

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**

**Volume V of VII**

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27 DECEMBER 2018





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ICAO Council – 74th Session, Minutes of the Fifth Meeting,  
ICAO document 8987-C/1004, 28 July 1971

## ICAO COUNCIL

*(d) COUNCIL—SEVENTY-FOURTH SESSION**Minutes of the Fifth Meeting*<sup>1</sup>

(The Council Chamber, Wednesday, 28 July 1971, at 1500 hours)

## CLOSED MEETING

President of the Council: Mr. Walter Binaghi  
 Secretary: Dr. Assad Kotaite, Secretary General

*Present:*

Argentina	Com. R. Temporini
Australia	Dr. K. N. E. Bradfield
Belgium	Mr. A. X. Pirson
Brazil	Col. C. Pavan
Canada	Mr. J. E. Cole (Alt.)
Colombia	Major R. Charry
Congo (People's Republic of)	Mr. F. X. Ollassa
Czechoslovak Socialist Republic	Mr. Z. Svoboda
Federal Republic of Germany	Mr. H. S. Marzusch (Alt.)
France	Mr. M. Agésilas
India	Mr. Y. R. Malhotra
Indonesia	Mr. Karno Barkah
Italy	Dr. A. Cucci
Japan	Mr. H. Yamaguchi
Mexico	Mr. S. Alvear López (Alt.)
Nigeria	Mr. E. A. Olaniyan
Norway	Mr. B. Grinde
Senegal	Mr. Y. Diallo
Spain	Lt. Col. J. Izquierdo
Tunisia	Mr. A. El Hicheri
Uganda	Mr. M. H. Mugizi (Alt.)
Union of Soviet Socialist Republics	Mr. A. F. Borisov
United Arab Republic	Mr. H. K. El Meleigy
United Kingdom	A/V/M J. B. Russell
United States	Mr. C. F. Butler

*Also present:*

Dr. J. Machado (Alt.)	Brazil
Mr. L. S. Clark (Alt.)	Canada
Mr. B. S. Gidwani (Alt.)	India
Mr. M. Garcia Benito (Alt.)	Spain
Mr. N. V. Lindemere (Alt.)	U.K.
Mr. F. K. Willis (Alt.)	U.S.
Mr. N. A. Palkhivala (Chief Counsel)	India
Mr. Y. S. Chitale (Counsel)	India
Mr. I. R. Menon (Assistant Counsel)	India
Mr. S. S. Pirzada (Chief Counsel)	Pakistan
Mr. K. M. H. Darabu (Assistant Counsel)	Pakistan

<sup>1</sup> Reproduced from ICAO Doc. 8956— C/1001, C/min. LXXIV/5 (Closed).

Mr. A. A. Khan (Obs.)	Pakistan
Mr. H. Rashid (Obs.)	Pakistan
Mr. Magsood Khan (Obs.)	Pakistan
H.E. A. B. Bhadkamkar (Agent)	India
H.E. M. S. Shaikh (Agent)	Pakistan

*Secretariat:*

Dr. G. F. Fitzgerald	Sr. Legal Officer
Mr. D. S. Bhatti	Legal Officer
Miss M. Bridge	CSO

## SUBJECTS DISCUSSED AND ACTION TAKEN

*Subject No. 26: Settlement of Disputes between Contracting States**'Pakistan versus India—Suspension by India of Flights of Pakistani Aircraft over Indian Territory*

1. The meeting opened with the reply of the Chief Counsel for Pakistan, Mr. Pirzada, to the comments made by the Chief Counsel for India at the previous meeting. Denying the imputation that he was guilty of misinterpretation in maintaining that "disagreements relating to the interpretation or application of this Convention" included disagreements relating to termination or suspension, he cited the 1927 judgment of the Permanent Court of International Justice in the *Chorzów Factory* case, the summing up of Mr. Justice Lord Wright in the *Heyman v. Darwin* case considered by the House of Lords in 1942, and the judgment of the International Court of Justice in December 1962 on the revocation of the South African Mandate over South West Africa. In the first case the Court had held that differences relating to reparations which might be due by reason of failure to comply with a convention were differences relating to application, which was a wide and elastic term; in the second the Chief Justice had declared that a dispute as to whether a breach of contract by one party had operated to discharge the other or whether the contract had been frustrated was a dispute arising out of the contract; in the third the Court had ruled that the dispute came within the expression "dispute relating to the interpretation or application of the provisions of the mandate" in Article 7 of the Mandate.

2. He answered the objection that his reference to paragraph 1 of Article 60 of the Vienna Convention on the Law of Treaties was irrelevant by pointing out that under paragraph 2 there was the same limitation of the right of termination or suspension—the breach must be a material breach and it could be invoked only as a ground for suspending the operation of the treaty. He expressed surprise that the letter from the Prime Minister of India to the President of Pakistan was not considered by the Chief Counsel for India to support Pakistan's case that there was no special régime governing overflights, that they had been restored on the same basis as before 1 August 1965. He pointed out that the provisions of Article 95 of the Convention, whose application in the present case the Indian Counsel found ridiculous, were repeated in the bilateral agreement of 1948 between India and Pakistan and suggested that obligations entered into with eyes open must be honoured. He emphasized that it was not unusual for bodies like the Council to be entrusted with judicial or quasi-judicial functions and that there were rules laying down procedures for the discharge of these functions. He also assured the Council that Pakistan

## ICAO COUNCIL

certainly had no intention of raising any political questions; its concern was only with its legal rights. Finally, Mr. Pirzada stressed the importance of the issue before the Council and the far-reaching consequences of the decision to be taken on India's challenge to its jurisdiction. This was not just an Indo-Pakistan affair. India's arbitrary, illegal and discriminatory action in banning overflights was a threat to the safe and orderly development of international civil aviation.

3. Mr. Palkhivala rejoined that the 1962 judgment of the International Court had no bearing on the question whether "interpretation or application" covered termination. In this case the Court had been asked to consider four South African objections to the complaint brought by Ethiopia and Liberia: that the Mandate had ceased to be a treaty or convention in force when the League of Nations ceased to exist, that Ethiopia and Liberia had no right to interfere, that a dispute could not be said to exist because Ethiopia and Liberia had nothing to lose or gain by fighting the Mandate, and that the International Court had no jurisdiction because this was not an issue that could be settled by negotiation. All of these objections had been rejected.

*Case No. 2*

4. As there were no questions from Council Representatives on Case 1, the President invited the Chief Counsel for India to present the Preliminary Objection in Case No. 2—the complaint filed by Pakistan under Article II, Section 1 of the Transit Agreement. Mr. Palkhivala indicated that the grounds of objection in Case 1 applied in Case 2 and there was an additional one: that a complaint filed under Article II, Section 1 of the Transit Agreement had to relate to action taken by another Contracting State under the Agreement, and India had taken no such action; the complaint was therefore not maintainable and the Council had no jurisdiction to handle the matter. If India, for example, had required Pakistani aircraft to fly around the coastline instead of allowing them to take the most direct route across its territory, or if it had taken some other action to make the exercise of the rights granted by the Transit Agreement commercially unprofitable, it would have taken action under the Agreement causing injustice or hardship. It was a contradiction in terms to say that action which was the very antithesis of the Agreement—the banning of overflights and non-traffic stops—was "action under this Agreement".

5. Mr. Pirzada replied that according to Article II, Section 1 of the Transit Agreement, a Contracting State which deemed that action by another Contracting State under the Agreement was causing injustice or hardship to it might request the Council to examine the situation. The use of the verb "deem" indicated that it was for the complainant to determine whether the action of the other State was causing it injustice or hardships, and Pakistan so deemed. As for the contention that action could not be taken under the Agreement because it had been terminated, he had already shown that a case of alleged termination was a case of application. Furthermore, "action" had to be interpreted as including omission, and the failure of India to fulfil its obligations under the Transit Agreement was an omission. Sections 1 and 2 of Article II were not mutually exclusive, and a State considering itself an injured party had the choice of filing a complaint under Section 1 or instituting formal action under Article 84 of the Convention. In dealing with complaints the Council had not in the past taken a technical approach, and in support of this argument he cited the 1958 case of the *United Arab Republic v. Jordan* (cf. "Action of the Council", 35th Session, Doc. 7958-C/914, p. 20).

6. Mr. Palkhivala submitted that the verb “deems” in Article II, Section 1 of the Transit Agreement applied to “injustice or hardship”, not to “action”. Whether action had been taken under the Agreement had to be formally established—it was not for subjective determination by the complainant. India’s whole case was that the Transit Agreement was not in operation between itself and Pakistan and therefore there could be no action under it. The Chief Counsel of Pakistan was construing Article II as giving the Council jurisdiction over any dispute between two contracting parties; if that had been the intention, the text would have said so instead of speaking of “action under this Agreement” and “any disagreement relating to the interpretation or application of this Agreement”.

7. As there were no questions from members of the Council on Case 2, the President invited discussion on the suggestion of the Chief Counsel for India that India should be permitted to submit a written memorandum, setting out the arguments he had advanced more concisely than had been possible in an oral presentation, for the use of Council Representatives who wished to seek instructions before the Council took a decision in view of the importance of the point at issue for the future of ICAO and by reason of the fact that the expression “disagreement relating to interpretation or application” was used in a number of treaties. The Chief Counsel for Pakistan objected, arguing that the suggested action was unjustifiable because of the circumstances and the continuing injury being suffered by Pakistan as long as overflights were suspended, and several Representatives questioned whether it would be in conformity with Article 5, paragraph 4 of the Rules for the Settlement of Differences, which said 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 Secretariat advised that it was not unusual for a judicial tribunal, after a long and difficult argument, to request counsel to submit a written brief, which would be simply a systematic presentation of arguments already adduced, or for a court to agree to a request by counsel to file such a document. The Chief Counsel for India did not, however, press the suggestion.

8. The Chief Counsels and the Agents for India and Pakistan then withdrew—though the two countries continued to be represented by other members of their delegations—while the Council considered the preliminary objection in Case 1.

9. As reference had been made by the Chief Counsel for India to opinions expressed by the United States Counsel before the International Court in the *Namibia* case, the Representative of the United States explained that the United States position was that Article 84 of the Chicago Convention, as well as Article 7 of the Mandate which was the subject of the *Namibia* case, covered questions relating to any provisions of those instruments; it did not seem possible for one party to a convention or treaty to negate procedures for the settlement of disputes by stating that the convention or treaty was no longer in force and thereby depriving of jurisdiction the tribunal named in it to settle disputes. The Alternate Representative of India submitted that the United States position was tantamount to saying that under Article 84 the Council had jurisdiction over any dispute or difference relating to the Convention, and repeated India’s contention that the expression “any disagreement relating to the interpretation or application of this Convention” had a much narrower meaning and did not include disagreements relating to termination or suspension.

10. Indications at this point by the Representatives of the United Kingdom and the Czechoslovak Socialist Republic that, not being lawyers, they must

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obtain legal advice on the arguments that had been presented before they could participate in any decision on the substance of the preliminary objection gave rise to considerable discussion. The Representatives of France, Tunisia, Senegal, the People's Republic of the Congo, Italy, Belgium, Uganda, Spain and Colombia said that they were ready to take a decision—the oral presentations by the parties had been essentially elaborations of positions taken in the preliminary objection and the reply to it; though the argumentation had been lengthy, the question (whether the Council was competent to consider Pakistan's application and complaint) was basically simple and administrations had had time to form an opinion on it since the preliminary objection was filed; deferment was therefore unnecessary. The Representatives of France, the People's Republic of the Congo and Belgium said that they would not be opposed to deferment for a week or ten days, but the Representatives of Italy and Uganda expressed the view that this would not be long enough for Representatives who wished to consult their administrations, because for that they would need the verbatim record, which would not be available for at least a month. The Alternate Representative of India maintained that a decision taken now would be vitiated, as it would have been taken before a proper record was available and without proper notice, the Council having decided on 12 June to meet on 27 July only "to hear the parties on the preliminary objection filed by India".

11. As the normal hour of adjournment had arrived, the discussion was suspended at this point, with the understanding that the Council would meet again at 1000 hours on the following day.

## DISCUSSION

*Subject No. 26: Settlement of Disputes between Contracting States**Pakistan versus India—Suspension by India of Flights of Pakistani Aircraft over Indian Territory*

1. *The President:* The Council is again in session and the Chief Counsel of Pakistan would like the floor.

2. *Mr. Pirzada:* Mr. President and honourable members of the Council, I shall try to be as brief as I can, because in his reply my learned friend was somewhat wide of the mark. He repeated what he had already said, to which I had replied, and his main argument in reply was that this is essentially a case of termination of a treaty by India *qua* Pakistan and that this Council has no jurisdiction to hear or determine any application in respect thereof.

We brought our case within the purview of Article 84 and I will just refer to the language of it again. It is "If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council". The words are "any disagreement relating to the interpretation or application of this Convention" and I had submitted that the first principle of interpretation is that the text should be construed liberally. My learned friend did not disagree with that proposition, but he imputed to me something in the nature of misinterpretation, and again reaffirming what he thought was the judgment of the International Court of Justice in the recent case of South West Africa, he stuck to the word "judgment", even though I had pointed out that there is a vast

## **Annex 28**

Decision of the Council on the Preliminary Objection in the Matter  
“United States and 15 European States”, 16 November 2000

ICAO document C161/6

**C161/6**

**Resolution adopted at the Sixth Meeting of the One Hundred and Sixty-First Session on 16 November 2000 relating to Settlement of Differences: United States and 15 European States (2000) regarding European Council Regulation (EC) No. 925/1999 (“Hushkits”): Preliminary Objections**

*The Council:*

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

*Composed of the following Representatives entitled to vote: Mr. T. Chérif (Algeria), Mr. J.L. Bacarezza (Argentina), Dr. J. Aleck (Australia), Mr. K.J. Mosupukwa (Botswana), Mr. A.M. Cunha (Brazil), Mr. T. Tekou (Cameroon), Mrs. G. Richard (Canada), Mr. Y. Zhang (China), Mr. J. Hernández López (Colombia), Dr. M. Molina Martínez (Cuba), Mr. A.Y. El Karimy (Egypt), Mr. A.P. Singh (India), Mr. J. Sjiioen (Indonesia), Mr. K. Okada (Japan), Mr. S.W. Githaiga (Kenya), Mr. R. Abdallah (Lebanon), Mr. R. Kobeh González (Mexico), Mr. O.M. Rambech (Norway), Mr. S.N. Ahmad (Pakistan), Mr. R.E. García de Paredes (Panama), Mr. V.P. Kuranov (Russian Federation), Mr. S. Al-Ghamdi (Saudi Arabia), Mr. M. Ndiaye (Alt.) (Senegal), Mr. O. Fabrici (Slovakia) and Mr. C.A. Borucki (Uruguay); Mr. D.O. Eniojukan (Nigeria) being absent;*

*The Parties being: the United States of America (Applicant), represented by Mr. D. Newman, Authorized Agent, assisted by Mr. A.I. Mendelsohn, on the one hand, and 15 European States, namely Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom (Respondents), represented by Mr. J-L. Dewost, Authorized Agent, assisted by Mr. E. White, Ms. M. Tousseyn and Mr. P. Van Den Heuvel, on the other hand;*

*Considering that an Application and Memorial of the United States under Article 84 of the Convention on International Civil Aviation was filed on 14 March 2000; that a Statement of Preliminary Objections of the 15 European States was filed on 19 July 2000; and that a Statement of Response to the Preliminary Objections was filed by the United States on 15 September 2000;*

*Having heard the Parties in the above matter and having held its deliberations at the fourth, fifth and sixth meetings of its 161st Session on 15 and 16 November 2000;*

*Having considered the preliminary objections of the Respondents, namely:*

- *the Application is inadmissible at the present time since the United States has failed to demonstrate that there is a disagreement with the Respondent relating to the interpretation or application of the Convention and its Annexes that cannot be settled by negotiation;*
- *the Application is inadmissible at the present time since the US has failed to exhaust the remedies that are available in the legal systems of the Respondents;*



- the second to fourth items of requested relief are inadmissible since the first item fully describes the forms of decision which a Contracting State is entitled to request the Council to take under Article 82 of the Convention;

*Considering*, regarding the first preliminary objection, and based on the exhibits submitted by the Parties, that the 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 of the *Convention on International Civil Aviation*;

*Considering*, regarding the second preliminary objection, that the Applicant is not required to exhaust local remedies in the present case, since the Applicant seeks to protect not only its nationals, but also its own legal position under the Convention; further, that the exhaustion of local remedies is not stipulated as a requirement in Article 84 of the Convention;

*Considering*, regarding the third preliminary objection, that the question of the powers of the Council to provide the relief requested by the Applicant in Nos. 2 to 4 of its Application and Memorial, is not preliminary in nature; that this question does therefore not require decision of the Council at this stage; that this matter should therefore be joined to the merits of the case;

*Considering* therefore that the claims of the Applicant are admissible and that the Council has jurisdiction to deal with them in the framework of the Convention;

*Considering* that, in accordance with Article 5, paragraph 3 of the *Rules for the Settlement of Differences*, the time-limit for filing the counter-memorial by the Respondents will run again as from the date of the present decision, and that 16 calendar days are remaining for doing so;

*Considering* that it is therefore not necessary to decide on the second request of the Applicant in its Response to the preliminary objections;

*Considering* that it is also not necessary to decide at this time on the third request of the Applicant in the Response to the preliminary objections, since no request for extension of the time-limit for the filing of the counter-memorial has been received;

*Considering* also that it would be desirable that the Parties continue their negotiations on the matter in dispute;

*Considering* that in order to further such negotiations, the good offices of the President of the Council, acting as conciliator, with the agreement of the Parties, would be desirable;

*Decides* as follows:

1. The first preliminary objection is denied.
2. The second preliminary objection is denied.

3. The third preliminary objection, not being preliminary in nature but related to the merits, shall be joined to the merits.

