: "The position of the State of Qatar on this crisis has been constant since its inception. We demand a political solution to the Syrian crisis and the end of war crimes as well as the accountability of all war criminals, whether of the regime or terrorist groups, and political transition according to / Geneva 1 / statement which is agreed by the international community.

"For us, the goal is to bring justice to the Syrian people, who are to determine their own destiny, and neither we nor any other country can determine the fate of other peoples or impose a solution on them, nor do we want any party to interfere in our internal affairs."

On the situation in Yemen, HE Sheikh Mohammed bin Abdulrahman said that "Qatar's policy towards this war is unchanged. We hope that this war will end, a peaceful solution will be achieved, and Security Council resolution 2216 will be implemented, as well as the outcome of the national dialogue and the restoration of legitimacy to that country ".

HE the Minister added that Qatar had participated in the coalition in Yemen as part of its commitment to the Gulf Cooperation Council and its security. Unfortunately, the siege countries have accused us of undermining this alliance, even though our soldiers were there on Saudi Arabia's border, protecting them, we lost some of them and others were injured while on duty there.

EXHIBIT 66

HH the Emir Holds Meeting with French President

Paris - Information Office – 15 September

HH the Emir Sheikh Tamim bin Hamad Al-Thani discussed with HE the President of the friendly French Republic Emmanuel Macron the strong bilateral relations and means of enhancing and developing them in all fields to serve the common interests of the two countries.

During the meeting held at the Elysee Palace this evening, HH the Emir and HE the French President discussed the latest developments of the Gulf crisis, and its repercussions, as well as efforts to resolve it through dialogue and diplomatic means through the mediation by the sisterly State of Kuwait, which is supported by the two countries.

The two sides also discussed a number of regional and international issues of mutual interest and exchanged views on them. They also discussed means of enhancing joint cooperation in the field of combating the financing of terrorism and working together to address its causes.

The meeting was attended by members of the official delegation accompanying HH the Emir, as well as a number of ministers and senior officials from the French side.

Friday, Sep 15, 2017

EXHIBIT 67

HH the Emir Participates in Opening Session of UN General Assembly

New York/ Information Office/ 19 September 2017/ HH the Emir Sheikh Tamim bin Hamad Al-Thani gave the following speech during the opening session of the 72nd United Nations General Assembly:

In the Name of God the Most Merciful,

the Most Compassionate,

Honorable Audience,

It pleases me to congratulate His Excellency Mr. Miroslav Lajcak on assuming the tasks of President of the 72nd Session of the General Assembly, wishing him every success.

I wish also to express my appreciation to His Excellency Mr. Peter Thomson for his valuable efforts in managing the affairs of the 71st Session of the General Assembly, and I take this opportunity to commend the efforts of His Excellency the Secretary-General, Mr. Antonio Guterres, to strengthen the role of the United Nations.

Mr. President,

Maintaining the regional and international peace and security is a priority in the State of Qatar's foreign policy, whose principles and objectives are based on the United Nations' charter and the rules of international legality which calls for constructive cooperation among States, mutual respect and non-interference in the internal affairs, good neighborliness, as well as promoting peaceful coexistence and pursuing peaceful means to settle disputes.

The issue of settling of disputes by peaceful means is still being addressed as an episodic and non-binding proposal. Perhaps the time has come to impose dialogue and negotiation as a basis for resolving disputes through concluding an international convention on settling disputes between States by peaceful means.

In this context, and after major events such as the Second World War, Rwanda and Burundi and the Balkans in the last century, the danger of the impunity of perpetrators of crimes against humanity and crimes of genocide has come back again to threaten humanity to become the rule rather than the exception, because the international legitimacy is subjected to political pressures, interests of the axes and dictations of force on the ground, in a warning that the law of force may supersede the force of law.

In our view, the position of the major powers should not range between two extremes: the direct occupation to impose the will and policy on other countries, or standing idly in a spectator's position who refrain from doing anything vis-a-vis wars of genocide and crimes against humanity perpetrated by a fascist despotic regime, or a continuous repression by an occupying country of people under occupation.

Lately a feeling is spreading that peoples who are exposed to repression face their fate alone, as if the international arena is governed by the law of the jungle, and the countries under threat have to stand on their own through their alliances and relations, in the absence of a system to implement the provisions of international law, and the binding conventions and charters.

Mr. President,

We commend opting for the theme of this session: "Focusing on People: Striving for Peace and a Decent Life for All on a Sustainable Planet."

In this context, I call upon the Government of the Republic of the Union of Myanmar and the international community to assume their legal and moral responsibility to take the necessary measures to stop the violence against Rohingya minority, provide them with protection, repatriate the displaced to their homeland, prevent sectarian or ethnic discrimination against them, and ensure that they have their full legitimate rights as full-fledged citizens, and we in this regard urge all States to provide humanitarian assistance to them.

Mr. President,

Every time I stand here I speak in favor of the constructive international cooperation, just peace, the rights of peoples under occupation, as well as those who are subjected to crimes against humanity and those who are under siege.

This time I stand here, while my country and my people are subjected to a continuing and unjust blockade imposed since June 5th by neighboring countries. The blockade involves all aspects of life, including the intervention by these countries to rip off family ties. Qatar is currently managing successively its living, economy, development plans and its outreach to the outside world, with the availability of sea and air routes which these countries have no control over.

The blockade was imposed abruptly and without warning, prompting the Qataris to consider it as a kind of treachery.

It seems that those who planned and implemented it had envisaged that their move would cause a shocking and direct impact that will bring the State of Qatar to its knees and to capitulate to a total tutelage to be imposed on it.

And what is worse, the blockade planners found it necessary to rely on fabricated quotes attributed to me and posted on the website of Qatar News Agency after hacking it. The mobilized and guided media of these countries was ready to launch an all-out campaign of incitement prepared in advance in which all values, morals and norms were breached, and the truth was infringed by a torrent of lies. Funds are still being spent unsparingly on the machine of faking and disseminating fabrications in the hope of fooling people by distorting the truth with lies.

Despite the disclosure of the hacking and falsification of quotes of the Emir of a sovereign State, the blockading countries did not back down or apologize for lying, but rather intensified their campaign, in the hope that the blockade would cause a cumulative effect on the economy and the society of my country, after it failed to bring about any direct impact.

The perpetrators of the hacking and the falsification of the quotes have committed an assault against a sovereign State. The crime was deliberately committed for political aims, and was followed by a list of political dictations which contravene sovereignty, and caused worldwide astonishment.

This disgraceful act has once again raised international queries about digital security and the unruliness in cybercrime and electronic piracy.

It also revealed the anxiety of a lot of public and official circles in the world over the absence of clear-cut international legislations and institutions to organize this dangerous and vital field and punish the perpetrators of transcontinental crimes.

It is time now to take steps in this regard, and we are ready to put our potentials to serve a joint effort in this connection.

The countries who imposed the unjust blockade on Qatar have intervened in the internal affairs of the State by putting pressure on its citizens through foodstuffs, medicine and ripping off consanguineous relations to force them to change their political affiliation to destabilize a sovereign country. Isn't this one of the definitions of terrorism?

This illegal blockade was not confined to the economic aspect and the breach of the WTO Agreement, but it exceeded that to violate the human rights conventions by the arbitrary measures that have caused social, economic and religious harm to thousands of citizens and residents of the GCC countries, due to the violation of the basic human rights to work, education, freedom of movement and the right to dispose of private property.

However, things did not stop at this point, but the blockading countries went beyond that to chase their own citizens and residents of their territory by imposing penalties of imprisonment and fines on them for the mere expression of their sympathy with Qatar, even if that was on the social media, in a precedent never seen before in the world, in violation of the human rights conventions and agreements that guarantee the right of everyone to freedom of opinion and expression of ideas.

There are countries that permit themselves not only to attack a neighboring country to dictate its foreign and media policy, but also believe that their possession of funds qualify them to put pressure and blackmail other countries to participate in their aggression, while they are supposed to be held accountable internationally for what they have done.

The countries who imposed the blockade on the State of Qatar interfere in the internal affairs of many countries, and accuse all those who oppose them domestically and abroad with terrorism. By doing so, they are inflicting damage on the war on terror, while at the same time opposing reform and supporting the tyrannical regimes in our region, where terrorists are initiated in their prisons.

We were not alone to be taken by surprise by the imposition of the blockade, as many countries whose leaders have questioned its motives and reasons were also taken by surprise. The blockading countries have promised all those who asked them about the reasons of the blockade to provide them with evidence of their anti-Qatar absurd allegations and fabrications, which kept changing according to the identity of the addressee. Everyone is still waiting for evidence that did not and will not arrive, because it does not exist. In contrast, these allegations contradict a lot of evidence about Qatar's contribution to the fight against terrorism, which is recognized by the entire international community.

The State of Qatar has fought terrorism - the whole international community bears witness to that - and it is still fighting it and will continue to do that. It stands in the camp of those who are fighting by security forces, and believes that it is necessary to fight it ideologically as well. It goes beyond that to participate in draining its sources through teaching seven million children around the world, so that they do not fall prey to ignorance and radical ideas.

We have refused to yield to dictations by pressure and siege, and our people was not satisfied by less than that. At the same time we have taken an open attitude towards dialogue without dictation, and have expressed our readiness to resolve differences through compromises based on common undertakings. Resolving conflicts by peaceful means is actually one of the priorities of our foreign policy. From here, I renew the call for an unconditional dialogue based on mutual respect for sovereignty and I highly value the sincere and appreciated mediation that the State of Qatar has supported since the outbreak of the crisis, and which was initiated by my brother, His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, the Emir of the sisterly State of Kuwait. I also thank all the countries that have supported this mediation.

Allow me, on this occasion and from this podium, to express my pride in my Qatari people, along with the multinational and multicultural residents in Qatar.

The people have withstood the conditions of siege, and rejected the dictations with resolve and pride, and insisted on the independence of Qatar's sovereign decision, and strengthened its unity and solidarity, and maintained their refined manners and their progress despite the fierceness of the campaign against them and their country.

I reiterate my thanks to the sisterly and friendly countries which recognize the significance of respecting the sovereignty of States and the rules of international law, for their appreciated stances which were, and still are, supportive of the Qatari people during this crisis.

Mr. President,

Terrorism and extremism are among the most serious challenges facing the world. Countering them require us all to carry out a concerted action against terrorist organizations and their extremist ideology in order to maintain security for humanity and stability for the world.

The governments of the world have no choice but to cooperate in the security confrontation with terrorism, but halting the initiation of terrorism and extremism could be achieved by addressing its social, political and cultural root causes.

We must also be careful not to make the fighting against terrorism an umbrella for reprisals or shelling of civilians.

The fight against terrorism and extremism was and will continue to be our highest priority. This is affirmed by the effective participation of the State of Qatar in the regional and international efforts through the implementation of the measures included in the United Nations strategy adopted in 2006, and the implementation of all the Security Council

resolutions and measures related to the fight against terrorism and its financing and through the participation in the International Alliance, regional organizations and bilateral relations with the United States and many countries of the world. The State of Qatar will continue its regional and international efforts in this regard and will develop them.

While reaffirming our condemnation of all forms of extremism and terrorism, we reject tackling this phenomenon with double standards according to the identity of the perpetrators, or by linking it with any particular religion, race, civilization, culture or society.

Mr. President,

The issues of the Middle East continue to pose the greatest threat to international peace and security, due to the vital importance of this region to the world.

Israel still stands in the way of achieving a lasting, just and comprehensive peace and rejects the Arab Peace initiative. The Israeli government continues its intransigent approach and strategy to create facts on the ground through expanding settlement construction in the occupied territories, Judaizing Jerusalem and restricting the performance of religious rituals in Al-Aqsa Mosque, which is a serious provocative act, and continuing its blockade of the Gaza Strip.

The international community must give high priority to the resumption of peace negotiations on the basis of ending the Israeli occupation of the Arab territories within a specified time frame and reaching a just, comprehensive and final settlement in accordance with the two-state solution agreed upon by the international community, based on the resolutions of international legitimacy and the Arab Peace initiative. This will only be achieved through the establishment of an independent Palestinian State on the basis of 1967 borders, with Jerusalem as its capital.

I renew my appeal to the Palestinian brothers to complete national reconciliation and unify positions and word in confronting the dangers and challenges facing the Palestinian cause and the future of the Palestinian people.

Mr. President,

The international community remains unable to find a solution to the Syrian crisis despite its consequences and serious repercussions on the region and the world. Political efforts continue to falter due to the conflicting international and regional interests, this confliction is conducive to protect those against whom we are supposed to stand united.

The international community relinquishes its legal and moral responsibilities, including the implementation of its decisions, in submission to the logic of force. What is required is to work seriously to reach a political solution to the Syrian crisis in a way that meets the aspirations of the Syrian people for justice, dignity and freedom, and maintains the unity and sovereignty of Syria, in accordance with the Geneva (1) decisions.

Qatar will spare no effort in providing support and assistance to alleviate the humanitarian suffering of our Syrian brothers and to implement our humanitarian pledges within the framework of the United Nations.

The international community has given up the task of protecting the civilians. Would it also hesitate to hold war criminals accountable? Their impunity would have dire consequences on the situation in Syria and the region, which would affect the behavior of future dictatorships towards their peoples in the absence of any deterrent.

On the Libyan issue, Libya's national consensus - which would preserve Libya's unity, sovereignty and social fabric, and restore its stability - could be achieved by means of combining domestic and international efforts. We must all intensify efforts and support the Government of national accord, which has been established with the support of United Nations, in its efforts to restore stability, counter terrorism and its grave consequences. The State of Qatar has supported international mediation efforts and will support them in the future to achieve the aspirations of the Libyan people.

Concerning the brotherly Iraq, we do support the efforts of the Iraqi government in its endeavor to achieve security, stability and unity of the territory and people of Iraq. We commend its achievements in its fight against terrorism, and affirm the necessary support to it by the State of Qatar to complement these victories by realizing the Iraqi peoples aspirations to equality among its citizens and restore its role at the regional and international levels.

Concerning Yemen, we affirm the importance of maintaining Yemen's unity, security and stability, and ending the state of infighting and war and adopting dialogue, political solution and national reconciliation as a basis for ending this crisis and implementing the Security Council resolution 2216.

We call upon the international community to facilitate the access of humanitarian assistance to various Yemeni regions. The State of Qatar supports the efforts of the UN envoy to end this crisis and realize the aspirations of the brotherly Yemeni people in unity, security and stability.

In order to achieve security and stability in the Gulf region, we renew the call that we have already launched from this podium, for conducting a constructive dialogue between the GCC countries and Iran on the basis of common interests, the principle of good neighborliness, respect for the sovereignty of States and non-interference in their internal affairs.

Mr. President,

Within the framework of the international efforts to tackle the humanitarian crises, the State of Qatar has continued to contribute to the growing humanitarian needs in the world. We have increased our financial contributions to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) to enable the United Nations to implement UN programs and provide humanitarian relief to those in need worldwide. Today the State of Qatar ranks third on the list of major donors in 2017 to the United Nations Office for the Coordination of Humanitarian Affairs.

We have continued to provide support to countries facing challenges to help them implement their development plans. It is worth mentioning here that the State of Qatar ranked first in the Arab world and 33rd in the world in the field of human development. This proves the effectiveness of our humanitarian and development policy. We look forward to achieving the goals of the United Nations Plan for Sustainable Development, which we have all committed to realize.

In conclusion, we reiterate that the State of Qatar will spare no effort in working to strengthen the role and efforts of the United Nations to achieve what the international community seeks in regard to peace and security, and to promote Human rights and advance development. Qatar will remain as is always the case a safe haven for the oppressed, and will continue its mediation efforts to find just solutions in conflict zones.

Thank you, May Allah's Peace, Mercy and Blessings be upon you.

Tuesday, Sep 19, 2017

EXHIBIT 68

68

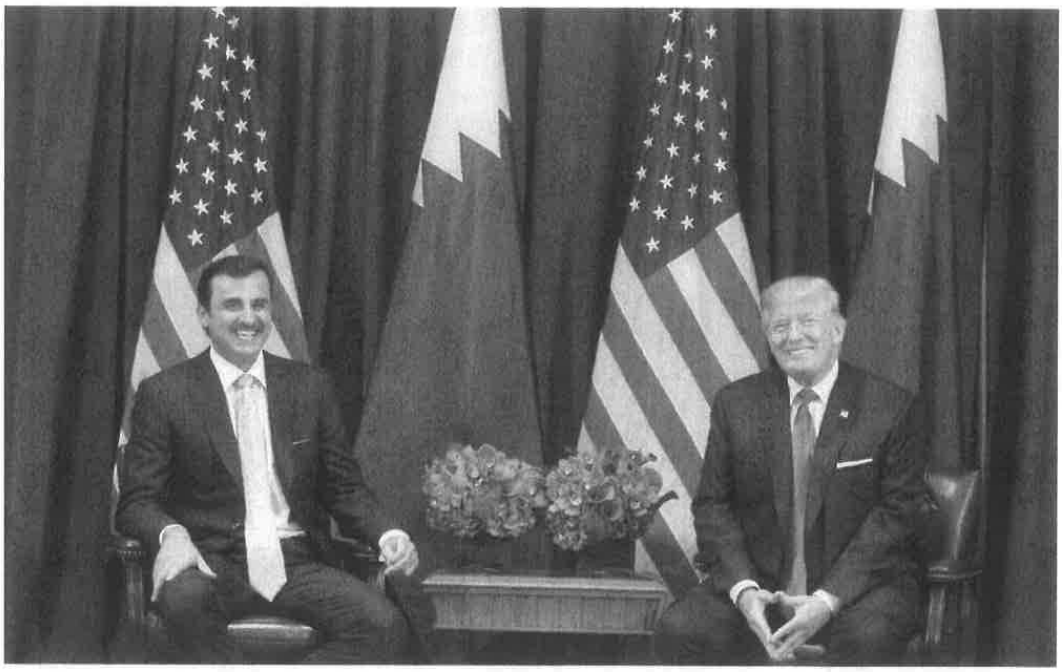
عربي

QATAR EMBASSY IN
WASHINGTON - USA

Home > News

HH the Emir, US President Review Regional, International Issues

22 September 2017



New York/Information Office/ 19 September 2017/ HH the Emir Sheikh Tamim bin Hamad Al-Thani discussed with HE President of the friendly United States of America, Donald Trump, the regional and international issues, notably the Gulf crisis and the exerted efforts to solve it through dialogue and diplomatic means.

At the outset of the meeting that took place Tuesday at the U.S. president's residence at Palace Hotel in New York, HE the U.S. president welcomed HH the Emir, highlighting the friendship relations that he and HH the Emir have had for long time. The U.S. president noted that there are ongoing efforts to solve the problem in the Middle East, saying that he believes it will be solved very quickly.

President Trump said the meeting touched on trade and a number of other issues and described the U.S.-Qatari relationship as tremendous, especially since the recent meeting in the Kingdom of Saudi Arabia, which, he said, was very important and historic, noting that this relationship must be stable and adding that he looks forward to more bilateral meetings in the future.

For his part, HH the Emir described the Qatari-U.S. ties as very strong and historic, reiterating the U.S. president's earlier remark that the recent meeting in the Kingdom of Saudi Arabia was very important.

HH the Emir said that the State of Qatar was the first country to sign the counterterrorism agreement with the United States of America, adding that there are several bilateral agreements in the fields of trade as well as military and security cooperation.

Concerning the Gulf crisis, HH the Emir noted that there is a problem with neighboring countries and added that the efforts of the U.S. president will help a lot in finding a solution, stressing the State of Qatar's readiness and openness for dialogue.

The meeting, which took place on the sidelines of the 72nd session of the U.N. General Assembly, reviewed cooperation ties and means of boosting them to wider horizons so as to enhance the strategic partnership between the two friendly countries in all fields.

The two sides also discussed efforts of both countries in combating terrorism and extremism as well as means of promoting and developing these efforts.

A number of Their Excellencies members of the official delegation accompanying HH the Emir attended the meeting.

A number of Their Excellencies senior officials were also present from the U.S. side.

EXHIBIT 69

Minister of State for Foreign Affairs Confirms Illegality of the Siege Imposed on Qatar

New York/ Information Office/ 26 September 2017/ HE Minister of State for Foreign Affairs Sultan bin Saad Al Muraikhi has affirmed the State of Qatar's categorical rejection of the unilateral coercive measures and the illegality of the siege imposed on Qatar.

In a statement at the Ministerial Meeting of the Non-Aligned Movement on "Promulgation and Implementation of Unilateral Coercive Measures, in Violation

of International Law and the Human Rights of the Peoples Subjected to Them," held on the sidelines of the 72nd session of the United Nations General Assembly, HE Sultan bin Saad Al-Muraikhi said that the State of Qatar affirms its categorical rejection of unilateral coercive measures because they are illegal and contrary to the principles and purposes of the Charter.

HE also affirmed the State of Qatar's readiness for a constructive and direct dialogue on the allegations raised against it and to resolve differences of views.

The State of Qatar, HE added, will continue to support all efforts that contribute to achieving the goals for which the United Nations was established and will recruit the capabilities of the State to work with its partners in the international community to face common challenges and maintain international peace and security.

Tuesday, Sep 26, 2017

HE the Minister of State for Foreign Affairs drew attention to the land, sea and air siege imposed on Qatar, stressing that it lacks any legal basis and constitutes a flagrant violation of the international law and the international human rights charters.

HE added that although the State of Qatar is able to confront these unilateral coercive measures against the unity of its people, and the broad support it enjoys from the international community, particularly those countries that are keen to abide by the international law, the positive and tangible contributions of the State of Qatar at the international level in various fields and its well-known record of respect for the provisions of the international Charter and law and human rights conventions make it to continue its partnership with the international community in respect of international instruments, particularly the Charter of the United Nations, and to confront any violation of international law.

HE the Minister of State for Foreign Affairs added that the international reality has proved that the unilateral measures are becoming a serious challenge to regional and international peace and security and a threat to the collective security system and also straining the collective ability to respond to the challenges resulted from these unilateral measures.

The seriousness of these measures is that they contribute to create an unstable environment, fuel conflicts and help terrorist organizations to achieve their illegal objectives, taking advantage of the absence of coordination between the countries that impose such measures and the targeted state, HE the Minister said.

HE the Minister said that the United Nations derives its legitimacy as a multilateral system from the principles of multilateralism and equality among States to deal with crisis and conflicts at international level and to address the threats to international peace and security through the imposition of sanctions by the Security Council in accordance with the provisions of the Charter of the United Nations which states that sanctions to be applied when there is a clear threat to international peace and security, or there is an act of aggression.

HE Sultan bin Saad Al Muraikhi stressed that the imposition of sanctions should be applied only after all peaceful means have been exhausted for the settlement of disputes under Chapter VI of the Charter and after assessing their short- and long-term impacts, subjecting to regular review, modification and cancellations and working in tandem with other Charter-based instruments to peacefully resolve conflicts.

HE the Minister of State for Foreign Affairs warned of the imposition of unilateral coercive measures, pointing out that today the world is witnessing a dangerous trend regarding the imposition of unilateral coercive

measures outside the United Nations system, which is a flagrant violation of international law and the Charter of the United Nations. It is also a serious threat to the international order and a flagrant violation of human rights and of peoples subjected to such measures, in violation of the principles of equality, sovereignty and territorial integrity of States, HE the Minister said.

HE the Minister added that those measures seriously violate the mandate of the organs of the United Nations determined by the Charter, specifically the Security Council as it is the only international legal body that can impose sanctions under the Charter.

EXHIBIT 70

Tillerson Faults Saudi-Led Bloc for Failing to End Qatar Crisis

By **Nick Wadhams**
October 19, 2017 1:28 PM EDT

- Qatar showing it's 'ready to engage,' he says in interview
- Secretary's comments come days before trip to Middle East

Secretary of State Rex Tillerson has little hope that a Saudi Arabia-led bloc's standoff with Qatar will end anytime soon, blaming the four countries lined up against the emirate for a lack of progress and casting doubts on U.S. efforts to mediate the crisis.

"There seems to be a real unwillingness on the part of some of the parties to want to engage," Tillerson said in an interview Thursday in Washington. "It's up to the leadership of the quartet when they want to engage with Qatar because Qatar has been very clear -- they're ready to engage."

Tillerson made the comment days before he embarks on a trip to the region, including stops in Saudi Arabia and Qatar, in a renewed push to resolve the dispute. The crisis flared in June when Saudi Arabia and three other U.S. allies in the region -- the United Arab Emirates, Egypt and Bahrain -- severed diplomatic and transport links with the gas-rich state over accusations that it supports terrorist groups. Qatari officials deny the charges.

Read More: A QuickTake Q&A on How Saudis Got Into the Qatar Crisis <https://www.bloomberg.com/politics/articles/2017-08-15/how-saudis-pushed-gulf-unity-got-qatar-crisis-quicktake-q-a>

Tillerson, the former CEO of Exxon Mobil Corp., last visited the region in July. At the time, the top U.S. diplomat said he was hopeful that he could help resolve the dispute, which has been officially mediated by Kuwait. Tillerson's remarks Thursday suggested that attitude has now changed.

"I do not have a lot of expectations for it being resolved anytime soon," Tillerson said. He declined to say which country bears the most responsibility for the lack of progress.

In September, President Donald Trump said he would be willing to serve as a mediator "right here in the White House" if the issue wasn't solved soon.

"I have a very strong feeling that it will be solved, and pretty quickly," Trump predicted at the time.

In the interview, Tillerson emphasized that the main responsibility for a way out of the crisis now rests with the countries at the center of it.

"Our role is to try to ensure lines of communication are as open as we can help them be, that messages not be misunderstood," Tillerson said. "We're ready to play any role we can to bring them together but at this point it really is now up to the leadership of those countries."

EXHIBIT 71

Foreign Minister Meets US Counterpart

Doha / Information Office / October 22

HE Minister of Foreign Affairs Sheikh Mohammed bin Abdulrahman Al-Thani met here today with HE US Secretary of State Rex Tillerson ,during his visit to Doha.

During the meeting, they discussed the strategic relations between the two countries and ways of boosting and developing them in various fields, as well as the international efforts to fight against the ISIS group (Daesh), besides the latest developments in the region, especially in Syria, Iraq and Palestine.

HE the Foreign Minister also briefed his US counterpart on the latest developments of the Gulf crisis and the Kuwaiti mediation efforts, and affirmed Qatar's continued commitment to engage in constructive dialogue to resolve the Gulf crisis.

His Excellency also stressed Qatar's commitment to the GCC system, affirming that the convening of any summit of the GCC will be a good opportunity for a civilized and diplomatic dialogue between the GCC countries.

Sunday, Oct 22, 2017

EXHIBIT 72

Remarks With Qatari Foreign Minister Sheikh Mohammed bin Abdulrahman al-Thani

Remarks
Rex W. Tillerson
Secretary of State
Doha, Qatar
October 22, 2017

SECRETARY TILLERSON: Well, thank you very much, Excellency, and it's again a pleasure to be in Doha, a place I've visited and known for many, many years. I want to thank His Highness the Emir for the very generous time he gave me so we could have an important discussion about a number of topics, and we just concluded also a very useful bilateral with His Excellency Foreign Minister al-Thani. But we did touch on, obviously, our joint counterterrorism efforts in the region, a topic of great importance to all of us, the ongoing Gulf dispute, and then many other topics which His Excellency just listed for you. All of those were discussed as well.

We also discussed the progress towards implementing the counterterrorism memorandum of understanding, which His Excellency al-Thani and myself signed this past July. And significant progress has been made in a number of important efforts to – in our counterterrorism joint efforts, including sharing of terrorist lists, terrorist financing. We participated in a number of counterterrorism technical sessions and training, and significant steps have been taken to enhance the aviation security. We have additional work to do, but we are quite pleased with the progress and the relationship that has been strengthened between the two countries, Qatar and the United States, to counter terrorism.

The United States will continue to work closely with Qatar as we crack down on terrorists and those who are paying their bills. As you know, President Trump made the financing of terrorism a key outcome of the important Riyadh summit that was held earlier this year. All of our Gulf partners are doing an extraordinary effort to counter terrorism. All have more that we can do together.

And finally, as the Gulf dispute does near its five-month mark, the United States remains concerned, as concerned today as we were at the outset, that the dispute has had negative consequences economically and militarily for those involved, and certainly the United States has felt the effects of that as well. We think it's very important for the GCC to continue to pursue unity. It is most effective when it is unified, and none of us can afford to let this dispute linger.

So we again call on all the parties involved to continue to work towards discussion and dialogue and finding a way to deal with the differences. We ask that everyone minimize the rhetoric and de-escalate the tensions and take steps to do so. It's not a healthy environment that we find for the current situation.

The U.S. is going to continue to do our part. We're going to continue to support the emir of Kuwait in his efforts towards finding a diplomatic solution, and we will continue to engage all parties as how we can better help them understand concerns and possibly find a solution.

Also though in closing, I want to thank the state of Qatar for their very generous $30 million contribution that they made toward hurricane relief in the United States. They were very quick to come with those contributions, and we appreciate it. I also want to

acknowledge the very strong economic relationship that exists between the United States and Qatar – obviously important U.S. business interests here in Qatar, but Qatar is making important investments in the United States as well, and we welcome those and look forward to expanding the economic relationship between our two countries, important to the longer-term relationship as well.

Thank you, Your Excellency.

SECRETARY TILLERSON: Well, first, let me make clear that the U.S. does not have any intention to impose a solution on anyone in the current dispute. We are staying in very close contact with all of the parties. President Trump himself speaks to the leaders of the countries that are involved, and he has stressed to all of those that he believes that it is time to find a solution to this dispute. The U.S. is prepared to facilitate in any way we can, whether it be facilitating the discussions themselves or offering possible roadmaps for solutions.

But fundamentally, the parties have to come to a point that they're ready to solve this. I think, again, we have expressed our view that we think it's time, that it's time that solutions be sought, and we're going to continue to make those points. We're going to continue to offer whatever assistance we can, whether it be hosting a dialogue or facilitating dialogue, and support the ongoing efforts of – as I said, of the emir of Kuwait. But it is not for the U.S. to impose an answer on anyone.

SECRETARY TILLERSON: Well, with respect to – excuse me, with respect to Iranian presence in Iraq, Prime Minister Abadi is in full control of his country, he's in full control of the movement of certain military operations.

Now, for our part, we have encouraged restraint and we have encouraged the minimization of any type of conflict between forces involving either the Kurdistan forces, the Peshmerga, or forces that might be part of the Iraqi Government coalition.

The – leading up to the referendum itself the U.S. was quite clear that we did not support the Kurdish independence referendum. We did not believe it was time given that the battle to defeat ISIS is still underway. And while there have been significant victories and significant progress in Iraq, that task is not yet complete. And clearly, what we were

concerned about is the referendum would lead to a distraction from the fight to defeat ISIS or Daesh, and that unfortunately is, I'm afraid, what we're now experiencing with these efforts to move forces back to prior positions.

So we hope that the parties will find themselves in a position of restraint. Our view is that there was a lot of movement of forces, whether they be Peshmerga forces or movement of Iraqi coalition forces, during the war to defeat ISIS, and this was all very well coordinated under the prime minister – Prime Minister Abadi's leadership, also working with coalition forces as well to defeat Daesh. I think there was always a general understanding though that once the war to defeat Daesh was completed and areas were liberated and they were secure, that everyone would return to their positions where they were located prior to the emergence of Daesh in 2014.

So a lot of this movement that you're watching and reporting on is really the Peshmerga forces repositioning to locations that they were prior to that fighting and Iraqi forces needing to relocate to locations prior to the fighting as well, and respect what have been the agreed-upon boundaries between the autonomous Kurdistan region and the rest of Iraq. So we have encouraged that the parties do that, that they re-establish themselves in accordance with those previously agreed boundaries. And then we have encouraged the parties strongly to engage in Baghdad to fully implement the Iraqi constitution. The Kurdish people have a number of unfulfilled expectations, rights that were promised them under the constitution that were never delivered upon, and so there are a number of actions that need to be taken by the parties to fulfill the Iraqi constitution itself.

Prime Minister Abadi has, I think, made it clear his commitment to follow through on those constitutional obligations, and we hope the Kurds will engage with Baghdad in a very productive way to see that the constitution is fully implemented. I think many of the Kurds' concerns will be addressed through that process. So we encourage the parties to not escalate the situation, not lead to conflict, and stay coordinated, and not forget that the war to defeat Daesh is not yet over and that remains the greatest threat to Iraq.
SECRETARY TILLERSON: With respect to talks getting underway, yes, I did in my meetings with the Crown Prince Mohammad bin Salman ask him to please engage, please engage in dialogue. There's not a strong indication that parties are ready to talk yet. And so we cannot force talks upon people who are not ready to talk, so there has been no invitation to the White House because it's not clear the parties are ready to engage. But

we are going to continue to work towards that dialogue and toward that engagement. But as I said in response to an earlier question, we cannot and will not impose a solution on anyone.

With respect to Iran gaining, I think the most immediate and obvious gain that Iran has is that it is Qatar's only airspace available for Qatar to operate, and so it puts Qatar in a position of having to engage with Iran in a positive way to meet Qatar's needs. But this really removes a lot of other alternatives for Qatar to seek what's best for its own people as well.

So that's just a simple example of what we are concerned about. But beyond that, anytime there is conflict and destabilization among countries that are typically allies, someone will always come in to exploit those differences.

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EXHIBIT 73

Foreign Minister: Qatar Sees Any GCC Meeting Golden Opportunity for Civilized Dialogue

Doha / Information Office / October 22

HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani stressed that the State of Qatar believe that the convening of any GCC meeting is a golden opportunity to at least start a dialogue in a civilized manner and in accordance with the established diplomatic channels in this regard, noting that the State of Qatar has received no official reports or messages regarding a postponement of the Gulf summit, hoping that the summit will take place as scheduled.

Speaking on Sunday during a joint press conference with HE U.S. Secretary of State Rex Tillerson, HE the foreign minister said that any postponement of such an important meeting for Gulf leaders will be due to the intransigence of the siege countries and their rejection of dialogue.

Sheikh Mohammed bin Abdulrahman Al-Thani noted that the GCC is important as a system of collective security, expressing his regret that it has become a victim of such a fabricated crisis against the State of Qatar and noting that this unjust crisis has directly affected the collective security of the GCC countries because of the irresponsible actions of the siege countries.

Officials of the siege countries always resort to non-diplomatic methods that have nothing to do with international relations in their modern perspective such as the use of tribalism and the politicization of religion

and other irresponsible behaviors, HE the foreign minister said.

He expressed the State of Qatar's commitment to the GCC as a system and stressed the importance of this system for the collective security of the region, wishing that the siege countries would share this perspective with the State of Qatar so that these countries would shoulder their responsibility in terms of engaging in a positive and serious dialogue to put an end to this crisis that has no clear reasons so far neither to the State of Qatar nor to any of its allies.

On the Iranian influence in the region, HE Sheikh Mohammed bin Abdulrahman Al-Thani said the position of the State of Qatar was clear before the Gulf crisis and remains so during and even after it. "Doha's stance is the same; rejection of any negative influence and interference in the region and the Arab world as a whole. The State of Qatar was and still is clear in expression of these sources of concern."