4. The Parties to the dispute are invited to continue their direct negotiations.

5. In accordance with Article 14, paragraph 3 of the said Rules, the President of the Council is invited to be available to provide his good offices as Conciliator during such negotiations, with the consent of the Parties.

6. The matters referred to in paragraphs 4 and 5 above shall be further reviewed at the 163rd Session of the Council.

This decision was taken unanimously, Mr. O.M. Rambech (Norway) abstaining with respect to the decision in its entirety, and Dr. M. Molina Martínez (Cuba) and Mr. O. Fabrici (Slovakia) abstaining with respect to the action taken at operative clauses 1, 2 and 3.

Rendered on 16 November 2000 in Montreal.

— END —

## **Annex 29**

Preliminary Objection of the United States In Re the Application  
of the Federative Republic of Brazil Relating to the Disagreement  
Arising under the Convention on International Civil Aviation done  
at Chicago on December 7, 1944, 24 March 2017

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

**PRELIMINARY OBJECTION  
OF  
THE UNITED STATES OF AMERICA**

In Re the Application of the Federative Republic of  
Brazil Relating to the Disagreement Arising under the  
Convention on International Civil Aviation  
done at Chicago on December 7, 1944

Wynne M. Teel  
United States Department of State  
Agent for the United States of America

March 24, 2017

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Wynne M. Teel, U.S. Department of State, is authorized to represent and act for the United States in these proceedings. All communications relating to this case, including notice of the dates of any meetings, should be sent to the attention of Ms. Teel to the U.S. Mission to ICAO, 999 Robert-Bourassa Blvd., Montreal, PQ, Canada H3C 5J9. The telephone number of the U.S. Mission is (514) 954-8304, and the e-mail address is USA@icao.int.

### **PRELIMINARY STATEMENT**

Applicant's claim arises from a tragic midair collision between a Brazilian-registered aircraft and a U.S.-registered aircraft over Brazil on September 29, 2006. More than ten years after the accident, Applicant seeks a determination from the International Civil Aviation Organization (ICAO) Council that the United States violated Article 12 of the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (the "Chicago Convention"), by failing to "prosecute" the pilot-in-command, as well as the second-in-command (both U.S.-licensed), of the U.S.-registered aircraft. Applicant seeks this result now even though the United States investigated the conduct of the airmen ten years ago—immediately after the accident—and determined that no enforcement action was warranted.

Applicant's claim is untimely. For the reasons this Preliminary Objection will explain, the United States urges the Council to dismiss Applicant's claim, as compelled by several important policy reasons, based on the long-established international legal doctrine of extinctive prescription (often referred to as "laches").

Allowing Applicant to proceed with its claim more than ten years after the accident would set a highly undesirable precedent for Member States and the Council: it would bring great uncertainty to the future work of this Organization, the implementation of the Chicago Convention, and international civil aviation more generally. Permitting this claim to proceed would open the Council up to adjudicating a large number of contentious, state-to-state claims regarding specific enforcement decisions that are many years old. The claim asks the Council to make a critical determination on State compliance or noncompliance with Article 12, requiring review of a State's specific investigation and substantive conclusion, on the basis of a stale and incomplete factual record.

Additionally, allowing an applicant to bring a claim when it has been aware of the underlying facts for many years is fundamentally unfair, and would prejudice Member States' ability to determine relevant facts, assemble evidence to support a defense, and invoke applicable remedies. Member States would face the daunting and expensive prospect of defending before this Council regulatory actions and decisions concerning events that occurred years ago. To attempt to defend themselves, Member States would need to search for old records, many of which would be archived or unavailable, and seek information from employees and other witnesses involved in such actions whose recollections may have faded, who may have retired, or who may be entirely unavailable. The doctrine of extinctive prescription—accepted in international law, and also in many, if not all, domestic legal systems—balances the rights of parties to a dispute and recognizes that claims must be timely adjudicated, given the difficulties of judging stale claims and the inaccuracies and injustices that may result.

Here, Applicant waited more than ten years after the 2006 accident to bring this claim to ICAO. As a part of that delay, Applicant waited five years after the accident before submitting Notices of Infraction (NOIs) to the United States; these NOIs asserted that the pilot-in-command and the U.S. operating company had violated Brazilian aviation regulations. Yet, Applicant had almost all, if not all, relevant facts shortly after the accident, and has certainly had them since at least eight years ago, when it concluded its accident investigation report. Parties are entitled to repose, as Applicant would no doubt acknowledge were the tables turned.

Moreover, prompt responsive action is particularly important when it comes to the subject of Article 12. Member States should be encouraged to investigate and consider appropriate action as swiftly as possible when they learn of an alleged violation, to best ensure the safety of aviation. A Council decision to allow a belated challenge to a decade-old response

would put those States that act swiftly at a disadvantage, because their investigations and decisions would be so remote in time.

While urging dismissal of Applicant's claim as untimely and therefore inadmissible, the United States strongly rejects any claim that its actions in this case failed to comply with Article 12, and is fully prepared to explain in detail how its practices—both generally and in this case—were well founded, and are in full compliance with Article 12. The United States takes alleged violations of aviation regulations by U.S. airmen seriously and has a robust compliance and enforcement program in place, which, like the programs of many other Member States, provides a wide range of options for addressing noncompliance.<sup>1</sup> Here, despite the fact that the United States did not receive any NOIs from Applicant related to the accident until more than five years after it occurred, the United States investigated the conduct of the U.S. crew in the immediate aftermath of the accident, consistent with its compliance and enforcement program, and determined in early 2007 that there was no basis to recommend punitive action against the airmen. Had Applicant raised its concerns about potential violations of regulations in a timely manner, the United States could have reviewed those allegations at the appropriate time; Applicant's delay in doing so, as discussed below, precludes the current claim.

In order to avoid the unfortunate and harmful effects that would result from this untimely claim, the United States hereby submits this Preliminary Objection under Article 5 of the Rules for the Settlement of Differences, Doc. 7782/2. The United States urges the Council to dismiss Applicant's claim on the basis that it is barred by the well-accepted doctrine of extinctive

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<sup>1</sup> ICAO audited the United States under its Universal Safety Oversight Audit Programme (USOAP) as recently as 2007, the year after the accident that is the subject of the Application, and importantly, did not recommend any corrective action regarding the FAA's compliance and enforcement program. In connection with that audit, ICAO reviewed the FAA's compliance and enforcement program and, on Critical Element 8, Resolution of Safety Issues, ICAO awarded the United States a score equivalent to 96.08 percent for "effective implementation," a very high score relative to other States, and significantly higher than the global average score of 51.81 percent.



prescription. As detailed further below, Applicant's delay is unjustified and has prejudiced the ability of the United States to determine all relevant facts and assemble evidence in preparing its defense against Applicant's claim, and to its ability to invoke remedies. The Council should immediately dismiss Applicant's claim.<sup>2</sup>

## **FACTUAL BACKGROUND**

### *The Accident*

This case concerns a midair collision that occurred over Brazil on September 29, 2006, between a Boeing 737-8EH registered in Brazil as PR-GTD, operating scheduled flight GOL 1907 (hereinafter the "Boeing 737"), and business jet Embraer Legacy EMB-135BJ, registered in the United States as N600XL (hereinafter the "Embraer"), on a ferry flight operated by ExcelAire Services Inc. (hereinafter "ExcelAire"), a Federal Aviation Administration ("FAA")-certificated air agency based in New York. The Boeing 737 was traveling southeast on the airway from Manaus to Brasilia at an altitude of 37,000 feet, while the Embraer was traveling on the exact same airway in the opposite direction, i.e., northwest from Brasilia to Manaus, at the same 37,000-foot altitude. Each aircraft was following clearances issued to them by Brazilian air traffic controllers. *See Centro de Investigação e Prevenção de Acidentes Aeronáuticos*, Final Report (hereinafter "CENIPA Report") at 263 (2008) (Ex. F-1). Tragically, all 154 persons on the Boeing 737 were killed. The Embraer was able to make an emergency landing, and the two crew members and five passengers on the Embraer survived.

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<sup>2</sup> In the event that the Council does not dismiss the entire claim based on extinctive prescription at this time, the United States reserves all rights to detail its compliance with Article 12, and to raise the arguments outlined herein. Applicant has not offered a persuasive argument that Article 12 requires Member States to impose penal sanctions under every circumstance, or that Member States are permitted no discretion in administering their compliance and enforcement programs. Member States did not adopt such an inflexible obligation, which could undermine collective safety goals.

*U.S. Government Response and Investigations Immediately Following the Accident*

Following the accident, a United States National Transportation Safety Board (NTSB) official was appointed to serve as the accredited U.S. representative to the accident investigation conducted by Applicant pursuant to Annex 13 of the Chicago Convention. The FAA’s Office of Accident Investigation assisted the NTSB in the investigation and appointed an adviser, pursuant to Annex 13, who traveled with the NTSB official to Brazil. Declaration of Ronald E. Hughes (“Hughes Decl.”) ¶ 4-5 (Attachment A to Preliminary Objection.) Other FAA officials from the FAA office in East Farmingdale, New York, which maintained records on ExcelAire, the pilot-in-command and the second-in-command, provided support to the accident investigation. Hughes Decl. ¶ 5.

These same FAA officials were also responsible for determining whether the U.S. crew members, Captain Joseph Lepore and second-in-command Jan Paladino, committed any violations of FAA regulations—which require compliance with foreign regulations<sup>3</sup>—and if so, whether any enforcement action should be taken. Hughes Decl. ¶ 5. *See also* FAA Compliance and Enforcement Program, Order 2150.3B at 2-2 (October 1, 2007) (hereinafter “2007 FAA Order”) (Ex. F-2); Order 2150.3A at 13 (Dec. 14, 1988) (hereinafter “1988 FAA Order”) (Ex. F-3). Pursuant to a number of statutory authorities,<sup>4</sup> the FAA operates a thorough and rigorous

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<sup>3</sup> Section 91.703(a) of Title 14, Code of Federal Regulations, requires that a “person operating a civil aircraft of U.S. registry outside of the United States shall . . . [w]hen within a foreign country, comply with the regulations relating to the flight and maneuver of aircraft there in force. . . .” 14 C.F.R. § 91.703(a) (Ex. L-1).

<sup>4</sup> U.S. law authorizes the FAA Administrator to conduct investigations, prescribe regulations, standards and procedures, and issue orders that are necessary to carry out the Administrator’s statutory responsibilities and powers relating to aviation safety. 49 U.S.C. § 40113 (Ex. L-2). The Administrator may investigate, if reasonable grounds exist, a possible violation of 49 U.S.C. subtitle VII, part A, or a regulation or order issued under that statutory part, or about any question that may arise under it. 49 U.S.C. § 46101(a)(2) (Ex. L-3). The FAA Administrator further has authority to issue an order amending, modifying, suspending, or revoking any type certificate, production certificate, airworthiness certificate, airman certificate, medical certificate, air carrier operating certificate, air navigation facility certificate (including airport operating certificates), or air agency certificates, if he or she determines that safety in air commerce or air transportation and the public interest requires such action. *See* 49 U.S.C. § 44709 (Ex. L-4). Under 49 U.S.C. §§ 46301 (Ex. L-5) and 5123 (Ex. L-6), among others, the FAA Administrator, under delegated authority from the Secretary of Transportation, in accordance with 49 C.F.R. §

compliance and enforcement program, which promotes safety and compliance with rules and regulations in civil aeronautics. *See generally* 2007 FAA Order (Ex. F-2); 1988 FAA Order (Ex. F-3).<sup>5</sup> Under this program, FAA enforcement personnel “must investigate and appropriately address,” among a range of options, “every apparent or alleged violation.” 2007 FAA Order at 2-1, 2-2 (Ex. F-2); 1988 FAA Order at 13 (Ex. F-3). The overarching goal of the FAA compliance and enforcement program is to promote aviation safety, and achieve maximum compliance with statutory and regulatory requirements. 2007 FAA Order at 2-1 (Ex. F-2); 1988 FAA Order at 11-12 (Ex. F-3). This compliance and enforcement program is applied whether the alleged violation occurs within the territory of the United States or that of a foreign country. When a foreign government notifies the U.S. of an alleged violation by an FAA certificate holder, U.S. citizen, or U.S. company, the FAA undertakes a regulatory review and conducts an investigation of the actions in question. 2007 FAA Order at 4-42 (Ex. F-2); 1988 FAA Order at 71-72 (Ex. F-3); 49 U.S.C. §§ 40113(a) (Ex. L-2) and 46101(a)(1) (Ex. L-3).

During the Annex 13 accident investigation, Applicant did not notify the FAA that it believed the crew members violated any regulations or that the FAA should take action against the U.S. crew for alleged violations of Brazilian air regulations. Hughes Decl. ¶ 6. Indeed, Applicant sent no NOIs until five years after the accident occurred. Hughes Decl. ¶ 6. The FAA officials nonetheless performed an investigation in the aftermath of the accident to determine whether the U.S. airmen onboard the Embraer, or ExcelAire, violated any applicable FAA

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1.83(d)(1) (Ex. L-7.) may impose or compromise civil penalties depending on the amount of such penalties against persons who violate FAA statutory or regulatory requirements.

<sup>5</sup> The FAA issued Order 2150.3A on December 14, 1988. That Order was amended and revised numerous times between 1988 and 2007. On October 1, 2007, the FAA issued FAA Order 2150.3B, which replaced Order 2150.3A, updating and streamlining the program. That Order has similarly been amended and revised several times since 2007. The purpose of the Order has remained the same: to explain how the FAA generally intends to exercise its discretion in carrying out its statutory and regulatory enforcement responsibilities. 2007 FAA Order at 1-1 (Ex. F-2); 1988 FAA Order at 1 (Ex. F-3).

regulations. Hughes Decl. ¶ 7. In conducting an investigation to determine if a violation occurred following an accident, the FAA gathers all material and relevant evidence related to the potential causes of that accident. 2007 FAA Order at 4-1, 4-2 (Ex. F-2); 1988 FAA Order at 44-45 (Ex. F-3). If the evidence is not adequate to establish a violation, “FAA investigative personnel recommend to appropriate program office management that the investigation be closed *no action*.” 2007 FAA Order at 4-1 (Ex. F-2); *see also* 1988 FAA Order at 15 (Ex. F-3). Where “the evidence is sufficient to support a violation, FAA investigative personnel recommend informal action, administrative action, legal enforcement action, or other action, as appropriate.” 2007 FAA Order at 4-1 (Ex. F-2); *see also* 1988 FAA Order at 15 (Ex. F-3).