HE the foreign minister added that the State of Qatar believes that the current crisis undermines endeavors to resolve the regional issues and disrupts efforts to combat terrorism despite claims of siege countries' officials that they face it, while, on the contrary, they negatively affect these efforts by imposing unfair measures on a country that, until a recent time, was a strong ally for them.

He added that the State of Qatar has followed a clear policy regarding Iran and remains committed to solving all regional problems through dialogue, and this is not only the position of the State of Qatar, but rather the rest of the GCC countries.

"In our last meeting last year in Bahrain, the leaders pledged to engage in a serious dialogue with Iran on the basis of the principle of non-interference in the internal affairs of any party, and to stop any negative influence in the region," he said, adding that "we remain committed to these principles and to resort to dialogue."

Referring to the recent statements by the Bahraini foreign minister on the crisis, HE the foreign minister said that the crisis has shown "many marvels" and added that there are "allegations by so-called leaders of diplomacy, in which we unfortunately did not see any diplomacy or maturity," describing the statements as "comic."

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that those who make these allegations and talk about "social repression" have "the worst forms of social repression" in their countries. "Who talks about stirring up

strife is the one who stirs it," HE the foreign minister said, directing a message to them that those who make these allegations must stop disregarding their peoples and the minds of all GCC peoples, and rise with their rhetoric.

On the Kuwaiti mediation, HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed Qatar's position that the Kuwaiti mediation is the umbrella for resolving the crisis. He affirmed his support for the Kuwaiti mediation and all the countries that adopt it and stand behind it, for the status enjoyed by the State of Kuwait among the GCC States, noting the importance of relying on the GCC system for stability and collective security.

HE the foreign minister also praised the efforts of HH Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah and his mission that confirms the commitment of the State of Kuwait to dialogue in mediation despite the difficulties and intransigence that it faces from the siege countries.

HE Sheikh Mohammed bin Abdulrahman Al-Thani pointed out that there are attempts by the siege countries to claim normalization of the current situation. He stressed that any measures taken in this regard are against international relations, and that in no way bad humanitarian situation can be normalized such as separation of families or normalizing the issue of 26,000 people affected by the siege and those who were dispersed by these unjust measures. HE the minister stressed that the word "normalization" should not be used at a time when the siege countries continue inciting and disbursing the money of their people irresponsibly to open up fronts in the West against the State of Qatar to distribute lies and allegations.

He added: "Their claim of normalization is incorrect and baseless. If they consider the issue to be normalized, then they should carry out the process properly and transparently for all actions taken, and not continue the series of incitement and interference in the internal affairs of the State of Qatar."

At the beginning of the press conference, HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that he had discussed with his U.S. counterpart the importance of strong bilateral relations between the State of Qatar and the United States, which are strategic in various fields including defense, economy and education.

He also noted that the talks touched on regional issues including the Syrian, Libyan and Palestinian issues, and that all efforts aimed at bridging the gap between all the Palestinian forces to reach the ground for effective peace talks according to the Arab peace initiative were emphasized, adding that "there were also discussions on various topics, including the important role of the United States in the fight against terrorism and

maintaining security in partnership with all the countries of the region, which unfortunately began to suffer turmoil due to this crisis by the siege countries."

For his part, HE Tillerson reaffirmed the importance of the issues that were discussed today, including bilateral efforts to combat terrorism in the region, in addition to the Gulf crisis and a number of issues of mutual interest.

The U.S. secretary of State addressed the progress made in implementing the memorandum of understanding on counterterrorism, which was signed between the State of Qatar and the United States in July. "Significant progress has been made and a number of important efforts in our counterterrorism joint efforts, including the sharing of terrorist lists and terrorist financing. We have participated in a number of counterterrorism technical sessions and training. And significant steps have been taken to enhance aviation security," he said, expressing delight with the progress in strengthening bilateral relations between the two countries in counterterrorism.

HE Tillerson said the United States will continue to work closely with the State of Qatar to crack down on terrorists, noting that U.S. President Donald Trump places the issue of counterterrorism among his priorities.

The U.S. secretary of state expressed concern over the Gulf crisis, which is nearing the five months' mark. "The United States remains concerned today as it was at the outset" of the crisis, he said, adding that "the united States has felt the effects" of the situation and thinks "it is very important for GCC to continue to pursue unity" because "none of us can afford to let this dispute linger."

He called on all the parties involved to "continue to work towards discussion and dialogue and finding a way to deal with the differences," expressing hope that all parties would "minimize the rhetoric and de-escalate the tensions" in order to reach a solution for the crisis.

HE Tillerson said the United States will continue to do its part in supporting the mediation efforts led by HH Emir of Kuwait to find a diplomatic solution and will "continue to engage all parties" in order to "better help them understand their concerns and possibly find a solution."

In addition, he thanked the State of Qatar for donating $30 million to alleviate the suffering and impacts of the hurricanes in his country, hailing the ties linking the United States with Qatar. He said that there are mutual interests and businesses between the two countries and the size of Qatari investments in the United States is huge and "we look forward to expanding the economic relationship between our two countries" on the long

term.

The U.S. secretary of state said his country "does not have any intention to impose a solution on anyone" in the crisis. "We are staying in very close contact with all of the parties," he said, adding that President Trump spoke to the leaders of the countries involved and stressed that "he believes it is time to find a solution to this dispute."

HE Tillerson said the United States is prepared to facilitate dialogue either by facilitating the discussions or offering roadmaps, adding that "the parties have to come to that point that they are ready to solve this."

" We have expressed our view that we think it is time that a solution be sought and we are going to continue to make these points. We are going to continue to offer whatever assistance we can whether it be hosting dialogue or facilitating dialogue, and support the ongoing efforts" of the Kuwaiti mediation, HE Tillerson said. "But it is not for the U.S. to impose" a solution on anyone, he added.

He noted that there is not a strong indication from the siege countries that they are ready to talk yet, adding that his country can't force talks on parties that are not ready to talk, so "there has been no invitation" to the White House for negotiations because "it is not clear that the parties are ready to engage."

On whether the current crisis is in Iran's favor, Tillerson said that "anytime there is a conflict and destabilization among countries that are typically allies, someone will always come to exploit those differences."

As for the situation in Iraq, the U.S. secretary of state said his country has "encouraged restraint and the minimization of any kind of conflict" between forces involving either the Kurdistan Peshmerga or the Iraqi government coalition, adding that the U.S. encourages the parties to engage in dialogue to "fully implement the Iraqi constitution" and urges them to "not forget that the war to defeat ISIS is not yet over and that remains the greatest threat to Iraq."

EXHIBIT 74

Foreign Minister : Qatar Calls for Dialogue As Way to Resolve Crises

Marrakech / Information Office / November 04

HE the Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani affirmed that the State of Qatar has called for dialogue as a solution to crises and that the Gulf crisis was emeged without any basis. HE the Minister expressed his hope that wisdom will prevail one day and that the countries will come to the dialogue table again.

"The Gulf States have been the center of stability. It has been a model and an example of collective cooperation to achieve a common goal, to create a more peaceful future, prosperity and better economic integration to serve the future of GCC people. GCC countries was like this a few months ago, until a crisis began out of nothing, without any basis. Suddenly the GCC, especially State of Qatar became front page news. The crisis is happening in a region which is considered a source of energy from oil and liquefied gas in the world. " HE the Foreign Minister said as he was speaking at the World Policy Conference in Marrakesh, Morocco on Friday.

HE the Minister noted that the international system has failed to protect civilians in different areas of conflict, such as Syria, Yemen, Libya and now in Qatar.

"Our people do not face the same difficulties as the Syrians, Yemenis, Libyans or the Iraqis, but they are facing great difficulties, when their families are torn apart by political conflict and when we have more than 2,600 cases of human rights violations, HE added. " And why the international system couldnt stop these crisis from happening and why there is no real mechanism for protecting the people of Qatar, the Syrian people and protecting humanity from these escalations?" HE enquired .

HE expressed his belief that "this is a very important global challenge, and I hope that this gathering will be able to reach some recommendations in order for the international community to meet the law of force with the force of law, "I do not want to spend too much time explaining our situation, but I think it is quite similar to other cases, but not at the same level. There are a lot of challenges, but because the region is living in a state of tension, we do not believe that this region can withstand further crises.

HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that "If we are talking about a region that cannot afford additional crises, we are talking about an unnecessary crisis, a crisis that went on without any basis, and we hope that one day wisdom will prevail, and that countries that try to avoid participation will come," and avoid addressing any of the security fears , which raise our security concerns.

"We have to learn from history rather than learn to test everything." The world has witnessed similar conflicts and crises, which took years and years without any of them being resolved on the battlefield, or by confrontation, but at the negotiating table, and we hope that all crises in the Middle East will be resolved around the same table. ", HE the Minister underlined

HE the Foreign Minister said for ages, the Middle East was a source of civilizations, it was the origin of languages and the cradle of various faiths," he said, adding that it was the international trade hub , where it was connecting the east to the west and the west to east where people can connect and can engage. The key word for this was coexistence and engagement of people from different backgrounds and from different ethnicities, HE the Minister noted.

He said : Now the situation is changed and reverted unfortunately. We don't want this to revert to the dark ages, where we were the source of enlightening , we don't want to be a source of turbulence to the world, HE the Minister added.

HE the Minister said : I believe most of the international challenges are now happening in the Middle East region where we have different ongoing conflicts from the Palestinian- Israeli conflict , Yemen we have humanitarian catastrophe , there, Libya , a turbulent situation where it is spilling over everywhere , in Europe, Africa and the sub-Sahara area , the issue which is still ongoing in Iraq and unfortunately the horrifying situation in the recent history is what is happening now in Syria, where it's a continuous seven years of conflict, he said.

HE the Foreign Minister added that this conflict started with a decent demand from the normal people asking for justice , asking for their rights , asking for some reforms and unfortunately they confronted with military

action and bombardment , and the situation has changed from people situation and a crisis of people to a crisis of terrorism and extremism.

HE the Minister said : If we try to look into all those conflicts , we will find that there are different narratives and normally they are are using the religion as an escape goat for those narratives , but , if we are going to look at all of them , we will find one common theme here is that those who want and seek power , always create crises.

HE the Minister said : when we are looking at one example of Syria, we see that the government wants to preserve power , that is why they creating the crisis , where more than 500,000 people have been killed and more than 12 million have been displaced. HE the Minister added by saying that all this is just for the sake of power, the extremists are nurturing there just to achieve a religion state , their vision is a political one , it is all about game of power , game of influence.

On Qatar-US relations, HE the Foreign Minister said that , Qatar and the US have always enjoyed good and strong relationship in military , investment , economy and education fields.

He we are hosting 11,000 US troops and the Central Command . We are under a blockade . There's a direct impact even on our joint training , which has been suspended by the US until the crisis is over, HE the Foreign Minister added.

"There is a series of events that have had a major impact on the security relationship, not only on US-Qatari relations but on the US-GCC relationship, and the US policy toward the Middle East and the fight against terrorism," he said.

Regarding the US position of neutrality, HE said: "from the beginning the US has been very clear in its position, as they want to resolve this crisis, we are the country that is subjected to this aggression from these four countries. We expect more allies and more friends to declare their rejection of the violation of international law, and the US has been at the forefront of these countries, they try to call for dialogue, but in any conflict or crisis, there are always two sides, if it is one part is unwilling to dialogue, the crisis cannot be ended, even if one of the parties is forced to the dialogue table, they will not come up with a good intention to solve the problem.

Qatar maintained its position to resolve this crisis, it will be on the table waiting for it with our friends and allies, whether from the United States or other friendly countries, "he said.

On the Turkish troops in Qatar, the military alliance with Turkey and the future of the relationship between the two countries, HE the Foreign Minister said: "Qatar and Turkey have strong and strategic relations in areas of defence, economy, investment and bilateral trade. The largest presence of foreign troops in Qatar is the US one, and we also have different defenCe cooperation agreements with other countries such as France and the UK, and Turkey is one of them. "He added that their presence in Doha already helps ensure the security, but in the context of a wider range of cooperation between our countries, we also have representation for our troops at Incirlik base in Turkey. Turkey will remain an important regional player and a strong partner and ally of Qatar, but this does not contradict any other alliances or partnerships we have." HE the Minister added.

" If we Abandon our sovereignty and the sever ties with Turkish military relations, then it will be the starting point, and the day may come when we are called to expel American forces outside Qatar and cut off our defense relations with France or the UK. This is unacceptable to any sovereign state, if this is reflected in their list of demands because of some security concerns, first they need to understand that the demands cannot be imposed on a sovereign State, and if there is a conflict or disagreement, there should be dialogue and understanding. So if they have any security concerns, we are ready to sit down and engage in a dialogue to address these issues, because their security concerns will be a source of concern for us as well, because we live in the same region and we are exposed to the same threats," he said."

On Qatar relations with Iran , HE the Foreign Minister said : Our relationship with Iran has always been consistent , but now we have different circumstances . Qatar has been blocked from three sides and i just have one way to send my shipments . "Differences on policies which are based on principles will remain", HE the Foreign Minister underlined..

" Our relationship with Iran will remain the same and differences will be there . But we can't afford any escalation with any country including Iran.

Iran is a neighboring country with whom we share borders and a gas field. We have to engage and not allow and escalation , otherwise we will create another crisis.

HE the Foreign Minister enquired : how should we overcome those differences ? Is it by confrontation ? It will never work, he said adding that this what we have been calling for since 2015. The irony here he said is that 2015 when the Joint Comprehensive Plan of Action (JCPOA) had been signed , President Obama called all the GCC members to come to Camp David to discuss and address their security concerns with Iran, and he was encouraging the Gulf States to engage in dialogue with Iran , and when President Rouhani expressed his willingness for dialogue to the Emir of Kuwait , all the Gulf leaders agreed to engage in the dialogue which is

based on principles. This agreement remained until the end of 2016.. Now when the same countries were invited by the US President to engage in a dialogue on Qatar, no one expressed desire to enter into such a dialogue.

On Hamas , HE the Foreign Minister said , Qatar has always supported the people of Gaza Strip . And our support has always been transparent , Hamas is part which has a position there. We always supported reconstruction of the Gaza Strip, HE the Minister added.

Qatar was the first country to welcome Hamas- Palestinian Authority reconciliation because we believe in unity as a precondition for any peace deal . We have engaged with Hamas political representative office for different engagements for ending two wars and to support national reconciliation .

On Egypt's role in Hamas - Palestinian Authority reconciliation , HE the Minister said whoever is brokering the deal is welcome.

All along the narrative was being used is that Qatar is close to Hamas and that is one of the reasons for the blockade, now suddenly Hamas is being praised in Egypt.

HE the Foreign said : We believe that our support to the reconstruction of Gaza have contributed to peace and stability in the region and we will be the first to celebrate national unity among the Palestinians, "he said,

The Foreign Minister thanked the Government of Morocco for organizing this meeting and hosting the event which was hosted by Doha last year, pointing out that the World Policy Conference has become one of the most important events in the world of politics and international affairs.

EXHIBIT 75

HH the Emir Patronizes Opening of Advisory Council's 46th Ordinary Session

Doha – Information Office – 14 November

HH the Emir Sheikh Tamim bin Hamad Al-Thani patronized the opening of the 46th ordinary session of the Advisory Council on Tuesday morning at the Council's premises.

HH the Father Emir Sheikh Hamad bin Khalifa Al-Thani attended the opening.

The opening was also attended by HH the Deputy Emir Sheikh Abdullah bin Hamad Al-Thani, HH the Special Representative of HH the Emir Sheikh Jassim bin Hamad Al-Thani, HH Sheikh Abdullah bin Khalifa Al-Thani, HH Sheikh Mohammed bin Khalifa Al-Thani and HE Sheikh Jassim bin Khalifa Al-Thani.

It was also attended by HE the Prime Minister and Interior Minister Sheikh Abdullah bin Nasser bin Khalifa Al-Thani and a number of Their Excellencies Sheikhs, Ministers, Heads of the diplomatic missions accredited to the State and the state's dignitaries.

HH the Emir Sheikh Tamim bin Hamad Al-Thani delivered the following speech on the opening of the Advisory Council's 46th Ordinary Session.

In the Name of Allah the Most Merciful, the Most Compassionate

Sisters and Brothers, Members of the Advisory Council,

I express to you my best greetings at the opening of the 46th session of the Advisory Council, and at the outset I want to extend sincere thanks to the brothers, the former members of the Council for their appreciated efforts during their term of office. I welcome also the brothers and sisters the new members, wishing them every success in serving their country.

Honorable Brothers and Sisters,

Our annual meeting to which we look forward to comes to assess activities in the preceding year, and to glimpse the future prospects of our development march that, thanks to God, is striding confidently towards achieving our national goals.

As you know, Qatar has come under an unjust blockade, during which all established values and norms - not only those prevalent among fraternal and friendly countries, but even among enemies - were breached. It was evident from the nature of the steps that were taken, as well as the accompanying behavior and rhetoric, that their goal was not to reach a solution or settlement.

I will not elaborate on the repercussions of those steps, as they have already been discussed at every social gathering and household, especially since the blockading countries have left nothing without endangering it, i.e., the norms, values, consanguineous relations, private properties and interests. Accordingly, they provoked the condemnation and repulsion of the Gulf, Arab and global public opinion.

They have built their campaign on fabrications since the hacking of Qatar News Agency's website. Their propaganda campaign drives them to get embroiled in more lies which hurt them alone.

As you know, Qatar has pursued a policy of self-restraint, moderate response, and has risen above all wrangles and misbehavior in respect for our values and norms and out of our keenness to maintain the fraternal relations among the Gulf peoples. Qatar's political approach and diplomacy have gained the respect of the whole world.

It seems that the countries which imposed the blockade on Qatar have been embroiled in it. They have become captives of their own media rhetoric, as attempts made to give them a way out through mediations and dialogue as well as our declared readiness for settlements, etc., did not succeed. It also seems that, this has become their approach, as they became hasty in taking steps in other countries as well, without having any exit strategy from the situation they tend to implicate themselves in.

The fabrications regarding supporting and financing terrorism leveled against the State of Qatar have failed to convince the international community, especially the major powers and active countries in this field. Paradoxically, our originally good relations with these countries are now better than they were before the crisis. The State of Qatar has a well-known and documented counterterrorism record. Qatar has acceded to the international and regional treaties in this respect, foremost of which is the United Nations Convention against the Financing of Terrorism of 1999, and has contributed to every international and regional effort in this regard. Recently, it has signed a detailed Memorandum of Understanding with the US administration on combating terrorism and its financing.

Many foreign officials have asked the blockading countries to submit evidence for their claims; and you all know that they did not submit anything because they haven't anything to submit. They know, and everyone who visits them from the politicians knows, that their campaign against Qatar has nothing to do with terrorism.

Brothers and Sisters,

Here in Qatar, we are used to frankness between the leadership and the people, as is the case in a family. I am addressing you very clearly that we mean what we say when we express our readiness for settlements within the framework of dialogue based on mutual respect for sovereignty and joint commitments. On the other hand, we are aware that the indicators we receive reveal that the siege countries are unwilling to reach a solution.

These countries began in their conduct a new phase in the relations between the Gulf states. We have benefited from this experience, as it brought out the best talents and spirit of challenge inherent in this people, and contributed to crystallizing its national identity, and enhanced cohesion between the people and the leadership.

Our government knows that what we have said about the productive society, self-sufficiency in food and medicine and the national security, and establishing balanced bilateral relations based on the mutual interests between Qatar and other countries, are tasks for implementation that cannot be delayed.

The blockading countries want to distract us in battlefronts they open against Qatar everywhere, so that our internal and external policies are disrupted. But this will not happen, as we continue to pursue our positive and effective foreign policy and meet our humanitarian and international obligations, which contribute also to defending our people and our country. Domestically, we have to continue to work and produce more vigorously under the new circumstances. I do not need to remind you of the number of countries that are thriving with sea and air routes, without having land crossings.

The Qatari society knows how to lead a normal life, flourish and develop, whether the blockade is prolonged or not.

We do not fear the boycott of these countries against us, we are a thousand times better off without them. But vigilance is required. Their claims that they will only adopt boycott are not true, as they continue to interfere in the internal affairs of our country and take collective punitive measures against the Qatari people, and practice incitement everywhere against the State of Qatar, thus wasting the energies and resources of their peoples although these efforts hurt them. This dispute is a nowin situation. Its continuation will dent the reputation and interests of all the GCC countries.

On this occasion, I extend my sincere thanks to my brother HH Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Emir of the brotherly State of Kuwait, for all his commended efforts in mediating between our Gulf States and my special appreciation for his strong will, wisdom and keenness on the future of the GCC, which he expressed in his latest cautionary appeal on 24 October to heal the rift and halt the deterioration; a call which was promptly and positively responded to by the State of Qatar. I also extend thanks to all the countries who supported us in our stance during this crisis.

Brothers and Sisters,

We have, of course, taken the necessary measures to counter the new challenges in areas of air and maritime transport and to find alternative sources of goods and services that had adversely been affected. These matters have, thank God, been restored to almost normal levels, and on stronger bases than before.

As you know, before the present crisis we were preoccupied with curbing the impacts of falling oil prices on our development plans, as oil and gas prices fell by 49% in 2015, and a further fall of 18% in 2016.

As expected, this cumulative decline, has led to low growth rates in all GCC countries, including Qatar, where GDP growth in fixed prices fell from 3.6% in 2015 to 2.2% in 2016.

Despite this decline, per capita income in Qatar, according to purchasing power is still among the highest in the world, according to international institutions' reports such as the World Bank, and the International Monetary Fund. However, this shouldn't lead us to self-conceit, as this achievement was not easily achieved, and maintaining it requires redoubling the effort. It is not to be taken for granted.

It is reassuring that although the hydrocarbon share in GDP has fallen by about 1%, Qatar's growth rate has improved, as the share in GDP from other sources has risen by about 5.6%.

Our achievement of this rate does not mean that we are satisfied with it, as it is less than our ambitions, and we will strive to achieve higher growth rates in the future. Our commitment to implement prepared plans in the fields of industry, agriculture, trade, tourism and services, will contribute to that end.

Brothers and Sisters, Members of the Advisory Council,

The measures taken by the blockading countries were aimed at creating a political shock, affecting Qatar's stability and forcing us to accept tutelage and cede our independence. Then they have moved on to a second plan that is still being applied. It could be summed up as an attempt to harm our economy. But they have erred in their evaluation of the will of the Qatari people and the State, as well as in their estimates of our economy.

The negative impacts of the blockade were temporary and our economy has managed to contain most of them very quickly, while adapting and developing itself in the course of the crisis management.

These campaigns have not affected our major exports of oil and gas. On the contrary, our respect for our gas export contracts - even to countries that have played a leading role in the campaign against our country - has boosted the confidence of the international community in our credibility to honor our commitments, in addition to our keenness not to harm a brotherly people.

Efforts exerted in previous years to achieve Qatar's national vision have steadily proceeded. In continuation of efforts to support small and medium industries, an industrial zone has been developed with state-of the-art basic services and facilities, in addition to the construction of industrial facilities which are ready for the private sector.

Work is underway to implement economic development projects that would help in fortifying our economy, these include establishing areas for storage, developing logistics areas and introducing a number of food security projects.

The State has given special attention to water security and has constructed new desalination plants and mega storage reservoirs for potable water, the largest of its kind in the world. Its first stage will be commissioned in the first half of next year.

As a result of Qatar's strong economy and its ability to withstand the crises rapidly and efficiently, the monetary authorities, in collaboration with the fiscal authorities, the banking and financial systems, were able to counter and foil attempts to harm the Qatari Riyal, thus maintaining the financial and exchange rate stability and free remittances.

As you know, Hamad Port, one of the largest and most modern ports in the Middle East, was opened and commissioned recently. Several agreements have been signed with important shipping lines to connect the port to international ports in Turkey, China, Taiwan, Oman, Pakistan, Singapore, Kuwait and Australia.

These achievements were realized despite that the blockading countries have made relentless efforts to disrupt and obstruct them by various means, which started with the blockade itself, and included pressure on other countries in addition to even spreading rumors and fabrications, and acting against hosting of the World Cup in 2022 by Qatar.

Brothers and Sisters,

Based on our awareness of the new situation that must be addressed, our strategy to fortifying the national economy must be based on the following:

First, completion of the necessary legislations and decrees to facilitate investment, reduce bureaucracy, and reform the banking system to be compatible with the major tasks that we face in the new stage of building the economy and the state.

Second, completion of food and water security projects over a specified time frame, and development of new industries and services necessary to respond to any contingencies, and implementing constructions and facilities that are essential for oil and gas industry.

Third, expanding existing economic and trade relations and developing new bilateral relations.

Forth, completion of the current infrastructure projects under construction now, as well as the 2022 World Cup projects in line with the National Development Plan and Qatar Vision.

Fifth, development of sea ports and the expansion in concluding agreements with international shipping companies to connect the ports of Qatar directly with international ports, and enhancing Qatar Airways' cargo and passenger capacity.

Sixth, accelerating the implementation of tourism strategy over a specified time frame.

Seventh, encouraging the private sector to engage in these areas and facilitating them for it. Yet, the private sector has

to acknowledge its responsibilities towards its country.

Brothers and Sisters,

The government is currently preparing for the Advisory Council elections, including drafting legislative measures necessary to ensure that these elections are conducted perfectly well, so as to avoid the need for further amendment in each stage. There are legal shortcomings and legal issues that must be addressed beforehand, in order to have a fair Advisory Councils elections. These measures will be submitted to your esteemed Council during the next year.

Due to of the importance of achieving justice and keenness on developing the judicial system and enhancing its abilities to cope with the rapid developments our society has seen in all fields, I have directed that it is necessary to upgrade our justice system to ensure the consolidation of the independence of the judiciary, avoiding prolonged litigation (as it is said: slow justice is tantamount to injustice), and taking the necessary measures to provide all human, administrative and organizational capabilities and necessary equipment for the courts of law, the prosecution and the assisting agencies, in addition to opening new branches for them in various locations in the State. The Government will present to your esteemed Council soon the draft laws prepared for this purpose.

Brothers and Sisters, Members of the Advisory Council,

With regard to our foreign policy, we continue to draw our policies guided by our values and based on a balance between our firm principles and the interests of our people, and the peoples of the region, and our political reality.

We follow with deep concern the deterioration of the political situation at the regional level, and call for de-escalation to spare the peoples of the region the perils of tension and emergence of axes. It is not plausible that the countries and societies be regarded as mere spheres of influence or spaces to settle old scores between regional countries. There is a geopolitical reality that forces us to resolve our differences through dialogue. Qatar has been calling for that in line with its approach of resolving disputes by peaceful means. In the case of the Gulf and the region this is not only an option, but an urgent necessity. Relevant mechanisms must be found to address this.

We congratulate our Palestinian brethren on the unity which has been realised. We hope that ending the Palestinian rift will lead to lifting the siege on Gaza and unifying efforts to find a just and durable solution for the Palestinian issue based on the resolutions of international legitimacy and the two-state solution, and the establishment of a Palestinian State on the borders of 5 June 1967, with East Jerusalem as its capital.

Qatar, as you know, has exerted extensive and long-term efforts to achieve unity as part of its multifaceted support for the brotherly Palestinian people. Qatars diligent efforts were characterized by no considerations other than the national interest of the Palestinians.

With regard to the brotherly Iraq, as terrorism receded from most of the areas it had controlled as a result of recent victories by the Iraqi Government, we hope that this plague will be eliminated from the rest of the regions in the near future. We also support the territorial integrity of Iraq, and call on the central government and the Kurdistan region to solve the lingering problems between them by constructive dialogue based on the Iraqi constitution, to preserve the fraternal relations between all components of the Iraqi people and Iraq's territorial safety.

On the Syrian issue, we hope that the international efforts will be active in finding a just solution to this tragedy that fulfills the aspirations of the Syrian people after a lengthy inaction, and alleviates the suffering of the brotherly Syrian people, and ends the breach of their inviolabilities and dignity. We reaffirm the unity of the Syrian territory and people and reject any action leading to its partition.

Regarding Libya, the State of Qatar supports the Government of National Accord in its efforts to bring about reconciliation between the conflicting Libyan factions and to counter terrorism. We will continue to support the international mediation efforts in this brotherly country.

Concerning Yemen, Qatar supports the efforts of the United Nations envoy to end the crisis in accordance with UN Security Council Resolution 2216. We call upon all parties to a genuine national reconciliation to end this conflict, preserve the stability, safety and territorial integrity of Yemen, and put an end to the suffering of the Yemeni people, who are the major party to bear the whole brunt of the continuation of the war.

On this occasion, I also reiterate the call to the Government of Myanmar to put an end to the suffering of the Rohingya, and to resolve the crisis in a constructive dialogue that preserves the rights of all parties. Qatar will spare no effort in collaboration with friendly states and the international community in this regard.

In conclusion, I reiterate my appreciation to our pedigreed Qatari people and residents of the State for standing up with dignity and pride against the blockade.

God bless you with success, and may God's peace, mercy and blessings be upon you.

Tuesday, Nov 14, 2017

EXHIBIT 76

OHCHR TECHNICAL MISSION TO THE STATE OF QATAR
17- 24 November 2017

Report
On the impact of the Gulf Crisis on human rights
December 2017

Contents

I. Introduction

1. Since the Governments of the Kingdom of Saudi Arabia (KSA), the United Arab Emirates (UAE), the Kingdom of Bahrain and Arab Republic of Egypt (*hereafter the Quartet*) took the decision, on 5 June 2017, to cut diplomatic ties with the State of Qatar, OHCHR has been closely monitoring the consequences of that decision on the enjoyment of human rights. On 14 June, the High Commissioner issued a press statement urging "*all the States involved to solve this dispute as quickly as possible through dialogue, to refrain from any actions that could affect the well-being, health, employment and integrity of their inhabitants, and to respect their obligations under international human rights law*". He further held meetings with the Quartet's Permanent Representatives in Geneva, urging them to take immediate corrective measures, including by establishing hotlines to look into individual cases.

2. Various international human rights organizations and mechanisms have expressed concern about the detrimental impact of the decision on individuals' civil, political, social, economic and cultural rights. The National Human Rights Committee (NHRC) of Qatar has been very active in monitoring and documenting allegations of human rights violations reported to them by Qatari citizens and residents since 5 June, particularly those living in neighbouring countries.

3. On 14 September 2017, the Chairperson of the NHRC invited the High Commissioner to dispatch a technical mission to Qatar, as soon as possible, to assess the impact of the crisis on human rights. Subsequently, the Middle East and North Africa (MENA) Section informed the Permanent Missions of KSA, UAE and Bahrain about the invitation, expressing the readiness to conduct similar missions. The MENA Section further informed the United Nations Department of Political Affairs, the United Nations Task Force on the Gulf crisis and other relevant actors about OHCHR's engagement with the States concerned.

4. Consequently, an OHCHR team (*hereafter the Team*) visited Qatar from 17 March to 24 November 2017, with the following objectives:

i. To engage with Government institutions, the NHRC, civil society representatives and other actors, with a view to gathering information about the impact of the ongoing crisis on human rights;
ii. To explore opportunities to provide technical assistance to national actors, including the NHRC, and;
iii. To report to the High Commissioner and recommend concrete actions.

5. The mission was facilitated by the NHRC, whose support was highly appreciated. The

team also met with representatives of the Ministries of Foreign Affairs; Defence; Interior; Economy and Trade; Administrative Development, Labour and Social Affairs; Education; Health; Religious Affairs; the Customs Authority; the Chamber of Commerce; the Qatar University; the Qatar Foundation; the Director of the Salwa crossing point with Saudi Arabia; the Qatar News Agency, editors in chiefs of all main local newspapers, staff of *Al Jazeera* and the High Audio-visual Authority; the compensation claims commission (established to provide legal advice to individuals filing claims related to the crisis); migrant communities, and Qatar Airways. The team also met with the regional representatives of UNESCO and UNODC.

6. Moreover, based on cases filed with the NHRC, the team interviewed about 40 individuals to get a better understanding of their situation. It also reviewed a large number of other cases, documents and data provided by various entities.

II. Background

7. Although rooted in long-standing tensions among KSA, UAE and Qatar in particular, the emergence of the current crisis has been attributed to comments aired initially in Qatari media on 24 May 2017, reportedly made by the Emir of Qatar, denouncing the hostile remarks made by the President of the United States of America towards Iran during his visit to KSA. The Government of Qatar has declared that these statements were planted by hackers. The Governments of KSA, UAE, Bahrain and Egypt have dismissed this explanation.

8. On 5 June 2017, the Governments of KSA, UAE, Bahrain and Egypt announced they were cutting diplomatic ties with the State of Qatar, ordering their citizens to leave Qatar, declaring a ban on all travel to and from Qatar, and instructing Qatari residents and visitors to leave their territories within 14 days. The four States gave Qatari diplomats 48 hours to evacuate. While the Governments of KSA, UAE and Bahrain withdrew their diplomatic personnel from Qatar, Egypt maintained a limited number of staff under the protection of the Embassy of Greece in Doha. Qatar was subsequently expelled from the Saudi-led coalition on Yemen. Kuwait and Oman have remained neutral, with Kuwait engaging in mediation efforts to solve the crisis.

9. As of 5 June, the Governments of KSA, UAE and Bahrain closed all air, sea and land transportation links with Qatar. These measures have had a significant impact on Qatar's economy and residents, particularly during the first weeks of the crisis due to the considerable dependence of the country on KSA and the UAE.

10. While the Emir of Kuwait endeavoured to engage with all the States concerned so as to ease tensions and avoid any escalation, dialogue appears to have stalled. Many people met by

the team expressed disappointment with the passivity of regional organizations, notably the Organization of Islamic Cooperation and the League of Arab States. The crisis has generated particular distrust in the Gulf Cooperation Council (GCC) which had thus far been the medium of numerous cooperation agreements among its members.

11. On 9 June, the Quartet designated 59 individuals and 12 institutions alleged to have financed terrorist organizations and to have received support from Qatar. On 23 June, and according to online reports, the Quartet further issued a 10-day ultimatum on Qatar to abide by a list of 13 demands, including closing down Al Jazeera among other things, cutting diplomatic and commercial ties with Iran, shutting down the Turkish military base in Qatar and, ending any form of support and assistance to the Muslim Brotherhood. On 5 July, the Quartet replaced this initial list of demands with six broader "principles" that still include the shutting down of the permanent Turkish military base in Qatar, and the closure of Al Jazeera and other Qatar-backed news outlets which the Quartet accuses of spreading extremist views and providing platforms for dissidents.

III. Main human rights issues arising from the crisis

12. The 5 June decision and related measures undertaken by the Quartet had immediate negative, intertwined effects on a number of human rights, as described in the present chapter.

13. There are four categories of victims of the crisis:

- Qatari individuals who were residing in KSA, UAE, Bahrain (and studying in Egypt), and were compelled to rapidly exit these countries, leaving behind their family, businesses, employment, property, or being forced to interrupt their studies.
- KSA, UAE and Bahrain nationals who resided in Qatar (including many married to Qataris) and felt compelled to move to their country of origin, and have consequently been separated from their family, source(s) of income and/or property.
- Migrant workers and their families, who constitute the majority of the population of Qatar, some of whom have lost their employment and have been facing increased economic pressure.
- The population of Qatar, KSA, UAE and Bahrain at large due to the suspension of freedom of movement between their countries and the repercussions on various civil, economic, social and cultural rights.