Based on a review of all information available—including relevant carrier and airmen records, such as certificates, training records and medical records, and interviews about the accident conducted with the crew members—the FAA officials determined that there was no basis to recommend any action against the crew members onboard the Embraer, or against the operating company. Hughes Decl. ¶ 7. Nevertheless, although the FAA determined the crew members were qualified to operate the Embraer, it took steps to verify the crew members’ continued qualifications. Hughes Decl. ¶ 8. Following the accident, and a several-month period during which the crew members did not fly, FAA officials paid particularly close attention to the two airmen in their training and review. Hughes Decl. ¶ 8. When both crew members attended recurrent training at Flight Safety International in Texas, the FAA sent two inspectors to monitor their training and observe their check rides. Both crew members successfully passed their recurrent training and check rides. Hughes Decl. ¶ 8. Additionally, the next required annual “line checks,” which were successfully passed by both the pilot-in-command and the second-in-command, were conducted personally by an FAA field office inspector between April and July

2007. Hughes Decl. ¶ 8; Declaration of Bradley Palmer (“Palmer Decl.”) ¶ 7 (Attachment B to Preliminary Objection).

On July 30, 2008, the NTSB received a draft report on the accident from Applicant’s accident investigation arm, CENIPA (Centro de Investigação e Prevenção de Acidentes Aeronáuticos). The CENIPA report was finalized on December 8, 2008. This report, which contained a large amount of information with respect to the accident, stated no conclusion regarding a probable cause of the accident. The report stated that there were a number of contributing factors, including actions of the Brazilian air traffic controllers such as: giving the Embraer authorization to maintain an altitude that conflicted with opposing air traffic, failing to correct its altitude from that level, failing to perform prescribed procedures when they stopped receiving transponder information, assuming that the flight was at a different altitude, making an incorrect handoff between control sectors, maintaining Reduced Vertical Separation Minimum (RVSM) separation when its requirements were no longer met, and failing to provide for proper traffic separation, “thus allowing the in-flight collision between the two airplanes.” CENIPA Report at 263 (Ex. F-1). Additionally, the report concluded that the transponder of the Embraer stopped transmitting during the flight and consequently the aircraft’s Traffic Collision Avoidance System (TCAS) was deactivated. CENIPA Report at 256 (Ex. F-1). The report also concluded that this deactivation was inadvertent. CENIPA Report at 259 (Ex. F-1).

The NTSB Accredited Representative provided the U.S. comments on the draft final report and, in accordance with Annex 13 protocols, requested that they be appended to the final report. CENIPA Report, Appendices 1 and 2 (Ex. F-1). The comments noted that the U.S. team “has no substantial disagreement with the facts gathered and discussed in this report” but noted differences in the U.S. team’s “interpretations, conclusions, and understandings.” CENIPA

Report, Appendix 1, at 2 (Ex. F-1). These included, in particular, that “many safety issues for ATC [air traffic control] operations” were identified in the investigation, but “need to be further highlighted.” *Id.* And several “safety deficiencies with ATC,” while acknowledged in the report, were “not sufficiently supported with analysis or reflected in the conclusions or cause of the accident.” *Id.* The U.S. comments provided the following statement on “Probable Cause” of the accident:

The evidence collected during this investigation strongly supports the conclusion that this accident was caused by [the two aircraft] following ATC clearances which directed them to operate in opposite directions on the same airway at the same altitude resulting in a midair collision. The loss of effective air traffic control was not the result of a single error, but of a combination of numerous individual and institutional ATC factors, which reflected systemic shortcomings in emphasis on positive air traffic control concepts. Contributing to this accident was the undetected loss of functionality of the airborne collision avoidance system technology as a result of the inadvertent inactivation of the transponder on board N600XL. Further contributing to the accident was inadequate communication between ATC and the N600XL flight crew.

*Id.* at 4. No further reports relating to this accident were issued by Applicant or the U.S. Government.

*Additional U.S. Government Responses to the Accident in 2007 and 2008*

On May 2, 2007, the NTSB issued three recommendations to the FAA as a result of this accident: to require “an enhanced aural and visual warning requiring pilot acknowledgment” in the event of TCAS loss of functionality (Safety Recommendation A-07-35), to consider enhanced warnings for future ground collision avoidance systems (A-07-36), and to inform all pilots who use transponders and TCAS about the circumstances of this accident and the risk of loss of functionality (A-07-37). *See* NTSB Safety Recommendation letter (May 2, 2007) (Ex. F-4). The FAA took actions that were responsive to all three recommendations.

After conducting a number of simulator flights in an Embraer 135 (Hughes Decl. ¶ 5), the FAA concluded that the design of the Embraer, specifically the proximity of a footrest to the

Radio Management Unit, may have led to the inadvertent turnoff of the transponder. As a result, on July 3, 2007, the FAA issued a Safety Alert for Operators (SAFO), to achieve maximum safety in future flights: “Be Careful Where You Put your Foot.”<sup>6</sup> (Ex. F-5.) The safety alert calls attention to the possibility that a pilot of an Embraer Legacy, EMB-135, -140, or -145 might inadvertently change the VHF radio frequencies or place the transponder into standby mode during flight. The safety alert recommends immediate action by managers where pilot training on these Embraer aircraft was conducted, and notes that managers should ensure that their instructors caution pilots of this latent hazard and emphasize the importance of being careful when using the footrests provided. Similarly, it advises directors of safety, directors of operations, instructors, and check airmen for operators flying any of these Embraer models to immediately make this hazard known to their pilots.

On February 12, 2008, the FAA also issued Information for Operators (InFO), “Prompt Recognition of TCAS Functionality Issues.” (Ex. F-6.) This InFO describes various conditions of TCAS lack of functionality and recommends aircraft-specific operating procedures and training to promote pilots' prompt recognition of transponder and TCAS problems.

*Applicant's Notices of Infraction in 2011-2012, Five Years After the U.S. Response*

Applicant waited from 2006 until September 2011, five years after the accident, to send to the United States its first NOIs in relation to the accident. These two notices (one addressed to Captain Lepore and the other to ExcelAire) were limited to one issue: an administrative violation of the Brazilian Code of Aeronautics, due to the lack of a letter of authorization for RVSM airspace issued before the September 29, 2006 flight. No NOI was issued to the second-in-command, Jan Paladino. The accompanying transmittal letter from Applicant's National Civil Aviation Agency (ANAC) stated simply, “we require appropriate actions to be taken as to the

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<sup>6</sup> This SAFO was based in part on the NTSB's May 2007 recommendations.

facts under discussion and the Notices of Infraction.” (Undated letter from ANAC, Attachment 1 to Applicant Memorial).<sup>7</sup> On September 15, 2011, Applicant also sent a diplomatic note to the United States noting its “understanding that Mr. Joseph Lapore [sic]...initiat[ed] a flight without the Letter of Approval (LOA) for RVSM airspace,” and making the same request that the United States “take the appropriate actions as to the facts under discussion.” (Ex. F-7.) On November 21, 2011, ANAC sent a follow-up letter to the FAA, referring back to its September 2011 letter, asking the FAA to take consideration of the terms of Article 12 of the Chicago Convention. (Nov. 21, 2011 letter from ANAC, Attachment 1 to Applicant Memorial). In December 2011, the United States responded by diplomatic note (Ex. F-8), and on January 6, 2012, the FAA responded by letter to ANAC (Jan. 6, 2012 letter from FAA to ANAC, Attachment 1 to Applicant Memorial). Both the note and the letter explained that the FAA had previously reviewed the lack of an LOA and concluded that there was no basis for initiating FAA certificate action. The letter and note further explained the actions FAA undertook to ensure that any safety issues were appropriately addressed, including by issuing the SAFO in July 2007.

It was not until January 30, 2012—five years and four months after the accident—that ANAC sent two additional NOIs, issued to Captain Lepore, concerning operation of the aircraft with the transponder and TCAS switched off, described as administrative violations of the Brazilian Code of Aeronautics. The January 30, 2012 letter from ANAC attaching the notices<sup>8</sup> requested “the FAA to open an internal administrative process to scrutinize the findings, based on Article 12 of the Chicago Convention of 1944.” (Jan 30, 2012 letter from ANAC, and attached NOIs, Attachment 1 to Applicant Memorial). Again, no NOI was issued to second-in-

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<sup>7</sup> The United States does not know the exact date of this letter, but estimates that this letter was sent in September 2011, based on a diplomatic note from Applicant dated December 5, 2011 referring to a previous letter sent in September, and the fact that the later NOIs were dated September 20, 2011.

<sup>8</sup> The NOIs were dated September 20, 2011, but the United States did not receive them from ANAC until January 30, 2012.



command Jan Paladino. The United States responded by diplomatic note to Applicant on April 5, 2012, stating that the U.S. position concerning the accident was previously detailed in the December 2011 diplomatic note, and noting that the FAA would respond directly to ANAC. (Ex. F-9.) That same day, the FAA sent a letter to ANAC, stating that it had previously concluded that no enforcement action was warranted in this case, and that it continued to take this position (April 5, 2012 Letter from FAA, Attachment 1 to Applicant Memorial). The FAA letter also stated: “There is no possibility under applicable regulations to suspend Captain Lepore’s pilot certificate or to impose a civil penalty.”<sup>9</sup> The letter explained that under the NTSB’s “stale complaint rule,” found in Title 49 of the C.F.R. § 821.33 (Ex. L-8), the FAA would have had to initiate enforcement action within six months of any alleged violations to avoid dismissal of the charges.<sup>10</sup>

In June 2012, the then-U.S. Ambassador to Brazil sent a letter to Chief Minister of the Civil Aviation Secretariat of the Presidency of Brazil Wagner Bittencourt, attaching a summary of the FAA’s Response to the GOL accident, which listed many of the actions the FAA undertook, including a description of its assessment of the crew members’ conduct, pursuant to

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<sup>9</sup> As do other States, the United States imposes certain time limitations for bringing enforcement actions against airmen. For example, section 821.33 of the NTSB’s Rules of Practice in Air Safety Proceedings (49 C.F.R. part 821), known as the “stale complaint rule,” provides that an FAA complaint against an airman seeking legal enforcement action will generally be dismissed if the offenses alleged occurred more than six months prior to the FAA’s advising a respondent of the reasons for the proposed action. There are certain exceptions to the stale complaint rule, including where an FAA complaint alleges that a certificate holder lacks qualification to hold the certificates, where FAA had good cause for not meeting the 6 month deadline, and where the imposition of a sanction is in the public interest, despite the delay. 49 C.F.R. 821.33(a)(1) (Ex. L-8); 2007 FAA Order at 4-5 (Ex. F-2). In addition, all punitive legal enforcement actions— including those which meet the exceptions to the “stale complaint rule” under § 821.33(a)—are subject to the five-year statute of limitations in 28 U.S.C. § 2462 (Ex. L-9). Such limitations serve two purposes. First, they ensure due process and fundamental fairness, a goal recognized by ICAO’s Safety Management Manual. ICAO Document 9859, Safety Management Manual, Ch. 4, App. 10 (3rd Ed., 2013) (Ex. F-10). Second, they maximize air safety by ensuring that actions are timely. 2007 FAA Order at 2-3 (Ex. F-2); 1988 FAA Order at 14 (Ex. F-3); Hughes Decl. ¶ 9.

<sup>10</sup> The FAA determined that none of the exceptions to the stale complaint rule were applicable to Applicant’s belated request for FAA enforcement action. In any event, they could not be invoked more than five years after an incident. See 28 U.S.C. § 2462 (Ex. L-9).

which it determined that no enforcement action was necessary. (June 25, 2012 Letter, Attachment 2 to Applicant Memorial.) The Government of Brazil did not respond to this letter.

*Communications with Applicant in 2015-2016*

Three and a half years later, Applicant sent a Note Verbale, dated October 13, 2015, requesting bilateral consultations regarding the accident. (Oct. 13, 2015 Note Verbale, Attachment 6 to Applicant Memorial). After communicating to arrange a meeting, the United States and Applicant met to discuss the accident on March 16, 2016, in Washington, D.C.

*Applicant's Complaint*

On December 2, 2016, Applicant submitted to the ICAO Council its application for settlement of differences under Article 84 of the Chicago Convention.<sup>11</sup> Applicant complains that the United States should have punished both the pilot-in-command and second-in-command of the Embraer for alleged violations of two Brazilian aviation regulations: flying without an LOA for RVSM Airspace, and flying the airplane with the transponder turned off. Applicant claims that the two members of the crew should be punished regardless of whether or not the violations were intentional or accompanied by any culpable state of mind, and regardless of whether or not they played any causal role in the accident. Applicant claims that the United States violated Article 12 of the Chicago Convention by concluding after its 2006 investigation that punishment was not warranted.

**LEGAL ARGUMENT**

The United States' practices and actions—both in general and in this case—are fully in compliance with Article 12 of the Chicago Convention. Nonetheless, the Council should not

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<sup>11</sup> On December 12, 2016, the Secretary General, after having “verified that the Application complies in form with the requirements of Article 2 of the Rules,” circulated the Application to all Council Representatives.

proceed to the merits of this proceeding given Applicant's extensive delay in bringing its claim. The Council should dismiss the entire claim as untimely.

### **I. THE CLAIM IS TIME-BARRED AND SHOULD BE DISMISSED**

Applicant's claim is barred by the well-accepted doctrine of extinctive prescription, which precludes a claimant from asserting a claim after a period of undue delay that results in unfair prejudice to a respondent. Here, Applicant waited more than ten years after the accident before bringing this proceeding under Article 84 challenging the adequacy of the United States' response to the accident. Additionally, Applicant waited five years after the accident occurred before even sending the United States NOIs alleging that the U.S. pilot-in-command involved in the accident had violated Brazilian administrative regulations, even though the factual basis for these allegations had been known to Applicant for years. After sending the notices, Applicant waited another five years before bringing this Article 84 proceeding to the ICAO Council in December 2016. There is no reasonable explanation for this prolonged delay. The Council should not permit an Article 84 proceeding to be considered after so many years of delay.<sup>12</sup>

This delay has caused substantial prejudice to the United States. By waiting five years to send to the United States NOIs of alleged violations, Applicant made it impossible for the United States to take any additional actions under its own laws—which ordinarily impose a six-month period after an incident in which enforcement actions need to be initiated.<sup>13</sup> While the United States promptly carried out its own contemporaneous regulatory investigation of the incident, Applicant's failure to notify it of any alleged violations of Brazilian aviation regulations for more

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<sup>12</sup> Additionally, because Applicant never submitted an NOI reporting any alleged infractions by second-in-command Captain Paladino, Applicant should separately be precluded from asserting any claim against the United States under Article 84 related to any alleged violations committed by Captain Paladino and any failure to prosecute him.

<sup>13</sup> Although exceptions can be made to the six-month time period for "good cause," or in the "public interest," such exceptions would not allow the period to extend for *five years* or now for *ten years*. See *infra* pages 23-24.

than five years precluded the FAA from having Applicant's notices of infractions in time to address them during that investigation. Worse yet, Applicant's additional five-year delay (for a total delay of ten years) in bringing this proceeding has seriously prejudiced the United States' current ability to assemble evidence and determine all relevant facts to prepare a full defense to this Article 84 proceeding. To the extent that the ICAO Council may be inclined to issue a decision regarding the interpretation and application of Article 12, the present occasion does not provide an appropriate basis; the Council would be doing so in the context of an incomplete and stale factual record.<sup>14</sup>

The Council should dismiss this application because Applicant's undue delay has put the United States at a substantial disadvantage in its ability to invoke remedies and to gather facts relevant to its defense.

**A. It is a Well-Accepted Principle of International Law that An Applicant is Barred from Bringing Stale Claims**

It is a well-recognized principle of international law that a claimant cannot delay in presenting and pressing a claim if such delay prevents the respondent government from adducing defenses and invoking remedies in response to the claim. *See Ambatielos case (Greece v. U.K.)*, 1956 I.C.J. 83, 103 (March 6) (Ex. L-10); *Williams v. Venezuela*, 29 R.I.A.A. 279, 280-81, 290 (U.S.-Venez. 1885) (Ex. L-11); B. E. King, *Prescription of Claims in International Law*, 15 BRIT. Y.B. INT'L L. 82, 82-83 (1934) (hereinafter "King, *Prescription*") (Ex. L-12); JAMES CRAWFORD, *BROWNLIE'S PRINCIPLES OF PUBLIC INTERNATIONAL LAW* 699-700 (8<sup>th</sup> ed. 2012) (hereinafter "CRAWFORD") (Ex. L-13). Many international tribunals and scholars have

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<sup>14</sup> If the Council were to decide Applicant's claim as framed, the Council would have to consider not only the question of whether the United States investigation and enforcement process complies with Article 12, but whether the specific investigation in this matter and the judgment of the inspectors, based on the information available to them at the time, was proper. Because this Preliminary Objection addresses extinctive prescription, rather than the merits, the United States does not address what the role of the Council might be in evaluating a Member State's compliance with Article 12.

recognized this principle of extinctive prescription as the basis to dismiss an untimely claim. Indeed, many highly respected international law scholars agree that extinctive prescription is a general principle under international law that can preclude admissibility of a claim. *See, e.g.*, CRAWFORD 699-700 (Ex. L-13); IAN BROWNLIE, *PRINCIPLES OF PUBLIC INTERNATIONAL LAW* 505 (4th ed. 1990) (hereinafter “BROWNLIE 4<sup>th</sup> ed.”) (Ex. L-14) (“The rule is widely accepted by writers and in arbitral jurisprudence.”); BIN CHENG, *GENERAL PRINCIPLES OF LAW AS APPLIED BY INTERNATIONAL COURTS AND TRIBUNALS* 373-380 (Cambridge Univ. Press 2006) (1953) (hereinafter “BIN CHENG, GENERAL PRINCIPLES”) (Ex. L-15); King, *Prescription*, 82-83 (Ex. L-12).

The International Court of Justice has recognized “that, even in the absence of any applicable treaty provision, delay on the part of a claimant State may render an application inadmissible.” *Certain Phosphate Lands in Nauru (Nauru v. Austl.)*, Preliminary Objection, 1992 I.C.J. 240, ¶ 32 (June 26) (Ex. L-16). In the *Gentini case*, the Italian-Venezuelan Arbitral Commission dismissed a claim under the doctrine of extinctive prescription, characterizing the doctrine as “a principle well recognized in international law,” and holding that “equity will forbid the recognition of stale and secret claims.” *Gentini case (Italy v. Venez.)*, 10 R.I.A.A. 551, 551 (It.-Venez. 1903) (Ex. L-17). Other international tribunals have similarly dismissed claims under the doctrine, recognizing both its status under international law and its necessity to administer justice. *See, e.g. Williams*, 29 R.I.A.A. at 290 (Ex. L-11) (determining, after surveying numerous authorities that: “On careful consideration of the authorities on the subject . . . we are of opinion that by their decided weight—we might say by very necessity—prescription has a place in the international system, and is to be regarded in these adjudications.”); *Cadiz v. Venezuela*, 29 R.I.A.A. 293, 293-94, 298 (U.S.-Venez. 1885) (Ex. L-18) (stating “time itself is

an unwritten statute of repose, a principle which belongs to no code or system of municipal judicature, but is as wide and universal in its operation as the range of human controversy” and further that “there are certain principles, having their origin in public policy, founded in the nature and necessity of things, which are equally obligatory upon every tribunal seeking to administer justice”).

Additional cases have recognized the existence of the doctrine as a principle under international law. *See Ambatielos case*, 1956 ICJ at 103 (Ex. L-10) (Explaining that “[i]t is generally admitted that the principle of extinctive prescription applies to the right to bring an action before an international tribunal” and that “[i]nternational tribunals have so held in numerous cases.”); *Iran National Airlines Co. v. United States*, Case No. B8, 17 IRAN-U.S. CL. TRIB. REP. 187, ¶ 11 (Nov. 30, 1987) (hereinafter “Case No. B8”) (Ex. L-19) (“The Tribunal recognizes that extinctive prescription is an established principle of public international law which has been applied by international tribunals.”); *Iran National Airlines Co. v. United States*, Case No. B9, 17 IRAN-U.S. CL. TRIB. REP. 214, ¶ 13 (Nov. 30, 1987) (hereinafter “Case No. B9”) (Ex. L-20) (same); *United States v. Iran*, Case No. B36, Award 574-B36-2, ¶72 (Iran-U.S. Cl. Trib. Dec. 3, 1996) (hereinafter “Case No. B36”) (Ex. L-21) (referring to the “public international law principle of extinctive prescription”). Most recently, an arbitral tribunal noted: “The principle of extinctive prescription (bar of claims by lapse of time) is widely recognized as a general principle of law constituting part of international law, and has been accepted and applied by arbitral tribunals.” *Grand River Enterprises Six Nations Ltd., et al. v. United States*, NAFTA/UNCITRAL, Decision on Objections to Jurisdiction, ¶ 33 (July 20, 2006) (Ex. L-22). In sum, the doctrine is well-recognized and well-accepted under international law.

**B. Applicant's Undue Delay in Presenting and Pressing its Claim Has Resulted in Significant Prejudice to the United States' Ability to Invoke Any Remedies or Prepare a Full Defense**

When a respondent has been prejudiced by an applicant's undue delay, tribunals will find that extinctive prescription exists and the applicant's claim is time-barred. *See Williams*, 29 R.I.A.A. 279, 279-80 (Ex. L-11); *Cadiz*, 29 R.I.A.A. 293, 298 (Ex. L-18); *Gentini case*, 10 R.I.A.A. 551, 556 (Ex. L-17); King, *Prescription*, 87, 90 (Ex. L-12); CRAWFORD 699-700 (Ex. L-13). Here, the criteria for barring a claim due to prescription are easily met. Applicant waited five years before presenting its first notice of infraction and request for action to the United States, and even longer before presenting its second notice—an undue delay under any circumstances and in particular those of this case. By 2011 and 2012, when the U.S. Government received notice for the first time of Applicant's view that the pilot-in-command had incurred an infraction of Brazilian aviation regulations relating, respectively, to the lack of LOA, and to the transponder and TCAS, the lapse of time precluded any further FAA action. By this point, the United States was legally barred from invoking any remedies that might have satisfied Applicant, since the statute of limitations on an enforcement action had run. Even if it had not, potentially relevant evidence would by then have been unavailable or inaccessible. Moreover, there would have been significant concerns grounded in due process and fundamental fairness in bringing a punitive action so late in time, hindering the respondent from having a fair chance to defend him or herself. Additionally, Applicant's further five-year delay in presenting and bringing its claim has created difficulty for the U.S. Government in gathering evidence—both by searching electronic and paper records and by speaking with employees involved—for use in assembling a full defense.

### 1. Applicant Unduly Delayed in Presenting and Pressing its Claim

Under international law, there is no fixed time period of prescription, and thus no minimum. Rather, the doctrine is flexible, and the decision is left to the arbiter, based on the specific circumstances of the case. *See Phosphate Lands*, 1992 I.C.J. 240 ¶ 32 (Ex. L-16); *Williams*, 29 R.I.A.A. at 291 (Ex. L-11); *Gentini case*, 10 R.I.A.A. at 561 (Ex. L-17).<sup>15</sup> These circumstances may include the delay in initial presentation of the claim (*King, Prescription*, 88 (Ex. L-12); BIN CHENG, GENERAL PRINCIPLES 373-379 (Ex. L-15)), the extent to which the claim was pressed thereafter (*Gentini case*, 10 R.I.A.A. 551 (Ex. L-17) (application of doctrine not prevented when there is a want of diligence in the prosecution)), the nature of the case (*see, e.g., Case No. B36, ¶ 61 n.11* (Ex. L-21) (admitting a shorter period of prescription for business transactions)), the complexity of the case (*See Williams*, 29 R.I.A.A. at 289 (Ex. L-11)), whether underlying facts are in dispute (BIN CHENG, GENERAL PRINCIPLES 373-379 (Ex. L-15); *Case No. B36, ¶ 73* (Ex. L-21)), and whether there was any valid excuse for delay (*see Williams*, 29 R.I.A.A. at 290 (Ex. L-11) (noting that a “valid reason for withholding,” would include “incapacity, disability, want of legal agencies, preventing by war [or] well-grounded fear” and noting the difference with a “causeless withholding of a claim.”))). None of these circumstances favor Applicant.

Not only is Applicant’s ten-year delay between the accident and filing its Application disqualifying on its own, but its other delays, each inappropriately long, are also disqualifying. Applicant waited five years before it provided *initial* notice to the United States of any alleged infraction, via the NOIs. There was no apparent excuse for Applicant’s delay; indeed, Applicant

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<sup>15</sup> In *Gentini*, in surveying extinctive prescription time periods under various domestic precedents, Ralston noted that claims had been barred after periods of three, six and eight years. *Gentini case*, 10 R.I.A.A. at 559, 561 (Ex. L-17). Additionally, two Iran-US Claims Tribunal cases dismissed claims based on “unreasonable delay,” a standard similar in application to extinctive prescription, where the claims were more than six years old. *See Case No. B8, ¶ 15* (Ex. L-19) and *Case No. B9, ¶ 16* (Ex. L-20).



did not attempt to offer any explanation. In contrast to Applicant's five-year delay, the United States regularly gives prompt notice, in many cases six months or less, of infractions of aviation violations. *See e.g.*, U.S. State Department cables to U.S. Embassy Brasilia, dated: Jan. 19, 2012 (6 months after incident), Feb. 15, 2012 (5 months), June 7, 2012 (4 months), August 3, 2012 (4 months), December 14, 2012 (three cables: 3 months, 5 months, 5 months), Jan. 10, 2013 (6 months), May 29, 2013 (5 months), Sept. 18, 2014 (5 months), November 12, 2014 (two cables, both 4.5 months), December 31, 2014 (5.5 months), March 30, 2015 (two cables, both 2.5 months), May 4, 2015 (6 months). (Ex. F-11.) The same is true with respect to United States' practice of sending NOIs to other countries: they are frequently sent within six months, and not after waiting five years.

The fact that Applicant was regularly in touch with the United States on other issues makes the five-year delay in providing an NOI even more unjustifiable. *Cf. Williams*, 29 R.I.A.A. at 291 (Ex. L-11) ("the constantly increasing multiplicity of business transactions and intercourse tends to suggest a shorter period."). Particularly in a complex case like this, where there are differing interpretations as to the relative importance of various contributing factors to the accident—as is apparent from the CENIPA report—timely notice is imperative.

Furthermore, especially where Applicant is asking the United States to punish individuals, or even potentially bring criminal charges against them, timely notice is essential to preserve justice, fairness and due process. ICAO's own sample State Enforcement Policy provides that enforcement decisions must, *inter alia*, "be fair and follow due process." Int'l Civil Aviation Org., *Safety Management Manual*, Appendix 10 to Chapter 4, ICAO Doc. 9859 (3rd ed. 2013) (Ex. F-10).

The Council should conclude that an Article 84 proceeding is not permitted on this timeline.

2. Due to Applicant's Undue Delay, the United States Has Been Prejudiced in its Ability to Invoke Remedies and Prepare a Full Defense

Where a respondent is able to show that it has been placed at some disadvantage due to the claimant's undue delay, extinctive prescription operates as a defense to the claim. *See e.g. King, Prescription*, 90 (Ex. L-12). These disadvantages may include lost documents, unavailable witnesses, witnesses who can no longer recall facts, and the inability to invoke remedies that might have been invoked. As a result of Applicant's delay, both in sending the NOIs and bringing this proceeding, the United States is barred by law from invoking any remedy that Applicant seeks, and has been prejudiced in collecting and retrieving all relevant evidence, both in the form of documents and witness recollections.

First, the United States both participated in the accident investigation and conducted a separate investigation of any possible regulatory violations by the airmen. *See Background*, pgs. 5-9. The United States conducted the regulatory investigation under its own procedures, as it would after any accident involving a U.S. operator, despite not having received an NOI from Applicant asserting that any member of the U.S. crew or the operating company violated Brazilian aviation regulations. The FAA concluded that no action was warranted against either of the crew members. Ten years later, however, it is extremely difficult for the United States to demonstrate and recreate fully its review.

Like many governments and organizations, the United States is not required to and does not retain its documents in perpetuity—particularly when, as here, they relate to matters that (at the time) it had good reason to believe were concluded. Records created relating to the FAA's application of its compliance and enforcement program in this case are no longer available today

because the FAA has record retention periods shorter than ten years for most records. For example, any emails and informal notes written by investigators documenting what they did and explaining their thought processes—which would provide evidence that the FAA undertook a thorough, thoughtful investigation—are no longer in existence, pursuant to the FAA’s regular records retention policy. Hughes Decl. ¶¶ 10-14. A thorough search in 2017 found no FAA records related to the regulatory investigation after the accident. Palmer Decl. ¶¶ 4-9; Hughes Decl. ¶¶ 15-16.<sup>16</sup> Also, witnesses are no longer able to recollect specifics of records they reviewed and the evidentiary basis for decisions they made. Hughes Decl. ¶ 17-18. As the Iran-U.S. Claims Tribunal has explained, it would not be fair to expect a respondent to have retained records until the claim was filed if many years passed before any detailed notice was sent by the claimant. Case No. B8, ¶ 13 (Ex. L-19); Case No. B9, ¶ 15 (Ex. L-20). That is precisely the case here. This proceeding would be a poor occasion for the Council to issue an interpretive decision regarding exactly what is sufficient to satisfy Article 12, since any evidentiary record will be limited and old.

Second, the United States is unable at this late stage to take the punitive measures requested by Applicants. Under U.S. regulations, the FAA must bring an enforcement action against a pilot within six months of the date of the incident. 49 C.F.R. § 821.33 (2007) (Ex. L-8). This policy exists to “to assure that the Administrator's investigation and prosecution of alleged regulatory violations is pursued with reasonable diligence,” both to ensure airline safety, and so “that prospective charges not be held over an airman's head for an unreasonable period and then brought to a hearing at a time when the assemblage of evidence is difficult and the

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<sup>16</sup> The FAA conducted a thorough search through its records. The relevant employees and inspectors searched their respective emails, other electronic records, office files and other hard copy documents, and found no information related to the regulatory investigation. The Regulatory Support Division also conducted a records search through various FAA databases, all of which indicated no records related to the regulatory investigation. Palmer Decl. ¶¶ 4-9; Hughes. Dec. ¶¶ 15-16.

recollection of witnesses is hazy.” *Administrator v. Stewart*, NTSB Order No. EA-641, 1974 WL 19299 (Dec. 13, 1974) (Ex. L-23); *see also Administrator v. Ramaprakash*, NTSB Order No. EA-5076, 2004 WL 187527, at \*2 (Jan. 30, 2004) (Ex. L-24); Hughes Decl. ¶ 9. On occasion, the FAA may bring an enforcement action later than six months, for “good cause,” in the “public interest,” or where the complaint alleges lack of qualification of the respondent. 49 C.F.R. § 821.33 (Ex. L-8). Under the “good cause” standard, “the Administrator must show that good cause existed for the delay in discovering the offense and that, upon discovery, he investigated the matter with due diligence.” *Administrator v. Schrader*, 2002 WL 1041171 at \*1 (May 17, 2002) (Ex. L-25) (citing *Administrator v. Ikeler*, NTSB Order No. EA-4695, 1998 WL 564088 at \*4 (Aug. 31, 1998) (Ex. L-26)); *see also Ramaprakash*, 2004 WL 187527 at \*1-2 (Ex. L-24). Here, because the FAA made a timely determination after the accident that no enforcement action was necessary, and received no new information from Applicant in 2011 or 2012, the FAA would almost certainly have been unable to establish the requisite good cause under the stale complaint rule based on the belated request of Applicant. *See Ramaprakash*, 2004 WL 187527 at \*2 (Ex. L-24) (complaint dismissed because Administrator failed to meet the due diligence standard when she brought a complaint nine months after the relevant information became available). Furthermore, these exceptions, which are rarely applied, would not allow the FAA to bring an action *five years* late, let alone ten years late as the Applicant asks that it do. *See* 28 U.S.C. § 2462 (Ex. L-9) (five-year statute of limitations for punitive enforcement action). *See Administrator v. Brea*, NTSB Order No. EA-3657, 1992 WL 220488, at \*2-3 (Sept. 4, 1992) (Ex. L-27) (finding that good cause had not been established for the Administrator’s delay in notifying respondent of the proposed certificate action until almost 11 months after the alleged FAR violation occurred, when the Administrator did not demonstrate that the case was expedited

so as to minimize the delay once he became aware of the alleged violations.); *Administrator v. Armstrong*, NTSB Order No. EA-5629, at 6-10 (May 21, 2002) (Ex. L-28) (Complaint dismissed due to Administrator's failure to act with diligence by filing a complaint 6 months and 16 days after the alleged FAR violation occurred).

The United States is not alone in having a statute of limitations for enforcement actions. Several other countries similarly limit the times within which actions may be brought against their pilots. For example<sup>17</sup>:

- Austria has a one-year statute of limitations for such actions. *See* § 31 VStG Verjährung (Paragraph 31 of the Administrative Penal Law) (Ex. L-29). Prior to July 1, 2013, the statute of limitations was six months.
- Canada imposes a one-year statute of limitations, from the time when the subject-matter of the proceedings arose, for instituting proceedings for certain violations of its Aeronautics Act. Canada Aeronautics Act, R.S.C. sec. 26 (1985) (Ex. L-30).
- Colombian regulations provide that its civil aviation authority must impose a sanction within three years of a violation. Colombia Reglamentos Aeronauticos de Colombia 13, Regimen Sanccionatorio (May 25, 2015) § 13.2015 (Ex. L-31).
- Germany imposes statutes of limitations ranging from six months to three years for imposing financial penalties, depending on the maximum regulatory fine. Germany Act on Regulatory Offences, May 13, 2015 Part I, Ch. VII, § 31 (Ex. L-32).