1. Instrumentalization of the media and restrictions of freedom of expression

14. The instrumentalization of the media, particularly in KSA and UAE, has been a prominent feature of the crisis. The Mission was informed by all interlocutors that the

Quartet's unilateral measures have been accompanied by a widespread defamation and hatred campaign against Qatar and Qataris in various media linked to the four countries as well as on social media, and by the introduction of criminal sanctions in KSA, UAE and Bahrain against people expressing sympathy for Qatar and Qataris.

15. Most media professionals the Mission met described the instrumentalization of foreign media networks by the authorities of KSA and UAE, particularly to convey anti-Qatar and anti-Qatari editorial lines. Most interlocutors were of the view that this media and social media campaign was premeditated and organized to "*generate a general feeling of hostility and hatred towards Qatar*".

16. The Mission was informed that at least 1,120 press articles and some 600 anti-Qatar caricatures were published in KSA, UAE and Bahrain between June and October 2017, which has been documented by media professionals and the NHRC. Such material included accusations of Qatar's support to terrorism, calls for a regime change or a *coup d'état*, attacks against leading figures and symbols of Qatar, as well as appeals for attacks on, and murder of Qataris. For instance, a Saudi tweeter with five million followers has been issuing "*religious opinions*" calling for the killing of the Emir of Qatar. Another Saudi tweeter warned he could send one million Yemeni suicide bombers to Qatar.

17. Entertainment programmes have also been used to air anti-Qatar messages. For example, Rotana media company produced songs by popular artists stigmatizing Qatar ("Qulo la Qatar"- "Tell Qatar", and "Sanoalem Qatar"- "We will teach Qatar") and well-known television series on MBC and Rotana channels ("Selfie" and "Garabeb Sood") conveyed negative messages on Qatar, which have been regularly and widely broadcast.

18. The team met the editor-in-chief of the Qatari daily newspaper Al Arab, Mr. Jaber Al Mirri, who has been listed No. 18 on the list of 59 individuals accused by Quartet's as a terrorists. He reported having received 10 death threats since then and described the psychological impact on his family.

19. The Governments of KSA, UAE and Bahrain announced, via their respective news agencies, that any individuals within their jurisdiction expressing empathy vis-à-vis Qatar would be subjected to criminal sanctions in the form of hefty fines and/or detention. A group of editors-in-chief of Qatari newspapers met by the team stated that an Adviser to the Royal Court in KSA, reportedly, was orchestrating the media campaign against Qatar, referring to the mobilization of a "social media army". They also alleged that person had been urging people, via tweeter, to denounce individuals supporting Qatar or Qataris through a hotline number, which had reportedly generated 800 calls.

20. The effect of this media campaign may amount to a form of incitement. It has also undoubtedly created anxiety among many people in KSA, UAE and Bahrain who have had

close family, amical or commercial ties with Qataris. Most journalists met by the team referred to the fear this situation has instilled among their colleagues and friends in KSA, UAE and Bahrain. Several interlocutors further noted they would be contacted by relatives and friends in KSA through non-KSA phone numbers for fear of being tracked.

21. The Governments of KSA, UAE and Bahrain have suspended the circulation and broadcasting of all Qatari and Qatar-based media and, as satellite diffusion cannot be controlled, they prohibited commercial entities (such as hotels) to offer access to such media (namely Al Jazeera, BEIN Sports and associated channels). The case of Al Jazeera is emblematic as the closure of this broadcaster and affiliate stations remains one of the requirements set by the Quartet to restore diplomatic ties with Qatar.

22. All interlocutors met by the team stated that the Government of Qatar had clearly instructed all Qataris, Qatari based institutions, companies and media not to criticize the citizens of KSA, UAE and Bahrain. The Qatari and Qatar-based media met by the team, including Al Jazeera, all declared they had encouraged their staff members from the Quartet countries to remain in Doha. The editor-in-chief of Al Raya Al Qataria, a daily newspaper, noted that 50 to 60 per cent of his journalists were Egyptians and that while all had left Qatar after the call of their Government on its citizens to come home, 40 per cent of them had returned to Qatar after obtaining formal approval from the Egyptian authorities. Al Jazeera reported that only three of their 26 journalists from KSA had left while its 349 Egyptian and three Bahraini employees had continued to work for the broadcaster.

2. Suspension and restrictions of freedom of movement and communications

23. One of the most immediate and visible impact of the decision of 5 June has been the border closures (air, sea and land), with considerable effects on freedom of movement to and from Qatar. On 17 November, the team was informed that the Government of KSA had closed down its border with Qatar. Some interruption of telecommunications (namely phone connections) was also reported to the team. Besides the economic implications for Qatar, the suspension and restrictions of freedom of movement and communications have affected the exercise of various rights, as described in subsequent sections of this chapter.

24. On 5 June, the authorities of KSA and UAE notified their ports and shipping authorities they would not receive Qatari vessels or ship owned by Qatari companies or individuals. The KSA General Authority of Civil Aviation prohibited the landing of any Qatari planes in KSA airports, while Abu Dhabi-based Etihad, Dubai-based fly-Dubai and long-haul carrier Emirates announced the suspension of flights to Qatar. Qatar Airways was forced to suspend all flights to KSA, UAE, Bahrain and Egypt until further notice, and to reroute most of its West-bound flights.

25. Shortly thereafter, the Government of Qatar issued a statement assuring that Qatar's

seaports would remain open for trade, and airspace for trade, transport and travel, except with the countries that had closed their borders and airspace with Qatar. The statement indicated that the Government of Qatar would not take any measures of reprisal against citizens of KSA, UAE, Bahrain and Egypt working in Qatar.

26. The considerable restrictions on movement of people and goods had an immediate impact on various human rights. Some had a punctual effect but most have had continuing implications to date. These measures first constituted a direct violation of freedom of movement, particularly as they were not communicated formally and were not legally motivated. The lack of freedom of movement between Qatar and the other countries is sanctioning Qataris and residents of Qatar, as well as residents of KSA, UAE and Bahrain. At least temporarily, the restrictions of movement disrupted the exercise of freedom of religion as they were imposed in the midst of Ramadan and the Hajj pilgrimage. The implications for family life are also important given the bonds between the countries concerned. Moreover, many young people were forced to interrupt their studies or could not take exams. Durable consequences of the restrictions of movement are a deprivation of the rights to work and to access to property for those who were residing, working and / or engaged in trade cross-border. These aspects are described in the subsequent sections of this chapter.

27. While the Government of Egypt did not issue a formal order to Qatari citizens to leave its territory, Qatari students who tried to return to Egypt in August 2017, after the summer holiday, were not issued visas or were requested to apply for security clearance upon obtaining visas. Students interviewed by the team and the NHRC stated they still had not obtained security clearance. On 18 November, the National Council for Human Rights in Egypt informed the NHRC of Qatar that it had lifted restrictions for some categories of the Qatari population and that students would be granted visas. At the time of the mission, it was too early to assess whether this measure was being implemented.

28. More broadly, the suspension of movement of people and goods between Qatar and the three Gulf countries of the Quartet has had considerable implications for Qatar's economy, impeding trade and financial flows, and considerably increasing the costs of transportation and goods as the Government (and individuals) has had to resort to alternative options.

29. Although imports from the other Gulf States were modest, the bulk of trade flow before the crisis occurred through KSA and UAE in particular (via land, sea and air), including overland from Jordan and Lebanon, and via cargo ship that would dock at ports in KSA and UAE, from which merchandise would be transported by trucks to other Gulf destinations, including Qatar. Thus, Qatar was heavily dependent on its two neighbours to access items vital for the subsistence of its population, such as food and medicines, and for its economy. Qatari officials met by the team, notably the Customs Authority, underlined that the abrupt closure by the authorities of KSA of their border with Qatar had left any vehicles transporting perishable food items and other merchandise stranded in KSA. According to the Ministry of

Economy and Trade, before the crisis, some 800 trucks used to cross the land border from KSA into Qatar on a daily basis. In the couple of weeks that followed the 5 June decision, this situation caused some panicked reactions, with people rushing to supermarkets to stock up food.

30. In a meeting with Director's Managing Team of Qatar Airways, the team was informed that the closure of airspace was a major irritant as Qatar is largely surrounded by the airspace of KSA, UAE and Bahrain, with only a narrow corridor to the north available, requiring Qatar Airways' flights to be routed through Iran and then flow wide around Saudi Arabia to access destinations to the west and south. This, combined with the end of flights to and from KSA, UAE ab Bahrain has significantly reduced Qatar's accessibility by air and increased travel times and costs.

31. While telecommunications between the three countries and Qatar have generally remained operational, some people reported experiencing difficulties in contacting people in KSA, UAE and Bahrain, or have been using foreign phone numbers to call people in Qatar for fear of sanctions. Some interlocutors also stated that they would be no response when they would contact institutions in KSA and UAE (for instance universities). Postal services have ceased to function between Qatar and the three countries, and access to some Qatari websites has been blocked by the authorities in KSA, UAE and Bahrain.

3. Separation of families and related issues of nationality and residence

32. The decision of 5 June has led to cases of temporary or potentially durable separation of families across the countries concerned, which has caused psychological distress as well as some difficulties for some individuals to economically support their relatives left in Qatar or the other countries.

33. Moreover, the crisis has underscored the urgency of addressing the long-standing issues of nationality and residence in the Gulf countries, including in Qatar. Indeed, the non-Qatari spouses and children of Qataris have faced acute uncertainties, even if the majority have reportedly remained in Qatar. The NHRC received a high number of calls, particularly in June, from women who were afraid to be unable to apply for the renewal of their national passport and Qatar residence ID, and feared being expelled from Qatar or compelled to return to their country of origin, and being consequently separated from their husband and children.

34. As of 5 June 2017, according to official data, the State of Qatar counted some 6,474 mixed marriages involving citizens of Qatar, KSA, UAE and Bahrain (5,137 Qatari men and 1,337 Qatari women). The authorities of KSA, UAE and Bahrain ordered their citizens to leave Qatar within 14 days, with their children, under threat of civil penalties, including deprivation of their nationality, and criminal sanctions. However, the team did not get any information that such cases had occurred.

35. Many of those who have not returned, fearing separation from their family, were concerned they may not be able to renew their passport, particularly given the closure of the KSA, UAE and Bahrain Embassies. This generated particular anxiety for those whose passport was close to expiring as a valid passport was required to apply for and obtain the extension of a residence permit in Qatar (which is valid for 10 years) and to access various services. However, the Ministry of Interior informed the team that the after the 5 June crises the Government of Qatar had lifted such a condition to address the situation of non-Qatari residents from KSA, UAE and Bahrain.

36. In addition, the possible forfeiture of nationality risks making these people stateless. Saudi, Emirati and Bahraini women whose husband and children are Qatari fear pressure from their State of origin for them to leave Qatar. Those who contacted their embassies within the 14 days following 5 June were reportedly instructed to return alone to their country of origin.

37. The team was informed that in response to some reports of family separations, the Governments of KSA, UAE and Bahrain had stated they would grant exceptions for 'humanitarian cases of mixed families' to travel back and forth between Qatar and their territories. Yet, Qatari Government officials, including the Director of the Salwa border cross point with KSA, informed the team that such measures remained inappropriate, inefficient and random. Some families reported not using the hotlines, fearing to be identified by the KSA authority as citizens who remained in Qatar and to be subjected to intimidation.

38. Many people with relatives in KSA, UAE and Bahrain, including elderly or sick parents for instance, have reportedly refrained from traveling to these countries, fearing they would not be allowed to return to Qatar.

4. Impact on economic rights and the right to property

39. According to information received by the team, individuals from Qatar working in KSA, UAE and Bahrain, and / or with business interests in these countries, were forced to return to Qatar, reportedly with no access to their companies and other sources of activity and income since then. While the authorities could not determine the number of individuals affected with certainty, a national compensation claims commission established following the 5 June decision had documented at least 1,900 cases related to the right to property by the end of November 2017, with claims pertaining to private residences, stockshares, financial assets and livestock).

40. The team conducted interviews with some of the claimants, mostly Qatari nationals who have property in KSA and UAE, particularly commercial entities. They confirmed that financial transactions between Qatar and KSA, UAE and Bahrain had been suspended,

preventing people from receiving salaries or pensions, perceiving rents, paying bills, or supporting relatives. They also highlighted the absence of any formal and available litigation mechanism to claim and/or manage their assets. Indeed, legal cooperation has been suspended, including power of attorney. Furthermore, lawyers in these countries are unlikely to defend Qataris as this would likely be interpreted as an expression of sympathy towards Qatar.

41. The Chamber of commerce of Qatar described how it dealt with the impact of the crisis on entrepreneurs so as to mitigate the consequences on their work and property. From 5 June to 9 July, it identified supplies and alternatives to businesses that were blocked as a consequence of the 5 June decision. The Government of Qatar took measures to support entrepreneurs and coordinate logistical support. It shared a questionnaire with the 350.000 companies registered in Qatar and set up a hotline working 24/7 to receive complaints. It received 700 complaints. Since 10 July, the Chamber of Commerce has been trying to put in contact these entrepreneurs with potential contractors, mostly from Asia. It prioritized companies involved in the production of food, medicines and construction equipment. It also sent letter to creditors requesting a delay in payments and the waiving of penalties resulting from such delays.

42. The Customs authorities provided the team with statistics covering the period of 17 January to 30 June 2017, on products which were mainly imported from the Gulf countries, such as sugar (76 per cent was imported from these countries), oil (67 per cent), and dairy products (59 per cent), construction material (93 per cent), timber and gravel (47 per cent), cables for construction (51 per cent), showing the dependence of Qatar on its neighbours. The Qatar authorities immediately referred the situation to the World Organization of Customs. While the total importation from KSA, UAE and Bahrain amounted to some QAR 11.9 billion (USD 3 billion) in May 2017, it represented QAR 392 million (USD 107 million) in September 2017. This situation has provoked an increase of the price of commodities of 83 per cent (although the Government of Qatar has intervened to maintain it below the threshold of 3 per cent). Since June, the customs authorities have had no communications with the customs of the other Gulf countries.

5. Impact on the right to health

43. The team met with representatives of the Ministry of Health who raised some humanitarian consequences of the 5 June crises. As of 23 November, it had received 130 individuals reporting medical issues related to the crisis.

44. For instance, an individual previously treated in KSA and who returned to Qatar, had to travel to Germany to receive treatment as his means of payments from KSA were blocked in Qatar. Two patients from Qatar, who resided in KSA prior to the crisis, were transferred to Turkey and Kuwait to undergo surgery as they were reportedly unable to pursue their medical

treatment in KSA.

45. Medical services in Qatar are known to be of high quality. Since September 2017, the Ministry of health recorded 388.000 visits to public health services by patients, including by 260.000 patients from KSA, UAE, Bahrain and Egypt whose residents in Qatar. The Qatar authorities stated they will continue to provide treatment to patients from these countries without any discrimination.

46. Medical public services employ 3.000 employees from the Quartet countries. Medical authorities also noted that Qatari individuals who will comply with the decision to leave or return to Qatar would affect their employment status and therefore their access to medical insurance or capacity to pay for medical services.

47. The suspension of trade has also affected Qatar's access to medicines (including life-saving items) and medical supply. Before 5 June, 50 to 60 per cent of Qatar pharmaceutical stock came from 20 suppliers companies based in the Gulf countries with most international pharmaceutical companies based in UAE. While the shortage of most drugs lasted only one day due to the Government's prompt identification of new suppliers, the Ministry of Health informed the team is was still seeking alternatives for 276 medicines. An illustrative case is that of anti-venom largely used in Qatar for snakebites, which can only be produced with snakes from the region and is therefore unavailable.

48. Recourse to suppliers from outside the region has led to an increase of the costs of products, transportation and insurance fees, and has incurred delays in getting some items. The State of Qatar has thus far been covering the extra cost to limit the impact on consumers.

49. Finally, the opening of new hospitals has been delayed due to construction material and other equipment being blocked in Dubai.

6. Effect on the right to education

50. The expulsion of Qatari students who were studying in KSA, UAE, Bahrain and Egypt has had a detrimental effect on the right to education as Qatari students who were prevented from either pursuing their studies or passing their exams. Students in KSA, Bahrain, and reportedly particularly in UAE, were ordered to immediately return to Qatar, often by the administration of universities. According to information collected by the team, this was generally not followed by any formal or personalized communication.

51. The management and professors of Qatar University informed the team that the university had initially received 171 requests for the placement of students who had had to leave KSA, UAE, Bahrain and Egypt. It reported being able to accommodate 66 students

while it transmitted the 105 other cases to the Ministry of Education for the review of the students' transcripts. The NHRC and the team followed up on some cases of students whose file was under review. They declared having been provided with at least two options by the Qatar University, namely to integrate that institution, usually by taking additional credit hours, or to be placed in a university abroad, for instance in Jordan and Malaysia. The efforts of Qatar University and the Ministry of Education to promptly identify solutions for each student are to be commended.

52. The Ministry of Education and Qatar University reported that students who had been enrolled in universities in UAE and Egypt were unable to get their transcripts, which hampered their placement as they were unable to produce any evidence of previous studies or examinations. Some UAE universities reportedly blocked access to their websites to Qatari students". In Egypt, the University of Cairo told Qatari students that they should collect their transcripts in person although the authorities were not providing visas to Qataris.

Countries	Number of Qatari students affected by the crisis
KSA	62
UAE	157
Bahrain	28
Egypt	3004
Sources. Ministry of Higher Educations	

53. The Ministry of Education of Qatar on its part estimates that at least 201 Qatari students were not able to pursue their studies, mainly due to the lack of transcripts, different credit systems or because their specialization is not available in Qatar. For instance medical studies were only recently introduced at Qatar University and students reaching their fifth year are not able to enrol.

7. Long-standing human rights issues

54. During the mission, the team raised a number of long-standing human rights issues with relevant authorities, namely regarding the rights of migrant workers and the issue of citizenship.

55. The team raised the case of those who have been stripped from their Qatari citizenship in 2004, the authorities informed that most of them (mainly those that did not possess another nationality) had regained their Qatari citizenship in 2005. The authorities further noted that approximately 100 cases are still pending to date.

56. The team also raised the case of two individuals (Sheikh Taleb bin Lahem bin Shraim and Mr. Bin Al Shafi) who, according to reports received by the team before the mission, have been arbitrarily stripped from their Qatari citizenship in connection with their political opinion in the context of the current crisis. Qatari counterparts confirmed that this decision was taken by executive decrees in accordance with Law No. 38/2005 on the acquisition of Qatari Nationality. This implies it was taken without any due process, with no possible

remedies.

57. Many of the people met by the team described how Qatar had managed to turn the crisis into an opportunity, notably to accelerate the reform agenda of the Emir, including on human rights. Efforts are underway to develop a road map for an effective implementation of migrant and domestic laws; to prepare a new law on asylum, and to possibly ratification of the Refugee Convention of 1951; to review of the nationality law to provide additional rights to the children of Qatari women married to non-Qataris; to increase engagement with international human rights mechanisms. The team was encouraged by the Government renewed commitment to further strengthen its cooperation with OHCHR in promoting and protecting human rights in Qatar.

58. The team's discussions on the aforementioned issues are to be reflected in a separate report or other form of communication.

IV. Findings and observations

59. All Interlocutors met by the team mostly referred to the decision of 5 June as a "blockade", and some evoked an "embargo", a "boycott" or "unilateral sanctions" against the State of Qatar and its inhabitants (nationals and residents). Most emphasized the unprecedented divide and distrust this situation has generated, not least given the tight family bonds across the Gulf region. They also expressed concern about the uncertain and far-reaching consequences, with fears that this crisis may become protracted and/or deteriorate.

60. The team found that the unilateral measures, consisting of severe restrictions of movement, termination and disruption of trade, financial and investment flows, as well as suspension of social and cultural exchanges imposed on the State of Qatar, had immediately translated into actions applying to nationals and residents of Qatar, including citizens of KSA, UAE and Bahrain. Many of these measures have a potentially durable effect on the enjoyment of the human rights and fundamental freedoms of those affected. As there is no evidence of any legal decisions motivating these various measures, and due to the lack of any legal recourse for most individuals concerned, these measures can be considered as arbitrary. These actions were exacerbated by various and widespread forms of media defamation and campaigns hated against Qatar, its leadership and people.

61. The majority of the measures were broad and non-targeted, making no distinction between the Government of Qatar and its population. In that sense, they constitute core elements of the definition of unilateral coercive measures as proposed by the Human Rights Council Advisory Committee: "*the use of economic, trade or other measures taken by a State, group of States or international organizations acting autonomously to compel a change of policy of another State or to pressure individuals, groups or entities in targeted States to*

influence a course of action without the authorization of the Security Council". Moreover, measures targeting individuals on the basis of their Qatari nationality or their links with Qatar can be qualified as non-disproportionate and discriminatory.

62. The considerable economic impact of the crisis takes over the dimension of an economic warfare, with significant financial losses for the State, companies and individuals, and the confidence of investors being eroded. To date, the wealth of Qatar and its human potential have allowed the country to promptly absorb the shock and protect the population from potentially disastrous economic and social consequences. However, the shock of the decision and the immediate and serious effect of unilateral coercive measures on many individuals have had a major psychological impact on the overall population. This has been exacerbated by a hostile media campaign that flared up from early June and is ongoing. All interlocutors met by the team evoked the lack of trust or even fear this situation has generated, and concerns about the social fabric of very closely-knit societies eroding.

63. In some cases, Qatari institutions, notably the NHRC, have proactively sought prompt solutions, especially for individuals whose studies were interrupted. The NHRC immediately, and for several weeks following 5 June, received a considerably number of complaints. They undertook a series of communications with regional and international mechanisms and have endeavoured to engage with the national human rights institutions of KSA, UAE, Bahrain (to no avail to date) and Egypt (the latter has reportedly cooperated). The team received a detailed report prepared by the National Compensation Claims Commission on the impact of the crisis on individuals (including on human rights impact), and was informed that the National Compensation Claims Commission had hired a private American law firm company to look at options for potential legal actions against the States of KSA, UAE and Bahrain. The commission indicated that the legal file was in the hands of the Government for its consideration.

64. The majority of cases remain unresolved and are likely to durably affect the victims, particularly those having experienced family separation, loss of employment or who have been barred from access to their assets.

65. The crisis has been characterized by the absence of dialogue among the States concerned, with the mediation efforts initiated by Kuwait having stalled. The team noted strong resentment about the lack of action by regional organizations and about the role of the GCC, which many considered as de facto defunct. Given the origins and ramifications of the crisis in KSA, UAE and Bahrain, it would be critical to pursue opportunities to engage with the Governments of these countries to obtain a more comprehensive understanding of the situation, notably of the actions they have taken and the impact on their own citizens and residents.

EXHIBIT 77

The Foreign Minister Stresses Qatar's Commitment to Resolving GCC Crisis

Doha / Information Office / November 18

HE Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani stressed Saturday that the State of Qatar is still committed to resolving the GCC crisis. His Excellency noted that this commitment is a result of Qatar's belief that there is a bigger threat in the region, which is terrorism.

In an interview held with U.S. TV network MSNBC, HE Sheikh Mohammed bin Abdulrahman Al-Thani described the propaganda waged against the State of Qatar accusing it of terrorism without any evidence was baseless.

His Excellency stressed that the State of Qatar was a leader in countering terrorism and extremism, highlighting that the country hosts the central command for the global coalition. His Excellency then noted that Qatar is a frontrunner in combatting extremist ideologies when it establishes schools and provides high-quality education to vulnerable societies and poor countries abroad, pointing out that Qatar provides education to seven million children in East Asia and Central Asia.

On the strength of bilateral ties between the U.S. and the State of Qatar, HE the Foreign Minister said that the State of Qatar has always been a strong partner and ally to the United States in its fight against terror. This is evident by the fact that Qatar hosts between 11000 and 12000 American troops in Al Udeid Airbase, through which the United States carries out its missions against ISIS. His Excellency added that the U.S. has always expressed its appreciation for that partnership. Qatar also highly appreciates the partnership and is working with the U.S. on developing cooperation further.

HE the Foreign Minister addressed the position of the U.S. from the siege of Qatar and said that Qatar was getting support from the U.S. across the board for putting an end to the siege, whether it was U.S. President Donald Trump or members of his administration such U.S. Secretary of State Rex Tillerson and Secretary of Defense James Mattis among

others. As to why the siege remains ongoing, His Excellency said it was a result of the actions of Saudi Arabia and the UAE towards Qatar and the illegal measures they took against the country by shutting borders and separating families, in addition to creating an anti-Qatar propaganda campaign. His Excellency stressed however that the State of Qatar was committed to reaching a resolution, because the country realizes that terrorism is a bigger threat facing the region.

On ties between the State of Qatar and Iran, HE the Foreign Minister noted that Qatar has a unique relationship with Iran. His Excellency pointed out that the State of Qatar is located between and shares borders with two big countries in Saudi Arabia and Iran. His Excellency noted however that there were concerns of Iran's increasing influence in the region, but stressed that those fears must be addressed peacefully and that is what the State of Qatar is encouraging other Gulf states to do. His Excellency added that this was also the decision taken during the GCC summit that took place in 2016, saying that the decision taken in December 2016 was to engage in dialogue with Iran on the principle that the GCC will be one entity and Iran the other.

Addressing whether there was a sense that Saudi Crown Prince Mohammed bin Salman was a threat to Qatar's Future, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that there was a diversion in the policy of Saudi Arabia and the UAE from the GCC agreement which was the engagement in dialogue. There was also a sense of unpredictability when it comes to the policies of Saudi Arabia and UAE in the region, His Excellency said.

HE the Foreign Minister added that there was a lot of chaos and crises that occurred in the region, pointing out that Qatar was part of a bigger strategy now seen in Lebanon too.

Saturday, Nov 18, 2017

EXHIBIT 78

Deputy Prime Minister and Foreign Minister Hopes GCC Crisis Can be Resolved Through GCC and Kuwaiti Mediation

Doha- Information Office - 03 December 2017

HE the Foreign Minister and Deputy Prime Minister Sheikh Mohammed bin Abdulrahman Al-Thani expressed Sunday his hope that the GCC crisis will be resolved in the context of the GCC and through Kuwaiti mediation.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said at a lecture he gave today during the fourth edition of the Gulf Arab Forum that Kuwait will host meetings tomorrow with HH the Emir of Kuwait Sheikh Sabah Al Ahmed Al Jaber Al Sabah as the main mediator. His Excellency expressed hope that all parties involved do not need a western party to intervene and try to influence a solution, as the one that will come from within the GCC will be the sustainable one while a dictated solution will be nothing more than a formality.

His Excellency noted that tomorrow's meeting will be at the ministerial level, while HH the Emir Sheikh Tamim bin Hamad Al-Thani will attend the summit.

HE the Foreign Minister said that the summit's agenda is yet to be presented to Qatar. His Excellency maintained however that the GCC crisis, as the main development of the region, will be up for discussion during tomorrow's meeting even if it is not on the summit's agenda.

HE the Deputy Prime Minister said that keeping the GCC alive as a bloc and a system is an important goal that the Kuwait summit can achieve. His Excellency expressed his belief that the effort put in by HH the Emir of Kuwait to keep the bloc alive, a dream for all the people of the Gulf, by calling for the meeting will be realized. His Excellency added that this step alone was viewed positively by the State of Qatar.

His Excellency stressed that the summit must result in a clear mechanism that puts an end to this crisis which has lasted six months so far, adding that putting a GCC country under siege suddenly and for no apparent reason is an

unaccepted behavior.

HE the Foreign Minister noted that the conflict with governments of siege countries have moved from being with the government of the State of Qatar to becoming with the people of Qatar, as this was the first incident of having a difference become on a popular level. His Excellency noted that Qatar sought to avoid that from day one but unfortunately no one would listen. His Excellency then said that they now rely on the wisdom of HH Sheikh Sabah and on the other countries to have a voice of reason that calls for coming to a table and discussing differences, on the condition that any agreement is binding to all parties involved. In that case the State of Qatar will be the first to welcome such an agreement, His Excellency added.

In the questions and answers session afterwards, HE the Foreign Minister and Deputy Prime Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that the State of Qatar was the one attacked since the beginning of the crisis, but kept calling for dialogue despite that. His Excellency added that Qatar pays the utmost respect for the mediation efforts of HH the Emir of Kuwait not just on a governmental level, but on a popular level as well as the people do realize the role HH the Emir of Kuwait has played in the crisis. His Excellency added that Qatar will continue to be supportive of Kuwait's efforts.

HE the Foreign Minister said that the mediator would never make an unreasonable request from any party involved in the crisis. His Excellency then added that Qatar is dealing with the crisis within the context of respecting sovereignty and international law, and so would welcome discussing any matter if its within those respects.

HE the Deputy Prime Minister said that no country has the right to make demands to another one, but it can present its concerns. His Excellency stressed that the State of Qatar would be willing to understand such concerns, particularly as Qatar believes in the concept of collective security. His Excellency maintained however that no one should use that concept to attempt to intervene in the internal affairs and the policies of other countries.

HE the Foreign Minister stressed that the State of Qatar respects the sovereignty of all siege countries. That is why Qatar looks forward to the summit, His Excellency added. HE the Foreign Minister also said that Qatar has long said that the GCC as a bloc remains the most important to the State of Qatar.

HE the Deputy Prime Minister also stressed that those negotiations must be subject to clear principles, or they would just drift and drag on endlessly. His Excellency said that the State of Qatar laid out its principles which are represented in the GCC charter, respect of sovereignty and international law. His Excellency stressed once again that the State of Qatar was ready to discuss the concerns of the siege countries one by one, as they are yet to offer a single proof of their claims six months after the crisis of blockading the Qatari people.

On the impact the GCC crisis has had on the humanitarian side, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the GCC crisis had a big influence on many regional security issues and not just humanitarian topics. His Excellency added that those crises affected the coordination and joint work abilities of GCC members, which compounded the social impact.

His Excellency confirmed that Qatar will continue its role of providing aid and humanitarian work whether in Gaza, Syria, or in Yemen. His Excellency acknowledged however that conditions there were different as sometimes aid is not allowed to go through.

On listing Qatari charitable organizations on a terrorist list created by the siege countries, His Excellency said that such an action was nonexistent in accordance to international law as the UN has clear procedures in that regard. His Excellency added that the procedures and claims provided by the siege countries against those organizations are unrecognized by the international community as most of the charitable organizations were partners with the UN and have an observer status.

HE the Foreign Minister touched on developments in Yemen and Said that the State of Qatar has no presence there, as the Qatari forces participated in the coalition when there was a threat on the Kingdom of Saudi Arabia and as part of Qatar's duties in the GCC. Qatar also had a political role in bringing the Yemeni parties together in order to help the legitimate government return to Sanaa and carry out its role in line with the results of the national dialogue conference, His Excellency added. HE the Foreign Minister also said that the war in Yemen today has led to a severe deterioration in humanitarian conditions.

HE the Deputy Prime Minister expressed his hope of separating humanitarian work from military one, as well as avoiding the use of such tragedies as a tool for pressure by one party against the other. His Excellency also expressed his hope that there will be a break through politically that allows all parties to sit together and have a dialogue that puts an end to the crisis.

On developments in Iraq, HE the Foreign Minister said that Qatar recognizes Iraq and all its segments as a part of the Arab world. His Excellency added that the stability of Iraq enhances stability in the GCC, as the two sides have shared borders as well as shared culture and history. His Excellency highlighted the efforts and achievements of Iraq in fighting ISIS and liberating many Iraqi regions. His Excellency stressed that those efforts must be followed through politically, as well as in terms of development and humanitarian effort. HE the Foreign Minister said that Qatar is constantly cooperating with the Iraqi government and looks forward to being part of the developmental process there.

HE the Deputy Prime Minister returned to discussing the Gulf crisis and acknowledged that the GCC has been ineffective and silent in dealing with the crisis, but maintained that it was no reason for Qatar to abandon it. His Excellency added that the State of Qatar will do everything to preserve the bloc until the last moment and said that an exit by Qatar would lead to a collapse to the entire bloc. His Excellency noted that trust is currently lacking in the GCC since the crisis and confirmed that trust will not be regained after one meeting, but would require determining the nature of ties in the future in order to rebuild trust. His Excellency said that the GCC was not like the EU and lacked its clear mechanisms, but highlighted that the EU was at one stage may be as week as the GCC is these days but worked on setting the mechanisms that allowed it to be strong again. His Excellency expressed hope that the GCC can apply new methods that matches the aspirations of the GCC people.

HE the Foreign Minister noted that the State of Qatar did not seek to internationalize the crisis, instead focusing on communicating with HH the Emir of Kuwait and the Kuwaiti mediation. His Excellency noted however that the smear campaigns conducted on an international against the State of Qatar propelled the country to try and set the story straight. His Excellency noted that the crisis was of interest to many western officials, who felt that it would have an impact on their work. His Excellency acknowledged that the crisis can have impacts harmful to western interests, even though geographically it was in the gulf.

HE the Deputy Prime Minister said that the list designating 59 people as terrorists was of no value legally or to the international community and only concerns those who published it. The people affected by it have the right to appeal the measures taken against them and the State would provide all the legal support in that matter, His Excellency added. HE the Foreign Minister also said that the list does not have any weight either for the government of the State of Qatar or for the international community.

HE the Foreign Minister stressed that the siege of Qatar was no small matter as it affects regional security. His Excellency added that whoever considers it to be a small matter does not prioritize regional security high enough. His Excellency also highlighted that the people of Qatar were directly affected by the siege and were deprived of many rights on an academic and family levels among others. His Excellency then noted that Qataris were being discriminated against solely based on their nationality which was unacceptable.

HE the Deputy Prime Minister said that the crisis would have been small in accordance to international law if it was just a blockade without further measures, as it would be a straightforward political matter. However the host of measures taken against the people of Qatar made it a much bigger crisis than some people think.

On the American role in the crisis, HE the Foreign Minister described ties between the U.S. and all of the GCC as strategic. His Excellency added that the value of that relationship is in the unity of the block and not in having each country on its own, which gives even greater importance to the solidity of the bloc.

His Excellency highlighted that the State of Qatar hosts the U.S. military base and the command of the international coalition, in addition to many other activities in Doha. That means the crisis has a direct negative effect on counter-terrorism efforts and propelled the U.S. to play an active role to deescalate and to try and resolve the crisis, His Excellency said.

HE the Deputy Prime Minister highlighted the United States' many attempts to resolve the situation, including a road map presented by the U.S. Secretary of State at the outset of the crisis and an invitation from the President of the U.S. for holding a dialogue in Camp David. Both initiatives were rejected, His Excellency said. HE the Foreign Minister added however that efforts were ongoing to prevent the crisis from affecting regional security, which is a key priority for the U.S.

His Excellency also said that coordination is ongoing between the U.S. and the GCC as a whole and not just Qatar.

HE the Deputy Foreign Minister then discussed the Gulf and Arab regional developments, saying that there were many disruptions to the regional level whether on a smaller level as is the case with the GCC or on a bigger level as with the Arab League and Islamic organizations. The disruptions made to the regional system had many reasons and factors which include humanitarian crises in Syria, Yemen, or developments in Iraq, Libya, Somalia and many other countries.