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<sup>17</sup> The information included below is based on research, to the best of our capabilities, of relevant laws and policies of a limited number of other states. It is not a comprehensive survey of all nations.

- Italian regulations require that its civil aviation authority bring administrative action against an airman involving suspension or revocation of licenses and authorizations within 120 days from the time the authority learns of the incident. *See Italy Ente Nazionale per l'Aviazione Civile, Regolamento - Individuazione dei termini dei procedimenti amministrativi di competenza dell'Ente Nazionale per l'Aviazione Civile* (June 22, 2015) (Ex. L-33).
- Finally, Brazil itself imposes a two-year statute of limitations for administrative actions related to infractions of aeronautic rules. Article 319 of the Brazilian Code of Aeronautics states that the administrative measures provided in that Code are limited to be initiated within two years from the date of the occurrence of the act or fact that authorizes them, and their effects, even in suspension cases, cannot exceed this term. *See art. 319, Brazilian Law 7.565* (enacted Dec. 19, 1986) (Ex. L-34). All four NOIs concern infractions of the Brazilian Code of Aeronautics (see pgs. 10-11, *supra*) that are subject to this two-year limitation. The effect of this law may be illustrated by posing a hypothetical scenario: if the United States had submitted to Applicant equivalent NOIs alleging the same infractions more than five years after the fact, Applicant would be barred by its own law from taking the steps that Applicant demands the United States take.

The United States is unable to invoke any remedies at this late stage, and was unable to do so by the time Applicant belatedly sent its NOIs.

### **C. The Council Should Dismiss Applicant's Claim at the Preliminary Objection Stage Before Reaching the Merits**

The Council should uphold this preliminary objection based on extinctive prescription to dismiss Applicant's claim in its entirety. Threshold objections must be disposed of before

requiring a respondent to present a full defense on the merits, because a respondent should not be required to mount a full defense to a claim that is inadmissible due to prejudice resulting from the applicant's unjustified delay.

This Council has previously considered and decided issues of admissibility at the Preliminary Objection stage. *See Hush Kits, Settlement of Differences, United States and 15 European States* (Note on Procedure: Preliminary Objections) (Nov. 16, 2000) (Ex. L-35) (exhaustion of remedies).<sup>18</sup> The ICJ has upheld preliminary objections to dismiss cases based on issues of admissibility. *See, e.g. Interhandel Case, Switzerland v. United States of America*, Preliminary Objections, 1959 I.C.J. 6, 29-30 (March 21) (Ex. L-36) (upholding preliminary objection of the United States and determining that the Application of Switzerland is inadmissible based on a failure to exhaust remedies). And both the International Court of Justice and international scholars have recognized extinctive prescription as an issue of admissibility. *See Phosphate Lands*, 1992 I.C.J. 240, ¶ 32 (Ex. L-16) (recognizing that delay on the part of a claimant State may render an application inadmissible); BROWNIE 4th ed. 153 (Ex. L-14) (“The failure to bring a claim before an international tribunal due to the negligence or laches of the claimant party may cause an international tribunal eventually seized of the dispute to declare the claim to be inadmissible.”); *see also* Case No. B36, ¶¶ 58-75 (Ex. L-21) (addressing extinctive prescription as an issue separated from the merits of the claim).

There are also many sound public policy reasons to consider extinctive prescription as a preliminary issue. As a matter of fairness and equity, a respondent should not be forced to defend a complex, fact-intensive case that an applicant could have brought years earlier. This is

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<sup>18</sup> It would be inadvisable for the Council to require full submissions on the merits if there are alternative, dispositive bases to resolve a particular claim. While ICAO's Rules for the Settlement of Differences do not explicitly mention admissibility, the ICAO 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.

particularly true because the respondent no longer would have access to the evidence it would have had if the claim had been brought in a timely manner. Nor should the Council be asked to make a decision about a Member State's specific actions based on an incomplete factual record. With the objectives of aviation safety and State vigilance always central to ICAO's agenda, an applicant should be incentivized to bring a claim promptly, and not to unnecessarily delay bringing an action. This is particularly true when it comes to the subject of Article 12; Member States should be rewarded for investigating and making decisions promptly, not put at a disadvantage. Indeed, allowing Applicant to proceed to the merits and seek a punitive remedy after so much time has lapsed is unlikely to advance aviation safety, and may in fact be harmful. A civil aviation authority's (CAA) primary mission is to promote aviation safety. In turn, a compliance and enforcement program must promote maximum compliance by all airmen and operating companies with statutory and regulatory requirements. When violations occur, correcting noncompliance is critical because delays may let an unsafe condition continue. Delays also de-emphasize the seriousness of a given violation and lessen the deterrent value of any enforcement action taken. The deterrent quality of enforcement action and effective linking of enforcement sanction to objective change in behavior are best realized if the alleged violation is investigated diligently and promptly and any appropriate sanction is administered swiftly. Waiting ten years to bring an action does not promote these principles and it does not promote aviation safety. Simply put, it would create a highly undesirable precedent, for both the Council and for Member States, to allow claims that are ten years old to proceed—particularly where they could have been brought much sooner.<sup>19</sup>

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<sup>19</sup> The Council need not determine a precise time period for all cases, but should at least conclude that waiting ten years to bring this claim was too long.



**CONCLUSION**

The government of the United States stands behind its response to the tragic midair collision of September 29, 2006, as appropriate and fully consistent with Article 12. However, Applicant's long delay in bringing this claim should prevent the Council's further consideration. For the above reasons, the Council should dismiss this proceeding as time-barred under the generally accepted international law principle of extinctive prescription.

Wynne M. Teel  
Agent for the United States of America



## **Annex 30**

Comments by the Federative Republic of Brazil In Re the Preliminary Objection of the United States of America relating to the Disagreement arising under the Convention on International Civil Aviation done at Chicago on December 7, 1944, 19 May 2017

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

**COMMENTS**  
**BY**  
**THE FEDERATIVE REPUBLIC OF BRAZIL**

In Re the Preliminary Objection of the United States of  
America relating to the Disagreement arising under the  
Convention on International Civil Aviation  
done at Chicago on December 7, 1944

Olyntho Vieira  
Agent for the Federative Republic of Brazil  
Ministry of Foreign Affairs

May 19th, 2017



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In Response to the Statement of Preliminary Objection of the United States of America (thereinafter "the Respondent"), related to the Application of the Federative Republic of Brazil relating to the disagreement arising under the Convention on International Civil Aviation done at Chicago on December 7<sup>th</sup>, 1994 (the "Chicago Convention") submitted to the Council on December 2<sup>nd</sup>, 2016, Brazil files hereby its comments on said Statement.

## **I. PROCEDURE BACKGROUND**

In accordance with Article 84 of the Chicago Convention and the Rules for the Settlement of Differences approved by the Council on April 9<sup>th</sup>, 1957 and amended on November 10<sup>th</sup>, 1975 (the "Rules"), Brazil submitted an Application to the Council on December 2<sup>nd</sup>, 2016, in which it claimed that the Respondent has acted in a manner inconsistent with Article 12 of the Chicago Convention and Standard 3.1.1 of Annex 2 (Rules of the Air), 10th edition, July 2005, in the aftermath of the accidental collision, on September 29<sup>th</sup>, 2006, of the air carrier Boeing 737-8EH registered in Brazil as PR-GTD, operating regular flight GLO 1907, and air jet Legacy EMB-135BJ, Embraer, registered in the United States as N600XI operating a flight by ExcelAire Services Inc.

On March 27<sup>th</sup>, 2017, the Respondent presented a Preliminary Objection requesting that the Council dismiss such claim as allegedly time-barred under the principle of extinctive prescription.

In response to the abovementioned Preliminary Objection, Brazil hereby presents its comments on the arguments raised by the Respondent in order to demonstrate that there are no grounds for dismissing Brazil's claim.

## **II. PRELIMINARY STATEMENT**

Air safety is one of the pillars of the Chicago Convention and of the International Civil Aviation Organization (ICAO). Such pillar rests on the willingness and readiness of Member States to ensure the compliance with regulations in force in their territories, as well as those applicable in foreign territories. This is why Article 12 of the Convention, which relates to rules of the air, unambiguously states that "Each contracting State undertakes to ensure the prosecution of all persons violating the regulations applicable."

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Therefore, full and rigorous observance of Article 12 of the Convention plays a key and systemic role in promoting safety in civil aviation. Its fundamental importance not only justifies but also requires the Council to consider Brazil's claim and, in so doing, clearly state the responsibilities of Member States under said provision. It is clear that the entire international community can only benefit from a thorough assessment of Brazil's claim that the Respondent violated the Chicago Convention when it failed to prosecute the pilots involved in said accident.

Brazil, thus, respectfully requests the Council to carefully consider the detailed, specific and well-documented responses hereby provided and reject the Respondent's Preliminary Objection.

In these Comments, Brazil will demonstrate that, contrary to what the Respondent has argued:

- a. Despite years of official and non-official bilateral exchanges on the accident, *Brazil has never been provided with or even informed of any report or other evidence of any administrative proceeding on the conduct of the pilots that could meet the requirements of Article 12* ("ensure the prosecution" of violators of rules of the air). The alleged investigation (that is also described as a "review", a word that suggests the insufficiency of whatever action has been taken by the Respondent) referred to throughout the Preliminary Objection determined that there was no grounds for taking action against the pilots. Such determination was "based on a review of all **information available**" "**in the aftermath**" (emphasis added) of the accident (2006). This means that, when the Respondent made the determination in the alleged investigation, it had only incomplete information;
- b. Brazil acted diligently to obtain evidence in order to establish the causes of the accident and determine responsibilities. In December 2008, the Brazilian report *on the causes* of the accident, conducted as per Annex 13, was concluded. As it is universally known, such report must not be used to determine responsibilities for accidents under an administrative or legal proceeding. Brazil's administrative proceeding by its National Agency for Civil Aviation (ANAC, in its Portuguese



acronym) that determined the wrongful conduct of Captain Joseph Lepore was concluded in *March 2011*. Throughout this period, the Brazilian government was never idle. It was gathering the amount of evidence required under an administrative proceeding to determine responsibilities for such a complex and serious accident. Therefore, *only in March 2011, when ANAC's proceeding was concluded, could it issue the Notices of Infraction (NOIs)*. This shows that Brazil did have solid reasons to submit the NOIs when it did;

- c. *In parallel and in addition to ANAC's proceeding, as indicated in Annex A-1, from 2006 to 2011, a whole range of actions were taken both by the Brazilian State and the relatives and friends of the victims – all of them either communicated to the Respondent or of public knowledge – and all pointing to the need for appropriate action by the Respondent regarding the conduct of the pilots;*
- d. *As also shown in Annex A-1, from 2006 to 2011, these actions included, among others: issuance of repeated diplomatic Notes, constant exchanges between the aeronautical authorities, police investigations, lawsuits, motions by members of Brazil's Legislature and a meeting between Brazilian parliamentarians and relatives and friends of the victims with the FAA Acting Chief Counsel James W. Whitlow, in Washington. Thus, contrary to what it argues, the Respondent has no basis to claim the right to repose in this case, as Brazil's claim was never dormant;*
- e. *The reasons why the case was not brought to ICAO before 2016 are also solid and self-evident: as all States are called to do, Brazil made a serious, sustained and multi-pronged effort to avoid the dispute. Again, as in the 2006-2011 period, numerous actions were taken, including formal and informal diplomatic and political démarches and a second mission by relatives and friends of the victims to Washington. In all instances, the US response was always the same: continued refusal to "ensure the prosecution" of the pilots, as mandated by the Chicago Convention. Faced with immovable unwillingness by the Respondent to comply with its obligation under Article 12, in October 2015, Brazil requested formal*



consultations under Article 84, which, on the Respondent's request, were only held almost 5 months later (in mid-March 2016). *Here again, the Respondent has no basis to claim to the right of repose in this case. It was perfectly aware of Brazil's intention to pursue its claims.*

- f. In light of the above, it is clear that *Brazil's issuance of the NOIs and the initiation of this dispute were not untimely and do not constitute undue or unfounded delays that could remotely give rise to the application of the principle of extinctive prescription;*
- g. On the basis of these facts, *not letting the case proceed would amount to punishing a Member that diligently sought to establish the causes of the accident and determine responsibilities for it, while rewarding a Member that continuously – and to this very date – refuses to comply with its obligations under the Convention. It would amount to accepting the argument of negligence made against Brazil in a situation where, if there was any negligence, it was not on the part of Brazil. This is hardly justice and hardly on the interest of civil aviation, ICAO, the Council or Member States. As recalled by the Respondent itself in the Hushkits case it litigated with the European Union, “the Convention empowers and authorizes the Council to decide disagreements between contracting parties to the Convention through binding and enforceable decisions subject to appeal, in certain situations, to the International Court of Justice. If the Council, nonetheless, were deprived of the power to grant appropriate relief, then it could not, as a practical matter, resolve most disputes, consistent with the intention of the Convention.”<sup>1</sup>;*
- h. *The passage of time per se is not a sufficient cause for dismissal of a claim, as made abundantly clear in the case law that will be mentioned in these Comments. In any event, ten years is not long enough to invoke prescription;*

<sup>1</sup> United States response to EU Preliminary Objections on United States and 15 European States (2000) regarding European Council Regulation (EC) No. 925/1999 (“Hushkits”): (Doc. 7782/2), Montreal, September 15, 2000, p. 19.

- i. *None of the allegations by the Respondent regarding the supposed difficulties for defending itself applies to this case.* It is simply inconceivable that the Respondent would not have the records necessary to “ensure the prosecution” of the pilots nor the means to remedy the violation of Article 12, as it will be explained below. In addition, the *supposition that past decisions by Member States would be brought to the Council is equally unfounded. Brazil is not challenging a “many-years old” closed case. It claims that there has never been a procedure that meets the requirements of Article 12 (“ensure the prosecution”), which constitutes a violation of the Convention that remains to this date; and*
- j. *Unfairness and uncertainty would be caused by the Council being unduly prevented from even considering Brazil’s claim on the grounds that domestic statutes of limitation impedes compliance with its Convention obligations, in particular one that is key to air safety and continued confidence in ICAO and the Convention itself.*

In light of these preliminary remarks and for the reasons this submission will explain, Brazil respectfully requests the Council to dismiss the Respondent’s Statement of Preliminary Objection in its entirety and to proceed to adjudicate on the merits of Brazil’s Application pursuant to the Rules for the Settlement of Differences approved by the Council on April 9<sup>th</sup>, 1957 and amended on November 10<sup>th</sup>, 1975 (the “Rules”).

### **III. FACTUAL BACKGROUND**

As indicated above, one important factual argument presented by the Respondent on page 1 of its Preliminary Objection is that “[...] the United States investigated the conduct of the airmen ten years ago – immediately after the accident – and determined that no enforcement action was warranted”.

This refers to the very core of Brazil’s claim against the Respondent: the latter has never provided any evidence demonstrating that it conducted an investigation into the conduct of the pilots that could meet its obligations under Article 12 of the Chicago Convention to “ensure prosecution of all persons violating the regulations applicable”. For

instance, the only report known to Brazil on the accident is the one prepared by its own aeronautical authorities (Center for Investigation and Prevention of Aeronautical Accidents – CENIPA, in its Portuguese acronym).

The Respondent's Preliminary Objection states on page 5 that "[...] FAA officials were responsible for determining whether the U.S. crew members, Captain Joseph Lepore and second-in-command Jan Paladino, committed any violations of FAA regulations – which require compliance with foreign regulations – and if so, whether any enforcement action should be taken." No official records whatsoever relating to such determination (reports, decisions, appeals, etc) have ever been provided or even mentioned by the Respondent, including in its Preliminary Objection. The likely reason is that there are no such records; not because they were lost or misplaced, but because, based on evidence provided to Brazil, there was never an investigation that could meet the requirements of Article 12. The lack of a report that would have resulted from, for instance, a proceeding consistent with said Article is suggested by the very Preliminary Objection. On page 7, it quotes the declaration of an official (Mr. Ronald E. Hughes) - and not any report - as the source of the information that it was determined that "there was no basis to recommend any action against the crew members onboard of the Embraer, or against the operating company. Hughes Decl. ¶7".

Actually, the quotation above, coupled with excerpts from FAA officials<sup>2</sup>, makes it crystal-clear that the Respondent has not initiated any proceeding against the pilots. This alone is enough evidence that the Respondent has not met its obligations under Article 12, which has prompted Brazil to initiate the present dispute

Another key factual aspect of this case arises in the following assertion of the Respondent<sup>3</sup>: "Based on a review of all **information available**" (emphasis added) in the alleged investigation conducted "**in the aftermath**" of the accident (2006), the "FAA officials determined that there was no basis to recommend any action against the crew members on board of the Embraer [...]". This means that, when the Respondent made said

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<sup>2</sup>See documents in Annex A-2, such as (a) Letter dated April 27, 2010, from FAA Acting Chief Council James W. Whitlow to Brazilian Congressmen: "none of the pilots' actions rise to the level of conduct that would justify the **initiation** of FAA enforcement action" (emphasis added); (b) Letter dated April 5, 2012, from FAA Director of Flight Standards Service John M. Allen to ANAC Operational Safety Superintendent David da Costa Faria Neto: "the FAA would have had to **initiate** the enforcement action within six months of any alleged violations" (emphasis added).

<sup>3</sup> Respondent's Preliminary Objection, p.7



determination in the alleged investigation, it had only incomplete information on the causes of the accident, including because the final CENIPA report, although legally not allowed to serve as the basis for determining responsibilities, was available only in December 2008. This could hardly meet the requirements of Article 12.

Moreover, the Preliminary Objection seems to suggest that the Respondent was not required to take any action to fulfill its obligation under Article 12, because the CENIPA report made “no conclusion regarding a probable cause of the accident [...]”<sup>4</sup> and that the document stated that “there were a number of contributing factors to the accident”. This would be entirely unfounded since: (a) the Annex 13 investigation report must not be used to determine responsibilities of pilots; and (b) the fact that there were multiple causes of the accident *per se* does not efface the responsibilities of pilots and, therefore, does not exempt Member States from their obligations under Article 12.

Finally, the Preliminary Objection refers to documents issued by the Respondent throughout the years in response to Brazilian requests for prosecution of the pilots in the United States where the latter stated that no new relevant information on the accident was received by the Respondent. As Annex A-1 demonstrates, this simply does not correspond to the facts in the present dispute.

## IV. LEGAL ARGUMENTS

### IV.1 PRELIMINARY LEGAL REMARKS

The Respondent filed its Statement of Preliminary Objection under Article 5 of the Rules, questioning the jurisdiction of the Council to handle the matter duly presented by Brazil on the grounds that the Application is untimely. Such Preliminary Objection is manifestly unfounded.

The Respondent’s Preliminary Objection disregards the fact that the jurisdiction of the Council is governed by Article 84 of the Chicago Convention, and Article 1 of the Rules.

Article 84 sets no time limits for the Council to exercise its jurisdiction:

“If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on

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<sup>4</sup> Respondent's Preliminary Objection, p.8

the application of any State concerned in the disagreement (emphasis added), be decided by the Council".

The scope of the Council's jurisdiction regarding disagreement over the interpretation of the Chicago Convention was later complemented by the Rules that set out the procedures for a State to introduce an application to the Council. According to Article 1 of the Rules:

- (1) "The Rules of Part I and III **shall** (emphasis added) govern the settlement of the following disagreements between Contracting states which may be referred to the Council:  
 (a) Any disagreement between two or more Contracting States relating to the interpretation or application of the Convention on International Civil Aviation (hereinafter called "the Convention") and its Annexes (Articles 84 to 88 of the Convention)"

Nowhere in the Rules and, for all practical purposes, in any other part of the Chicago Convention, is there any reference to the legal possibility of dismissing the jurisdiction of the Council on the grounds of time elapsed. In fact, the Convention simply does not foresee any limitation to the jurisdiction of the Council other than those established in the above-mentioned provision.

Accordingly, in order to establish its jurisdiction, the Council has only to determine, based on the facts before it, that there is a disagreement between two or more contracting Parties relating to the interpretation or application of the Convention. In the present dispute, the existence of such a disagreement was clearly established by the statement of facts and law and the evidence submitted in the Memorial filed by Brazil pursuant to Article 2 of the Rules and not disputed by the Respondent<sup>5</sup>.

As indicated in the Application and recalled above, Brazil submits that the Respondent has acted in a manner inconsistent with Chicago Convention Article 12 and Standard 3.1.1 of Annex 2 (Rules of the Air), 10<sup>th</sup> edition, July 2005, by refusing to take appropriate action to prosecute its nationals who violated Brazilian Air Regulations in the context of the accident between Boeing 737-8EH and Legacy N600XL.

It is evident from the main facts of the present dispute that the Application submitted by Brazil falls entirely and unambiguously within the jurisdiction of the Council, as defined by the relevant provision of the Chicago Convention.

<sup>5</sup> See page 3 of the Respondent Preliminary Objection: "While urging dismissal of Applicant's claim as untimely and therefore inadmissible, the United States strongly rejects any claim that its actions in this case failed to comply with Article 12".

Not finding – in the letter of the Chicago Convention or in the facts - the basis for substantively countering Brazil’s claim, the Respondent argued, in its Preliminary Objection, the inadmissibility of such claim on the grounds of a "well-accepted principle of International Law that an applicant is barred from bringing stale claims" in a reference to the principle of extinctive prescription (or the Doctrine of Laches). For the Respondent, the fact that the case was brought to the attention of the Council ten years after the accident would be enough *per se* to prevent the establishment of the Council’s jurisdiction, regardless of the fact that the Chicago Convention does not contemplate any statute of limitations for bringing a dispute before the Council<sup>6</sup>. This is especially disturbing, since the dispute relates to a breach of one of the most fundamental obligations of the Convention.

As presented, the Respondent’s arguments convey the idea that the lapse of time *per se* may always be considered reason to bar a claim under Article 5 of the Rules before an analysis of the merits of the Application. This contention is not supported either by law or by the practice of international tribunals.

As H. Lauterpatch recalls, "there is no express rule of conventional international law of a legislative nature enacting the rule of extinctive prescription, or the period necessary for its completion; and it may be argued that, notwithstanding the ample support of the doctrine by writers and by **some** arbitral tribunals, **there is no sufficient amount of international practice to constitute extinctive prescription part of positive international law**"<sup>7</sup>. (emphasis added)

As recognized by the International Court of Justice (ICJ) in the *Nauru case*<sup>8</sup>, the passage of time may affect the admissibility of a claim, even in the absence of any applicable

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<sup>6</sup> It is noteworthy that the only example mentioned by the Respondent to substantiate its argument that the Council had previously considered and decided issues of admissibility at the preliminary stage (*Hushkits case*) does not deal with prescription of claims (see p. 26 of the Respondent’s Objection) and that, in any event, the Council did not uphold the preliminary objection raised by the European Union. See Resolution C161/6 adopted at the Sixth Meeting of the One Hundred and Sixty-First Session on 16 November 2000 relating to Settlement of Differences: United States and 15 European States (2000) regarding European Council Regulation (EC) No. 925/1999 (“Hushkits”): Preliminary Objections.

<sup>7</sup> H. Lauterpatch. *The Function of Law in the International Community*. 7 ed. New Jersey: The Lawbook Exchange LTD. 2000. p 93.

<sup>8</sup> The relevant paragraph reads as follows:

"The Court recognizes that, even in the absence of any applicable treaty provision, delay on the part of a claimant State may render an application inadmissible. The Court then takes note of the fact that Nauru was officially informed, at the latest by letter of 4 February 1969, of the position of Australia on the subject of rehabilitation of the phosphate lands worked out before 1 July 1967. Nauru took issue with that position in writing only on 6 October 1983. In the meantime, however, as stated by Nauru and not contradicted by



treaty. However, the conditions for this to happen are far from being as straightforward as the Respondent argues. It emerges clearly from the practice of international tribunals that the decision of barring claims by lapse of time has been applied with extreme caution<sup>9</sup>, on a case-by-case basis, taking into consideration the specific circumstances of each and every case and the relevance of the protected rights affected by the breach that claims intend to address.

The ICJ itself made it clear in its ruling in the *Nauru Case*, in a passage not quoted by the Respondent, that "[...] international law does not lay down any specific time-limit in that regard. It is therefore for the Court to determine in the light of the circumstances of each case whether the passage of time renders an application inadmissible." Accordingly, the Court considered that Nauru's Application was not to be rendered inadmissible by passage of time and that it would be for the Court, in assessing the merits of the claims, to evaluate the impact of the passage of time over the claim.

This reasoning reflects a well-recognized principle in international law according to which the renunciation of legal rights or the waiving of claims or jurisdictions to address breaches of international obligations cannot be presumed<sup>10</sup>. As the case law and the doctrine

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Australia, the question had on two occasions been raised by the President of Nauru with the competent Australian authorities. The Court considers that, given the nature of relations between Australia and Nauru, as well as the steps thus taken, Nauru's Application was not rendered inadmissible by passage of time, but that it will be for the Court, in due time, to ensure that Nauru's delay in seizing it will in no way cause prejudice to Australia with regard to both the establishment of the facts and the determination of the content of the applicable law."

*Nauru v. Australia* (Preliminary Objection) Reports 1992, pp. 253-255, paras. 32 and 36.

<sup>9</sup> See *Le droit international et le temps*. Société Française pour le droit International. Paris: Ed Pedone, 2001. p. 120: "Du fait qu'ils sont le plus souvent saisis a posteriori, à un moment où les délais litigieux sont déjà écoulés, le juge est généralement conduit [...] à se demander si ceux qui leur sont déférés répondent ou non aux exigences du raisonnable. De là, ils déterminent rarement la durée précise du délai qu'imposaient les circonstances de l'espèce, ou encore les circonstances pertinentes à cette fin [...] Cette démarche des juges, causistique et intuitive, caractérise sans doute le souhait de conserver au délai raisonnable son caractère indéfini en évitant de bâtir une jurisprudence trop précise. La prudence des juges et arbitres à cet égard est le plus souvent clairement avouée. »

<sup>10</sup> See Carlos Santulli. *Droit du contentieux international*. Paris: LDGJ, 2005. p 256. "Le droit du contentieux international admet qu'une action puisse être écartée à titre préliminaire, au motif que l'auteur de la demande avait pu légalement renoncer à son action. Toutefois, un tel effet est subordonné à un examen de la juridiction qui le reconnaît seulement si la renonciation est établie par un acte écrit non équivoque. See also, Case Campbell, *England v. Portugal* 1931 - RSA, vol. II pp 1151-1158: "les renonciations ne se présument jamais" [...] In the *Nauru Case*, the Court, noting the absence of any express waiver, rejected an argument of waiver put forward by Australia, that argued that Nauru had renounced a number of its claims. Furthermore, according to the Court, a waiver of those claims could not be implied on the basis of the conduct of Nauru (Preliminary Objections, Judgment, I.C.J. Reports 1992, pp. 247-250, paras. 12-21). Likewise, the International Law Commission, on its commentary on article 45 of the draft articles on responsibility of States for internationally wrongful acts, points out that "[a]lthough it may be possible to infer a waiver from the conduct of the States concerned or from a unilateral statement, the conduct or statement must be unequivocal" (*Yearbook of the International Law Commission*, 2001, vol. II (Part Two)], para. 77). 1176.

invoked by the Respondent itself confirms, "there is no rule of international law putting a limitation of time on diplomatic action or upon the presentation of an international claim before an international tribunal."<sup>11</sup>

These previous remarks alone should suffice for the Council to reject the Preliminary Objection by the Respondent<sup>12</sup>. Should the Council, however, choose to decide the question of the passage of time as a preliminary issue before the proceedings on the merits of the claim, it should note that the Respondent has not presented one single compelling argument, let alone evidence, that the lapse of ten years between the accident and the submission of the Application could be qualified as a stale claim triggering the prescription.

As a matter of fact, it can be easily inferred from the evidence already submitted by Brazil in its Memorial and from the arguments that will be further detailed in the following sections, that none of the criteria invoked in the case law mentioned by the Respondent itself can be applied to the current dispute.

Moreover, even assuming, *in arguendo*, that the extinctive prescription should apply in this case – a proposition that Brazil strongly disputes – because it is "well-accepted"<sup>13</sup> that in all circumstances the passage of time can be invoked against established treaties in order to render a claim inadmissible, *quod non*<sup>14</sup>, the Respondent's arguments to substantiate its request of inadmissibility rely on sweeping generalizations and speculations. Such arguments not only lack grounds both in law and in the actual facts of the case, but also result in a blatant mischaracterization of the role of the extinctive prescription in international public law.

<sup>11</sup> *Cooks v. Mexico*. The Mexican Claim Commission, 1927.

<sup>12</sup> Indeed, there is no doubt that the lack of reference to any statute of limitations in the Chicago Convention is *per se* an eloquent silence that conveys the idea that time must not prevail over measures to strengthen air safety, especially if any delays may be justified by the peculiarities and severity of the event, just as can be seen in the present dispute.

<sup>13</sup> See the 8th paragraph of section IV.1, above.

<sup>14</sup> According to the *Sarrapoulos v. Bulgarian State case* of 1927, "a positive international law has not so far established any precise and generally adopted rule either as to the principle of prescription as such or to its duration." In: H. Lauterpacht. *The Function of Law in the International Community*, 7 ed, 2000, p. 94. For an overview of the different positions regarding the admissibility of prescription in international law, see Roger Pinto. *La Prescription en Droit International* (Recueil des Cours, Hague Academy, vol. 87 (1955,1), pp.440-8. and Ashraf Ray Ibrahim. *The Doctrine of Laches in International Law* in: Virginia Law Review, Vol. 83, No. 3 (Apr., 1997), pp. 647-692. According to Professor Pinto, "la prescription contre le droit établi n'est pas pacifique." Charles Rousseau also provides a substantial list of references in a passage titled "Doctrine hostile à l'admission de la prescription extinctive": *Droit international public*, Tome V, Paris, 1983, pp.179-80, para. 174 (quoting Anzilotti, among others).



For the sake of completeness, in the following sections of this submission, Brazil will address all the unwarranted assumptions made by the Respondent, unequivocally demonstrating that its Preliminary Objection has no basis and should be promptly dismissed by the Council.

## IV.2 ARGUMENTS

### IV.2.1. The Respondent failed to establish that passage of time prevents the Council from fulfilling its responsibilities under Article 84 of the Chicago Convention

The Respondent submitted its Preliminary Objection under Article 5 of the Rules on the grounds that Brazil's Application is "untimely". The objection was expressly based upon the principle of extinctive prescription. According to the Respondent:

"allowing the applicant to proceed with a claim more than ten years after the accident would set a highly undesirable precedent for Member States. It would bring great uncertainty to the future of this Organization, the implementation of the Chicago Convention, and international civil aviation more generally."<sup>15</sup>

The entire Objection submitted by the Respondent is based on its flawed assumption that the lapse of time between the Application and the accident between the Boeing 737-8EH and the Legacy N600XL qualifies as an extensive delay that would result in a stale claim within the meaning of the *Doctrine of Laches*, barring Brazil from asserting its claim. Still according to the Respondent, this alleged extensive delay has caused substantial prejudice to it, as it "made it impossible to take any additional actions under its own laws - which ordinarily imposes a six-month period after an incident in which enforcement actions need to be initiated" and "has put the United States at a substantial disadvantage in its ability to invoke remedies and to gather facts relevant to its defense".<sup>16</sup>

The Respondent's case in favor of prescription cannot prosper. Not only is it built upon inaccurate allegations of facts regarding the lapse of time, but also misstates the legal standard that should be applied in order to secure a finding of extinctive prescription. An objective application of the proper legal standard regarding extinctive prescription to the full and accurate scope of facts that comprise the present claim, as presented below, leads

<sup>15</sup> Respondent's Preliminary Objection, p. 1

<sup>16</sup> Respondent's Preliminary Objection, pp.14 and 15.

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inevitably to the conclusion that no prescription whatsoever can be applied to the present case.