HE the Foreign Minister expressed his regret that the Middle-East has become synonymous with tragedies and humanitarian crises. His Excellency also expressed regret that the region carries only bad news of transnational terrorist groups or differences between states on the concept of collective security, that ultimately leads to intervention in the internal affairs of other countries. His Excellency noted that the result was a state of polarization in the region that had many impacts. His Excellency highlighted also the negative role played by Arab media, which was a bad example for exercising freedom, as it was focused solely on delivering particular messages and advancing specific regional

agendas. There was also the technological progress in terms of social media and the bad use of them in terms of creating electronic armies and creating false public opinion, His Excellency added.

HE the Deputy Prime Minister said that some hashtags can have more than five million tweets in some instances, but only thousands are real with the rest created through electronic armies directed by governments to achieve specific goals. His Excellency said that such behavior reflected a lack of wisdom on the part of many regional powers which are ultimately manipulating the fate of the peoples. All these problems reflected a regional vacuum of any clear mechanisms for resolving conflicts, which turns any conflicts into a violent affair as is the case now.

HE the Foreign Minister said that the results of these factors became abundantly clear in the region as they led to an increase in the desire to intervene in the internal affairs of other countries with stability and collective security as the excuse. His Excellency added that collective security has become an excuse used by many countries now to interfere in the internal affairs of others, while the real goal is to pursue regional agendas and expand regional influence. These attempts ultimately lead to increasing the state of polarization in the region.

His Excellency also highlighted that a single state can now also be highly polarized, preventing any chance of real reform and causing people in those countries to lose hope of a better future. This creates in turn the perfect environment for extremism, violence, and the terrorism we see today.

On the region's many crises, His Excellency listed the many crises in the region's including the Palestinian crisis which is close to completing 100 years without finding a fair solution. His Excellency stressed that the GCC crisis was in the context of the same game of power, which begs the question of why was Qatar thrown into a crisis based on accusations everyone knows were baseless.

His Excellency then discussed the difference in Qatar's role compared to its peers in the region and said that the country was an active player in the region and has its independent policies that are slightly distinct from other GCC countries. HE the Foreign Minister that such differences were healthy in advanced countries and civilizations and is not considered a conflict. His Excellency then said that the EU for instance has variance in policies of different countries, but the founding rules and principles remain the same.

HE the Deputy Prime Minister highlighted that the vision of the State of Qatar is also different from its peers in the region, as it has a progressive vision based on developing human capital. His Excellency cited Qatar coming first regionally in indices related to human development, competitiveness, and peace as proof of that. The country also is resource-rich and is considered an international energy hub that many countries rely on and consider it an important partner. Countries such as Japan, Korea, and the United Kingdom import large quantities of LNG from Qatar. Others include Holland and Italy, who all have important ties with Qatar in the energy sector. His Excellency said another country was the UAE, who Qatar still supplies energy to every day despite of all the measures taken so far. His Excellency stressed that Qatar respects and is committed to all the agreements it signed with the UAE, as it distinguishes between diplomatic and economic ties and avoids any action that can adversely impact the lives of people.

HE the Foreign Minister said that the State of Qatar's preparations to host World Cup 2022 and its contributions in the developmental and humanitarian fields in more than a 100 countries around the world makes it a successful nation. The country also refuses the axis approach to regional politics and always calls for dialogue between all parties .involved, His Excellency said .

Monday, Dec 04, 2017

EXHIBIT 79

Deputy PM and FM: Investigations Proved Involvement of 2 Siege Countries in QNA Hacking

Doha – Information Office - January 10

HE Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani confirmed that the investigations concerning the hacking of Qatar News Agency website on May 23 last year proved the involvement of two siege countries and the State of Qatar will take legal action against them.

In an interview with Al Hakika show on Qatar Television on Wednesday night, HE the deputy prime minister and foreign minister said that the State of Qatar does not rely on leaks or news stories that do not bear evidence about the state that committed the crime of hacking and the investigation proved that the two states were involved in the crime.

Concerning the relationship with the siege countries after the crisis of withdrawal of ambassadors in 2014, the deputy prime minister and foreign minister said that knowing the roots of the crisis and the facts that occurred at that time is a legitimate right for the people of Qatar because this crisis affected their country and the actions that have been taken were actions directed against the Qatari people in first place.

He added that the relationship between the State of Qatar and the GCC countries following the crisis of ambassadors and the current Gulf crisis, which began with the crime of piracy in May 2017, was good and friendly and there was coordination and continuous communication under the guidance of HH the Emir Sheikh Tamim bin Hamad Al-Thani that relations with GCC countries become the first priority of Doha's foreign relations.

Based on that, HE the deputy prime minister and foreign minister said, after his appointment in January 2016, he started his first visit to GCC countries and conveyed a message from HH the Emir to the leaders of the GCC countries that "we in Qatar see our relationship with the GCC countries as a priority and today we want a new page of Gulf-Qatar relations based on continuous understandings and coordination until we reach the stage of integration."

HE pointed out that there was an exchange of visits between leaders. HH the Emir visited the UAE and Saudi Arabia. There were several visits and not only one visit. There was also continuous work and coordination in regional and other issues. All this momentum of relations continued till this current crisis.

Concerning the differences between the two sides in Riyadh agreement, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the differences that were in the time of the Gulf crisis in 2014 were all resolved by Riyadh Agreement and the signing of its executive and follow-up mechanisms, which were through joint committees between countries, and the problems were discussed between countries and solutions were found to these problems and agreed on a way to deal with them. He added that all these records exist and are documented and the State of Qatar has not seen any violations of any party in this agreement, which includes all countries, and all countries must adhere to it.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that some problems that were issued on a bilateral level were resolved on a bilateral level, there were observations and some abuses by the media in the UAE and some political figures, and there has been attempts to sit with the officials in the UAE and find a mechanism to contain this issue. HE the minister added that the Kingdom of Bahrain filed an objection about the issue of nationalization, which was closed in 2014 and was resolved, and the reopening of events that occurred before the 2014 agreement and the subject was treated bilaterally until a solution and a settlement were reached to all these things and all differences that were marginal were resolved and there was a mechanism for interaction.

He pointed out that there was a point of disagreement with the UAE in particular two months before the Gulf crisis, where there were some media attacks and Doha contacted them cordially and asked them to activate the bilateral mechanism to know the reasons for these attacks and if there are problems to resolve, and after communicating with them they asked to hand over the wife of a UAE dissident who left UAE in 2012 or 2013 when there were an arrest campaign against dissidents.

HE the minister added that the dissident left and reached Doha from Abu Dhabi officially with his wife, and then left to Britain while his wife remained in Qatar because of her family ties. She did not have a passport as she entered with her personal ID, and when she asked to renew her passport from the UAE embassy, her passport was withdrawn and at that point "we knew that there is something wrong," HE the minister added.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the crown prince of Abu Dhabi sent envoys to HH the Emir and requested the handover of this woman in 2015. HH the Emir's response was clear that this woman was not required in a criminal offense and that this was contrary to international law and the Qatari constitution, in which Article 58 prohibits the extradition of any refugees for political reasons.

The second factor, HE the minister added, is that "it is in our morals and traditions as Arabs that we can not hand over women, and the issue of refugee culture is rooted in our history and anchored by our ancestors who received many refugees, some of whom were rulers and returned as rulers, and this culture exists and is rooted in the State of Qatar and in GCC countries."

"We assumed then the UAE's understanding of this step. HH the Emir told them that we will not allow anyone to use Doha as a platform to attack the UAE or any Gulf country. We have fulfilled this promise before the matter was reopened in light of the attacks that were observed when we raised this issue, and they asked us to hand over the woman in return for ending the media attacks.

"The response of HH the Emir was clear and I personally conveyed this response to Abu Dhabi in April that we will not hand over this woman who has not violated any of the conditions of living in Qatar with her family. We will not accept this for ourselves and we will not accept it on our morals," HE the minister said.

HE the deputy prime minister and foreign minister added that the UAE had responded that as long as the woman was not handed over, the coordination between the State of Qatar and the UAE would be completely stopped. "This was their choice. After this step, the State of Qatar took the second step of visiting Saudi Arabia and informing them of these developments and coordinating with them," he said, noting that a meeting was held between HH the Emir and then Saudi Crown Prince Mohammed bin Nayef and Deputy Crown Prince Mohammed bin Salman.

"I attended the meeting, which was closed, and HH the Emir spoke about this problem, which was escalated by the UAE. We talked with them and told them that Saudi Arabia is the big brother and we ask you to not be part of the dispute and to be neutral. If you want to help in resolving the dispute, we appreciate your efforts and if you want to move away from the problem, we ask you to be neutral and that the Kingdom does not stand by one side at the expense of the other," HE the deputy prime minister and foreign minister said.

HE Sheikh Mohammed bin Abdulrahman Al-Thani pointed out that the response of Saudi crown prince was that the Kingdom will not be part of this dispute, and as long as the dispute is based on the extradition of a woman, it is not in the Gulf morals to hand over a woman.

"Prince Mohammed bin Nayef added that 'our relations with the State of Qatar are at their best and we are in constant coordination,' and Prince Mohammed bin Salman said that 'Qatar always stood with us in many situations and we have no disagreement with Qatar... the UAE may have reservations on some Qatar policies, we will try to contain them and act as mediator,' and HH the Emir welcomed this and told them if the kingdom wants to contribute to solving this issue, we are happy and we welcome that," HE the deputy prime minister and foreign minister said, adding that the ministerial meeting was held and then the Gulf summit and the Gulf-U.S. summit and nothing was discussed.

As for the changing relation with Saudi Arabia at this pace, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that "for us in Qatar, we can not answer this question because we do not know, but there are two assumptions; the first is that before the hacking crime, the nature of communication that we had with the Kingdom of Saudi Arabia was not at the level of honesty required in dealing with some countries, and it was not transparent and the speech we heard from the state leaders did not represent the position of the Saudi state, and the second assumption is that they believed the contents of the hacking crime and built assumptions on it, and I do not think this hypothesis is right because today at this level of technological progress, through which we can know the truth, I am surprised by this position, which is reversed by 180 degrees because of wrong information and a crime committed against the State of Qatar."

Responding to a question about the signs of differences felt during the reception of the Qatari delegation at the Riyadh summit, HE the Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said there were normal contacts between HH the Emir, the King of Saudi Arabia, Crown Prince and Deputy Crown Prince. There were talks between the leaderships and what was mentioned in our meetings, but there were no discussions on differences, he said. On the contrary, things went very normal, he said. My contacts with the foreign ministers were very normal. I did not notice any change, except some protocol errors, which I consider as errors that occur in any meeting of this magnitude. But in terms of communication and the way of handling things I did not see any change. On the contrary, there were contacts between us after the meeting directly and routinely.

Regarding relations between the State of Qatar and the Arab Republic of Egypt after the withdrawal of the ambassadors until the 24th of last May, HE the Deputy Prime Minister and Foreign Minister said that the Arab Republic of Egypt has been going through very sensitive stage since the revolution of January 25, 2011. We in Qatar appreciate the Republic of Egypt as a central Arab country with a leading role among the Arab countries, and we greatly appreciate the choices of the Egyptian people, whatever these choices are and we never intervene in them.

He added there were some differences in 2013 after the removal of President Mohamed Morsi, and there were attempts to address these differences to overcome them but did not succeed, and there was a chill in relations, but from our side Qatar did not stop dealing with Egypt, as our ambassador remained in Cairo, and we continued our presence at all official occasions, and HH the Emir attended Arab summit held in Sharm el-Sheikh.

He noted that there were attempts to resolve these differences during the maneuvers of Raad Al Shamal in Hafr Al Batin, when HH the Emir Sheikh Tamim bin Hamad Al-Thani met with President Abdul-Fattah al-Sisi in the presence of Prince Mohammed bin Salman. Prince Mohammed said that Saudi Arabia wants to bring the views of Qatar and Egypt

closer, and after this meeting it was agreed to hold a tripartite meeting between the foreign ministers of the three countries to put differences on the table and discuss and try to resolve them. We followed up on the outcomes of the meeting but the Kingdom did not call for a tripartite meeting. We were in contact with officials in the Republic of Egypt, who said they were waiting for an invitation from the Kingdom. We in Qatar delivered the message that we were ready to discuss these differences on any occasion. But these differences continued and when there are attempts to heal the rift, we do not see that efforts are helping us to solve the problem. On the contrary, we see there is a disruption of these efforts.

On a question about the hacking of Qatar News Agency website on 24 May and how this matter was addressed, His Excellency said that the crime of hacking occurred shortly after midnight and fabricated news attributed to HH the Emir were transmitted. Due to the nature of our work and as most of our employees were sleeping at that time and after these news were carried out by media outlets as well as after immediate attacks by channels affiliated to Saudi Arabia, the UAE and Egypt which made their guests ready in the studios minutes after the hacking, we reacted directly as there was a focal point between Qatar and Saudi Arabia. Through this focal point we clarified that what is happening in the media channels is surprising, and that Qatar News Agency's website was hacked and we asked them to consider the statement issued to deny the news as well as the statement of Qatar News Agency that the agency's website was hacked.

He said that he learned about the hacking 20 minutes after it took place and he tried to understand the subject, but he did not understand it until one o'clock, adding that he tried to communicate in person with his acquaintances in these countries. In the Kingdom, I contacted the Deputy Crown Prince and sent him a text message that the news agency website was hacked and I ask him to direct the media channels to take into account the denial statement reported by the Qatar News Agency, and sent to foreign ministers to inform them that this is what happened. But the only one who responded to me was HE First Deputy Prime Minister and Minister of Foreign Affairs of Kuwait Sheikh Sabah Khalid Al-Hamad Al-Sabah in the following morning, as well as HE Minister Responsible for Foreign Affairs in Oman Yousuf bin Alawi bin Abdullah, while the rest ignored the message. Prince Mohammed bin Salman responded to my message one hour later that things was still going on and that the news was still on. His response was strange. Then, we preferred to stop our contacts and to wait for the results of the trips of the Kuwaiti Foreign Minister who asked us not to escalate and not communicate until he understood what are the reasons for this and for the media campaign targeting the State of Qatar.

Regarding why Qatar involved the Federal Bureau of Investigation (FBI) and the British National Crime Agency in the investigation, HE Sheikh Mohammed bin Abdulrahman Al-Thani said we have nothing to hide and what happened to the Qatar News Agency caused an international crisis between countries in one region. We in the State of Qatar have preferred to work with the greatest transparency, and this is what we promised to do from the first day of the hacking of QNA. The FBI and the British National Crime Agency welcomed to participate in the investigation, and there are other friendly countries that offered to participate in the investigation and support us and we welcomed everyone, until we reached this accurate results and identify the location of hacking and how it was done and how it was planned more than one month before the crisis.

Regarding Bahrain's accusations against the State of Qatar, the Foreign Minister said for Bahrain's issue which they raised before the siege crisis, it was raised to cover the issue of naturalization which was not the real issue. To be clear, there are Qatari families who have lived in Bahrain for a long time, and there are Bahraini families who have been living in Qatar for a long time, and this is the nature of the Gulf society. Those families which Bahrain accused the State of Qatar of giving them nationalities are Qatari citizens whose nationalities were returned to them and whose procedures are completely different from naturalization procedures. The return of nationality requires a decision to be issued by a committee in the Ministry of the Interior, while the naturalization procedures are issued by Emiri decrees, he said.

He said the issue of these families who Bahrain talked about was addressed in 2014. Because of Bahrain's status and we value that, Qatar allowed those whose nationalities were returned to them to hold Bahraini nationalities as well, although this is not permitted by law. Bahrain was excluded from that because of its position and our appreciation of this status and the importance of Bahrain to remain stable.

He added that the media attack that Bahrain carried out on naturalization issue after the siege crisis was a surprise, especially that the Minister of Foreign Affairs of Bahrain talked with me on the subject two weeks later and said that things were resolved peacefully, and that the issue of naturalization were overcome and we agreed on the mechanism, which was agreed in the past. We solved the matter but suddenly they changed their position. I have previously said that Bahrain did not take a stance until the tenth day.. The first day of the siege was when it and the other countries started their attacks.

In response to a question about the existence of contacts with the General Secretariat of the Gulf Cooperation Council or the GCC Secretary General and why there was no condemnation of the hack, the Foreign Minister said that he contacted the GCC Secretary General Dr Abdul Latif Al Zayani on the first day, after contacting Kuwait's Minister of Foreign Affairs, and informed him on the hacking of Qatar News Agency and the attacks against the State of Qatar ... I asked him, as the GCC Secretary General, to issue a statement condemning this media attack and this crime committed against the State of Qatar. The Secretary General told me that he would take the necessary action... The necessary procedures are usually to consult with foreign ministers to issue the statement. Of course, these necessary procedures have not been taken. Unfortunately, there were statements issued by the GCC General Secretariat in the period following the siege condemning a particular act or a crime and we do not disagree with them in the condemnation, but they violated all the actions that they claimed to follow at this time.. The State of Qatar preferred to remain silent and to not respond to them in order to preserve this entity, which we still see a glimmer of hope that it will contribute to the restoration of security among the GCC countries.

On the measures that the State of Qatar took on the first day of the siege, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that in the period following the hacking of QNA and prior to the siege, HE Kuwait's First Deputy Prime Minister and Foreign Minister Sheikh Sabah Khalid Al-Hamad Al-Sabah visited the UAE and Saudi Arabia and then came to Doha and said that the two countries say that there are Qatari practices that raise some question marks.

HE the deputy prime minister and foreign minister said the Kuwaiti minister's response was that these concerns cannot be addressed in this way and must resolved behind closed doors, adding that the Kuwait minister was promised by the two countries to be provided with details related to their allegations against the State of Qatar.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that he had telephoned the Kuwaiti foreign minister and stressed that the level of escalation against the State of Qatar was unacceptable and amounted to a clear incitement against the ruling in the State of Qatar, revealing that the Kuwaiti minister replied that he was promised by the two countries to be provided with evidence against Qatar and that was the case until the announcement of the measures that were taken against Qatar on June 5.

HE the minister stressed that the siege countries treated the Qatari people in a "barbaric" manner, whether pilgrims, families, students or patients, and in a way that has nothing to do with the Gulf and Islamic morals. He questioned whether the measures have been taken against the State of Qatar or the people of Qatar.

HE the deputy prime minister and foreign minister noted that after the intentions of the siege countries were revealed, Doha contacted all friendly countries to clarify what happened, while the siege countries mobilized their resources and diplomats to incite against Qatar in all world countries. He added that the siege countries tried to mobilize other countries such as the Maldives as well as an internationally unrecognized government in Libya and other countries, and even buy ads in Western countries to incite against Qatar.

Regarding the accusation by the siege countries against the State of Qatar of internationalizing the Gulf crisis and not resolving it within the Gulf region, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that his first visit abroad was five days after the declaration of the siege compared to multiple visits by siege countries' officials around the world to promote fake stories and allegations, and, hence, it was Qatar's right to respond to and be present to prove that these charges were false. To date, he added, the international community has not been provided any evidence against Qatar except snippets of newspapers issued by the siege countries themselves.

As for the accusation that Qatar is supporting terrorism, he said it was charge used by the countries of siege to win the sympathy of the West against Qatar, while for Qatar, the extremist policies of many countries and repressive regimes are the main reason for terrorism and creating an environment conducive for the growth of terrorists, noting that the State of Qatar was working on the Syrian issue in a joint operations room with Saudi Arabia. If Qatar is accused of terrorism in Syria, HE the minister said, this means that Saudi Arabia, the United States, Jordan, Turkey and the UAE are all involved.

Regarding the memorandum of understanding between the State of Qatar and the United States to combat terrorism and its financing, HE the deputy prime minister and foreign minister stressed that the agreement had backgrounds before the crisis, noting that it dates back to the time before the current U.S. administration.

There was an understanding with all the Gulf countries that there should be a new mechanism to combat terrorism financing, and to hold anyone involved accountable, HE the minister said. And on May 21, 2017, he added, and during the U.S.-Gulf joint summit in Riyadh, Qatar signed the joint mechanism with the United States and the bilateral mechanism between the two countries.

It should have been signed by other countries with Washington, he said, adding that "we do not know the reasons why the rest of the Gulf countries have not signed until now," but the siege countries want to use Qatar's signing as a justification for their claims.

HE Sheikh Mohammed bin Abdulrahman Al-Thani renewed his call to the siege countries to come to the dialogue table, present the facts and have a direct dialogue. He expressed his belief that the siege countries would not be able to sit at the dialogue table due to the lack of grounds for their accusations against the State of Qatar, noting that these countries do not want to settle the Gulf crisis, which means the GCC system does not represent anything for them and that the Kuwaiti mediation and the efforts exerted in it were neither respected nor supported.

As for the U.S. position on the Gulf crisis, he said that their official position was the same as the current one that calls for resolving the dispute and not escalate it, and to engage in dialogue, which the U.S. State Department and Defense Department stated, because what is happening in the Gulf affects the war on terrorism as well as the regional security of the GCC, which is a strategic partner of the United States.

However, HE Sheikh Mohammed bin Abdulrahman Al-Thani said, the statements of U.S. President Donald Trump back then were controversial and gave the impression that he supports these moves, noting that in the direct talks between HH the Emir Sheikh Tamim bin Hamad Al-Thani and President Trump, the U.S. president called on for resolving the issue but he relied in his infromation on the siege countries.

HE the minister pointed out that HH the Emir made it clear to the U.S. president that what is being said of the State of Qatar is from countries that are waging a war against it and is not accurate. He added that the U.S. administration was then fully aware during the crisis that the siege countries based their claims on nothing but political ambitions.

Regarding the 13 demands of the siege countries, which later became six principles, HE the minister said that the principle of the demands towards a sovereign state is unacceptable, and "we in Qatar received them out of respect for the Emir of Kuwait although these demands are irritating for any country."

He noted that the demands were leaked to the media after being delivered to the State of Qatar, adding that Doha legally submitted its response to these demands to HH Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, and then the six principles were issued in Cairo and were welcomed by the State of Qatar as governing principles. However, he said, the siege countries brought the 13 demands again to the forefront and at that point it was not understood whether they want the 13 demands or the six principles.

On the relationship with Iran before and after the Gulf crisis, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the geographical nature of the State of Qatar and the Gulf states is bound by borders with Iran. "There must be respect for this geography whether we agree or disagree with this country," HE the deputy prime minister and foreign minister said, adding that Qatar and Iran had endless political differences in Syria, Yemen and Iraq as well as all regional issues, and these issues were agreed upon with the GCC and "we respect the neighborhood and believe that settling a political dispute is done through dialogue."

Even at the time of the siege, HE the deputy prime minister and foreign minister said, there was a disagreement with Iran regarding some regional issues based on the assessment of the State of Qatar. When the siege was declared, he added, the only outlet that opened to Qatar was Iran.

HE Sheikh Mohammed bin Abdulrahman Al-Thani highlighted some facts, saying that the State of Qatar was accused of having special relations with Iran while Iran's first partner in the GCC is the UAE. Although the State of Qatar shares with Iran the largest gas field that is the country's largest economic resource for the Qatari people, all trade, tourism and investment ties with Iran are concentrated in the UAE, and only 10 percent of all trade relations are distributed over the remaining five GCC countries. "However, they accuse us of being the closest to Iran. Qatar was clear in its differences with Iran over the Syrian issue at a time when the Gulf states were in a gray position. Today, Iran deals with us as a neighboring country that is subjected to sanctions and a siege."

Concerning the objectives pursued by the siege countries to put the peoples of the Gulf in the midst of this crisis, HE Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that there is no explanation but the target here is the people of Qatar and the State of Qatar, and these countries have done all that can be done against the people of Qatar.

Therefore, he said, the behavior against Qatari citizens can only be described as "barbaric." In addition, art, music, songs, sports, tribe and other methods were used, including the use of religious discourse as the most dangerous means against a neighboring people and country. "In this sense, we see that the accusations made against one of these countries such as the use of religious platforms to promote their political message were correct because they were used today in the same way to promote this political message."

HE the minister added that the intellectual terrorism of preventing the freedom of expression and the criminalization of sympathy with the State of Qatar is in itself a precedent in the norms of countries, noting that any civilized country rejects such behavior, in addition to the subject of the tribe, which is intended to divide the Qatari people who resisted all these attempts and temptations and confirmed their belonging to Qatar and loyalty to HH the Emir before any narrow tribal affiliation.

HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed that the main factor in overcoming this crisis was the strength and solidity of the home front and the cohesion of the Qatari people and residents who made the difference in this crisis, a point often mentioned by HH the Emir Sheikh Tamim bin Hamad Al-Thani in all his meetings.

He said that HH the Emir expressed his pride of those who live on the land of Qatar, whether Qatari or non-Qatari, for their position in this crisis and cohesion in the face of these barbaric acts, some of which were manifested by the distribution of weapons while poetry is recited and horses dance in scenes that are only seen in historic series.

Concerning Bahrain's decision to impose a visa on Qatari citizens, HE the deputy prime minister and foreign minister said that Doha is aware of the situation of Bahrain. "As we have said before, if they had anything to do with the issue, we would have informed them of our concern, but we are aware that what comes out of Bahrain is coming from outside. We pray for their guidance, and although we do not find words to describe this behavior except for political recklessness, we will not say more than that we wish for their country security, stability and prosperity.

"No doubt that what they did hurts us as we all have roots in the other five GCC states," he said, expressing hope that "the wisdom will prevail and that there will be at least a common language in dialogue so as to overcome this crisis that is unprecedented not only in the Gulf but in international relations."

Concerning the contradictions in the accusation of the State of Qatar of supporting different parties of the conflict in Yemen, HE the deputy prime minister and foreign minister said that the answer to the question requires reference to the nature of the country's relationship with Yemen, saying that the State of Qatar led a successful mediation in 2009 between then Yemeni President Ali Abdullah Saleh and Houthis, which resulted in the signing of an agreement that included collecting the weapons of the Houthis in exchange for a program for the reconstruction of the city of Saada.

He added that this agreement was disrupted due to the interests of some GCC countries that did not want to see it achieved because, from their point of view, it would affect their security, and in the post-revolution phase in 2011, President Saleh came out saying that he would not leave the presidency as required by the Gulf initiative as long as Qatar is among the sponsors of the Gulf initiative.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that on this basis, the State of Qatar replied that it would withdraw from the Gulf initiative but in turn Qatar asked him to leave. Therefore, Qatar was not part of this Gulf initiative as some are now trying to falsify history when they say that the State of Qatar has not supported it, which is denied by the facts and public press conferences.

He added that in the period after the control of the Houthi forces of Sanaa and the coup against legitimacy, there was a full international movement to restore legitimacy to Sanaa and when a decision was taken to launch the military Operation Decisive Storm, all GCC countries were invited two or three days before the start of the operations. The State of Qatar, he said, explained its point of view in this decision and explaining that Yemeni legitimate forces were only the ones who should carry out this mission not foreign forces, and that it supports the return of legitimacy in accordance with the Gulf initiative, the relevant Security Council resolution and the outputs of the national dialogue agreed in 2014.

HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed that the State of Qatar supported the coalition and was part of it and sent its troops to Saudi Arabia to protect its borders as part of the duty of the State of Qatar towards any GCC country in the event of any threat, and it is Qatar's commitment that it implemented in the case of Kuwait when it was invaded by Iraq in 1990 and did again when it sent its troops to defend the southern border of Saudi Arabia.

Suddenly, HE the deputy prime minister and foreign minister said, after this crime and media attacks, the State of Qatar is accused of all charges and that it harmed the coalition and its operations in Yemen despite the Qatari blood that was shed and paid to maintain Saudi security. "So how is the military morale of the soldiers of the Qatari army today after they defended the kingdom and some were martyred on the southern border, and others were injured, and what is the impact on them and their families and relatives after being asked to leave the southern border in an unethical manner, and then be accused of treason?"

On the accusation by the siege countries that the State of Qatar gave the Houthis data about the entry of UAE, Saudi and Bahraini soldiers to Marib province in Yemen, HE Sheikh Mohammed bin Abdulrahman Al Thani, questioned where these charges against Qatar have been when Doha was participating in the coalition and on the same side of the table with them, whether when decisions were made at the Human Rights Council, in defending the coalition at the Human Rights Council, or in adopting the Security Council resolution on which the coalition and other acts in which the State of Qatar participated with other coalition members were established.

These accusations surfaced after the hacking crime in order to justify and promote for their people the unfair actions against the State of Qatar, and "this is the only justification that we see."

As for the efforts of HE U.S. Secretary of State Rex Tillerson and why these efforts were not successful, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the State of Qatar dealt with HE the U.S. secretary of state in a transparent, open, positive and constructive manner.

He said that the U.S. secretary of state visited Qatar and then Saudi Arabia and met with the siege countries, and then returned to Doha with a proposal of principles and a roadmap and asked for a response to this proposal within five days, and also mentioned that the Saudi crown prince told him that they do not mind a dialogue, but the State of Qatar should issue a statement in a specific format that it is ready to negotiate.

"We agreed and he gave me the wording of the proposal and it was an acceptable format. We issued it in a statement after the departure of the U.S. secretary of state. Saudi Arabia was supposed to issue a similar statement to welcome this. The Qatari statement was issued and no Saudi welcoming statement followed but rather a negative one in response to the Qatari statement.

"Subsequently, we ignored this stage and responded to the roadmap and the list of principles after the five days mentioned by the U.S. secretary of state and nearly 90 percent of them were acceptable whether the roadmap or the principles because they were rational and do not affect the sovereignty of any state and are binding for all, and so was the roadmap. After that, we asked about the measures that should follow. The American response was that the siege countries did not respond and therefore the matter stalled at that time," HE the deputy prime minister and foreign minister said.

As for the ministerial meeting that preceded the recent GCC summit in Kuwait, HE the deputy prime minister and foreign minister said that the State of Qatar was informed by HE the Kuwaiti first deputy prime minister and foreign minister that the State of Kuwait had received an acceptance from Saudi Arabia that the summit were to be held in their presence, adding that and the attendance of Saudi Arabia, the UAE and Bahrain was confirmed. "We also welcomed the participation and that HH the Emir welcomes attending the summit as long as it would be held and that it would be an opportunity to discuss the issue" and be the first direct discussion at the dialogue table in a civilized way.

He added that he went to the ministerial meeting and HE Sheikh Sabah Khaled Al-Hamad Al-Sabah asked him not to raise the issue of the Gulf crisis in the meeting as it would be discussed at the level of the leaders the next day. "We respected the Kuwaiti request but asked that the final declaration included welcoming the Kuwaiti efforts to mediate just as a reference to the crisis, and that what follows would depend on the outcome of the discussion of the leaders at the summit."

HE Sheikh Mohammed bin Abdulrahman Al-Thani added that the next morning before HH the Emir left Doha, "we were told that Saudi Arabia, the UAE and Bahrain would reduce the level of representation and that they would not participate at the level of the leaders."

He added that, for HH the Emir, he had already decided that he would attend the summit and not reject the invitation of HH Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah. HH the Emir had expected it to be an opportunity to meet with them, "but we were surprised by this rough approach in dealing with the GCC and not respecting the

Kuwaiti mediation or the Gulf system," HE the deputy prime minister and foreign minister said, adding that, previously, no matter what the differences were, the summit still took place at the level of leaders or at least the crown princes, but this time was "a precedent to be represented at this level with all respect for the people who represented those countries, but it was not up to the level that there would be a dialogue between them. And the Gulf crisis was not fully addressed."

The Emir of Kuwait addressed the routine matters of the meeting and "we in the State of Qatar see it as an appreciated step by the Emir of Kuwait that he is still trying to save this council by continuing its regular work at least until there is a chance to overcome these differences," HE the deputy prime minister and foreign minister said.

On the dispute settlement committee that was put forward during the summit, HE said that there is an item in the GCC Charter and another in the Riyadh Agreement on discussing and resolving any dispute, adding that the two items were not respected in this dispute.

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the current situation is the result of the siege countries' lack of respect for these two items, but what the Emir of Kuwait put forward is a reasonable request to all the Gulf States to protect their security and stability that they are not subjected to such unilateral sanctions in which there are clear violations of international law that have been condemned in the past by many international organizations, whether the U.N. general Assembly when it condemned the unilateral actions against Cuba or Ecuador, or condemning the ban on the export of oil. He noted that all organizations condemn this act and today it took place under a system like the GCC, and, hence, Kuwait wants to have a clear mechanism for resolving disputes so that conflicts would not reach such a level.

As for the extent to which the crisis might reach and its impact on the GCC countries if it becomes a long-term one, HE the deputy prime minister and foreign minister said that there is a clear attempt after increasing the international pressure on the siege countries to normalize the crisis and there are many statements that the crisis of Qatar has been overcome or that the State of Qatar no longer represents anything, in addition to childish actions such as not mentioning Qatar in news or in matches, or that Qatar's problem is very, very small.

"If the problem of Qatar was very, very small, according to their words, why do they keep mentioning the name of Qatar and incite against it? Their media carries charges against Qatar every day, in addition to holding conferences on Qatar. So, where is the fault while all this incitement continues and where is the fault while you still incite against the State of Qatar in Western countries? The job of our ambassadors is to develop our relations with the countries that they are sent to, while the job of the ambassadors of the siege countries now is to demonize the relations of the State of Qatar with the countries that they are sent to," HE the deputy prime minister and foreign minister said.

HE Sheikh Mohammed bin Abdulrahman Al-Thani added that the issue of normalizing the crisis is unrealistic and the siege countries are not honest about it. "But if we look from a humanitarian perspective that unilateral actions against the Qatari people are normalized, then it is unacceptable," he said, adding that depriving a Qatari citizen of his family is racial discrimination and unacceptable in the 21st century.

"To reject someone because of their nationality or race, and to normalize a crisis by denying a Qatari investor access to their investments and press them politically to lose their money because you want to put political pressure on their country is unacceptable.

"To go to countries and offer them money to break ties with Qatar or shut their airway in front of the State of Qatar is unacceptable. These actions show that they do not actually normalize the crisis. They want to normalize the crisis only in the media through statements and this is a clear contradiction," HE the deputy prime minister and foreign minister said.

HE Sheikh Mohammed bin Abdulrahman Al-Thani cited a statement by HH the Emir Sheikh Tamim bin Hamad Al-Thani that the State of Qatar is fine without them, adding that "our main concern is how to not have any impact on our people from this crisis, and the state is continuing its development measures.

In response to a statement by an official of the siege countries that his country is focused on development and that the Qatar crisis is marginal and there are many regional crises, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the war in Yemen is still ongoing, there is a constitutional crisis in Lebanon, Jerusalem was recognized as the capital of Israel, the prices are rising and there is no positive indication on development in international indices. On the other hand, he added, Qatar has opened one of the largest ports in the region, has secured food security projects, ensured new international trade lines and hosts international events.

He added that HE Dr. Hamad bin Abdulaziz Al Kuwari, the candidate of the State of Qatar for UNESCO, reached the final stage of voting along with the French candidate. "This is the biggest proof that the State of Qatar has an international status that cannot be affected thanks to the established relations of the State of Qatar with those countries that from the beginning were based on solid and clear foundations," HE Sheikh Mohammed bin Abdulrahman Al-Thani said, calling on the siege countries to respect law and the sovereignty of any state and then when measures are applied under the umbrella of national sovereignty, this would be something the State of Qatar cannot reject.

Wednesday, Jan 10, 2018

EXHIBIT 80

U.S. Department of State
Diplomacy in Action

Joint Statement of the Inaugural United States-Qatar Strategic Dialogue

Media Note
Office of the Spokesperson
Washington, DC
January 30, 2018

The governments of the State of Qatar and the United States held the inaugural Strategic Dialogue in Washington D.C. on January 30, 2018. U.S. Secretary of State Rex W. Tillerson and U.S. Secretary of Defense James N. Mattis co-chaired the opening session jointly with Qatari Deputy Prime Minister and Minister of State for Defense Khalid al-Attiyah and Qatari Deputy Prime Minister and Foreign Minister Mohammed bin Abdulrahman Al Thani. U.S. Secretary of Energy James R. Perry and U.S. Secretary of Commerce Wilbur L. Ross, Jr. participated in sessions with Qatari Minister of Energy and Industry Mohammed al-Sada and Qatari Minister of Economy and Commerce Ahmed bin Jassim Al Thani, respectively. U.S. Secretary of Treasury Steven T. Mnuchin and Qatari Minister of Finance Ali Sharif al-Emadi co-chaired the closing ceremony.

The two countries welcomed this first Strategic Dialogue, highlighting the strength of their bilateral relationship and the mutually beneficial opportunities for the peoples of both countries to deepen bilateral cooperation. Today, the United States and Qatar underscored the strength of their ties and established a shared vision for the future of their strategic partnership. The two governments took an important step to elevate the bilateral relationship by signing a Memorandum of Understanding establishing an annual Strategic Dialogue.

In this inaugural Strategic Dialogue, the two countries discussed specific areas of partnership, including defense, counterterrorism, combating extremism, and trade and investment. As those conversations continue, both the United States and Qatar believe their continued mutual cooperation will benefit the interests of both countries, as well as the security and stability of the Gulf region.

Qatar and the United States discussed and welcomed enhanced cooperation, particularly, but not limited to, the areas described below.

Political Cooperation

Qatar and the United States expressed satisfaction at the recently strengthened and expanded bilateral relationship. This highlights their shared commitment to advance global peace and prosperity.

Qatar and the United States discussed the Gulf crisis and expressed the need for an immediate resolution which respects Qatar's sovereignty. The two governments expressed concern about the harmful security, economic and human impacts of the crisis. Concern was also expressed over peace and stability in the Gulf and adherence to international law. Qatar emphasized its appreciation for the role played by the United States in the mediation of the dispute in support of the efforts of the Emir of Kuwait. Qatar and the United States affirmed their backing for a strong Gulf Cooperation Council that is focused on countering regional threats and ensuring a peaceful and prosperous future for all its peoples.

Qatar emphasized the role of the United States in the region and the significant part it plays in countering threats of terrorism and violent extremism. The two governments discussed regional security and stability, including joint efforts to defeat ISIS, ongoing conflicts in Syria, Iraq, Libya, and Afghanistan, as well as efforts to resolve the Israeli-Palestinian conflict.

The United States acknowledged Qatar's generous humanitarian role bilaterally and multilaterally through the work of various UN agencies, in supporting forcibly displaced populations, and in assisting refugees including millions of vulnerable young children and women. The United States acknowledged recent progress and commitments made by Qatar on combating human trafficking and advancing labor rights. The two governments signed a Memorandum of Understanding to continue progress in these areas.

The two governments intend to identify and prioritize areas for further cooperation based on the results of the inaugural dialogue and decided to establish a working group to advance common policy priorities and political partnerships.

Defense

Qatar and the United States emphasized the vital contribution their defense partnership provides for the security and stability of the region. This cooperation is key to successfully combating terrorism, countering violent extremism, and deterring external aggression. U.S. officials lauded Qatar's contributions in supporting the sizeable U.S. military presence in Qatar under the U.S. Central Command.

The two governments issued a Joint Declaration on Security Cooperation, affirming the two countries' joint commitment to promoting peace and stability and countering the scourge of terrorism. The United States expressed its readiness to work jointly with Qatar to deter and confront any external threat to Qatar's territorial integrity that is inconsistent with the United Nations Charter.

The two governments discussed the $24.7 billion Foreign Military Sales (FMS) program that currently exists between the United States and Qatar. Since 2014, Qatar has used its national funds to purchase state of the art military systems and conduct extensive training at U.S. facilities. The United States thanked the Qatari government for those purchases, noting they have resulted in over 110,000 American jobs and the sustainment of critical military capabilities for the United States. Qatar highlighted the continued opportunity for future FMS and direct commercial sales, particularly relating to the development of the Expeditionary Amphibious Capability, which could lead to several billion dollars of future acquisitions and training in the near term, as well as an improved ability to defend against external aggression and to better interoperate with U.S. and NATO military forces in coalition operations.

The United States welcomed Qatar's offer to expand critical facilities at U.S. bases in the country. Qatari funding of capital expenditures and sustainment offers the possibility of an enduring presence, as with U.S. facilities in Europe and the Pacific. The two governments acknowledged the strong and lasting bilateral security partnership, and look forward to further discussions on the possibility of permanent basing.

Counterterrorism

Both sides intend to strengthen their security and counterterrorism partnership to eradicate terrorism and violent extremism. They reviewed the positive progress made under the terms of the Memorandum of Understanding on Counterterrorism signed on July 11, 2017, including with respect to information sharing, countering the financing of terrorism, aviation security, and capacity building. The United States thanked Qatar for its action to counter terrorism and violent extremism in all forms, including by being one of the few countries to move forward on a bilateral Memorandum of Understanding with the United States.

Qatar and the United States intend to begin the Anti-Terrorism Assistance training program as soon as possible, as set forth in a Letter of Intent signed in 2017; the program will focus on key areas such as aviation security, terrorism investigations, and the protection of soft targets.

The two governments also noted the recent conclusion of the Memorandum of Understanding between the U.S. Attorney General and his Qatari counterpart on the fight against terrorism and its financing and combating cyber-crime.

Qatar and the United States expressed the need to address violent extremism through preventive frameworks. They emphasized the role that both countries are playing in founding and being leading donors of the Global Counterterrorism Forum (GCTF) and the Global Community Engagement and Resilience Fund (GCERF).

Trade and Investment

The two governments acknowledged the challenges facing Qatar as a result of the GCC dispute, which disrupted Qatar's previous trading partnerships. Qatar noted that despite the dispute, Qatar has honored its international trade obligations.

Qatar and the United States committed to boosting bilateral trade. They welcomed the role of U.S. companies in Qatar's development and of Qatari investment in U.S. firms and jobs. Both countries recognized the importance of bilateral investment. The Qatari delegation described recent reforms designed to attract foreign investment in Qatar, including free trade zones, expanding ownership for non-citizens, improvement of the banking system, consolidation of the rule of law, including the development of a mechanism for dispute resolution.

The two governments recognized the importance of Qatar Investment Authority's previously committed investment of $45 billion in American firms, real estate, and jobs. Qatar Investment Authority's chief executive described plans to increase investments in U.S. infrastructure and to expand across the United States of America.

The two governments recognized the positive outcomes emerging from the bilateral Trade and Investment Framework Agreement (TIFA) signed in 2004. It was noted that TIFA continues to serve as a platform for increased cooperation in the fields of job creation, property law, communications, customs, SMEs, and new markets.

Qatar and the United States signed various Memoranda of Understanding and Letters of Intent in the fields of bilateral trade, investment, and technology. They welcomed the United States' Commercial Law Development Program's partnership with the Ministry of Finance, and officials signed a Letter of Intent on cybersecurity cooperation and a Letter of Intent on smart technologies collaboration.

The two governments welcomed a set of Understandings on civil aviation reached January 29 aimed at ensuring healthy competition in the global aviation sector while maintaining the Open Skies framework of U.S. international aviation policy. Anchored in the two countries' close bilateral economic and strategic relationship, the Understandings represent important, high-level political commitments. They affirm both governments' intention to promote best practices for marketplace participation by their airlines, while ensuring a continuation of the important economic, political, and cultural benefits of air services made possible by Open Skies.

Qatar and the United States stressed the importance of maintaining freedom of navigation, of overflight, and of unimpeded lawful commerce in accordance with international law.

The two governments expressed their mutual desire to further strengthen their bilateral relations in the energy sector, signing a Memorandum of Understanding to enhance cooperation between Qatar and the United States.

Forward Together

This new Strategic Dialogue process underlines the commitment of Qatar and the United States to increase cooperation in fields that are of the greatest mutual and practical benefit. Such cooperation includes the issues discussed today but also incorporates important work in the fields of sports, education, health, arts, and culture.

The two governments outlined a way forward together for the development of their partnership. They committed to continue their dialogue and cooperation on issues including: combating regional terrorism and violent extremism; countering the financing of terrorism; consolidating state of the art defense facilities; and expanding their trade and investment partnerships. Qatar and the United States look forward to making progress in these areas when the Dialogue reconvenes in Qatar in 2019. Both sides look forward to further enhancing bilateral relations during the visit of the Emir of Qatar to Washington later this year.

EXHIBIT 81

Deputy Prime Minister and Foreign Minister : Qatar-US Strategic Dialogue's Results Represent Strong Response to Siege Countries' Allegations

Washington / Information Office / February 04

HE Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani has underlined that the results of the strategic dialogue between Qatar and the United States in the fields of security, defence and politics are a strong response to all the allegations of the siege countries of Qatar in support of terrorism.

In an interview with the Al Jazeera channel Program "from Washington" , HE the Deputy Premier and Minister of Foreign Affairs said that the State of Qatar has realized many strategic achievements in various fields, he said, referring to the formation of the political working groups between the two countries to follow up on regional issues, continuous work, mutual cooperation and exchange of views.

He said that at the military level, there was a declaration of joint defence, which also addresses the US base and the presence of US forces on the Qatari territories, as well as the joint military exercises and military procurement of the State of Qatar, noting the talks between the parties in the field of combating terrorism and the memorandum of understanding signed by Qatar, which defines the relationship between Qatar and the United States in the fight against terrorism through the exchange of more information and capacity building.

HE Deputy Prime Minister and Minister of Foreign Affairs stressed that the State of Qatar believes that what have been achieved in this dialogue in general in the areas of security, defence and political fields is a clear statement and a clear position from the United States that Qatar is a strong partner in the fight against terrorism and a strong economic

partner. This represents a strong response to all the claims of the siege countries that Qatar supports terrorism "This is a clear testimony from the US , which is well aware of the Qatari efforts and regards Qatar as a key partner in its fight against terrorism."

HE Sheikh Mohammed bin Abdulrahman Al-Thani also said that Qatar's relationship with the United States did not start with the current administration but with previous administrations. "Our agreements, whether security, military or other economic agreements, were in different periods, and yet remain "

He pointed out that the United States is a state of institutions that respects its agreements, stressing that Qatar believes that its future partnership with the United States is promising, and there are many opportunities to achieve this partnership.

On the US position towards the Gulf crisis, HE the Deputy Prime Minister and Foreign Minister said that "Washington's position has been clear since the beginning of the crisis, which is still in place." He explained that the United States wants to see a unified cooperation council and appreciates its relationship with the State of Qatar. That the State of Qatar is going on its way in strengthening its partnerships with all countries, including the United States.

On the announcement of the US Secretary of State on his country's commitment to the sovereignty and territorial integrity of Qatar, HE Sheikh Mohammed bin Abdulrahman Al-Thani pointed out to the existence of a clear and strong partnership between the two countries, adding that there is American knowledge and awareness that the accusations against the State of Qatar are false and did not based on any evidence, However, the State of Qatar as a partner has the right that the United States to stand with it . "This is the nature of the friendship and partnership relationship," he said. "As for the statements made by the US Secretary of State, which he spoke in public, we see them very different from the past, but we are aware that the United States recognizes Qatar's seriousness in resolving the crisis, that there is a unified cooperation council once again, and also recognizes that this crisis has started without foundation. "

As for Qatar's assessment of the issue of the US administration's perception of the complexities of the Gulf crisis in the United States, he said, "In general, there has been an impact at the beginning of the crisis, unfortunately, by the propaganda of the siege countries in the United States. There has been exploitation of the legal methods in the United States to serve their purposes in the demonization of the State of Qatar. Some intellectual centers and newspapers in the United States were provided with information which were not based on facts, but based on lies and charges , but of course with the State of Qatar's contacts with all the spectrum of political and media institutions in the US to clarify the picture and also the view of these institutions of the behavior of the State of Qatar and the behavior of the siege countries against Qatar all began to distinguish between what is real and what is only spreading lies and ideas which were baseless.

About hosting Qatari officials at American institutes known for their right-wing tendencies, HE Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani underlined the openness of the State of Qatar to all institutions in the United States, whether from the right, the center or the left. He said, "We had multiple participations with organizations from the right, the center or the left, as for Enterprise Institute, I had a closed participation in the past and we are in constant contact."

HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed the importance of all institutions and spectra to learn the story of the State of Qatar from the words of the State of Qatar and not taken from other parties already have a rivalry with Qatar. He expressed his regret for the marketing of lies and cultivation propaganda in the American media and social media.

In this connection, His Excellency pointed out that "A company registered in US Department of Justice records with whom the United Arab Emirates (UAE) contracted to broadcast on social media that Qatar is supportive of terrorism, this is just one example of the many companies that have been employed to demonize Qatar".

His Excellency said, "Qatar has always been calling for dialogue, and there should be an understanding of the causes of this crisis because today they launch accusations and abuses against Qatar and its people without any explanation of the causes and motives of this crisis." He explained that Qatar asked the siege countries to sit at the table to discuss a solution based on clear principles and foundations.

His Excellency added, "Today the State of Qatar is still in the same position, and other countries still reject dialogue and continue to spread the same lies without any justification and without logic". He stressed that the crisis will be in place as long as the other side is still arrogant and in denial that what they did is a mistake against the State of Qatar and against the people of Qatar.

HE Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani praised the Qatari people, saying in this regard, "the people of Qatar stood together in front of all the forces that are trying to attack them and their sovereignty". He added that the leadership of the State of Qatar took a position from the first day, which is to stand firm and move forward. His Excellency added, "We will not give up our sovereignty and we will not concede that there will be other states or other forces that control the State of Qatar or its destiny, for us, this is in itself a response to the siege countries and the countries that tried to exercise this political bullying".

His Excellency asked about the winner and loser of the Gulf crisis and said "We see that everyone is a loser in this crisis. We see that we have lost so much in the GCC, which was built by our fathers and founded in 1981. It was in the direction of moving from the stage of cooperation to the Union phase. All of this we have lost because of reckless acts".

HE Foreign Minister said that the Gulf crisis has stopped all forms of collective cooperation between the GCC countries in the regional security issues, whether in the Yemen issue or the regional tragedy experienced by the Syrian people and in many issues concerning Iraq as well as Gulf-Iranian differences. He added "For us, we clearly explain to the United States that there is a product of the accumulation of these reckless policies, whether against the State of Qatar or the policies taken recently with Lebanon or the policies that are taking place today in changing positions, whether in Yemen, Somalia or Syria and other countries, We believe that the region, in general, lacks a clear and wise policy".

Sunday, Feb 04, 2018

EXHIBIT 82

52

Deputy Prime Minister and Foreign Minister: No Dialogue with Siege Countries at Expense of Qatar's Sovereignty

Doha / Information Office / February 19

HE Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani reaffirmed that any dialogue with the siege countries will not be at the expense of the sovereignty of the State of Qatar, stressing the need to have basic principles for any dialogue, with these principles shielded by a clear mechanism to settle conflicts.

Speaking on Monday as he laid out the foreign policy of the State of Qatar before the Advisory Council, HE the minister said that the siege countries have violated all articles of the Gulf Cooperation Council (GCC) Charter, reiterating the importance of having a clear and binding mechanism to settle GCC conflicts.

HE Sheikh Mohammed bin Abdulrahman Al-Thani spoke about the constants of the foreign policy of the State of Qatar, pointing out that it is based on building friendly relations with world countries, protecting the interests of the state, defending Arab and Islamic issues and issues of the vulnerable, working to establish international peace and security through adherence to international laws, activating cooperation in multilateral frameworks at the United Nations and specialized bodies, adherence to international conventions and international development, in addition to the delivery of Qatari humanitarian assistance to those affected anywhere in the world.

HE the deputy prime minister and foreign minister described the fabricated crisis of the siege as unprecedented in the modern history of the State of Qatar, labeling it as treachery. He said that the State of Qatar, under the leadership of HH the Emir Sheikh Tamim bin Hamad Al-Thani, took a strategic decision to deal with the siege in a civilized and legal way, and to rise above the level of the siege countries in the way they treat the Qatari people.

He also reviewed the stages of the crisis since its beginning and the measures the state took to counter the siege under directives of HH the Emir Sheikh Tamim bin Hamad Al-Thani, pointing out that there are no actual reasons for the crisis but it aims to place Qatar under the guardianship of these countries, and direct Doha's internal and external policy and exploits its resources to serve the interests of these countries.

HE Sheikh Mohammed bin Abdulrahman Al-Thani hailed the great role of HH Emir of the fraternal State of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah and his good endeavors to resolve the crisis, noting that the State of Qatar has welcomed and supported this role. He also pointed to the role of the different ministries and government entities at the political, economic and legal levels to address the repercussions of the siege.

Asked about Qatar's membership in the GCC, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that Qatar does not intend to leave GCC and will continue to work through it as long as the body remains. "If the siege countries want to go and found another entity, let them do."

He said that Qatar is now strengthening its cooperation with Asian countries and is considering cooperation in the framework of multilateral regional organizations to join and benefit from them.

The State of Qatar speaks with the different world countries in the language of interests rather than threats as the siege countries do, HE the deputy prime minister and foreign minister said, adding that Doha has achieved many objectives in this regard as major countries condemned the siege and demanded its lifting.

On the latest developments in the crisis, he warned that the siege countries are keen to normalize the crisis and continue it in an attempt to weaken the Qatari economy in the hope that Doha would make concessions, stressing that the State of Qatar has thwarted all these attempts to harm the economy. "The last of these attempts was pressuring the Qatari currency and bonds."

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the directives of HH the Emir are to move forward without closing the door to dialogue, stressing that the State of Qatar will pursue its rights to obtain them if the siege countries want to normalize the siege.

HE the deputy prime minister and foreign minister stressed that the social and humanitarian element is what drives the State of Qatar to consider solutions to this crisis. The rest of the situation is stable, HE said, warning that the siege countries went far and hoped that Qatar will collapse and have a new political regime, expressing regret for this unjustifiable hostility.

In response to a question on when the crisis would see a breakthrough, HE the deputy prime minister and foreign minister stressed that the State of Qatar has moved on from the issue of the siege but at the same time the door remains open to dialogue in accordance with clear and transparent principles that respect international law and the sovereignty of the state.

HE Sheikh Mohammed bin Abdulrahman Al-Thani added that Qatar, over eight months, sought dialogue but the siege countries closed the door, noting that there are no endeavors on Qatar's side now in this regard but it welcomes any constructive efforts.

There are no new efforts now except from the United States, especially those related to the Camp David summit, HE the deputy prime minister and foreign minister said, noting that no one was invited to the summit yet, and if the invitation was sent, the State of Qatar will attend, adding that the United States is in touch with Doha regarding proposals to resolve the crisis.

In a related context, he reiterated that there are no positive indicators from the siege countries, but rather they move from an escalation to another and prepare new waves of future escalations.

As for participation in the upcoming Arab summit, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that Qatar will attend the summit regardless of its place, and if the host state is one of the siege countries and does not provide the necessary measures, that country will be the violating state and not the State of Qatar.

HE the deputy prime minister and foreign minister said that the State of Qatar continues to convey the correct picture regarding the siege crisis and its consequences, adding that thanks to the wise policy of HH the Emir, the State of Qatar has overcome many of the negative aspects of the crisis and all countries that work with Qatar are convinced that what is happening is a slander against the state and unjust measures.

HE Sheikh Mohammed bin Abdulrahman Al-Thani noted that Doha understands that these countries can not show a strong supportive position due to the balance of interests with the siege countries and the pressures exercised on them.

Speaking before the Advisory Council, HE the deputy prime minister and foreign minister touched on the positions of the State of Qatar on regional and international issues, particularly the Palestinian issue, the Syrian crisis, the war in Yemen, the situation in Libya and the relationship with Iran.

He reiterated the State of Qatar's firm position on the Palestinian issue and its support for a just solution according to the Arab Peace Initiative, which guarantees the legitimate rights of the Palestinian people to establish their independent state with Jerusalem as its capital, as well as supporting all the segments of the Palestinian people and the Palestinian reconciliation efforts.

With regard to the Syrian crisis, HE Sheikh Mohammed bin Abdulrahman Al-Thani reiterated the position of the State of Qatar calling for a political solution to the crisis and its stand with the Syrian people. He said in this regard that the State of Qatar had no motives to change the Syrian regime and tried and sought to have a solution to the crisis at the beginning, but there was no response.

When the regime started using violence against the people, Qatar stood by the Syrian people, he said, adding that Qatar continues to support the Syrian people by providing humanitarian and political support to reach a political solution in accordance with international decisions and the Geneva 1 resolutions in particular.

On the Yemen crisis, HE the deputy prime minister and foreign minister expressed his belief that it has begun to take a controversial framework because of the continuation of the war. He added that Qatar's participation in the Coalition to Support Legitimacy was based on the conviction that what happened was a coup against legitimacy and should not be accepted. He stressed that Qatar's participation in the coalition was based on its duty and commitment to the collective security of the GCC countries.

HE Sheikh Mohammed bin Abdulrahman Al-Thani added that Qatar sent its troops to the Saudi border to protect the kingdom and did not participate in the war in Yemen.

HE the deputy prime minister and foreign minister pointed out that the war continues until today and the Yemeni people suffer from difficult humanitarian conditions, noting that there are 20 million Yemenis below the poverty threshold as well as the spread of diseases and epidemics that kill thousands, while no political solution looms so far.

For Libya, HE the deputy prime minister and foreign minister said that the State of Qatar supported the Skhirat Agreement and committed to this support although there are other countries that support parties outside international legitimacy.

On the Qatari-Iranian relations, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that the relationship between the two countries should be based on clear bases due to geographical proximity and participation in the largest gas field, which requires constant communication between the two sides.

He added in this regard that the State of Qatar and Iran have many points of disagreement on foreign policy, and Qatar

still disagrees with Iran on them despite the latter's stand with Doha after the siege.

In response to a question on the U.S.-Qatari strategic dialogue, HE Sheikh Mohammed bin Abdulrahman Al-Thani explained that this dialogue came in accordance with the directives of HH the Emir to establish a strategic platform to frame the Qatari-American relations according to a clear and coordinated mechanism that brings together all the political, economic, defense and energy sectors. He added that there have been fruitful meetings with U.S. counterparts, which produced positive results.

In response to another question, HE the deputy prime minister and foreign minister added that the United States will abide by the declaration of joint defense between the two countries to provide all kinds of support to the State of Qatar in the event of any external attack and this agreement has been in place for years but was highlighted after the strategic dialogue.

He noted that this is a message from the U.S. to the siege countries that Washington does not stand by their side and that it will seek to resolve the crisis and will not allow the escalation of the dispute out of concern about its interests in the Gulf region.

On the performance of Hajj this year, HE Sheikh Mohammed bin Abdulrahman Al-Thani said that this matter is in the hands of the Saudi government, noting that the concerned parties in Qatar will communicate with the channels set by the Saudi authorities in this regard but attributed the last say on this issue to the Saudi government.

Monday, Feb 19, 2018

EXHIBIT 83

Foreign Ministry's Spokesperson: Qatar Continues to Welcome Kuwaiti Mediation, Hopes for Serious Steps by Siege Countries

Geneva – Information Office – 03 March

HE Lulwah Rashid Al Khater, the official spokesperson for the Foreign Ministry, has affirmed Qatar's continued welcome to the Kuwaiti mediation to solve the Gulf crisis, while also expressing her hope for a response and interaction of the siege countries with this mediation by taking serious steps to get out of the crisis.

At a press conference held in Geneva, Switzerland, on the sidelines of the Human Rights Council, HE Al Khater said that affirmation of the siege states that the only way out of this crisis is through Kuwaiti mediation is a good development and progress by the siege countries, stressing that the State of Qatar welcomes Kuwaiti mediation and respects the positive and active role of HH the Emir of the State of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah.

She added that HH the Emir Sheikh Tamim bin Hamad Al-Thani was the only leader among the parties of the Gulf crisis who attended the GCC summit in Kuwait in appreciation of Kuwaiti mediation, urging the siege countries to take serious steps and to respond to the Kuwaiti mediation appeals to return to the dialogue table.

HE the spokesman of the Foreign Ministry said the siege imposed on the State of Qatar by Saudi Arabia, the UAE, Bahrain and Egypt by closing land, sea and air routes is illegal, noting that about 90% of the food and medicine entered Qatar via Saudi Arabia and the UAE.

Her Excellency also pointed to the expulsion of Qatari students from the universities of the siege countries and the prevention of the citizens of these countries from going to Qatar with some exceptions unless evidence of the presence of relatives and families in Qatar is presented to obtain approval to go to Qatar. She stressed that Qatar did not reciprocate with the siege countries and did not take similar measures, noting the presence of about 200,000 Egyptians working in Qatar, despite the fact the Egypt is one of the siege countries.

HE the Spokesman for the Foreign Ministry also emphasized that Qatar overcome the economic siege within 48 hours by finding and establishing new and alternative air routes or sea lines through Kuwait, Oman, India, Pakistan and other countries.

Qatar remains the fastest growing economy among the GCC countries despite the siege, she said, noting that Qatar remains the world's first exporter of liquefied natural gas and the second largest exporter of helium gas. Qatar's economy is strong, but its concerns about the Gulf crisis are threefold: human rights violations, regional security, and the insistence of the siege countries to resort to the back-door-policy instead of dealing with diplomatic and political channels, she said.

Her Excellency also pointed out that the siege comes in the context of a series of crises launched by the same parties, referring to a growing polarization in the region by these countries using a sectarian discourse. "We are concerned about the sectarian discourse used in the polarization in the region."

HE spokesperson for the Foreign Ministry Lulwah Rashid Al Khater, pointed out that the siege countries were able to destabilize the GCC system, which was considered, especially in the wake of the Arab Spring, as a contributing factor to stability and as the most stable bloc in the region.

Al Khater went on saying that Qatar's concern and main worry lies in the regional security and the repercussions of the siege on it, despite the fact that Qatar has overcome its economic impact. "We are also concerned about the siege countries', especially GCC members, use of the back door tactics, to defame Qatar and damage its image in Western countries," she added pointing that the siege countries departed the diplomatic means and opted for back doors tactics and fanning tribal celebrations that they decided to organize. HE Al Khater saw a great contradiction between announcing a major reform agenda and adopting a sectarian and tribal discourse, stressing that blocking the diplomatic process is disturbing.

"The plots and attempts to tamper with Qatari currency, in some countries, will be legally addressed by Qatar Central Bank," she said pointing to evidences linking this case to one of the siege countries, a GCC member.

HE Lulwah Al Khater called for revisiting the report of the technical mission of the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued in December 2017, saying that the mission visited the State of Qatar and wanted to visit the siege countries to study their positions, but those countries refused to welcome the mission.

She went on saying that the mission prepared its report and contacted the siege countries again to give their views on the report, but they also refused. "After publishing the report, the siege countries decided to question the mission as well as the integrity and objectivity of the report," she said asking "Why did not the siege countries allow the mission to enter their territories"?

Al Khater said that the technical report has documented 504 cases of violation of the right to education, 1174 cases violations of the right to property and 629 cases of families separation in addition to 1261 cases of suspension and restrictions of freedom of movement and communication, pointing to the existence of 6500 marriages of Qatar citizens and citizens of the siege countries. "These families are now deprived from the right to reunification in one country," she added.

She referred to the contradiction that the siege countries claim to establish free trade zones, while politicize the economic dimension and deprive Qatari businessmen and businesswomen from access to their property and investment, pointing that the National Commission for Compensation documented about 4500 complaints by individuals who are unable to access their investments and property in the siege countries/

The Foreign Ministry's Spokesperson went on saying that the report of the technical mission concluded that the siege targeted the State of Qatar and Qatari citizens, and that the measures taken by the siege countries were unilateral, while Qatar did not reciprocate by imposing similar measures on the citizens of these countries, stressing that the report describes the measures taken against the State of Qatar as an economic war, and described the media discourse in the siege countries to a hate speech against Qatar and Qatari citizens.

"The technical mission, two times, gave the siege countries the opportunity to respond, but they refused to. After publishing the report in December, 2017 the siege countries described it as biased and politicized instead of addressing the issues at hand," she said.

HE Lulwah Rashid Al Khater, the official spokesperson for the Foreign Ministry, said following HE the Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani's speech before the Human Rights Council, the siege countries responded with a statement that does not address the actual violations, describing the violations in the report as a "minor issue" and saying that international community is not concerned with this issue at all.

There is no surprise in the response of the siege countries, given their human rights record not only against Qatari

citizens but also against their own citizens, she said.

Her Excellency continued by saying it is not surprising because they are not interested in human rights violations against Qatari citizens under the siege. This is normal for them, but for us, any violation against a Qatari citizen is a great deal of importance to us. We are keen and we will seek that every citizen get his rights and receive his appropriate compensation.

She pointed out that the siege countries indicated in their response that this crisis is a diplomatic one caused by Qatar, but the fact is that on June 5, these countries decided to cut ties and close their borders with Qatar, which 90% of its food and medicine imports come through them.

Replying to a question by Spanish news agency, HE Lulwah Al Khater said that Qatari diplomacy has been very active recently, pointing out in this regard to the US-Qatari dialogue which was held at the end of January in Washington, as well as several tours made by Qatari diplomacy in various continents.

Her Excellency also stressed that the State of Qatar has overcome the siege economically and looks forward to strengthening bilateral relations with all countries, pointing to various agreements signed by the State of Qatar with the United Kingdom and the United States of America, and other countries.

On Qatar's complaint to the World Trade Organization (WTO) against the siege countries, Her Excellency answered a question by Turkish Anadolu Agency saying that the State of Qatar continues to take legal steps in this direction.

She added harm occurred at different levels to individuals, companies and government institutions, and this will be addressed through different channels, explaining that the rights of individuals are pursued by the National Human Rights Committee through a group of lawyers.

With regard to the companies affected by the siege, HE Lulwah Al Khater said the documentation of the damage is going on but takes time in term of the preparation of documents and evidence collection, stressing that things are moving forward in this regard in what needed to be done by other parties.

Responding to a question by the UAE news agency about why Qatar does not take steps to address concerns and fears of the four countries if it is keen to resolve the crisis, the official spokesman of the Foreign Ministry wished that the siege countries would sit down with Qatar face to face to hold dialogue and civilizational debate to bring these fears to Qatar just as this reporter is sitting down and raising them here.

If the siege countries have observations on Qatar, the State of Qatar has observations on these countries, just as a number of countries in the region such as Lebanon, Yemen and other Arab countries have observations on the siege countries, she added.

Commenting on what the UAE news agency correspondent said regarding what was reported by Al Jazeera news channel, she said if Al Jazeera aired content that some parties do not like, these parties should respond through their media as it is done in civilized countries that have multi-spectrum media. As the siege countries have observations on Al-Jazeera, Qatar also has professional observations on the media of the siege countries, she said, stressing at the same time that she will not defend Al Jazeera. "They (Al Jazeera) are present in the Hall and they can defend themselves if they wish."

Her Excellency added that every observation and problem must be resolved through natural channels. Observations may be of a political, diplomatic or economic nature and these are resolved through their natural channels. What happened is that in this crisis, diplomatic and political channels were blocked and things were politicized, she said.

She also expressed surprise at the politicization of religion and the use of its figures to attack Qatar, adding that politicization also affected sports and social relations.

HE Lulwah Al Khater criticized the contradiction in the siege countries' discourse, as they talk locally about Qatar's relations with Iran and to Western audience about Qatar's relationship with terrorism, citing the speech of the UAE Minister of State for Foreign Affairs Anwar Gargash in a lecture in Britain that the crisis with Qatar has nothing to do with Iran, but with terrorism, asking about the reason behind contradiction between the local and international discourse.

She also asked about the reason why the siege countries have not present a single document to the Kuwaiti mediator or the US side to prove Qatar's support for terrorism, pointing that the State of Qatar has signed counter-terrorism agreements with several countries.

In this respect, she pointed that US, the spearhead of the fight against terrorism, stressed in the joint statement issued by the US-Qatar Strategic Dialogue on January 30, that Qatar is a partner in the fight against terrorism.

She added that even the countries that initially joined the siege quartet by severing diplomatic relations with the State of Qatar, have initiated the resumption of those diplomatic relations, as the Republic of Senegal and the Republic of Chad.

In response to a question by Reuters about the situation in Syria, HE Lulwah Al Khater explained that the State of Qatar

has been supporting Geneva 1 since the beginning.

she also voiced Qatar's concern about the military operations in Eastern Ghouta, describing the situation there as catastrophic.

The State of Qatar appealed to all sides to stop military operations and allow aid to reach the Syrian people, she said reminding of Qatar's call for transitional justice. Failure to realize justice means that terrorist groups can find people's grievances a pretext for violence, she added.

She also warned in this context of the return of a new version of ISIS and other extremist groups.

On the peace talks between the Taliban movement and the government of Afghanistan, HE Lulwah Al Khater confirmed that there is nothing currently under way, pointing out that Qatar is always coordinating with the US in this regard.

As for the attempts to deprive Qatar from organizing the 2022 FIFA World Cup, the Foreign Ministry's Spokesperson expressed hope that this is not the purpose of the siege, stressing that Qatar is continuing to build the necessary infrastructure for the World Cup.

She affirmed that the World Cup will be held in Qatar, calling on the international media to come to Qatar and see the progress in of World Cup projects.

Saturday, Mar 03, 2018

EXHIBIT 84

Updated 14 April 2018
http://www.arabnews.com/node/1283936/middle-east

Arab Quartet stresses Qatar must meet 13 demands to mend ties

- They discussed the developments regarding the Qatari crisis and stressed the Quartet's firm position on the necessity of Doha fulfilling the 13 demands that have been put forward

The Foreign Ministers of Saudi Arabia, Egypt, the UAE and Bahrain held a meeting on the sidelines of the 29th Arab League summit on Thursday in Riyadh, where senior Arab officials were discussing various political, security, and military developments facing the region.

They discussed the developments regarding the Qatari crisis and stressed the Quartet's firm position on the necessity of Doha fulfilling the 13 demands that have been put forward, as well as its adherence to the Six Principles of Cairo Meeting and Manama Declaration as a necessary foundation for normalizing relations with them.

The four countries severed diplomatic and transport links with Qatar in June last year, accusing Doha of supporting terrorism and meddling in their internal affairs, and sparking the region's worst diplomatic dispute in years. Doha has denied the accusations.

During the meeting, the ministers reiterated their solidarity and continued coordination of their positions to maintain security and stability in the Arab region as a whole and reject any attempt of external interference in the affairs of the Arab states, Saudi state press agency reported.