#### **A. The Factual background regarding the lapse of time**

As explained previously, extinctive prescription was indeed recognized by some tribunals as grounds for barring a claim. Nevertheless, it was so only in specific circumstances, as "an expression of a great principle of peace, which is at the basis of the common law and of all civilized systems of jurisprudence" and on the basis that "stability and security in human affairs require that a delay should be fixed outside which it should be impossible to invoke rights or obligations."<sup>17</sup>

In light of the gravity of the accident and taking into account all the actions undertaken by Brazil to clarify the circumstances surrounding the accident, as highlighted below and detailed in Annex A-1, it is evident that, in this case, the passage of time between the accident and Brazil's Application cannot conceivably be considered an "inappropriately long" which would entitle the Respondent to even presume that it had the "right to repose" or reasonably expect that no further legal or diplomatic action related to the accident would ensue.

In fact, throughout the period from the accident to the submission of its Application, in addition to its Annex 13 investigation, Brazil has taken a series of measures regarding not only the determination of responsibilities on the part of the pilots, but also the failure of the Respondent to abide by Article 12. Police investigations, administrative and criminal actions and diplomatic démarches are some of such measures.

Immediately after the accident, a criminal investigation was launched to determine personal responsibilities for the accident. A criminal proceeding against the Legacy pilots was proposed by the Brazilian Federal Prosecutor's Office in May 2007.

In August 2008, an independent report on the circumstances surrounding the accident was requested from an aviation expert, Mr. Roberto Peterka. The report was concluded in March 2009.

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<sup>17</sup> *Sarropoulos v. Bulgarian States* apud H Lauterpacht op.cit p. 94.

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On May 27<sup>th</sup>, 2009, based on the conclusions of such report, federal prosecutors formally pressed charges against the pilots in a second case on the grounds of negligent and reckless behavior and lack of proper authorization to operate in RVSM.

By that time, since more complete information on the complex circumstances of the accident had become available, contacts with the Respondent's authorities were intensified in order to provide more information, including the report prepared by Mr. Peterka, and continue to press for appropriate measures to be taken also in the United States in order to determine the responsibilities of the pilots. In such context, on April 13<sup>th</sup>, 2010, Brazilian Congressmen Milton Monti and Jaime Martins held a meeting with FAA Acting Chief Counsel James Whitlow. Mr. Monti and Mr. Martins requested, yet again, that enforcement action be taken against the pilots.

In its response, the FAA sent a note to the Brazilian Embassy indicating that:

“...none of the pilots' actions rise to the level of conduct that would justify the initiation of FAA enforcement action. The allegations contained in Mr. Peterka's report do not provide a basis for initiating FAA enforcement action against the pilots, and do not justify reconsideration of the United States Government's official position, as expressed by the NTSB, on the probable cause of this tragic accident.”

The FAA communication prompted an immediate reaction from the Brazilian Embassy. In a Diplomatic Note dated June 8<sup>th</sup>, 2010, the Embassy stated could not have been clearer in expressing Brazil's strong dissatisfaction with continued inaction by the Respondent and reiterating the request for administrative action to be taken:

“The Federal Aviation Administration's decision not to impose administrative sanctions against the two U.S. pilots involved in the collision.[..] was cause for deep distress in Brazil. [...] The fact that they [the pilots] continue to operate aircraft as pilots after this tragic accident is of concern to the Brazilian government, is hurtful to the family members of the 154 deceased victims, and constitutes a risk to those who use the aircraft that they pilot [...]. The Brazilian government deplores this FAA decision and urges the U.S. government to review it.”

In September and again in November 2010, Brazil's ANAC requested additional information from the FAA regarding the pilots as part of the former's administrative proceeding to determine responsibilities.

On November 23<sup>th</sup>, 2010, the Brazilian Embassy in Washington communicated the American government of a videoconference that would take place as part of the criminal proceedings being conducted in Brazil.



On January 11<sup>th</sup>, 2011, the Brazilian Embassy in Washington once again sent a Diplomatic Note to the American government and reiterated ANAC's request for complementary information, which had been previously asked and not yet received.

On March 24<sup>th</sup>, 2011, Brazil's ANAC concluded its administrative proceeding aimed at determining responsibilities. It issued a NOI to Captain Joseph Lepore for the absence of a Letter of Authorization (LOA) for operating RSVM during flight in Brazilian airspace on September 29<sup>th</sup>, 2006. Another NOI was issued to the aircraft operator (ExcelAire), for allowing the mentioned flight to take place without an LOA.

On May 16<sup>th</sup>, 2011, a Federal Court in Brazil found both pilots guilty of neglect conduct. The defense lawyers appealed.

On September 15<sup>th</sup>, 2011, in a letter addressed to Mr. John M. Allen, FAA Director of Flight Standards, Mr. David da Costa Faria Neto, ANAC Operational Safety Superintendent, informed that the Brazilian agency had concluded its administrative proceeding on the conduct of the pilots and provided copies of the NOIs issued to Mr. Lapore and ExcelAire. The letter specifically requested that the FAA take appropriate actions "as to the facts under discussion and the Notices of Infraction issued by this Civil Aviation Authority". The request was reiterated in a Diplomatic Note by the Brazilian Embassy on September 15<sup>th</sup>, 2011.

On September 20<sup>th</sup>, 2011, additional NOIs were issued to pilot Joseph Lepore for having switched off the transponder and the TCAS during the flight.

What this brief account of facts so far demonstrates is two-fold and very important:

- a. From the very immediate aftermath of the accident (October 7<sup>th</sup>, 2006) through March 2011, evidence needed to determine responsibilities was diligently gathered both at the administrative and criminal levels and, at both levels, action was being taken on the basis of the evidence gathered and in accordance with the procedures and within the times established under applicable Brazilian legislation; and
- b. Throughout this period, as shown by the examples of interactions between the two governments related to the administrative proceeding and the lawsuit then under way in Brazil, the Respondent was permanently and fully aware that the conduct

of the pilots continued to be under scrutiny by the appropriate Brazilian institutions.

In November and December 2011, the Brazilian government again pressed the issue with the American government through Diplomatic Notes in which it stated that:

"[d]espite several further contacts made by the relevant ANAC authorities and by officials from Brazil's Ministry of External Relations regarding the issue, no formal answer to ANAC's previous request has been received from the FAA until this date."

And:

"[t]aking into account the relevance of this issue, the Brazilian Government kindly requests that the United States Government and the FAA take into consideration the terms of Article 12 of the Chicago Convention of 1944, and thus provide a proper response to ANAC within 30 days, indicating the measures taken by FAA and other relevant United States authorities in compliance with the provisions of the aforementioned convention."

In its response, the Department of State reiterated that the FAA had "carefully reviewed the matter in 2006" and concluded that the absence of an LOA "was not considered to be an issue". Furthermore, it stated that, "after a reconsideration of the case in 2010", "the findings did not provide a basis for initiating FAA certificate action against the pilots or a change in the official position of the U. S. government". A similar reaction was received from the FAA, in January 2012.

Another letter from Mr. Costa (ANAC) was sent to Mr. Allen (FAA), on January 30<sup>th</sup> 2012. It transmitted copies of the NOIs issued on September 20<sup>th</sup>, 2011, to Mr. Joseph Lepore for having switched off, respectively, the transponder and the TCAS during flight. ANAC also informed the FAA that it had initiated a new investigation upon request of its own Board of Appeals based on the information provided by the official report of the Brazilian Federal Police on the accident. Once again, ANAC requested the FAA to open an internal administrative process to scrutinize the findings, in accordance with Article 12.

ANAC's letter was followed, on February 17<sup>th</sup>, 2012, by yet another Diplomatic Note by the Brazilian Embassy to the Department of State requesting that the United States take appropriate actions under Article 12 of the Chicago Convention.

On June 25<sup>th</sup>, 2012, the Ambassador of the United States to Brazil sent a letter to the Minister-Chief of the Secretariat for Civil Aviation, in which it referred to a conversation that the two officials had had the previous month regarding the accident and reaffirming the

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U.S. views that, "legal enforcement action or administrative action against the two pilots was completely unwarranted".

In October 2013, the Brazilian Ambassador to Washington sent a letter to U.S. Congressman Eliot L. Engel, Ranking Member of the Committee on Foreign Affairs of the House of Representatives, in reference to a communication sent by an FAA Administrator to said Congressman regarding the facts surrounding the accident. The Brazilian Ambassador requested the Congressman to provide "cooperation and continued support to explore with the American authorities ways that can lead to having the FAA revisit its conclusion that no administrative action against the American pilots was warranted".

In February 2015, the Brazilian Embassy sent yet another Diplomatic Note to the Department of State asking for a meeting between the Association of Relatives and Friends of the Victims of Flight 1907 and the FAA, the Department of Transportation and the NTSB. Having these agencies declined the request, the Department of State held a meeting with the Association. On this occasion, the request for the Respondent to take action on the conduct of the pilots was made yet again.

Finally, on October 13, 2015, faced with the Respondent's continued refusal to comply with its obligation under Article 12 to "ensure the prosecution" of the pilots, Brazil requested<sup>18</sup> bilateral consultations under Article 84 of the Chicago Convention, thus initiating the present proceedings.

What this continued interaction between representatives of both the Respondent and Brazil also makes abundantly clear is that at no point whatsoever during the period between the accident and the initiation of these proceedings was it possible for the Respondent to even infer that Brazil had dropped the subject, that it did not intend to pursue the matter, or that it considered the issue resolved. The Respondent was fully and permanently aware of the actions carried out by Brazil.

It is also evident that Brazil's concerns about the violation of its air regulations by the pilots were clearly raised through several channels for several years, once solid information on the responsibilities of pilots had been gathered.

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<sup>18</sup> Note Verbale No. 10, dated October 13th, 2015 from the Brazilian Delegation to ICAO to the U.S. Delegation to ICAO.

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Nevertheless, the Respondent seems to take issue<sup>19</sup> with the fact that "During the Annex 13 accident investigation, the Applicant did not notify the FAA that it believed the crew members had violated any regulations or that the FAA should take action against the US crew for alleged violations of Brazilian air regulations". As it is well known, the Annex 13 investigation is not intended to establish individual responsibilities and their conclusions must not be used for proceedings of an administrative or criminal nature. Thus, it would not be appropriate for Brazil at that juncture to have notified violations of Brazilian safety regulations.

Yet, as acknowledged by the Respondent itself, it was aware, back in 2007, of the three violations committed by the pilot that were later notified by Brazil. Having had information of alleged violations of Brazil's air regulations, the Respondent should have complied with Article 12, regardless of the fact that Brazil only issued NOIs in 2011, once ANAC had concluded its administrative proceeding.

Brazil is convinced that the responsibility of each Member State in relation to Article 12 pertains to the merits of the case, rather than to a preliminary objection, and is ready to engage in a comprehensive discussion of this matter in the next stage of these proceedings. At this stage, however, it strongly opposes the Respondent's contention that an ICAO Member should be prevented from bringing a claim before the Council as a consequence of it having taken the time needed to exercise due diligence in a complex and time-consuming administrative and criminal proceedings in relation to a very serious accident that took the lives of more than a hundred people and exposed non compliance with one of the core obligations of the Chicago Convention.

The Respondent's contention that Article 12 would be best served by a six-month expeditious inquiry, which, according to the Respondent, would be the only way of undertaking the necessary actions to remedy the violation of the Convention<sup>20</sup>, is not only unsound, but also against the very rationale of the objectives protected by the Convention.

In sum, It emerges clearly from the records of this case that Brazil has undertaken all required actions under Article 12 to "ensure the prosecution of all persons violating the

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<sup>19</sup> Respondent's Preliminary Objection, p.6.

<sup>20</sup> Respondent's Preliminary Objection, p. 27.

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regulations applicable" in a diligent manner. It was the Respondent that failed to act in a manner consistent with the Convention.

This brief recollection is also clear evidence that nothing in the factual accounts of the present dispute authorizes the Respondent contention that, in addressing this case, the Council would be reopening a "ten-year-old case" "in the context of an incomplete and stale factual record"<sup>21</sup>. A case that was consistently and diligently pursued through both internal and diplomatic means as well as amply documented throughout the years is simply not old or closed.

### **B. The proper Legal Standard regarding the lapse of time**

The Respondent's contention that the Brazilian claim is time-barred on the grounds of the principle of the extinctive prescription is unfounded, as the objection is based on a blatant mischaracterization of the legal reasons that justify the application of such principle in international law.

As already mentioned, Brazil does not dispute that the extinctive prescription is a recognized general principle of law. Nor does it argue that it is generally accepted that, in certain specific circumstances, the passage of time may render a claim inadmissible.

However, the legal standard for the application of this principle in international law requires much more than merely asserting that ten years characterizes an excessive delay and that the claim should not be authorized to proceed. Indeed, according to Professor Pinto, "ces délais ne suffisent pas en eux-mêmes pour accomplir la prescription"<sup>22</sup>. The alleged delay would have to be coupled with a presumption of abandonment of the claim ("renonciation aux droits non-exercés", as Professor Pinto states it) which would have to be clearly established by the party invoking the extinctive prescription. In Oppenheim's words, there are "immensurable and imponderable circumstances and influences besides the mere lapse of time"<sup>23</sup> that must be present to create the conviction that prescription can justify the dismissal of a claim.

<sup>21</sup> Respondent's Preliminary Objection, p. 15.

<sup>22</sup> Roger Pinto. *La prescription en Droit International*, op.cit. p. 393.

<sup>23</sup> Oppenheim. *International Law Treatise*. Vol 1. p. 403.

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In line with Professor Pinto and Oppenheim's arguments, the Arbitral Award in the *Chamizal Case*, involving Mexico and the United States, while analyzing issues related to the possession of land, confirmed the notion that prescription could not be applied in face of constant challenges by the counterpart<sup>24</sup>.

The Arbitral Award in another relevant case law, the *Cayuga Indians Case*, rejected claims for prescription, even after a period of more than one hundred years had lapsed, because it recognized the continued resistance of the Cayuga Indians to the measures questioned. As stated by the award:

“No laches can be imputed to the Canadian Cayugas, who in every way open to them have pressed their claim to share in the annuities continuously and persistently since 1816”<sup>25</sup>.

Another key aspect that the Respondent failed to explain in its Preliminary Objection is that the purpose in applying prescription in international disputes is to preserve the stability of a factual situation long considered pacified.<sup>26</sup> It follows that, when a situation is not considered pacified, as it is the case in the current dispute, it is not possible to legitimately purport that the circumstances necessary to invoke prescription exist.

The length of time and the circumstances that are required to establish such stability could vary. All attempts to try to codify fixed limits to prescription under international law have systematically failed, precisely because the variety of situations, obligations and conducts involved in the relations among States does not allow for establishing such fixed limits.

As the Institute of International Law asserts, "in the absence of a conventional rule in force in the relation of the litigant States, fixing the limits of the prescription and its determination is left entirely to the decision of the international judge, who, in order to admit the plea based on the lapse of time, should recognize in the circumstances of the case the existence of reasons which imposes the prescription"<sup>27</sup>.

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<sup>24</sup> United Nations – Reports of International Arbitral Awards – *The Chamizal Case* of 1911 – in Vol. XI, p. 328.

<sup>25</sup> United Nations – Reports of International Arbitral Awards – *Cayuga Indians Case* of 1926 – in Vol VI, p. 189.

<sup>26</sup> Oppenheim. *International Law Treatise*. Vol 1, p. 404.

<sup>27</sup> See Institut de Droit International (1925). *La prescription libératoire en droit international public*. Also, United Nations – Reports of International Arbitral Awards – *The Ambatiello Claims Greece v. UK* 1956, in Vol. XII, p. 103.

What is beyond debate is that ten years of several administrative and criminal proceedings to establish the causes of the accident and determine responsibilities thereof, of successive rounds of bilateral discussions and consultations, of repeated formal and informal requests for the Respondent to comply with Article 12 cannot be considered pacified<sup>28</sup>. Therefore, the very basis for the application of prescription is absent, regardless of the amount of time in consideration.

It is noteworthy that several tribunals did not consider even lapses of time of more than 40 years enough to bar a claim when the circumstances of the case made it clear that the claim did not remain dormant through the relevant period<sup>29</sup>.

In addition, prescription can only prevail when the lapse of time is so significant that it risks causing serious procedural disadvantage to the defending party. As noted by the International Law Commission, in paragraph 11 of its commentary on article 45 of the Draft articles on Responsibility of States for Internationally Wrongful Acts<sup>30</sup>, a claim will not be considered inadmissible on grounds of delay "**unless the circumstances are such that the injured State should be considered as having acquiesced in the lapse of the claim or the respondent State has been seriously disadvantaged.**" (emphasis added). It follows that:

"International courts generally engage in a flexible weighing of relevant circumstances in the given case, taking into account such matters as the conduct of the respondent State and the importance of the rights involved. The decisive factor is whether the respondent State has suffered any prejudice as a result of the delay in the sense that the respondent could have reasonably expected that the claim would no longer be pursued. Even if there has been some prejudice, it may be able to be taken into account in determining the form or extent of reparation."