Annex 26

Rejoinder to the State of Qatar's Response to the Respondents' Preliminary Objections of the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates In Re Application (B) of the State of Qatar Relating to the Disagreement Arising under the International Air Services Transit Agreement done at Chicago on 7 December 1944, 12 June 2018

Before the Council of the International Civil
Aviation Organization (ICAO) Under the ICAO
Rules for the Settlement of Differences (Doc. 7782/2)

REJOINDER TO THE STATE OF QATAR'S RESPONSE TO THE RESPONDENTS' PRELIMINARY OBJECTIONS

OF

THE ARAB REPUBLIC OF EGYPT, THE KINGDOM OF BAHRAIN AND THE UNITED ARAB EMIRATES

In Re Application (B) of the State of Qatar Relating to
the Disagreement Arising under the
International Air Services Transit Agreement
done at Chicago on 7 December 1944

H.E. Sherif Fathi
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Agent for the United Arab Emirates

12 June 2018

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EXECUTIVE SUMMARY

This Rejoinder is submitted by the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates [the ***Respondents***] in order to address the Response of the State of Qatar [***Qatar***] filed on 30 April 2018, to the Preliminary Objections of the Respondents filed on 19 March 2018.

The Respondents' First Preliminary Objection is that the ICAO Council [henceforth, ***the Council***] does not have jurisdiction over the "real issue" in dispute. The dispute concerns Qatar's multiple, grave, and persistent breaches of international obligations essential to the security of the Respondents, which compelled the Respondents to enact a basket of lawful countermeasures, including the measures of which Qatar now complains. The "real issue" in this case thus concerns matters such as the principle of non-intervention, subversion and terrorism. All of these are matters clearly falling outside of the Council's jurisdiction.

Qatar conceded in its Response that adjudication of its claims on the merits will require the Council to determine "on the facts and in law" whether the conditions for the imposition and continuation of the countermeasures have been met. Such a determination would, in turn, require the Council to conduct a detailed factual inquiry into Qatar's activities in relation to certain terrorist organizations and interference in the domestic affairs of its neighbours and to assess the lawfulness of Qatar's activities against its obligations under, among others, the Riyadh Agreements, the International Convention for the Suppression of the Financing of Terrorism, Security Council Resolution 1373 (2001) and customary international law.

Qatar mischaracterises the Respondents' First Preliminary Objection as alleging that Qatar's claim involves a political question. But the Respondents do not claim that if a dispute has political elements that is *per se* sufficient to exclude a tribunal's or court's jurisdiction. Qatar's argument is a straw man that intends to distract from the full force of the First Preliminary Objection made by the Respondents.

The Council is not the proper forum for a dispute that turns on whether Qatar has breached multiple obligations that are outside, and different from, the International Air Services Transit Agreement [***IASTA***]. The Council is not well-suited or equipped to handle disputes of this nature, nor is it competent to do so. It is respectfully submitted that it must decline jurisdiction, or in the alternative, find that the Application of Qatar is inadmissible.

With respect to the Second Preliminary Objection, Qatar now claims in its Response to have actually attempted negotiations. Qatar's changing, contradictory and unsubstantiated position on its compliance with Article II, Section 2 of the IASTA lacks credibility.

The case law of the ICJ makes clear that the requirement of prior negotiations, such as that which is contained in Article II, Section 2 of the IASTA, is a precondition to the existence of jurisdiction. The evidence put forward by Qatar, however, demonstrates that Qatar made no genuine attempt to initiate negotiations with the Respondents in relation to the interpretation or application of the IASTA, whether prior to bringing the dispute to the Council or thereafter.

If the Council were to accept jurisdiction on the basis that the applicant could subsequently seek negotiations and re-submit the application, it would leave the requirement of prior negotiations in Article II, Section 2 without any effect, since applicants would have no incentive to attempt negotiations prior to submitting a dispute to the Council, as the failure to do so would not trigger any consequences.

Qatar's positions on the Respondents' two preliminary objections are internally contradictory and show the weakness of Qatar's case. In its response to the Respondents' First Preliminary Objection, Qatar contests that the "real issue" in this case concerns wider matters that are outside the Council's jurisdiction, stating that the subject-matter of the dispute instead concerns the IASTA only. But as to the Second Preliminary Objection, Qatar affirmatively pleads that it has invited negotiations on the entire, broader dispute.

Qatar cannot have it both ways. If the present dispute is to be understood as relating solely to breaches of the IASTA, as Qatar alleges, then it follows that the required attempt to negotiate must relate to the alleged breach of the IASTA. Yet, none of the statements offered by Qatar as evidence of negotiations or of attempts at negotiation refers to the IASTA; rather they are broad-brush statements as to Qatar's alleged willingness "to sit and talk" or the "importance of dialogue". If Qatar insists that the dispute is not about the wider issues between the parties, it must necessarily concede that it has failed to comply with the prior negotiations requirement in Article II, Section 2. Conversely, if Qatar claims that the references to a broader political dialogue satisfy the prior negotiations requirement in Article II, Section 2, it must acknowledge that that dispute is about wider issues that fall outside the Council's jurisdiction. Either way, the Council must find that it does not have jurisdiction.

Finally, Qatar incorrectly argues that, to the extent that the Respondents' objections are properly to be characterised as objections to admissibility, the Council has no power to decide them as a preliminary issue. The Respondents' primary position in their two Preliminary Objections is that the Council lacks jurisdiction. However, and in the alternative, to the extent that the two objections also address admissibility, the Council may decide on them as a preliminary matter, as they have the requisite exclusively preliminary character.

The Respondents therefore respectfully reiterate their request to the Council that it decide as a preliminary matter to accept their Preliminary Objections and therefore decide either that it lacks jurisdiction to resolve the claims raised by Qatar in Application (B) or, in the alternative, that Qatar's claims are inadmissible.

I. INTRODUCTION

1. Pursuant to the Council's decision of 28 May 2018 and in accordance with Article 28 of the Rules for the Settlement of Differences [the ***Rules***], this Rejoinder is submitted by the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia, and the United Arab Emirates in order to address the Response of Qatar, filed on 30 April 2018, to the Preliminary Objections of the Respondents filed on 19 March 2018.

2. In their Preliminary Objections dated 19 March 2018, the Respondents respectfully submitted that the Council has no jurisdiction to address the claims raised in Qatar's Application (B) and Memorial, or that, in the alternative, the Council should decline to hear Qatar's claims and declare them inadmissible.

3. The two preliminary objections made by the Respondents are as follows:

   (a) The dispute falls outside the subject-matter of Article II, Section 2 of the IASTA: resolving the disagreement between Qatar and the Respondents would necessarily require the Council to determine the Respondents' invocation of countermeasures and whether Qatar was complying with fundamental international law obligations entirely unrelated to the IASTA. Indeed, it is Qatar's non-compliance with those different obligations, and the Respondents' measures in response, that form the real issue in dispute.

   (b) In any event, Qatar has failed to comply with:

      (a) the necessary precondition to the existence of jurisdiction of the Council, contained in Article II, Section 2 of the IASTA, of first attempting to resolve the disagreement with the Respondents through negotiations prior to submitting its claims to the Council; and

      (b) the procedural requirement in Article 2(g) of the Rules of establishing and expressly affirming in its Memorial that negotiations to settle the disagreement had taken place between the parties but were not successful.

4. This Rejoinder responds to Qatar's arguments, which are new in large measure. Before doing so, the Respondents set out a list of points on which the parties apparently agree:

   (a) When performing functions under Article II, Section 2 of the IASTA, the Council acts in a judicial or quasi-judicial capacity, and any such distinction between the two has no practical significance.[1]

[1] Response of the State of Qatar to the Preliminary Objections of the Respondents in *Re Application (B) of the State of Qatar Relating to the Disagreement on the interpretation and application of the Convention on International Civil Aviation (Chicago, 1944) and of its Annexes*, Montreal, 1 May 2018 [***Response of Qatar***], para. 15 ("Nevertheless, the State of Qatar does not believe that it is necessary to decide whether the Council,

(b) The Council has the power to determine its own jurisdiction, within the confines of Article II, Section 2 of the IASTA.[2] Though Qatar disputes the scope of this power by suggesting that the Council may not determine questions of admissibility as preliminary matters in exercise of its *Kompetenz-kompetenz*.

(c) The jurisprudence of the International Court of Justice [***ICJ*** or the ***Court***] is highly relevant to determining matters of law or procedure before the Council.[3]

(d) Article 22 of the ILC Articles on the Responsibility of States for Internationally Wrongful Acts [***ILC Articles***] reflects the customary international law principle that "the wrongfulness of an act of a State not in conformity with an international obligation towards another State is precluded if and to the extent that the act constitutes a countermeasure taken against the latter State".[4]

(e) If the Council were to find that it had jurisdiction and proceed to the merits, it would necessarily find itself considering (in Qatar's words) "wider question[s]" as to Qatar's support and financing of terrorism.[5] Indeed, Qatar has declared that it intends to "show, at the stage of the merits, on the facts and in law, that the conditions for the imposition and continuation of the alleged countermeasures by the Respondents have not been met".[6]

5. The main areas of disagreement between the parties for the purposes of these proceedings are relatively few:

(a) Insofar as the Council considers either one of the Respondents' objections to go to admissibility, whether it can determine disputes as to admissibility at the preliminary objections phase.

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when performing Article II, Section 2 functions, acts in a judicial or quasi-judicial capacity nor what the difference would practically entail".).

2 Preliminary Objections of the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates in *Re Application (B) of the State of Qatar Relating to the Disagreement Arising under the Convention on International Civil Aviation done at Chicago on 7 December 1944*, 19 March 2018 [***Preliminary Objections***], para. 26(c); Response of Qatar, para. 16.

3 Preliminary Objections, para. 18. Response of Qatar, para. 12, notes that "the Respondents rely heavily on case law from the ICJ and tribunals", without seeking to contradict its relevance. Qatar goes on also to rely heavily on ICJ case law (see, e.g., Response of Qatar, paras. 18-22, 26-31, 37-43), from which it is to be inferred that it likewise does not dispute the relevance of such cases.

4 Response of Qatar, para. 79; Preliminary Objections, paras. 36-40. Citing the International Law Commission, Articles on Responsibility of States for Internationally Wrongful Acts (2001), in *Report of the International Law Commission on the Work of its Fifty-third Session* (2001), UN doc A/56/10, chapter IV, reproduced in *ILC Yearbook* 2001, vol. II(2), pp. 31 *et seq* [***ILC Articles***].

5 Response of Qatar, paras. 77-78.

6 Ibid., para. 83.

(b) Whether the Respondents' preliminary objections are legally capable of being joined to the merits on grounds that they do not have an exclusively or predominantly preliminary character, and whether as a matter of proper process they should in fact be so joined.

(c) Whether the "real issue" in the dispute before the Council, properly characterised, concerns not only the alleged "breaches of the IASTA"[7] but rather, fundamentally, the question of Qatar's compliance with its international obligations, including the Riyadh Agreements and other obligations concerning its support and financing of terrorism.[8] If the latter, the consequence is that the Council does not have jurisdiction under Article II, Section 2 of the IASTA.

(d) Whether Qatar failed to fulfil the procedural and substantive precondition of negotiation prior to filing its Application before the Council, and the legal scope of that precondition. If Qatar has failed to fulfil the precondition of negotiation, the consequence is that the Council does not have jurisdiction under Article II, Section 2 of the IASTA.

II. THE COUNCIL CAN AND MUST DETERMINE THE RESPONDENTS' OBJECTIONS AS A PRELIMINARY ISSUE

6. The Respondents have submitted in their Preliminary Objections, pursuant to Article 5 of the Rules for the Settlement of Differences, that:

(a) The Council lacks jurisdiction to resolve the claims raised by Qatar; or

(b) In the alternative, Qatar's claims are inadmissible.

7. Under Article 5 of the Rules, a respondent State which questions the jurisdiction of the Council to handle the matter presented by the applicant State "shall file a preliminary objection" setting out the basis of the objection,[9] and, if such a preliminary objection has been filed, the Council "shall decide the question as a preliminary issue".[10]

8. This is reflective of a fundamental and well-established principle of international law that an international court or tribunal may adjudicate a dispute between States only to the extent that those States have consented to the exercise of such jurisdiction.

9. The scope of the parties' consent to the jurisdiction of the Council is defined in Article II, Section 2 of the IASTA. As explained in the Respondents' Preliminary Objections, Article II,

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7 Ibid., para. 49.

8 Preliminary Objections, paras. 30, 33, 66.

9 Article 5(1) of the Rules.

10 Article 5(4) of the Rules.

Section 2 refers only to disagreements relating to the "interpretation and application" of the IASTA. That is a subject-matter limitation of the Council's jurisdiction. Conversely, disputes or disagreements that are different from and/or extend beyond the interpretation and application of the IASTA fall outside of the scope of the Council's jurisdiction.

10. It is also well-established in international law that, even if an international court or other adjudicatory body decides that it has jurisdiction over a particular dispute – that is to say, its constitutive instruments confer upon it the *power* to adjudicate the dispute – it is also required to consider whether the circumstances are such that it must decline to exercise such jurisdiction, for example because of a reason that affects the possibility or propriety of its deciding the dispute at this juncture. The latter type of considerations, called "admissibility" considerations, are inherent to the exercise of the judicial function. Qatar is plainly wrong in arguing the contrary. Qatar is also wrong in seeking to distance jurisdiction from admissibility: both are related to an adjudicator's ability to determine a dispute; and, as a matter of principle, both fall to be considered and determined at the threshold before briefing and consideration of the substance of the dispute.

11. Reflecting these well-established principles of international law, international courts and tribunals have addressed objections to the jurisdiction and the admissibility of a claim as preliminary issues where such objections possess an "exclusively preliminary character", that is to say, where the objections can be considered without entering into the evidential debate necessary to determine the underlying merits of the claims.[11] The ICJ has recognised that a party raising preliminary objections is entitled to have them resolved preliminarily.[12]

12. Qatar does not dispute that the Respondents are entitled to file objections to the jurisdiction of the Council or as to the admissibility of its claims. Nor does it dispute that the Council is empowered to determine the Respondents' objections to the jurisdiction of the Council as a preliminary matter. Still, it relies on Article 5(1) of the Rules to argue that, to the extent that they are properly characterised as objections to admissibility, the Council has no power to decide on the Respondents' objections *as a preliminary issue*. Rather, Qatar argues that the Respondents may raise their objections only at the merits stage.[13]

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[11] The ICJ has in the past decided that an objection does not have an exclusively preliminary character where the issue raised in the objection was so closely related to the merits of the dispute that, based on the case-file before it, the objection may not be fully addressed. See, e.g., *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States) I.C.J. Reports 1984,* p. 392 [***Military and Paramilitary Activities in and against Nicaragua***], p. 425, para. 76; *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon/Nigeria: Equatorial Guinea intervening) I.C.J. Reports 1998*, p. 275, p. 324, para. 116. Investment-arbitration tribunals have adopted the same approach. See, e.g., *Glamis Gold, Ltd v United States of America,* UNCITRAL, Procedural Order No. 2 (revised), 31 May 2005, para. 12(c); *Philip Morris Asia Ltd v Australia,* UNCITRAL, PCA Case No. 2012-12, Procedural Order No. 8 Regarding Bifurcation of the Procedure, 14 April 2014, paras. 108-109.

[12] *Territorial and Maritime Dispute (Nicaragua v. Colombia), Preliminary Objections, Judgment, I.C.J. Reports 2007,* p. 832 [***Territorial and Maritime Dispute***], p. 852, para. 51; *Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan), ICJ Reports 1972*, p. 46, at p. 56, para. 18(a)-(c)

[13] Response of Qatar, paras. 23-25.

13. Qatar attempts to interpret Article 5(1) narrowly by contrasting it to Article 79(1) of the current version of the ICJ's Rules of Court, which expressly permits a respondent State to make an objection to the jurisdiction of the Court or to the admissibility of the application. In Qatar's view, the explicit reference only to the jurisdiction of the Council in Article 5(1) of the Rules signifies that the Council is not empowered to address objections to the admissibility of a claim as a preliminary matter.

14. Qatar's argument is misconceived at various levels. Qatar does not dispute a respondent's right to file an objection to the admissibility of a claim under Article 5(1) of the Rules, despite the fact that that provision refers explicitly only to jurisdictional objections. To this extent, Qatar accepts that the well-established principle of international law referenced above applies to the Council. It fails to explain why the Council is then barred from considering issues of admissibility separately from the merits, as is the case for jurisdictional objections. There is no satisfactory explanation for Qatar's inconsistent position. Given that considerations of admissibility prevent any determination of the merits,[14] matters of admissibility should be determined as a preliminary matter, unless specific reasons of fairness, propriety, or procedural efficiency compel joining them to the merits. No such reasons exist here.

15. Qatar's superficial comparison also ignores the fact that Article 36(6) of the ICJ's Statute (the constitutive document of the Court) refers only to the Court's ability to decide on a dispute as to whether the Court has *jurisdiction*. There is no reference to objections to the admissibility of a claim in the Statute. Incidentally, the distinction between jurisdiction and admissibility was only introduced into the Rules of Court in 1972.[15] Notwithstanding this, the Court has, since its inception, considered that it was empowered to address objections as to admissibility before any further proceedings on the merits.[16] In the case of the *Northern Cameroons* for instance, the Court did not find it "necessary to consider all the objections, nor to determine whether all of them are objections to jurisdiction or to admissibility or based on other grounds".[17] Whenever the problem has arisen, the Court had no hesitation in re-characterising

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[14] Cf. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Preliminary Objections, Judgment, I.C.J. Reports 2008*, p. 412 [***Application of the Convention on the Prevention and Punishment of the Crime of Genocide***], at p. 456, para. 120.

[15] The ICJ's 1946 Rules of Court provided that, "A preliminary objection must be filed by a party at the latest before the expiry of the time-limit fixed for the delivery of its first pleading". The 1972 ICJ Rules of Court, and the 1978 Rules of Court (currently in force), refer to any objection by the respondent "to the jurisdiction of the Court or to the admissibility of the application, or other objection the decision upon which is requested before any further proceedings on the merits".

[16] In taking this course, the ICJ followed the practice of its predecessor, the PCIJ: see e.g. *Panevezys-Saldutiskis Railway Case, 1939, P.C.I.J., Series A/B, No. 2*, p. 4, a case decided under the PCIJ's 1936 Rules (which were in substantially similar form to the ICJ's 1946 Rules), where the Court observed that the relevant provision: "covers more than objections to the jurisdiction of the Court. Both the wording and the substance of the Article show that it covers any objection of which the effect will be, if the objection is upheld, to interrupt further proceedings in the case, and which it will therefore be appropriate for the Court to deal with before enquiring into the merits" (at p. 16).

[17] *Northern Cameroons (Cameroon v. United Kingdom), Preliminary Objections, Judgment, I.C.J. Reports 1963*, p. 27. See also *Mavrommatis Palestine Concessions, Judgment No. 2, 1924, P.C.I.J., Series A, No. 2*, p. 10; *Pajzs, Csáky, Esterházy, Judgment, 1936, P.C.I.J., Series A/B, No. 68*, p. 51; *Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab*

the objection and examining its merits, without dwelling on any error of characterisation which the objecting State may have committed.[18] The reason is that, as noted above, such objections have equivalent effect to jurisdictional objections: they preclude consideration of the substance of the dispute.

16. In any event, this debate generated by Qatar is in fact unnecessary. As the Respondents explained in their Preliminary Objections,[19] the Council has developed its own practice on the basis of Article 5(1) of the Rules and confirmed that it can address issues of admissibility as a preliminary matter. Qatar seeks to disregard such practice of the Council.

17. In 2000, in *United States v. 15 European States*, the Council dealt with a number of objections to the admissibility of a claim in proceedings under Article 84 of the Chicago Convention.[20] The Council considered as preliminary matters the three objections which the Respondents characterised as going to admissibility. It rejected two of the objections, and it joined to the merits the third – relating to the scope of relief that the Council is entitled to provide – on the basis that the objection was not preliminary in nature. This decision confirms the Council's understanding that it is authorised to consider issues of admissibility as a preliminary matter under Article 5(1). It also confirms that only exceptionally are objections to admissibility to be joined to the merits – in that case because, in the circumstances, the objection could not be said to be of an exclusively preliminary character.

18. Qatar does not contest that the Council has previously considered issues of admissibility as preliminary objections in Article 84 proceedings. Qatar limits itself to dismissing this decision as erroneous but fails to explain – because it cannot explain – why this may be so and why the Council should depart from its previous practice.[21]

19. Also, in the Article 84 proceedings between Brazil and the United States in 2017, the United States raised an objection to the admissibility of the dispute on the basis that it was time-barred (extinctive prescription). Qatar alleges that the Council correctly applied Article 5(1) by

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Jamahiriya) (Tunisia v. Libyan Arab Jamahiriya), Judgment, I.C.J. Reports 1985, p. 216, para. 43; *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1995*, pp. 23-24, para. 43.

[18] See in particular *Interhandel (Switzerland v. United States of America), Preliminary Objections, Judgment, I.C.J. Reports 1959*, p. 26; *Oil Platforms (Islamic Republic of Iran v. United States of America), Judgment, I.C.J. Reports 2003,* p. 177, para. 29; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Preliminary Objections, Judgment, I.C.J. Reports 2008,* p. 456, para. 120; *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia), Preliminary Objections, Judgment, I.C.J. Reports 2016 (I)*, p. 123, para. 48.

[19] Preliminary Objections, para. 31.

[20] Decision of the ICAO Council on the Preliminary Objections in the Matter "*United States v 15 European States* (2000)", 16 November 2000.

[21] Response of Qatar, para. 24.

not addressing that objection as a preliminary matter.[22] But Qatar misses the point: the Council in fact reaffirmed and followed its prior practice.

20. As Qatar itself highlights, in the *Brazil v. United States* case, the United States submitted that:

> While ICAO's Rules for the Settlement of Differences do not explicitly mention admissibility, the Council has, and should now, consider issues of admissibility as permissible bases for making a Preliminary Objection under Article 5 of the Rules on Settlement of Differences.[23]

21. At the hearing in on 21 June 2017, Brazil accepted that the objection raised by the United States went to the admissibility of its claim but did not contest that the Council could address it preliminarily.[24] ICAO's Bureau of Legal Affairs and External Relations also confirmed that the Council may decide to join to the merits objections which did not possess an exclusively preliminary character, citing to the Council's decision in the *United States v. 15 European States*.[25]

22. The Council accepted this position. It concluded that the preliminary objection of the United States did not possess "an exclusively preliminary character" in the circumstances of the case, and decided to defer consideration of it until after having been briefed on the relevant facts, which were part of the merits. The Council thus again confirmed that it was able to deal with admissibility objections as a preliminary matter. Indeed, the very fact that the Council joined the objection to the merits on that basis confirms its understanding that it would have ruled upon the objection at the preliminary phase if, on the facts pleaded in support of it, the admissibility objection had had the requisite "exclusively preliminary character".

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23. Although Qatar is, in the light of the foregoing, wrong on the law, the salient point here is that both of the Respondents' preliminary objections may properly be characterised as going to the Council's jurisdiction.

24. As regards the first preliminary objection, Qatar asserts that "defences such as countermeasures are to be considered at the stage of the merits, not at the preliminary objections stage".[26] By this assertion Qatar presumably intends to invite the Council to join the Respondents' objection to the merits.

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22 Ibid., paras. 24-25.

23 *Brazil v. United States,* Preliminary Objections of the United States, fn. 18 (quoted in Response of Qatar, para. 23).

24 Council – 211th session, Summary Minutes of the Ninth Meeting, 21 June 2017, C-MIN 211/9, para. 51.

25 Ibid., para. 93.

26 Response of Qatar, para. 74; see also Response of Qatar, para. 33 ("[T]he claim by the Respondents that the Council does not have jurisdiction to consider the present case because the State of Qatar has allegedly

25. But the question whether or not the Council may deal *at all* with the substance of the parties' real dispute must be resolved at the threshold. And that is the question which must be resolved to address the Respondents' preliminary objections.

26. Article 5(4) of the Rules does not give the Council the option of joining preliminary objections to the merits, whether such objections may be characterised as regarding jurisdiction or admissibility. Article 5(4) states plainly: "If a preliminary objection has been filed, the Council, after hearing the parties, *shall decide the question as a preliminary issue before any further steps are taken under these Rules*" (emphasis added).

27. It is notable that the Council has never joined a *jurisdictional* objection to the merits.

28. In the light of Article 5(4) of the Rules, that is unsurprising, and the Respondents submit that the Council's past practice should be followed in the present dispute. The Respondents' primary position is that their two objections go to the Council's jurisdiction, rather than affecting the admissibility of Qatar's claim, on the basis that the claim is outside the scope of disputes which fall within the jurisdiction of the Council, as defined in Article II, Section 2 of the IASTA. Consequently, Article 5(4) of the Rules requires that the Council resolve both objections before any further steps may be taken.

29. However, in the alternative, the Respondents submit that the Council may regard the two objections as going to admissibility, and that in such a case, the Council may decide on them as a preliminary matter, as they have the requisite exclusively preliminary character. As discussed in Section III.F below, the Council can and should rule upon the Respondents' First Preliminary Objection based on countermeasures without prejudging whether the Respondents would in fact succeed on their countermeasures defence if the matter were to go to the merits phase. Qatar appears to accept that the Council may determine the Second Preliminary Objection at the preliminary phase to the extent it is properly characterised as a jurisdictional objection. In any event, that objection likewise does not require any prejudging of the merits of the Respondents' countermeasures defence.

III. FIRST PRELIMINARY OBJECTION: THE COUNCIL DOES NOT HAVE JURISDICTION OVER THE "REAL ISSUE" IN DISPUTE

A. Introduction

30. Qatar seeks to mischaracterise the Respondents' First Preliminary Objection as alleging that Qatar's claim involves a political question rather than a dispute which may be resolved by application of law.[27] This is incorrect. Rather, the objection is based on the principle that the

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breach[ed] [sic] certain international obligations which entitled the Respondents to adopt 'countermeasures' goes precisely to the substance or merits of this case".).

[27] Ibid., paras. 34-35 ("[S]ome preliminary observations may be made on the issues raised by the Respondents, that there are wider or broader issues in play which would prevent the Council from assuming jurisdiction or that the Application becomes inadmissible. It is in their nature for tribunals or courts to adjudicate legal issues, even if

Council does not have jurisdiction if, objectively, the "real issue" of the matter brought before it falls outside the scope of Article II, Section 2 of the IASTA. That is the case here. Qatar's complaint relates to measures which were adopted by way of lawful countermeasures as part of a broader reaction to Qatar's persistent breach of fundamental international obligations that have nothing whatsoever to do with civil aviation. That is the "real issue" in dispute.

31. Thus, the scope of the dispute that Qatar purports to bring to the Council is well outside the Council's jurisdiction. If it proceeds to the merits, the Council will necessarily be required to determine the question of countermeasures, as a circumstance precluding the wrongfulness of the Respondents' measures, including the measures of which Qatar complains. As Qatar accepts, were the Council to exercise jurisdiction, it would thus have to determine questions of Qatar's compliance with non-ICAO international law obligations, including the Riyadh Agreements, counter-terrorism obligations and obligations relating to the non-interference in the internal affairs of other States. As Qatar has previously acknowledged, the "real issue" in dispute concerns "matters unrelated to air navigation and air transport".[28] When Qatar failed to comply with these obligations, the Respondents adopted a comprehensive basket of measures including those now complained of, but also the severance of diplomatic relations and economic relations with Qatar. These measures were imposed with the object of inducing Qatar to comply with its international obligations, inter alia, to prevent, suppress and criminalise support for, and the funding of, terrorists and terrorist organisations, and the respect for the principle of non-interference in the internal affairs of States. To the extent that these measures might prima facie be considered to be at variance with the Respondents' obligations under the IASTA, they are justified as constituting lawful countermeasures.

32. There can be no question of the Council severing Qatar's complaint from the nature of the Respondents' measures as countermeasures. There is nothing to sever: all of the Respondents' measures were expressly adopted as countermeasures in response to Qatar's multiple and grave breaches of its international obligations. This was stated in plain terms from the outset by all Respondent States, as described at paragraphs 55–64 of the Preliminary Objections. It follows that Qatar's complaint cannot be assessed on the merits by deferring consideration of the Respondents' countermeasures defence. That would amount to ignoring the true nature of the Respondents' measures and to compromising the Respondents' legal position.

33. It is noted for completeness that it is incorrect for Qatar to argue that by stating that they rely on countermeasures, the Respondents somehow admit that their actions are in breach.[29] For the avoidance of any doubt, the Respondents reiterate that their Preliminary Objections were made entirely without prejudice as to the question whether their actions were otherwise in breach of

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these would occur in the context of wider political differences between the parties. The fact that a legal dispute has wider underlying elements does mean that such dispute falls outside the jurisdiction of the Council or is inadmissible".).

28 Application (B) by the State of Qatar in relation to the disagreement on the interpretation and application of the IASTA, dated 30 October 2017 [**Application (B) by Qatar**], para. g.

29 Response of Qatar, para. 83.

their obligations under the IASTA.[30] The point is simply that, in accordance with well-settled law, the character of these measures as lawful countermeasures precludes any question that they might otherwise be wrongful under the narrow lens of the IASTA.[31]

B. The First Preliminary Objection is Based on the "Real Issue" in Dispute, Not on the Political Nature of the Dispute

34. Qatar aims to confuse by addressing an argument on a point that the Respondents do *not* make, namely that the Council is without jurisdiction because the dispute has political aspects. It argues that:

> It is in their nature for tribunals or courts to adjudicate legal issues, even if these would occur in the context of wider political differences between the parties. The fact that a legal dispute has wider underlying elements does mean that such dispute falls outside the jurisdiction of the Council or is inadmissible.[32]

35. But that is not the Respondents' objection. The objection is rather that the measures complained of by Qatar inexorably call for consideration of a dispute which is different from and outside the scope of the Council's jurisdiction.

36. The Respondents agree that the fact that a dispute has political elements is not per se sufficient to exclude a tribunal's or court's jurisdiction to adjudicate upon it based on applicable legal standards. But nothing turns on this for present purposes, because as just noted that is not the reason for which Qatar's claim is outside the Council's jurisdiction. Qatar is also wrong in suggesting that the ICJ has rejected the principle that when its jurisdiction is limited in terms of subject-matter it must be satisfied that it has jurisdiction – that is, has the necessary consent of the parties – to determine the "real issue" in dispute. None of the cases cited by Qatar support this allegation.

37. Qatar relies on dicta of the Court in *United States Diplomatic and Consular Staff in Tehran*, in which the Court found it had jurisdiction to hear a claim under the Vienna Conventions on Diplomatic and Consular Relations despite Iran's invocation of the broader political grievances it had with the United States:[33]

> [L]egal disputes between sovereign States by their very nature are likely to occur in political contexts, and often form only one element in a wider and longstanding political dispute between the States concerned. Yet never

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30 Preliminary Objections, para. 8 ("The present Preliminary Objections are naturally submitted without prejudice to the Respondents' position on the merits of the claims made by Qatar, as set out in Application (B) and the accompanying Memorial, regarding the alleged breach by the Respondents of their obligations under the IASTA".).

31 ILC Articles, Article 22.

32 Response of Qatar, para. 35.

33 *United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980*, p. 3, p. 20, para. 37.

> has the view been put forward before that, because a legal dispute submitted to the Court is only one aspect of a political dispute, the Court should decline to resolve for the parties the legal questions at issue between them. Nor can any basis for such a view of the Court's functions or jurisdiction be found in the Charter or the Statute of the Court; if the Court were, contrary to its settled jurisprudence, to adopt such a view, it would impose a far-reaching and unwarranted restriction upon the role of the Court in the peaceful solution of international disputes.

38. In the *Military and Paramilitary Activities in and against Nicaragua* case, the Court affirmed that it would not decline to hear a case "*merely* because it had political implications";[34] or again, in the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict* that "the fact that this question also has political aspects … does not suffice to deprive it of its character as a 'legal question'" for the purposes of an advisory opinion.[35]

39. But citation of these cases by Qatar does not answer the Respondents' objection. The fact that the Respondents' measures were adopted – and expressly so[36] – as lawful countermeasures and are relied upon as such means that they must be analysed from that perspective. The Respondents do not contest that the end result of such an assessment is a question on which Qatar may disagree. But that disagreement is not one which the Council may resolve. If the Council took it upon itself to do so, it would necessarily – and Qatar accepts this – have to determine a dispute well beyond the scope of its limited subject-matter jurisdiction.[37] The Council must therefore decline to exercise jurisdiction, not because that dispute has political elements, but because the "real issue" in dispute is different from the subject-matter of its competence under Article II, Section 2.

C. <u>Qatar Has no Answer to the "Real Issue" Rule</u>

40. Qatar's strategy of mischaracterising the Respondents' objections and focusing on political questions serves to mask its inability to answer the Respondents' case. Importantly, Qatar does not deny that the "real issue" rule is a jurisdictional bar. Rather, Qatar seeks to minimise or ignore its significance.

41. As the Respondents set out in their Preliminary Objections, and Qatar does not dispute, it is a necessary part of the function of the Council sitting under Article II, Section 2 to "isolate the real issue in the case and to identify the object of the claim". The Council "must ascertain the true subject of the dispute, the object and purpose of the claim".[38]

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34 *Military and Paramilitary Activities in and against Nicaragua*, p. 435, para. 96 (emphasis added).

35 *Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion, I.C.J. Reports 1996,* p. 66, p. 11, para. 16.

36 Preliminary Objections, paras. 56-59.

37 Response of Qatar, paras. 74, 77-78; and cf. para. 48.

38 Preliminary Objections, para. 33; citing *Nuclear Tests (Australia v. France), Judgment, I.C.J. Reports 1974,* p. 253, p. 262, para. 29; *Nuclear Tests (New Zealand v. France), Judgment, I.C.J. Reports 1974,* p. 457, p. 466,

42. As an arbitral tribunal constituted under Part XV of the United Nations Convention on the Law of the Sea **[*UNCLOS*]** recently confirmed in the *Chagos Islands* arbitration, an "incidental connection between the dispute and some matter regulated by the Convention is insufficient to bring the dispute, as a whole, within the ambit" of the title of jurisdiction.[39] The tribunal in that case declined to exercise jurisdiction because it found that the "real issue" – or, as Qatar puts it, the "heart of the claim" – concerned a dispute over sovereignty over land. It was not a dispute concerning the interpretation or application of UNCLOS.[40] Mauritius sought to contest the Marine Protection Area created by the United Kingdom under that Convention on the basis that the United Kingdom was not the competent "coastal State", because (so Mauritius argued) it lacked sovereignty over the islands. The tribunal concluded that the parties' disagreement was "simply one aspect of a larger dispute" as to which State had sovereignty over the Chagos Islands.[41] The tribunal concluded that:[42]

> [W]here a dispute concerns the interpretation or application of the Convention, the jurisdiction of a court or tribunal pursuant to Article 288(1) extends to making such findings of fact or ancillary determinations of law as are necessary to resolve the dispute presented to it (see *Certain German Interests in Polish Upper Silesia, Preliminary Objections, Judgment of 25 August 1925, P.C.I.J. Series A, No. 6,* p. 4 at p. 18). Where the "real issue in the case" and the "object of the claim" (*Nuclear Tests (New Zealand v. France), Judgment, I.C.J. Reports 1974,* p. 457 at p. 466, para. 30) do not relate to the interpretation or application of the Convention, however, an incidental connection between the dispute and some matter regulated by the Convention is insufficient to bring the dispute, as a whole, within the ambit of Article 288(1).
>
> … The Parties' dispute regarding sovereignty over the Chagos Archipelago does not concern the interpretation or application of the Convention.

For this reason, the tribunal found that it did not have jurisdiction to address the issue.

43. Similarly in *Larsen v. Hawaii*, an arbitral tribunal declined to exercise jurisdiction in a claim brought by a Hawaiian national against the named respondent, the "Hawaiian Kingdom", as a pretext for having the tribunal determine the question of who has sovereignty over Hawaii.[43]

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para. 30; see also *In the matter of the Chagos Marine Protected Area Arbitration (Republic of Mauritius v. United Kingdom of Great Britain and Northern Ireland),* PCA Case No. 2011-03, Arbitral Award of 8 March 2015 [***Chagos Islands Arbitration***], para. 220.

39 *Chagos Islands Arbitration*, para. 220. Pursuant to Article 288 UNCLOS, the jurisdiction of a court or tribunal constituted under Part XIV is limited to "any dispute concerning the interpretation or application of this Convention which is submitted to it in accordance with [Part XV]".

40 Response of Qatar, para. 47.

41 *Chagos Islands Arbitration*, para. 212.

42 Ibid., paras. 220-221.

43 *Larsen v. The Hawaiian Kingdom,* PCA Case No. 1999-01, Award, 5 February 2001.

The tribunal determined that the "gist of the dispute" submitted to it was in reality a dispute between each of them and a third party, namely the United States, and that there was no real dispute to be decided as between the two parties.[44] The tribunal further held that it could not decide this dispute without evaluating the position of a necessary third party (i.e. the United States).[45]

44. The purpose of the "real issue" rule is to ensure that a court exercises jurisdiction only over the subject-matter for which States have given their consent under the terms of the agreement by which the parties have conferred jurisdiction upon the court. That this should be so is self-evident when one considers the position of adjudicatory bodies of limited, subject-matter-specific jurisdiction, as is the case for the Council. Such bodies may not, on the one hand, encroach upon the jurisdiction which other (plenary- or specific-jurisdiction) bodies may have over the "real dispute"; nor, on the other hand, may they purport to issue binding and final determinations that could then be invoked before other dispute resolution fora. If an adjudicatory body were to fail to observe these fundamental limits to its role, it would impermissibly compromise the legal position of the disputing parties.

45. Applying the relevant rules here leads only to one conclusion. The Council is not the proper, competent forum for a dispute that turns on whether Qatar has breached multiple obligations that are outside, and different from, the IASTA. That is not a peripheral or ancillary question here. It is, as we now turn to see, the *only* dispute.

D. <u>The "Real Issue" in this Case, Objectively Assessed, Does Not Concern Civil Aviation</u>

46. While Qatar has (wrongly) sought to characterise the "real issue" as one concerning the alleged "breach by the Respondents of the provisions of the IASTA",[46] it does concede that the dispute is much wider than its claims. Qatar says that "the Council can examine any wider question at the stage of the merits", including "the allegations that [Qatar] supports terrorism, or terrorism financing etc".[47] Similarly, in its Application, Qatar states that the "real issue" in dispute concerned what Qatar calls an ultimatum that the Respondents gave Qatar "on matters unrelated to air navigation and air transport".[48] Moreover, in responding to the Respondents' Second Preliminary Objection, regarding Qatar's failure to negotiate, it is striking that all of the examples Qatar gives of its alleged attempts to negotiate relate to the dispute arising under the Riyadh Agreements and related international obligations.[49] It ill-behoves Qatar now to argue that the "real issue" between the parties is a different one, only to serve its tactical purposes in this litigation.

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44 Ibid., para. 12.8.

45 Ibid., para. 12.15; citing *Monetary Gold removed from Rome in 1943, Preliminary Objections, Judgment, I.C.J. Reports 1954*, p. 19.

46 Response of Qatar, para. 44.

47 Ibid., paras. 77-78.

48 Application (B) by Qatar, para. g.

49 See below, paras. 107-109.

47. By conceding that the dispute between the parties is much wider than its claim, Qatar inches towards accepting the reality of the situation: the dispute is not only broader, it is in fact *different* from one concerning obligations under the IASTA. The dispute is about Qatar's failure to abide by – and indeed reneging on – fundamental obligations of a completely different character, namely those relating to counter-terrorism and non-interference in the Respondents' internal affairs, in violation of the Riyadh Agreements and other international instruments.[50]

48. At the same time, and contrary to its acknowledgement that the dispute is in fact much wider, Qatar suggests that the "real issue" in dispute is a subjective matter to be decided by Qatar. Qatar goes on to suggest that its characterization binds the Council, which must simply look at Qatar's Application and Memorial. Qatar says:

> The "real" issue before the Council is the breach by the Respondents of the IASTA; this is what the Applicant has put before the Council in the Application and Memorial and it is plain and clear what the State of Qatar is requesting from the Council.[51]

49. But as Qatar admits in discussing the *Nuclear Tests* ICJ Judgment, it is the "Court's duty to isolate the real issue in the case and to identify the object of the claim";[52] or, in Qatar's words, it is for the Court to ascertain objectively "the object of the claim or the relief which [the Applicant] was seeking from the Court".[53]

50. Qatar must thus admit that the question of determining the "real issue" in dispute is an objective one, for the Council to determine.[54] The Council cannot simply accept at face value the characterisation of the dispute as Qatar has presented it. It must instead undertake its own analysis to determine the real subject-matter and scope of that dispute; as the Court has recently emphasised, "[t]he matter is one of substance, not of form".[55] If the scope of the

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50 Preliminary Objections, paras. 42-63.

51 Response of Qatar, paras. 45-46.

52 *Nuclear Test* (*Australia v. France; New Zealand v. France*) *Judgment, I.C.J. Reports 1974,* p. 352, paras. 29-30.

53 Response of Qatar, para. 45.

54 See *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*, *Preliminary Objection, Judgment*, *I.C.J. Reports 2015*, p. 592, p. 602 [***Obligation to Negotiate Access to the Pacific Ocean***], para. 26 ("It is for the Court itself, however, to determine on an objective basis the subject-matter of the dispute between the parties, that is, to 'isolate the real issue in the case and to identify the object of the claim.'"). See also *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea* (*Nicaragua v. Colombia)*, *Preliminary Objections, Judgment, I.C.J. Reports 2016*, p. 3, pp. 26-27, para. 50 ("'[W]hether there exists an international dispute is a matter for objective determination' by the Court… [which] 'must turn on an examination of the facts.'") (citations omitted); and *Immunities and Criminal Proceedings (Equatorial Guinea v. France), Preliminary Objections,* Judgment of 6 June 2018, **[*Immunities and Criminal Proceedings*],** para. 48 ("it is for the Court itself to determine on an objective basis the subject-matter of the dispute between the parties, by isolating the real issue in the case and identifying the object of the claim").

55 *Immunities and Criminal Proceedings***,** para. 48

dispute that the Council would have to decide goes beyond its jurisdiction under Article II, Section 2 of the IASTA, then it must decline to exercise jurisdiction.[56]

51. Finally, Qatar argues that a defence does not form part of the dispute for the purposes of determining jurisdiction, purporting to rely on the Judgment of the ICJ in the *ICAO Council (India v. Pakistan*) case.[57] The Court in that case noted that the Council could not:[58]

> be deprived of jurisdiction merely because considerations that are claimed to lie outside the [ICAO] Treaties may be involved if, irrespective of this, issues concerning the interpretation or application of these instruments are nevertheless in question. The fact that a defence on the merits is cast in a particular form, cannot affect the competence of the tribunal or other organ concerned, – otherwise parties would be in a position themselves to control that competence. … [The ICAO Council's] competence must depend on the character of the dispute submitted to it and on the issues thus raised – not on the defences on the merits, or other considerations, which would become relevant only after jurisdictional issues had been settled.

52. Qatar's reliance on this case is misplaced. The case must be viewed in the context of India's Preliminary Objections to the Council's jurisdiction, which were that the Chicago Convention and IASTA had been terminated or suspended and a dispute on that score was not one concerning the "interpretation or application" of the relevant ICAO treaties within the meaning of their jurisdictional provisions, meaning that the dispute fell entirely outside the Council's competence.[59] India also sought to argue that the Council did not even have jurisdiction to determine its own jurisdiction,[60] a point rejected by the Court.[61] But, importantly, it was not India's case, as is the Respondents' in the present proceedings, that the real dispute was outside the Council's jurisdiction.

53. Indeed, the *ICAO Council* Judgment shows that the Court (and therefore the Council, too) was bound to determine for itself the "real issue" in dispute. The methodology of the Court was first to determine the character of the dispute before it and then to consider whether it disclosed a "disagreement … relating to the interpretation or application" of the Chicago Convention. The Court considered that the proper characterization of the dispute concerned whether or not those treaties had been suspended or terminated. This, the Court held, was a

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56 *Obligation to Negotiate Access to the Pacific Ocean*, p. 610, para. 53.

57 *Appeal Relating to the Jurisdiction of the ICAO Council, Judgment, I.C.J. Reports 1972,* p. 46, p. 61, para. 27; Response of Qatar, para. 71.

58 *India v. Pakistan*, para. 27; Response of Qatar, para. 71.

59 See *India v. Pakistan*, p. 62, para. 29; see also, Memorial of India, I.C.J. Pleadings, Oral Arguments, Documents, 30 August 1971, p. 25, p. 26, para. 5.

60 *India v. Pakistan,* Judgment, para. 31 ("the Parties are in disagreement as to whether the Treaties ever were (validly) suspended ot replaced by something else; as to whether they are in force between the Parties or not; and as to whether India's action in relation to Pakistan overflights was such as not to involve the Treaties".).

61 *India v. Pakistan*, Judgment, para. 15.

matter falling within the Council's competence.[62] The disputing party that had purported to bind the Council by unilateral determination of the content of the dispute was India in that case. It is Qatar in the present case.

54. The Respondents' objection in this case is quite different from India's. The objection asks the Council to recognise that, properly characterised, the "real issue" of the parties' dispute concerns the compliance by Qatar with international-law obligations that are completely separate to and different from the IASTA. No such objection was considered by the Council or the Court in the *India v. Pakistan* case.

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55. To conclude, the reason for which the Council cannot exercise jurisdiction has nothing to do with political questions, as Qatar would have the Council believe. Rather, it is the question of how the subject-matter of the dispute between the parties is to be characterised, a matter which it is for the Council (subject to the Court's supervisory jurisdiction) objectively to determine based on its own assessment of the parties' pleaded cases. As the Respondents showed in their Preliminary Objections, this dispute is in reality about Qatar's non-compliance with fundamental duties entirely unrelated to civil aviation, perforce falling outside the Council's mandate set out in Article II, Section 2 of the IASTA.

E. **The First Preliminary Objection is Supported by the Principle of Specialty**

56. Qatar's argument that the principle of specialty is not a basis for a preliminary objection is also misplaced, as the Respondents do not assert it as such.[63] Moreover, Qatar's argument that the principle of specialty is at best a matter of admissibility and thus cannot be determined by the Council preliminarily is wrong as a matter of law, for reasons already explained above.[64]

57. Qatar argues that the ICJ has rejected the principle of specialty as a basis for declining jurisdiction. But the Respondents do not ask the Council to rely on the principle of specialty as a standalone preliminary objection. Rather, the principle of specialty provides an additional rationale for why the Council must decline to determine a dispute that involves issues different from those covered by the ICAO treaties, because it is not competent to decide matters of a State's compliance with other international law obligations. In other words, the Council's limited jurisdiction is explicable by the principle of specialty and the two are mutually reinforcing of each other.

58. As already noted, Qatar concedes that adjudication of its claims on the merits will require the Council to determine "on the facts and in law" whether the conditions for the imposition and continuation of the countermeasures have been met. Such a determination will, in turn, require

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62 *India v. Pakistan*, p. 64, para. 32.

63 Response of Qatar, para. 50.

64 See above, Part II; Response of Qatar, para. 51.

the Council to conduct a detailed factual inquiry into Qatar's activities in relation to certain terrorist organizations and the domestic affairs of its neighbours and to assess the lawfulness of Qatar's activities in light of its obligations under, among others, the Riyadh Agreements, the International Convention for the Suppression of the Financing of Terrorism, Security Council Resolution 1373 (2001) and customary international law. Such a factual and legal assessment requires considerable expertise on technical and legal matters. The Council has considerable specialist expertise in the technical aspects of aviation enshrined in the Chicago Convention and the IASTA. But is not well-suited or equipped to handle disputes about violation of sovereignty, breach of the principle of non-intervention, subversion and terrorism.[65]

F. The First Preliminary Objection Should Not be Joined to the Merits

59. Qatar argues that "defences such as countermeasures are to be considered at the stage of the merits, not at the preliminary objections stage".[66] By this statement, Qatar presumably intends to invite the Council to join the Respondents' objection to the merits.

60. As already explained, the Council is prevented by Article 5(4) of the Rules from joining an objection as to jurisdiction to the merits.[67] The Respondents have also demonstrated that, in particular, their First Preliminary Objection concerns the scope of the Council's jurisdiction under Article II, Section 2 of the IASTA, and is therefore a quintessential jurisdictional objection. Therefore the Council need only address the possibility of joining the Respondents' objections to the merits if it considers that they are to be properly characterised as implicating solely questions of admissibility. In that case, the jurisprudence of the ICJ is relevant to determining whether a matter should be joined to the merits.

61. In the words of the Court, "[i]n principle, a party raising preliminary objections is entitled to have them resolved preliminarily…".[68] Nevertheless, on occasion, an objection may be found not to have an exclusively preliminary character. In such a case, it may be joined to the merits if compelling reasons justify this.

62. The key considerations for the Council in determining if an objection has an exclusively preliminary character are whether it has "all the facts necessary to rule on" the Respondents' objections, and whether the objections can be resolved "without determining the dispute, or elements thereof, on the merits".[69] The mere fact that a decision on jurisdiction may touch upon certain aspects of the merits does not mean, of itself, that it must be joined to the merits.

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65 Preliminary Objections, para. 70.

66 Response of Qatar, paras. 74, 76.

67 See above, Part II.

68 *Territorial and Maritime Dispute*, p. 852, para. 51. See above, para. 12.

69 *Obligation to Negotiate Access to the Pacific Ocean*, p. 592, para. 53 ("In the present case, the Court considers that it has all the facts necessary to rule on Chile's objection and that the question whether the matters in dispute are matters "settled" or "governed" by the 1904 Peace Treaty can be answered without determining the dispute, or elements thereof, on the merits (*Territorial and Maritime Dispute (Nicaragua v. Colombia), Preliminary*

63. Qatar also refers to two cases in which a tribunal or court considered countermeasures at the merits stage, apparently in an attempt to suggest that somehow this means that the Respondents' objection must be joined to the merits.[70] However, in neither of these two cases did the respondent State make preliminary objections, and it was clear that the court or tribunal did in fact have jurisdiction:

    (a) In the *Air Services Agreement* arbitral award, the basis of the tribunal's jurisdiction was a Special Agreement between France and the United States, which expressly submitted to the tribunal both the question of France's alleged violation of the United States-France Air Services Agreement, and whether the United States had a right to impose the countermeasures it adopted in response.[71] Moreover, the invocation of countermeasures by the United States did not alter the "real issue" in dispute, since the countermeasures in question had been confined to suspension of performance of obligations under the Air Services Agreement. Indeed, the tribunal recognised that the countermeasures were part of the "essential circumstances" of the case.[72]

    (b) Similarly, no preliminary objections were raised in the *Gabčíkovo-Nagymaros Project* case.[73] That is unsurprising, as the ICJ's jurisdiction in that case was likewise based on a Special Agreement between the parties that defined in broad terms the dispute that the Court was required to resolve.[74] Again, the purported countermeasures considered by the Court were confined to the non-performance of obligations under the same international agreement as the main claim, so no question as to the "real issue" arose.

64. These cases therefore shed no light on the question as to whether the "real issue" objection made by the Respondents should be joined to the merits. Qatar alleges that this objection, relating as it does to countermeasures, "is not one of jurisdiction or admissibility" because it "goes precisely to the substance or merits of this case".[75] That is, with respect, wrong.

65. The Respondents do not ask the Council to prejudge the lawfulness of their countermeasures, nor is it necessary for the Council to engage with the merits of this question in order to decide their objection as a preliminary matter. Nevertheless, the Respondents provided an overview

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Objections, Judgment, I.C.J. Reports 2007 (II), p. 852, para. 51). Consequently, the Court finds that it is not precluded from ruling on Chile's objection at this stage").

70 Response of Qatar, para. 74.

71 *Air Services Agreement of 27 March 1946 between the United States of America and France* (1978) Vol. XVIII Reports of International Arbitral Awards (RIAA) 417, 418. (Paragraph (B) of the Compromis submitted to the arbitral tribunal the question: "Under the circumstances in question, did the United States have the right to undertake such action as it undertook under Part 213 of the Civil Aeronautics Board's Economic Regulations?").

72 Ibid, p. 443, para. 80 (one of the "essential circumstances of the case" concerned "the principle of the legitimacy of 'counter-measures'".).

73 *Gabčíkovo -Nagymaros Project (Hungary/Slovakia), Judgment, I.C.J. Reports 1997*, p. 7.

74 Ibid., p. 11, para. 2.

75 Response of Qatar, para. 33. See also Response of Qatar, para. 76.

of their position in order to demonstrate what is the only possible good-faith characterization of the parties' dispute.

G. Conclusion: The Council Does Not Have Jurisdiction over Qatar's Claims

66. Qatar's solution would be to have the Council determine "any wider question at the stage of the merits".[76] These are the matters that Qatar has so far avoided touching upon at all, as to its financing and support of terrorism and interference in the Respondents' internal affairs.[77] None of these matters falls within the scope of the Council's jurisdiction under Article II, Section 2 of the IASTA.

67. The Respondents' position has been from the outset that the measures complained of form a part of a package of lawful countermeasures adopted in response to Qatar's multiple, grave, and persistent breaches of international obligations essential to the security of the Respondents. This is the "real issue" in dispute, and it is one that is clearly not a "disagreement between two or more contracting States relating to the interpretation or application" of the IASTA. The Council does not have jurisdiction to adjudicate on issues that are different from and plainly go beyond the scope of its mandate under Article II, Section 2 of the IASTA.

IV. SECOND PRELIMINARY OBJECTION: QATAR FAILED TO SATISFY THE PRECONDITION OF NEGOTIATION IN ARTICLE II, SECTION 2 OF THE IASTA AND THE CORRESPONDING PROCEDURAL REQUIREMENT IN ARTICLE 2(G) OF THE RULES

A. Introduction

68. The Respondents' Second Preliminary Objection regarding the lack of prior negotiations is based on both Article II, Section 2 of the IASTA and Qatar's non-compliance with the requirement of Article 2(g) of the Rules.

69. Nevertheless, in Qatar's discussion of the Respondents' Second Preliminary Objection, Qatar proceeds as if the Respondents' objections were raised solely by reference to Article 2(g) of the Rules. Qatar's Response does not directly engage with the fact that the requirement actually arises under Article II, Section 2 of the IASTA. Instead, it devotes significant attention at the outset of its discussion to issues which relate solely to the Respondents' reliance on Article 2(g) of the Rules (which was invoked in addition to and in the alternative to their reliance on Article II, Section 2 of the IASTA) and questions of pleading/procedure. In particular, it argues amongst other things, that:

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[76] Ibid., para. 77.

[77] Ibid., paras. 77-78.

(a) The requirement in Article 2(g) of the Rules requiring a statement is a purely formalistic one and Qatar is "at liberty" to amend its pleading or submissions at any time prior to the Council ruling upon the case.[78]

(b) Qatar in fact attempted negotiations prior to bringing the case to the Council and Qatar is entitled to place these new facts before the Council at this stage.[79]

70. Further, Qatar does not contest the Respondents' position that, in its Application and Memorial, Qatar did not indicate that it had attempted to initiate negotiations prior to submitting the case to the Council and that it failed to provide any evidence showing that it had done so.[80]

71. As explained in the Preliminary Objections, Article II, Section 2 is the only possible basis for the Council's jurisdiction over the disagreements submitted by Qatar to the Council in Application (B); it expressly requires that, to be submitted to the Council, the disagreement must be one "which *cannot be settled by negotiation*" (emphasis added).

72. The approach chosen by Qatar in its Response is incapable of disguising the fact that it has no real response to the Respondents' position as to the meaning and effect of Article II, Section 2 of the IASTA. In particular, Qatar does not engage with or in any way attempt to contest the position taken by the Respondents in their Preliminary Objections that:

(a) Article II, Section 2 of the IASTA contains a precondition of negotiation which constitutes a limit upon the consent of the Contracting States, and which must be satisfied before the Council can have jurisdiction to adjudicate upon a disagreement submitted to it;[81]

(b) both as a matter of the ordinary meaning of the words of Article II, Section 2 of the IASTA, and as a matter of ICJ precedent in relation to similarly worded clauses, the precondition of negotiations "requires – at the very least – a genuine attempt by one of the disputing parties to engage in discussions with the other disputing party, with a view to resolving the dispute".[82]

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78 Ibid., para. 87.

79 Ibid., para. 88.

80 Preliminary Objections, paras. 101-112.

81 Ibid., paras. 75-80.

82 Ibid., paras. 91-95. *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Preliminary Objections, I.C.J. Reports 2011*, p. 70 [***Application of the International Convention on the Elimination of All Forms of Racial Discrimination***], p. 132, para. 157; see also *Questions Relating to the Obligation to Extradite or Prosecute (Belgium v. Senegal), I.C.J. Reports 2012,* p. 422 [***Questions Relating to the Obligation to Extradite or Prosecute***], p. 446, para. 57; *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, Provisional Measures, Order of 19 April 2017 [***Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial***

73. Instead, Qatar's principal argument appears to be that the date on which the condition of negotiation must be fulfilled "is not as settled in law as the Respondents claim".[83] Although Qatar's position is not clearly stated, the implication from the paragraphs which follow and the decisions relied upon by Qatar[84] appears to be that negotiations need not be attempted prior to filing an application with the Council, and that it is sufficient if negotiations are attempted after an Application has been submitted.

74. Qatar's new position as adopted in its Response not only lacks merit, as discussed below, but is also evidently inconsistent with the position it previously took in its Application. There, Qatar acknowledged that it had not attempted negotiations and instead argued that it was excused from doing so on the basis that any attempt to negotiate would have been futile.[85] Qatar now claims to have actually attempted negotiations (although it is notable that none of the multiple press statement and other materials constitutes such an attempt, and it can point to no evidence of any such attempt actually having been made). Qatar's changing, contradictory and unsubstantiated position lacks credibility.

75. Qatar also makes reference, in general terms, to other matters relating to the content of the requirement of negotiations. None of these matters, however, assist it:

(a) Qatar's observations in relation to the duration of negotiations[86] depend on a mischaracterisation of the Respondents' case and attacking a position that the Respondents did not take. The Respondents did not argue, as Qatar attempts to suggest, that there is any minimum duration for negotiations. Qatar's arguments in this regard are an attack on a straw man and entirely irrelevant.

(b) Qatar's discussion as to the content of the discussions required in order to qualify as negotiations[87] likewise goes nowhere. Although suggesting that Qatar "did not have to refer to the IASTA in its negotiations or attempts to negotiate with the Respondents"[88], Qatar is nevertheless forced, in light of the relevant decisions of the ICJ, to accept the Respondents' position that, in order to satisfy the precondition of negotiations, any attempt to initiate negotiations must relate to the subject-matter of the dispute and must concern the substantive obligations contained in the treaty in

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Discrimination], para. 43. See also *Mavrommatis Palestine Concessions, 1924, PCIJ, Series A, No. 2*, p. 13 (quoted in Response of Qatar, para. 95), where the Permanent Court's discussion of when the precondition of negotiation might be held to be fulfilled proceeded on the basis that, at a minimum, "discussion should have been commenced".

83 Response of Qatar, para. 100.

84 Ibid., paras. 101-102.

85 Application (B) by Qatar, para. g.

86 Response of Qatar, paras. 103-109.

87 Ibid., paras. 110-111.

88 Ibid., para. 111.

question.[89] As discussed further below, contrary to Qatar's assertions, none of the statements relied upon by Qatar show that it ever in fact did so.

B. Under Article II, Section 2 of the IASTA the Condition of Prior Negotiations Must Be Satisfied Before an Application Is Made to the Council

76. On the express terms of Article II, Section 2, a disagreement between two or more contracting States as to the interpretation or application of the IASTA may only be submitted to the Council if the disagreement "cannot be settled by negotiation". Article II, Section 2 then makes reference to Article 84 of the Chicago Convention. Importantly, in Article 84, the requirement of prior negotiations precedes the words "on the application of any State concerned in the disagreement".

77. As such, on their ordinary meaning, Article II, Section 2 of the IASTA and Article 84 of the Chicago Convention clearly envisage a specific sequence of steps to be taken. First, an attempt to settle the disagreement by negotiations must be made. Second, where those negotiations cannot result in a settlement of the disagreement, any of the States concerned may then make an application submitting the disagreement to the Council for decision. The steps are consecutive and the Council has jurisdiction to consider and render a decision on a disagreement only if there has been compliance with those steps.

78. Qatar's implicit suggestion[90] that it is sufficient if negotiations are attempted after the Application has been filed finds no support in the text of Article 84 or Article II, Section 2, and notably Qatar puts forward no other support for its position. Instead, the approach suggested by Qatar is in direct contradiction to what is required by those provisions, pursuant to which an attempt to negotiate must precede the making of an application to the Council.

79. In this context, Qatar's suggestion that "negotiations are futile and the parties are deadlocked, and that the disagreement cannot be settled by negotiations",[91] attempts to ignore the holding of the ICJ in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, as affirmed in subsequent decisions, that the requirement of negotiations in provisions such as Article II, Section 2 and Article 84 "requires—at the very least—a genuine attempt by one of the disputing parties to engage in discussions with the other disputing party, with a view to resolving the dispute."[92] In light of this, it is impermissible for Qatar not to make any attempt to negotiate and then simply to assert that

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89 See Preliminary Objections, paras. 96-97. See e.g. *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 133, para. 161.

90 Response of Qatar, para. 100.

91 Response of Qatar, para. 210.

92 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 132, para. 157; see also *Questions Relating to the Obligation to Extradite or Prosecute*, p. 446, para. 57; *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination*, para. 43.

any negotiations, if attempted would have been futile – an attempt must at the least have been made.

80. Qatar's reliance on the decisions in *South West Africa* and *Mavrommatis*[93] in this regard does not assist it insofar as both decisions concerned cases in which there was in fact held to have been negotiations between the parties,[94] and the observations in the passages relied upon by Qatar are to be read against that background. For instance, in *South West Africa*, in the passage immediately preceding that quoted by Qatar, the Court observed:

> in the present cases, it is evident that a deadlock on the issues of the dispute was reached and has remained since, and that no modification of the respective contentions has taken place *since the discussions and negotiations in the United Nations*.[95]

81. Further, to the extent that the passages from *Mavrommatis* relied upon by Qatar may be understood as constituting statements of principle applicable more generally independent of the specific facts of the case, they are fully consistent with the Respondents' position; notably, in the passage quoted by Qatar, the Permanent Court observed that "it may suffice that discussions should have been commenced, and that this discussion may have been short; this will be the case where a deadlock is reached, or if finally a point is reached, at which one of the Parties definitely declares himself unable, or refuses, to give way".[96] The Permanent Court was thus clearly proceeding on the basis that some effort to initiate negotiations should at least have been attempted, before deadlock was then reached; it was not suggesting that, in the absence of any attempt at negotiations whatsoever, it was permissible to infer that any such negotiations would necessarily have been futile.[97]

82. As noted above, Qatar suggests that the date on which the prior negotiation condition must be met is "not as settled in law as the Respondents claim".[98] In support, it refers to the ICJ's decision in *Application of the Convention on the Prevention and Punishment of the Crime of*

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93 Response of Qatar, para. 210; cf. ibid., paras. 96-98.

94 *South West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, I.C.J. Reports 196*2, p. 319, at p. 345-346 (where the Court observed that there had been collective negotiations in the context of the United Nations); *Mavrommatis Palestine Concessions, 1924, PCIJ, Series A, No. 2*, p. 14.

95 *South West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objectionss, I.C.J. Reports 196*2, p. 319, at p. 346 (emphasis added).

96 *Mavrommatis Palestine Concessions, 1924, PCIJ, Series A, No. 2*, p. 13 (emphasis added); quoted in Response of Qatar at para. 96.

97 See also e.g. *South West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, I.C.J. Reports 1962*, p. 319, at p. 346 (quoted in Response of Qatar at para. 97, where the Court framed the test for deadlock as being that "no reasonable probability exists that further negotiations would lead to a settlement" [emphasis added].

98 Response of Qatar, para. 100.

Genocide (Croatia v. Serbia) and to the dissenting opinion of five ICJ judges in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*.[99]

83. As set out in the Respondents' Preliminary Objections, however, it is well-established in international law that matters impacting upon jurisdiction must, in principle, be established as at the date of the commencement of an action.[100] In this regard, it bears noting that in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, the Court concluded that the requirements contained in the jurisdictional clause in Article 22 of the Convention on the Elimination of Racial Discrimination [***CERD***] (including the precondition of negotiation) constituted "preconditions to be fulfilled *before the seisin* of the Court",[101] and, further that it "imposes preconditions which must be satisfied *before resorting to the Court*".[102]

84. Similarly, in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, the Court reiterated what it regarded as:

> the general rule […] namely "the jurisdiction of the Court must normally be assessed on the date of the filing of the act instituting proceedings." […] it is normally by reference to the date of the filing of the instrument instituting proceedings that it must be determined whether those conditions are met.[103]

85. The decision upholding Russia's preliminary objection based on a failure to comply with a requirement of prior negotiations in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination* is the most recent decision of the ICJ which deals with the question and constitutes the most authoritative current pronouncement by the Court in this regard.

86. Notably, Qatar, whilst relying on and quoting at considerable length from the dissenting opinion in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, omits to make any mention of the decision of the Court itself. Qatar's attempt to ignore the opinion of the Court is unsurprising given that it is directly at odds with its position. In particular, the Court:

    (a) reviewed prior cases concerning compromissory clauses containing a comparable requirement of prior negotiations;

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99 Ibid., paras. 101-102.

100 Preliminary Objections, para. 27.

101 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 128, para. 141 (emphasis added).

102 Ibid., p. 130, para. 148 (emphasis added).

103 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide*, p. 437, para. 79.

(b) noted that in each of those cases the Court had interpreted the reference to negotiations as constituting a precondition to seisin; and

(c) held unambiguously that the precondition of negotiation had to be fulfilled before the seisin of the Court.[104]

87. As noted in the Respondents' Preliminary Objections, the formulation of Article II, Section 2 of the IASTA is similar to that of Article 22 of the CERD.[105] Given the close similarities in language between the two provisions, there is no basis (and Qatar has suggested none) on which to conclude that Article II, Section 2 of the IASTA establishes a rule different in effect than that in Article 22 of CERD with respect to when the precondition of negotiation must be met.

88. Further, the policy reasons identified by the Court in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination* as underlying the precondition of negotiation[106] are equally relevant in the context of Article II, Section 2 of the IASTA in this case. First, by requiring that an applicant must attempt negotiations prior to submitting an application to the Council, Article II, Section 2 ensures that a respondent has notice of the dispute and of its scope. Second, the precondition requires parties first to explore mutually acceptable solutions to the dispute thereby avoiding adjudication by the Council. Finally, the prior negotiations requirement represents an express limit on the Council's jurisdiction as agreed to by the parties to the IASTA; that limitation is one to which the Council is bound to give effect.

89. Quite apart from the fact that the dissenting opinion in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination* is obviously inconsistent with the decision of the Court in this respect, Qatar in any case significantly overstates the views of the dissenting judges and their relevance to the present case.

90. First, the dissenting judges expressly recognised that the Court:

> has consistently interpreted compromissory clauses providing for the submission to the Court of disputes which 'cannot be settled' (in French : 'qui ne peuvent pas être réglés' or 'qui ne sont pas susceptibles d'être réglés') by negotiation as meaning that the Court cannot exercise jurisdiction unless an attempt at negotiation has been made and has led to deadlock, that is to say that there is no reasonable hope — or no longer any — for a settlement of the dispute by diplomatic means. This line of

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104 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 128, para. 141.

105 See Preliminary Objections, paras. 86-88.

106 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, pp. 124-125, para. 131; and see Preliminary Objections, para. 83.

> case law dates back to the Judgment in the *Mavrommatis Palestine Concessions* case …[107]

91. Second, the dissenting judges made clear their view that the question of whether the dispute could not be settled by negotiations was fact-specific. In that case, the Court emphasised that "any reasonable possibility of settling the dispute by negotiation had been exhausted by the date on which the proceedings were instituted, so that the conditions on the Court's exercise of its jurisdiction were satisfied". [108] By contrast, in the present case, Qatar has failed to demonstrate unequivocally that all possibility of setting the dispute had been exhausted when the proceedings were instituted.

92. Third, Qatar mistakenly seizes on the statement of the dissenting judges that the decision was "the first in which the Court has found that it lacks jurisdiction solely on the basis that a condition of prior negotiation has not been fulfilled".[109] It thereafter suggests that *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, is "the only case where the Court did not find jurisdiction because of the negotiation condition",[110] and that "in every single case, bar one […] where the question arose before the ICJ, it decided that the condition of negotiation has been met".[111]

93. Qatar, however, misunderstands what the dissenting judges were saying, and as a result is mistaken insofar as it asserts that the Court had never, prior to *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, declined jurisdiction on the basis of a failure to comply with an express requirement of prior negotiation.

94. For instance, in *Armed Activities on the Territory of the Congo (New Application: 2002) (DRC v. Rwanda)*, the DRC had relied upon multiple and disparate jurisdictional bases under various treaties in an attempt to found the jurisdiction of the Court over its claims. The jurisdictional bases relied upon included the compromissory clause contained in Article 29 of the Convention on the Elimination of All Forms of Discrimination against Women [***CEDAW***], which requires any dispute "which is not settled by negotiation" to be submitted to arbitration and confers jurisdiction on the ICJ in the event that an arbitration cannot be organised within six months of a request for arbitration being made.

95. The Court rejected the DRC's attempt to found the jurisdiction of the Court upon Article 29 of CEDAW on the twin grounds that "the evidence has not satisfied the Court that the DRC in

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107 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 83, para. 28.

108 Ibid., p. 83, para. 28.

109 Ibid., p. 100, para. 63, quoted at Response of Qatar, para. 101.

110 Response of Qatar, para. 108.

111 Ibid., para. 211.

fact sought to commence negotiations in respect of the interpretation or application of the Convention",[112] and that the DRC had made no attempt to initiate arbitration proceedings.[113]

96. Similarly, in the same case, the DRC had also attempted to base the Court's jurisdiction on the compromissory clause contained in Article 75 of the WHO Constitution, which gives the ICJ jurisdiction over "Any question or dispute concerning the interpretation or application of this Constitution which is not settled by negotiation or by the Health Assembly…". The Court likewise found it had no jurisdiction, *inter alia*, on the basis that the DRC had:

> not proved that the other preconditions for seisin of the Court established by that provision have been satisfied, namely that it attempted to settle the question or dispute by negotiation with Rwanda.[114]

97. Qatar's attempt to rely on the dissenting opinion in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, and to disregard the decision of the Court on this point, is thus self-evidently flawed.

98. The other basis put forward by Qatar for its assertion that the date on which the conditions for the Court's jurisdiction must be fulfilled is not "settled in law" is the decision of the Court in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*; there the Court did not treat the fact that a precondition for its jurisdiction had been fulfilled only subsequent to the filing of the application instituting proceedings as depriving it of jurisdiction over the claim. That decision, however, provides no support for Qatar's position.

99. First, the unfulfilled condition upon the filing of the Application in the *Croatia v. Serbia* case was one going to the Court's jurisdiction *ratione personae* under its Statute; as such, the decision there is not on point because this case concerns the non-fulfillment of an express precondition contained in the compromissory clause which forms the basis for the Council's jurisdiction.

100. Second, and by contrast, in the subsequent decision in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, the Court, over the dissent of five judges upon which Qatar strongly relies, found that it was without jurisdiction and declined to apply that approach to an express requirement of prior negotiations contained in a compromissory clause. The Court's decision in this regard is directly on point here, and provides clear authority for the proposition that an express jurisdictional requirement of prior negotiations contained in a compromissory clause must be complied with *prior to submission of a dispute* under the relevant dispute resolution mechanism.

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112 *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda), Jurisdiction and Admissibility, ICJ Reports 2006,* p. 6, pp. 40-41, para. 91.

113 Ibid., pp. 40-41, para. 92.

114 Ibid., p. 43, para. 100.

101. There are strong policy reasons underlying the decision of the Court in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, and for the Council to give effect to the requirement of negotiations in Article II, Section 2 of the IASTA. As the ICJ held as regards the equivalent requirement in Article 22 of the CERD, such requirements constitute an express limitation on the consent of Contracting States, and must therefore be fulfilled prior to the filing of an application.[115] As a consequence, the Council has no authority to override or bypass it; if the precondition is not fulfilled, the only conclusion can be that the Council is without jurisdiction.

102. Moreover, if the Council were to accept jurisdiction on the basis that the applicant could subsequently seek negotiations and re-submit the application, it would have the effect of rendering the requirement of prior negotiations in Article II, Section 2 nugatory, since applicants would have no incentive to attempt negotiations prior to submitting a dispute to the Council, as the failure to do so would not trigger any consequences. If such an approach were adopted, no applicant would ever bother to attempt negotiations and the purposes justifying the inclusion of such a requirement would be fundamentally undermined.

103. Third, and in any event, Qatar quotes selectively also from the decision in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, including by omitting to set out statements by the Court that directly contradict the position adopted by it in this case. In particular, immediately before the first passage quoted by Qatar at paragraph 101 of its Response, the Court confirmed that, in principle, jurisdictional conditions must be satisfied as at the time of the filing of an application; the ICJ observed that:

> it must be emphasized that a State which decides to bring proceedings before the Court should carefully ascertain that all the requisite conditions for the jurisdiction of the Court have been met at the time proceedings are instituted. If this is not done and regardless of whether these conditions later come to be fulfilled, the Court must in principle decide the question of jurisdiction on the basis of the conditions that existed at the time of the institution of the proceedings.[116]

104. In the present case, Qatar, by its own acknowledgement, did not "carefully ascertain that all requisite conditions for the jurisdiction" of the Council had been met at the time it instituted the proceedings.[117] As a consequence, it has failed to comply with an express precondition to the jurisdiction of the Council, and the Respondents' preliminary objection to the jurisdiction must be upheld.

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115 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 128, para. 141.

116 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide*, p. 438, para. 80.

117 Ibid., p. 438, para. 80.

C. **Qatar Has Failed to Establish that It Attempted Negotiations**

105. In any event, Qatar has failed to demonstrate that it in fact made any attempt to initiate negotiations as required by Article II, Section 2 of the IASTA.

106. As noted earlier, Qatar's position on whether it attempted negotiations prior to making its Application has changed and is inconsistent. Whereas, in its Application and Memorial, Qatar acknowledged that it had not attempted negotiations (and attempted to justify its non-compliance with the express requirements of Article II, Section 2 on the basis that any such attempt would have been futile), in its Response it conveniently changes its position and now argues that it did in fact attempt negotiations. Qatar's changing and inconsistent position lacks credibility. In any event, its new position is unsupported by the factual record it puts forward, insofar as none of the alleged instances of "negotiations" mentioned by Qatar in its Response satisfy the requirements of Article II, Section 2 of the IASTA.

107. Moreover, Qatar has in its Response strongly contested the Respondents' view that the "real issue" in this case concerns wider matters that are outside the Council's jurisdiction. Qatar argues instead that the "core issue" in this case "is the disagreement relating to the interpretation or application of the IASTA".[118]

108. If however, the present dispute is to be understood as relating solely to breaches of the IASTA, as Qatar alleges, then it follows that the required attempt to negotiate must relate specifically to the alleged breach of the IASTA. Yet, none of the statements offered by Qatar as evidence of negotiations or of attempts at negotiation refers to the IASTA. They are entirely general statements as to Qatar's alleged willingness "to sit and talk"[119] or the "importance of dialogue".[120]

109. Qatar cannot have it both ways. It cannot claim that the dispute does not involve wider issues in its responses to Respondents' countermeasures argument, while arguing, at the same time, that vague references to a broader political dialogue or mediation satisfy the requirement of prior negotiations. If Qatar seeks to insist that the dispute is not about the wider issues between the parties, it must necessarily concede that it failed to comply with the prior negotiations requirement in Article 84. Conversely, if Qatar claims that the references to a broader political dialogue satisfy the prior negotiations requirement in Article 84, it must necessarily concede that the dispute is about wider issues that fall outside the Council's jurisdiction.

110. In any case, as will become apparent, Qatar has failed to attempt any negotiations with the Respondents regardless of how the subject-matter of the dispute is to be construed.

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118 Ibid., paras. 43-44; see also above, para. 48.

119 Ibid., para. 128.

120 Ibid., para. 162.

111. It is convenient first to deal with Qatar's reliance on events within proceedings before ICAO and the World Trade Organization [***WTO***] as constituting the requisite attempt to negotiate, before dealing with the various other materials relied upon by Qatar in this regard.

(1) There were no negotiations nor attempts to negotiate within ICAO

112. Qatar alleges that "there has [sic] been negotiations between the parties within the framework of ICAO".[121] This is a gross mischaracterization of the events that took place within ICAO, including in the proceedings pursuant to Article 54(n) of the Chicago Convention. At no point in these proceedings did any negotiations take place, nor did Qatar attempt to initiate any such negotiations before ICAO.

113. In support of its allegation, Qatar refers to: (i) six letters written by Qatari authorities to the President of the Council or the ICAO Secretary General; and (ii) the record of Council's Extraordinary Session of 31 July 2017.[122] None of these documents constitute evidence of prior negotiations.

114. As regards the six letters referred to by Qatar,[123] these were addressed to either the Council President or to the Secretary-General of ICAO. Nowhere in these letters is there an invitation to negotiate addressed to Respondents, and Qatar does not attempt to explain how letters not addressed to Respondents could constitute such an invitation. As a consequence, the letters cannot be regarded as constituting a "genuine attempt to negotiate".

115. As for the discussion at the Council Extraordinary Session of 31 July 2017, held pursuant to Qatar's request under Article 54(n) of the Chicago Convention, at no point did Qatar indicate that it was pursuing negotiations under Article 84 of the Chicago Convention or Article II, Section 2 of the IASTA, and at no point did any such negotiations take place. Further, Qatar's requests were directed to the Council and not to Respondents. This is clear from the action requested in Qatar's Working Paper (C-WP/14541), which provided:

> PROPOSED ACTION BY THE COUNCIL
>
> 3.1 The Council is invited to:
>
> a) urge the Blocking States to lift all the restrictions over the high seas to accommodate traffic flow within their respective FIRs for Qatar departures and arrivals. Alternatively;
>
> b) provide alternative routes/route segments to transit through airspace over the high seas; and
>
> c) urge the Blocking States which are Contracting Parties to the International Air Services Transit Agreement 1944, to comply in *good faith* with their obligations

[121] Response of Qatar, para. 122.

[122] See ibid., paras. 114, 121.

[123] Ibid., para. 114.

> concerning over-flight freedom stipulated in this multilateral treaty in order to allow Qatar-registered aircraft to resume normal transit flights within the airspace of the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates.

116. None of these actions proposed by Qatar constitutes an attempt to negotiate with Respondents. On the contrary, the request seeks to obtain the imposition of a particular remedial result via the Council.

117. Qatar also mischaracterises the course of events insofar it attempts to rely on the fact that Respondents participated in the Council Extraordinary Session and offered a response to Qatar's allegations.[124] As explained in Respondents' Preliminary Objections, the ICJ has distinguished negotiations from assertion by States of their respective positions or views:

> In determining what constitutes negotiations, the Court observes that negotiations are distinct from mere protests or disputations. Negotiations entail more than the plain opposition of legal views or interests between two parties, or the existence of a series of accusations and rebuttals, or even the exchange of claims and directly opposed counter-claims. As such, the concept of "negotiations" differs from the concept of "dispute", and requires—at the very least—a genuine attempt by one of the disputing parties to engage in discussions with the other disputing party, with a view to resolving the dispute.[125]

118. Thus, the fact that Respondents may have replied to and contested Qatar's allegations in the context of the Article 54(n) proceedings does not establish that there were negotiations, nor that Qatar had attempted negotiations.

119. It is to be noted that Qatar has abandoned, and no longer places any reliance upon the supposed "conference call with officials of the Respondents" which allegedly took place on 5-6 June 2017 and which was relied upon in its Memorial.[126] Nevertheless, Qatar now attempts to suggest that the meetings coordinated by the ICAO MID Regional Office to review contingency routes in some manner satisfied the requirement of prior negotiations under Article II, Section 2. However, these were discussions at technical level that did not address the disagreement between the parties relating to the interpretation or application of the IASTA, or the wider issues that form part of the dispute. Nor can it be said that these discussions involved an attempt by Qatar to negotiate with a view to settling the disagreement before submitting the dispute to the Council.

120. In any event, as reflected in the summary of the session, the Council:

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124 Ibid., paras. 113-120.

125 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 132, para. 157; see also *Questions Relating to the Obligation to Extradite or Prosecute*, p. 446, para. 57; *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination*, para. 43.

126 *See* Application (B) and Memorial of the State of Qatar, sec. (g).

(a) repeatedly emphasised the "technical" nature of the discussions;[127] and

(b) was careful to emphasise "the need to clearly differentiate between any actions that it, as a governing body, might consider taking in relation to Article 54 n) of the Convention on International Civil Aviation ... and any actions that it might consider taking in relation to Article 84 thereof, which provided a process for the settlement of any disagreement between Contracting States concerning the interpretation or application of the Convention and its Annexes *which cannot be settled by negotiation*".[128]

121. To conclude, Qatar has failed to establish that any negotiations within the meaning of Article II, Section 2 of the IASTA took place or were attempted within the framework of ICAO.

(2) The proceedings commenced before the WTO against Bahrain and the UAE do not constitute negotiations for the purposes of Article II, Section 2

122. Qatar also relies upon the requests for consultations addressed to Bahrain and the UAE in the context of the WTO. As an initial point, Qatar did not request consultations within the WTO with the Arab Republic of Egypt. Thus, there is no basis on which Qatar can allege that the requests for consultations constitute an attempt to negotiate with the Arab Republic of Egypt.[129] As for the other two Respondents, the requests for consultations within the WTO do not satisfy the requirement of negotiation in Article II, Section 2 of IASTA.

123. As discussed above and in the Respondents' Preliminary Objections, Article II, Section 2 requires that the complaining party attempt prior negotiations with respect to any disagreement "relating to the interpretation or application of" IASTA.

124. The requests for consultations made by Qatar in the WTO concern a different dispute to that submitted to the Council, which Qatar argues concerned only the interpretation or application of the IASTA; as such, they cannot satisfy the prior negotiations requirement of Article II, Section 2. In particular, in its requests for consultations, Qatar raised concerns only that the various measures taken by Respondents (including the airspace closures) were inconsistent with their "obligations under the WTO covered agreements",[130] and then purported to raise claims under the General Agreement on Tariffs and Trade 1994, the General Agreement on Trade in Services, and the Agreement on Trade-related Aspects of Intellectual Property Rights.

125. While the requests for consultations admittedly refer, amongst other things, to the prohibition of Qatari aircraft accessing the Respondents' airspace and the restriction on flights to and from Respondents respective territories operated by aircraft registered in Qatar, they make no

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127 C-DEC Extraordinary Session (2017), paras. 1, 3, 6, 8, 9.

128 Ibid., para. 2 (emphasis added).

129 *Cf.* Response of Qatar, para. 127, where Qatar implicitly acknowledges that this is the case.

130 See WT/DS526/1, para. 9; WT/DS527/1, para. 9.

reference to the alleged breaches of the IASTA, which Qatar argues constitutes the "disagreement" in the present case.[131]

126. As noted above, however, the case-law of the ICJ makes clear that "the subject-matter of the negotiations must relate to the subject-matter of the dispute which, in turn, must concern the substantive obligations contained in the treaty in question".[132] Thus, if Qatar is correct that the subject-matter in this case concerns the interpretation or application of the IASTA or any allegation of breach by the relevant Respondents, this is clearly different to from the subject-matter of the WTO requests for consultations, such that those requests cannot and do not satisfy the requirement of prior negotiation of Article II, Section 2 of the IASTA. However, even on the Respondents' case, that the "real issue" concerns Qatar's compliance with its international obligations, any discussions within the WTO do not satisfy the precondition of negotiations, as they also did not concern the "real issue" of Qatar's breaches of international law.

(3) Qatar has not otherwise demonstrated that it attempted to negotiate with the Respondents

127. In addition to its reliance on events within ICAO and the WTO, in its Response, Qatar sets out a long list of press statements, interviews, and statements allegedly made to officials of third States in its attempt to show that it attempted to negotiate with the Respondents. Even if those statements were in fact made, and the reports of them put forward by Qatar are true and accurate, these self-serving statements do nothing to support Qatar in meeting its burden of showing that there was a "genuine attempt" by it to settle the disagreement or dispute by negotiations prior to submission to the Council. Moreover, it is striking that all of these so-called attempts to negotiate appear to relate to the crisis as a whole, thereby contradicting Qatar's claim that this dispute is restricted to the IASTA only.

128. Qatar itself admits that there were "few direct contacts between the parties",[133] and this is borne out by the Exhibits. In particular, the vast majority of the statements relied upon were either supposedly made to third parties (and subsequently reported by the media) or constitute press releases issued by Qatar to the world at large.

129. Further, and in any case, a significant proportion of the statements (in particular those set out at paragraphs 191-201 and at Exhibits 74 to 84) were made after the date of filing of Qatar's Application on 30 October 2017. As explained above, such statements cannot fulfill the requirement that an attempt should have been made to negotiate prior to the submission of the disagreement to the Council. As such, these statements are entirely irrelevant also on this ground.

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131 Response of Qatar, para. 44.

132 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 133, para. 161; *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination*, para. 43.

133 Response of Qatar, para. 177.

130. Further, none of the statements relied upon by Qatar refers to the issues relating to the interpretation and application of the IASTA, which, in Qatar's view, constitutes the disagreement between the parties, or even more generally to aviation matters. The statements relied upon thus fail to satisfy the test articulated by the ICJ in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination* and affirmed in subsequent cases pursuant to which "the subject-matter of the negotiations must relate to the subject-matter of the dispute which, in turn, must concern the substantive obligations contained in the treaty in question".[134]

131. Examination of Qatar's Response and the accompanying exhibits merely confirm the clear absence of any "genuine attempt" by Qatar to settle the disagreement by negotiation with the Respondents. Instead, it is clear that the tactic adopted by Qatar was to publicly assert its openness to dialogue and its willingness to negotiate, but then to take no concrete steps to actually attempt to initiate negotiations.

132. The only instance of alleged direct contact with any of the Respondents relied upon by Qatar, occurring prior to the filing of the Application on 30 October 2017, is a purported telephone conversation between Qatar and the Kingdom of Saudi Arabia on 8 September 2017. Saudi Arabia is not a respondent to Application (B) and therefore in this instance, even if proven, could not satisfy the requirement of negotiation as regards the Respondents in the present case. Qatar's half-hearted attempt[135] to justify its reliance upon purported negotiations or attempts at negotiation supposedly undertaken with a State which is not even party to IASTA, the treaty at issue in Application (B),[136] is fundamentally flawed.

(4) Qatar Has Publicly Taken the Position that It Was not Willing to Negotiate with the Respondents

133. Qatar alleges in its Response that it has on "innumerable occasions requested to negotiate" with the Respondents.[137] As discussed above, that assertion is not borne out by the record. In fact, the reality is that Qatar has made conflicting statements about its willingness to engage in negotiations.

134. For example, Qatar's Foreign Minister was quoted as stating in early June 2017:

> "[On] decisions that affect Qatari sovereignty and foreign policy outside the collective security of the GCC, we do not accept any dictates and we

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134 *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, p. 133, para. 161; *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination*, para. 43.

135 Response of Qatar, para. 113.

136 *See, e.g.,* Response of Qatar, para. 209.

137 Ibid., para. 203.

> will not negotiate about them" or even discuss them, he said in response to a question about the fate of al-Jazeera. . .".[138]

135. Further, the Qatari Foreign Minister is reported to have declared that Qatar would not negotiate with its neighbors to resolve the Gulf dispute unless they first lifted the trade and travel boycott they had imposed.[139]

136. In this regard, the Qatari Foreign Minister made it clear that Qatar was unwilling to negotiate until its preconditions had been met:

> "Qatar is under blockade, there is no negotiation. They have to lift the blockade to start negotiations," Sheikh Mohammed bin Abdulrahman Al Thani told reporters on Monday, ruling out discussions over Qatar's internal affairs, including the fate of the Doha-based Al Jazeera Media Network.
>
> "Until now we didn't see any progress about lifting the blockade, which is the precondition for anything to move forward," he added.[140]

137. Further, in its Response, Qatar itself refers to an interview from July 2017, in which its Foreign Minister stated that "any demand that affects the sovereignty of the State of Qatar would not be discussed".[141]

138. As the statements quoted above demonstrate, Qatar's contentions regarding its willingness to negotiate are contradicted by the public statements made by its own Minister of Foreign Affairs.

139. In this regard, Qatar's original "Application" and "Complaint" dated 8 June 2017, and accompanying Memorials are also of significance. Surprisingly, Qatar omits to mention these documents when cataloguing its various communications to ICAO from June 2017, and despite the fact that they are mentioned in its letters of 13 June 2017.[142] Those applications proved abortive; they were rejected by the ICAO Secretariat as failing to comply with the formal requirements of the Rules, and as a result, proceedings were not formally commenced.

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138 **Exhibit 24**, *Qatari FM: We will not negotiate al-Jazeera or our foreign policy with Gulf countries,* THE NEW ARAB (10 June 2017), https://www.alaraby.co.uk/english/news/2017/6/10/qatar-says-al-jazeera-foreign-policy-are-sovereign-non-negotiable-matters.

139 **Exhibit 25**, T. Finn & J. Irish, *Qatar says it will not negotiate unless neighbors lift 'blockade'*, REUTERS (19 June 2017), https://www.reuters.com/article/us-gulf-qatar/qatar-says-it-will-not-negotiate-unless-neighbors-lift-blockade-idUSKBN19A1G6.

140 **Exhibit 26,** *Qatar FM: We won't negotiate until blockade is lifted,* AL JAZEERA (19 June 2017), https://www.aljazeera.com/news/2017/06/qatar-fm-won-negotiate-blockade-lifted-170619135028966.html.

141 Response of Qatar, para. 155, Qatar Exhibit 40.

142 Response of Qatar: Qatar Exhibit 4 Letter from Qatar to Secretary General of ICAO, 13 June 2017 (ref. 2017/15993); Qatar Exhibit 5 Letter from Qatar to Secretary General of ICAO, 13 June 2017 (ref. 2017/15994); see also Qatar Exhibit 6: Letter from Qatar to Secretary General of ICAO, 15 June 2017 (ref. 2017/15995).

140. Nevertheless, it bears noting that the sections of those documents apparently intended to comply with the requirements of Article 2(g) of the Rules and to substantiate compliance with the requirement of prior negotiation under Article II, Section 2 of the IASTA confirm that Qatar had already at that stage, very shortly after the adoption of the airspace closures, formed the view that, in light of the breaking-off of diplomatic relations, "negotiations are no longer possible". [143] Qatar's position is likewise apparent from its Request under Article 54(n) of the Chicago Convention, dated 15 June 2017, which contains a similar statement.[144]

(5) Conclusion

141. It is clear that Qatar set its mind against attempting to initiate negotiations with the Respondents; the evidence put forward by Qatar itself demonstrates that, thereafter, in accordance with that position, it in fact made no genuine attempt to so initiate negotiations prior to filing its Application (as was required) or even subsequently.

142. Even if Qatar were able to rely upon an attempt to negotiate occurring after the filing of the Application (which is denied for the reasons set out above), in these circumstances the only conclusion that can be drawn is that Qatar has failed to comply with a necessary precondition to the jurisdiction of the Council. As a consequence, the Council should find that it is not competent to adjudicate upon Qatar's claims, and dismiss Qatar's Application on that basis.

V. SUBMISSIONS FOR RELIEF

143. The submissions for relief of Qatar should be rejected in full.

144. **The Respondents respectfully reiterate their request that the Council, ruling in proceedings as a preliminary matter, accept their Preliminary Objections and therefore decide:**

(a) **that it lacks jurisdiction to resolve the claims raised by Qatar in Application (B); or**

(b) **in the alternative, that Qatar's claims are inadmissible.**

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143 Memorial (A) of the State of Qatar, p. 9; Memorial (B) of the State of Qatar, pp. 5-6.

144 Response of Qatar: Exhibit 6: Letter from Qatar to Secretary General of ICAO, 15 June 2017 (ref. 2017/15995), Annex: Request of the State of Qatar for Consideration by the ICAO Council under Article 54(n) of the Chicago Convention, 15 June 2017, p. 10.

LIST OF EXHIBITS

The exhibits are listed in order of appearance.

Number	Title
24.	'Qatari FM: We will not negotiate al-Jazeera or our foreign policy with Gulf countries', 10 June 2017, available at: https://www.alaraby.co.uk/english/news/2017/6/10/qatar-says-al-jazeera-foreign-policy-are-sovereign-non-negotiable-matters
25.	'Qatar says it will not negotiate unless neighbors lift "blockade" ', 19 June 2017, available at: https://www.reuters.com/article/us-gulf-qatar/qatar-says-it-will-not-negotiate-unless-neighbors-lift-blockade-idUSKBN19A1G6
26.	'Qatar FM: We won't negotiate until blockade is lifted', 19 June 2017, available at: https://www.aljazeera.com/news/2017/06/qatar-fm-won-negotiate-blockade-lifted-170619135028966.html

Exhibit 24

'Qatari FM: We will not negotiate al-Jazeera or our foreign policy with Gulf countries', 10 June 2017

alaraby.co.uk/english/news/2017/6/10/qatar-says-al-jazeera-foreign-policy-are-sovereign-non-negotiable-matters

June 10, 2017

The New Arab

Qatari FM: We will not negotiate al-Jazeera or our foreign policy with Gulf countries

Qatar is staging a diplomatic offensive to counter the blockade in the Gulf [Anadolu]

Date of publication: 10 June, 2017

Qatar will not negotiate sovereign and internal matters including Doha-based al-Jazeera under pressure from Saudi Arabia and the United Arab Emirates

Qatar will not negotiate sovereign and internal matters including Doha-based al-Jazeera under pressure from Saudi Arabia and the United Arab Emirates, the foreign minister said on Saturday following a meeting with his Russian counterpart in Moscow.
Speaking to Russia's *RT Arabic*, Sheikh Mohammed bin Abdul Rahman al-Thani said Qatar would only negotiate matters related to 'GCC collective security', and said his government still had hopes for the Kuwaiti efforts to contain the crisis.

"[On] decisions that affect Qatari sovereignty and foreign policy outside the collective security of the GCC, we do not accept any dictates and we will not negotiate about them" or even discuss them, he said in response to a question about the fate of al-Jazeera, the Qatar-based media network whose independent line has long riled up Riyadh and Abu Dhabi.

Some pro-Emirati commentators last week suggested Qatar would have to shut down al-Jazeera in return for restoring Gulf ties.

On Monday, Saudi Arabia, the United Arab Emirates, Egypt and Bahrain led a string of countries that cut ties with Qatar over what they say is the emirate's financing of extremist groups and its ties to Iran, Saudi Arabia's regional arch-rival.

Qatar vehemently denies the claims, and says it is the victim of an orchestrated campaign to force Doha to change its foreign policy.

Qatar's foreign minister fired back at the Gulf countries leading the blockade of his country, saying that there was "no clarity" in their accusations or demands.

"Qatar is accused of having a hidden relationship with Iran, but its relations with Iran are clear, transparent and time-tested," said al-Thani, noting that the UAE does more trade with Iran than Qatar does.

He denied that Qatar supported Egypt's outlawed Islamist movement, the Muslim Brotherhood, and Hamas, the Palestinian Islamist group that controls the Gaza Strip, stressing it was a legitimate resistance group to all Arab countries, including Gulf countries.

He laso dismissed as "fantasy" a Saudi media report that he had met in Baghdad with the head of Iran's Qods Force, controlled by Iran's powerful Revolutionary Guards.

He said Qatar remained committed to a Kuwaiti-led mediation effort, but that he had yet to receive a clear list of demands.

On Saturday, Russian foreign minister Sergei Lavrov told Qatar's foreign minister of Moscow's concern over Arab nations cutting ties with the Gulf state and called for talks to solve the crisis.

"As a matter of policy we do not interfere in the internal affairs of other countries or their bilateral relations with each other. But it does not give us joy when relations between our partners deteriorate," Lavrov told Sheikh al-Thani at talks in Moscow.

Lavrov said Moscow was ready to act "with the consent and the interest of the parties involved" to help resolve the diplomatic row.

"We call for all contradictions to be resolved at the negotiation table through a mutually respectful dialogue," Lavrov said, adding Arab states should unite to effectively fight terrorism.

Sheikh Mohammed said Qatar was committed to solving the issue via a dialogue and that he considered the Cooperation Council for the Arab States of the Gulf as the most appropriate format for such talks.

Exhibit 25

'Qatar says it will not negotiate unless neighbors lift "blockade" ', 19 June 2017

Qatar says it will not negotiate unless neighbors lift 'blockade'

reuters.com/article/us-gulf-qatar/qatar-says-it-will-not-negotiate-unless-neighbors-lift-blockade-idUSKBN19A1G6

World News
June 19, 2017 / 7:34 AM / a year ago

DOHA/PARIS (Reuters) - Qatar will not negotiate with its neighbors to resolve the Gulf dispute unless they first lift the trade and travel boycott they imposed two weeks ago, its foreign minister said, but added Doha still believed a solution was possible.

Turkish APC drives at their military base in Doha, Qatar June 18, 2017. Qatar News Agency/Handout via REUTERS

The United Arab Emirates, which along with Saudi Arabia, Egypt and Bahrain imposed the measures to isolate Qatar, said the sanctions could last for years unless Doha accepted demands that the Arab powers plan to reveal in coming days.

Qatar has denied accusations by its neighbors that it funds terrorism, foments regional instability or has cosied up to their enemy Iran. The dispute has opened a rift among some of the main U.S. allies in the Middle East, with President Donald Trump backing tough measures against Qatar even as his State Department and Defense Department have sought to remain neutral.

On Monday Qatar held war games with Turkish troops, showing off one of its few remaining strong alliances after two weeks of unprecedented isolation.

Foreign Minister Sheikh Mohammed bin Abdulrahman al-Thani said Doha was ready to “engage and address” the concerns of other Gulf Arab states in what he described as a proper dialogue with pre-determined principles, but reiterated that sanctions must be lifted first.

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“Until now we didn’t see any progress about lifting the blockade, which is the condition for anything to move forward,” Sheikh Mohammed said. The countries that imposed the sanctions have denied that they amount to a blockade.

Sheikh Mohammed said he planned to travel to Washington next week to discuss the economic effect of the “blockade” and its effects on the global fight against terrorism.

“We have a very strong partnership with the U.S. We are partners together in the global coalition of countering terrorism. We have been talking to them since the crisis started,” he said.

UAE Minister of State for Foreign Affairs Anwar Gargash said earlier on Monday said that those seeking to isolate Qatar had no intention of backing down unless their demands were met.

“Qatar will realize that this is a new state of affairs and isolation can last years,” Gargash told reporters in Paris.

“If they want to be isolated because of their perverted view of what their political role is, then let them be isolated. They are still in a phase of denial and anger,” he said, adding that a list of grievances for Qatar to address would be completed in the coming days.

Qatar has relished support from Turkey during the dispute. Its state-funded pan-Arab Al Jazeera news channel showed footage of a column of armored personnel carriers flying the Turkish flag inside the Tariq bin Ziyad military base in Doha.

It reported that additional Turkish troops had arrived in Qatar on Sunday for the exercises, although military sources in the region told Reuters the operation actually involved Turkish troops who were already present rather than new arrivals.

Turkish APC drives at their military base in Doha, Qatar June 18, 2017. Qatar News Agency/Handout via REUTERS

The dispute is a major test for the United States, close allies with both sides and which houses the headquarters of its air power in the Middle East at an air base in Qatar.

Washington has sent mixed signals despite Trump’s firm personal backing for the sanctions. Trump called Qatar a “funder of terrorism at a very high level,” but five days later the Pentagon approved selling Qatar $12 billion of warplanes.

The chairman of the U.S. Joint Chiefs of Staff said on Monday that military operations against Islamic State from Qatar were continuing while acknowledging some friction.

“But what I said last week remains true, in that we have continued to be able to operate, even through that friction,” Marine General Joseph Dunford told reporters in Washington.

“BASELESS PROPAGANDA”

Qatar, the world’s richest country per capita, has used its wealth over the past decade to exert influence abroad, backing factions in civil wars and revolts across the Middle East. It has said it is now being punished for straying from its neighbors’ backing for authoritarian hereditary and military rulers.

“It is unfortunate that our neighbors have chosen to invest their time and resources in a baseless propaganda campaign,” Sheikh Saif Bin Ahmed al-Thani, director of Qatar’s Government Communications Office, said in a statement on Monday, calling the terrorism accusations a “publicity stunt.”

The Qatar Financial Centre, which administers special rules for foreign-owned companies operating in Qatar, said on Monday it has no plans to take any action against Saudi Arabian, Emirati or Bahraini firms in response to their governments’ sanctions against Doha. “It remains business as usual, and we intend to keep it that way,” its chief executive Yousef al-Jaida said.

Jaida said Qatar’s government was also prepared to support local banks if foreign institutions withdraw deposits from them because of the economic boycott.

Turkey is one of the few powerful countries in the region willing to openly show its support for Qatar. Two days after the sanctions were imposed, its parliament fast-tracked legislation to allow more troops to be deployed to Qatar, where about 90 Turkish soldiers are stationed under a 2014 agreement.

Turkey has said it would deploy 3,000 ground troops at the base, primarily to serve as a venue for joint exercises.

Qatar has only 300,000 citizens enjoying the wealth produced by the world’s largest exports of liquefied natural gas. The rest of its 2.7 million people are foreign migrant workers, mostly manual laborers employed on vast construction projects that have crowned the tiny desert peninsula with skyscrapers as well as stadiums for the 2022 soccer world cup.

The sanctions have disrupted its main routes to import goods by land from Saudi Arabia and by sea from big container ships docked in the United Arab Emirates. But it so far has avoided economic collapse by quickly finding alternative routes, and it said its vast financial reserves would meet any challenges.

Qatar has said the sanctions have also brought personal hardship for its citizens who live in neighboring countries or have relatives there. The countries that imposed the sanctions gave Qataris two weeks to leave, which expired on Monday.

Thousands of Qataris have been unable to board flights to the UAE, Saudi Arabia and Bahrain, and cut off from relatives in those countries.

The Qatari government communications director, Sheikh Saif, said Saudi, Emirati, and Bahraini families had been “forcibly recalled” on Monday by their governments despite being invited by Qatar to stay.

Editing by Sami Aboudi, Peter Graff, Toni Reinhold

Our Standards:The Thomson Reuters Trust Principles.

Exhibit 26

'Qatar FM: We won't negotiate until blockade is lifted', 19 June 2017

ALJAZEERA

NEWS / QATAR

Qatar FM: We won't negotiate until blockade is lifted

Qatari FM says Gulf states have to lift blockade before Doha takes part in any talks on ending Gulf diplomatic crisis.

19 Jun 2017

Qatar said it would rely on other states like Iran and Turkey if the embargo continues [Reuters]

Qatar will not negotiate with Arab states that have cut economic and travel ties with it unless they reverse their measures and lift a blockade against it, its foreign minister has said.

"Qatar is under blockade, there is no negotiation. They have to lift the blockade to start negotiations," Sheikh Mohammed bin Abdulrahman Al Thani told reporters on Monday, ruling out discussions over Qatar's internal affairs, including the fate of the Doha-based Al Jazeera Media Network.

"Until now we didn't see any progress about lifting the blockade, which is the precondition for anything to move forward," he added.

Speaking from the capital, Doha, the minister said Qatar had still not received any demands from Saudi Arabia, the United Arab Emirates (UAE) and Bahrain, who severed relations with two weeks ago, triggering the worst Gulf Arab crisis in years.

Anything that relates to the affairs of the six-nation Gulf Cooperation Council is subject to negotiation, he said, referring to the body comprising Qatar, Saudi Arabia, the UAE, Bahrain, Kuwait and Oman.

"Anything not related to them is not subject to negotiation. No one has the right to interfere in my affairs. Al Jazeera is Qatar's affairs, Qatari foreign policy on regional issues is Qatar's affairs. And we are not going to negotiate on our own affairs," he said.

The minister said Kuwait's ruler was the sole mediator in the crisis and that he was waiting for specific demands from Gulf states in order to take resolution efforts forward.

"We cannot just have (vague) demands such as 'the Qataris know what we want from them, they have to stop this or that, they have to be monitored by a foreign monitoring mechanism.'"

The crisis hit civilian travel and some food imports, ratcheted up tensions in the Gulf and sowed confusion among businesses. However, it has not affected energy exports from Qatar, the world's biggest exporter of liquefied natural gas (LNG).

The minister said Qatar would rely on other states if the boycott continued, including Saudi Arabia's regional rival, Iran.

"We have a backup plan which depends mainly on Turkey, Kuwait and Oman," he said.

"Iran has facilitated for us the sky passages for our aviation and we are cooperating with all countries that can ensure supplies for Qatar."

SOURCE: **AL JAZEERA NEWS**