Likewise, in the view of Ian Brownlie:

"conceivably a claim by a State could be denied because of the difficulty the respondent may have in establishing the facts but where there is no irreparable disadvantage the tribunal will be reluctant to allow mere lapse of time to bar claims given the condition under which interstate relations operate."<sup>31</sup>

<sup>28</sup> See Section IV.2.1.A above.

<sup>29</sup> Also in the *Tagliaferro case*, Umpire Ralston likewise held that, despite the lapse of 31 years since the infliction of damage, the claim was admissible as it had been notified immediately after the injury had occurred, so the respondent was aware of the situation. See also the *Cayuga Indians case*, mentioned above.

<sup>30</sup> ILC. Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries – 2001, p. 123 - available online at [http://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf)

<sup>31</sup> Ian Brownlie. *Principles of Public International Law*. 8<sup>th</sup> ed. Oxford University Press, 2012. p. 700.

Thus, the critical issue at this stage of the present dispute remains that, in order to demonstrate "laches", the Respondent would have necessarily to prove that the lapse of time would be so that it would result in unfairness during the litigation process. As King puts it:

"The defendant must be placed at a disadvantage in establishing his defence. This follows from the generally accepted view of prescription thus formulated by Ralston, umpire, in the *Gentini* case. "The principle of prescription finds its foundation in the highest equity -the avoidance of possible injustice to the defendant..."<sup>32</sup>

In sum, in order to successfully claim laches as a defense, the defendant must prove that his status has changed because of the unreasonable delay in filing the lawsuit, causing him to be in a worse position than at the time the claim should have been filed. As it will be demonstrated in detail below, the Respondent did no such thing.

As it emerges clearly from the case law reviewed above, prescription was only admitted when at least three conditions were met by the invoking party: (i) a significant lapse of time, ranging usually from 20 to over 40 years, during which the claims remained unasserted or unnoticed; (ii) no justification was provided for such delay, denoting negligence or abandonment; and (iii) when it was demonstrated, beyond doubt, that the lapse of time created a significant procedural disadvantage for the defending party.

This is the appropriate legal standard, which the Respondent failed to apply. None of the conditions above are present in this case, as the records clearly demonstrate and as it will be demonstrated below. Therefore, the Preliminary Objection cannot prosper.

**C. Applying the legal standard to the factual background of the case: the Respondent failed to demonstrate that the conditions required by the principle of extinctive prescription exist in the present dispute.**

**C.1. Ten years is not an unjustified significant lapse of time**

As it emerges clearly from the records of this case, from 2006 to 2016, Brazil has undertaken numerous actions in order to diligently gather the evidence needed to establish the causes of the accident and determine responsibilities, as well as to obtain that the Respondent comply with Article 12.

<sup>32</sup> B E King. *Prescription of Claims in International Law*. 15Brit. Y.B. Int'l L.82 (1934). p. 90.



The time it has taken to issue NOIs was not excessive given the complexity of the accident and the diligent conduction of proceedings. The time it has taken to initiate the dispute was due to its repeated attempts to settle the issue bilaterally with the Respondent, as explained earlier.

In this context, the passage of time between the accident and the Application cannot conceivably be considered an "unjustified lapse of time" on any legal or factual account.

As a matter of fact, ten years is not even a significant lapse of time, taking into account all that was required to establish causes and determine responsibilities and all the diplomatic and political efforts made to avoid the dispute.

Nor is ten years a significant lapse of time, if compared to the lapses of time that were considered significant in many other cases. Indeed, in virtually all cases mentioned by the Respondent to demonstrate that the application of the principle of prescription is in order in the current dispute, the delays ranged from 20 to over 40 years<sup>33</sup> during which the claim usually remained unnoticed. In comparison, a period of ten years, during which numerous actions were undertaken by Brazil to establish the causes of the accident and determine responsibilities could hardly be considered a delay, let alone a great lapse of time that could trigger prescription. In this regard, the factual background presented above which is in no way exhaustive, clearly shows that Brazil was not idle and that the United States had ample knowledge that Brazil was pursuing the case over the entire period. It is, therefore, beyond any doubt that the Brazilian claim was not and could not go unnoticed in the United States.

Even considering, theoretically, that ten years could be, in certain specific circumstances, a significant lapse of time - which, as mentioned, is inconsistent with the practice of international tribunals - the Respondent itself acknowledged that, as early as 2010, even before the conclusion of ANAC's administrative proceeding, it was duly informed by diplomatic channels of Brazil's serious concerns with the violations of its domestic air regulations by pilots.<sup>34</sup>

<sup>33</sup> To the best of Brazilian knowledge, so far the shortest lapse of time that qualified as time for prescription was admitted in one of the earlier cases in which the matter was discussed, the Mexican-American Claims Commission of 1868. Even in this case, the delay was "more than 15 years" after the date of the acts complained and, according to the records, there was a great degree of uncertainty around the fact at issue.

<sup>34</sup> See Diplomatic Note sent by the Brazilian Embassy to the Department of State dated June 8<sup>th</sup>, 2010, in which it was stated that "the Federal Aviation Administration's decision not to impose administrative sanctions against the two U.S. pilots involved in the collision...was cause for deep distress in Brazil. (...) The fact that they [the pilots] continue to operate aircraft as pilots after this tragic accident is of concern to the Brazilian government,

Thus, even by the Respondent's account – which Brazil does not accept - the alleged delay the Council could, theoretically, consider would be the one in invoking Article 84, i.e., a period of, at most, 6 years. In such period, however, Brazil continuously pressed its claims through appropriate diplomatic channels, among others. This means that no extinctive prescription can and should prevail. As recognized by the case law already mentioned<sup>35</sup>, any lapse after the first notification could not prove fatal to Brazil's claim before the Council, which was made necessary by the Respondent's continued refusal to abide by its international obligations.

As Professor Pinto recalls, prescription could hardly be envisaged by international tribunals « lorsque [a claim] est devenu un différend d'Etat à Etat par la représentation d'une réclamation diplomatique, les délais ultérieurs n'ont pas en principe d'effet sur la réclamation".<sup>36</sup>

### **C.2. The passage of time does not qualify as abandonment of Brazil's interest in pressing the case.**

Even assuming that a long and unreasonable delay could raise, in certain circumstances, a presumption of abandonment, the facts of the present case, as supported by the evidence provided by the Respondent itself, clearly demonstrated there was no negligence on the part of Brazil<sup>37</sup>.

On the subject of negligence, the Claims Commission in the *Williams v. Venezuela* award stated the following:

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is hurtful to the family members of the 154 deceased victims, and constitutes a risk to those who use the aircraft that they pilot (...) The Brazilian government deplors this FAA decision and urges the U.S. government to review it."

<sup>35</sup> See FN 28. According to the *Tagliaferro Case* (vol. IV, p.592 at p.593) and the *Giacopini Case* (ibid., p.594 at p.595. 133), a notification of a claim *per se* excludes the principle of extinctive prescription. For statements of the distinction between notice of claim and commencement of proceedings, see, e.g. R. Jennings and A. Watts. *Oppenheim's International Law*, 9th ed. (Harlow, Longman, 1992), vol. I, Peace, p. 527; and C. Rousseau. *Droit international public* (Paris, Sirey, 1983), vol. V, p. 182. [955] 701.

<sup>36</sup> Roger Pinto. op.cit p. 443. See also *Butterfield (EU v. Denmark)*; *Stevenson (Venezuela v. Great Britain)*, 1903 p. 302; *Roberts (United States v. Venezuela)* p. 142 and *Giacopini case*.

<sup>37</sup> See United Nations – Reports of International Arbitral Awards – *John H. Williams v. Venezuela – 1885*. In: Vol XXIX, pp. 279-293. In the *Williams Case*, the Claims Commission recognized prescription and abandonment after a delay of 26 years before bringing a claim regarding payment for a commercial transaction without any efforts by the claimant to pursue its claim in the interim. The differences between the *Williams case* and the present one are, therefore, self-evident. In one, complete inaction; in the other, over 25 documented instances (see section IV.2.1.A, above, and Annex A-1) in which it was obvious to the Respondent that the Applicant had not abandoned its claim.

"To withhold causelessly a demand for goods sold until the witnesses to the transaction and other usual means of ascertaining the facts have, in ordinary course, passed away, is negligent conduct; while to withhold a bond issued by public authority and of which presumptively a public register is kept for a like time after maturity may not be. It is true experience teaches that such and such things are apt to occur ordinarily in about such and such times in the affairs of men, but it also recognizes the impossibility of prescribing exact periods for the occurrences, as well as the certainty of occasional departures from the general rule"<sup>38</sup>.

As shown by the excerpt above, factual circumstances must be considered when examining whether a claim could be considered abandoned and/or stale. In the present case, nothing in the conduct of Brazil can be considered as implying an unequivocal decision to leave this case to rest. Quite to the contrary, the case was never dormant, as made abundantly clear by the facts described above and detailed in Annex A-1. Brazilian procedures were initiated in a timely manner and Brazilian authorities never stopped pressing the case, both internally and through diplomatic channels<sup>39</sup>. Therefore, it is beyond doubt that no undue delay can be sustained in this case.

It is noteworthy to recall once again that international tribunals have not recognized prescription even in the face of lapses of time as long as over 40 years if cases where, during the period, the claimant was not dormant. In the *Ambatielos case*,<sup>40</sup> the Arbitral Award stated that:

"The Commission does not find in the circumstances of the present case any reason which would justify the application of the principle of prescription to the claim of the Greek government.

The diplomatic correspondence produced by the Parties shows that the Greek Government intervened from 1925 onwards in order to exercise its diplomatic protection on behalf of Mr. Ambatielos, and that, since then, it has made repeated representations at intervals which cannot be regarded as abnormal in the particular circumstances of the case"<sup>41</sup>.

The Arbitral Award also explained that:

"The Greek Government, by changing the legal basis of its action in order to obtain a settlement of the dispute by arbitration, only exercised the right to which it was entitled. If it did not adopt this attitude until 1939 when its initial diplomatic intervention dates back to

<sup>38</sup> *Idem*, p. 289.

<sup>39</sup> See Section IV.2.1.A, above.

<sup>40</sup> United Nations. Reports of International Arbitral Awards. *The Ambatielo Case. Greece v. UK* 1956, in Vol. XII, pp. 83-153.

<sup>41</sup> *Idem*, p. 103.



1925, that fact cannot be held against it in so far as concerns the operation of prescription, unless it brought about results which, in themselves, would justify the operation of prescription – such, for instance, as the difficulties of the United Kingdom in assembling the elements of proof requisite for or useful to its defense.”<sup>42</sup>

Here again, the Respondent failed to prove its case. The factual background presented in previous sections shows beyond any doubt that Brazil never abandoned its claim or ceased to pursue the matter through administrative or diplomatic channels. As already explained, the fact that Brazil has not indicated from the very beginning that it could bring a case under ICAO’s dispute settlement procedure should not change the fact that the Brazilian government was exploring all the available means to unjust the tort. The case could not conceivably be considered abandoned and, thus, it is not possible for the Respondent to be able to invoke the "right to repose".

For the purposes of Article 12 of the Chicago Convention, Brazil was not under the obligation to notify the Respondent of its international obligations. The Respondent cannot argue that, because, under its legislation, it was requested to act within 6 months from the accident, it is exempted from abiding by Article 12 or that Brazil had abandoned its legal interest in the proper application of the Chicago Convention. As already demonstrated, the 10-year period between the accident and the submission of this complaint was characterized by an intense bilateral exchange on the matter, with Brazil pressing the issue without receiving any indication of any action from the Respondent that could remotely suggest compliance of its obligation under the Chicago Convention. If there was negligence in this case, it was certainly not on Brazil’s part.

Moreover, there could not have been any element of surprise in the recourse to the Council. The relevant facts behind Brazil’s claim were well known and undisputed<sup>43</sup>. The records clearly indicate that the Respondent was aware of the accident and of the concerns regarding the conduct of the pilots. For years and through different means, Brazil requested the Respondent to “ensure the prosecution” of the pilots to no avail. Brazil was never negligent. It has never abandoned its claims<sup>44</sup>. It was the Respondent that, throughout this period, failed to fulfill its obligations. It cannot now invoke the right to repose.

<sup>42</sup> Ibidem, p. 104.

<sup>43</sup> See Reports of International Arbitral Awards, vol IV p 4181 at pp 4 1978.

<sup>44</sup> As mentioned in previous sections of this comments, waivers on claims in international law cannot be presumed. The conduct of the State in this regard must be unequivocal. See FN 8.

### C.3 The passage of time has not caused procedural harm.

The Respondent also argues that the admission of Brazil's claim would be "fundamentally unfair" because the lapse of time would impose on the Respondent, in this case, and Member States, in general, the "daunting and expensive prospect of defending regulatory actions and decisions concerning events that occurred years ago" or "prejudice Member States' ability to determine facts, assemble evidence to support defense and invoke applicable remedies." They would need to "search for old records, many of which would be archived or unavailable and seek information from employees and other witnesses involved in such actions whose recollection may have faded, who may have retired or who may be entirely unavailable".

It is certain that the availability of evidence that would provide a Respondent State with adequate means of defense is one of the most significant reasons to consider barring a claim by the passage of time. This element was referred to by Umpire Blumley in the *Stevenson Case*<sup>45</sup> and also in the Award in the *Ambatielos Case*<sup>46</sup>.

At the same time, according to Marjorie M. Whiteman, in concrete, the application of prescription to a given case does not rely primarily on prolonged delay but rather on the presumption that prolonged delay could cause inequity among the litigating parties<sup>47</sup>. Similarly, Cheng understands that a claim shall be deemed invalid on the ground of the delay in presenting it **for so long, if, as a** result, there would be danger of missing the truth<sup>48</sup> (emphasis added).

It follows that, when factual circumstances of the case indicate that no procedural disadvantage occurs, there can be no legal basis for barring the claim. In the *Tagliaferro Case*, for instance, the Arbitral Award stated that:

<sup>45</sup> Reports of International Arbitral Awards, vol. IX, p.385

<sup>46</sup> Commission of Arbitration, 1956, p.104

<sup>47</sup> Damages in International Law, 1997, p. 236

<sup>48</sup> Bin Cheng. *General Principles of Law as Applied by International Courts and Tribunals*. Cambridge University Press, 2006.

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"having had full knowledge of the claim from the beginning, the reclamation although 31 years old, is receivable. Where the reason for the application of the principle of prescription ceases, as in this case, prescription cannot be invoked to defeat the claim."<sup>49</sup>

There is considerable authority to affirm that a claim cannot be barred, for instance, if the Respondent State has a contemporary record of the facts *or may reasonably be expected to possess records relevant to the claim*<sup>50</sup>. This is precisely the case here. As mentioned before, it is more than reasonable to expect that the Respondent would possess the records: it is inconceivable not to expect it, given that the case involves the death of 154 persons and that, as acknowledged by the Respondent itself, there were indications, in the very aftermath of the accident, of misconduct by the pilot, which were later confirmed by ANAC's administrative procedure.

As importantly, the Respondent itself states that, in 2010, it re-examined the facts relevant to determining the responsibilities of the pilots that it had "reviewed" in its alleged investigation conducted in the aftermath of the accident. If it re-examined the facts in 2010, the records still existed then and there is no reason to believe they currently do not. Thus, in order to refute the Brazilian claim, the Respondent need not "search for old documents", interview officials no longer available or face the "daunting and expensive prospect of defending regulatory actions and decisions". Such alleged prejudice simply does not exist in the current dispute.

If, *in arguendo*, the Respondent actually does not have the records, it would still not change the fact that it should have them. Therefore, prescription, in this case, cannot and must not be recognized.

The jurisprudence in this regard is unequivocal. In the *Giacopini case*, 32 years had elapsed before the claim was presented; yet the Commissioners found that "the fiscal of the nations had been present when proofs were taken after the incident complained and had received a copy of the evidence. The Government knowing in this manner of the existence of the claim had ample opportunity to prepare its defense."<sup>51</sup>

In that case, the umpire, reaffirming decisions of other tribunals, referred to the fact that, under certain circumstances, prescription would not be recognized as a defense,

<sup>49</sup> United Nations. Reports of International Arbitral Awards. *Tagliaferro Case* 1903 – in Vol. X, p. 592.

<sup>50</sup> See B.E. King. *Prescription of Claims in International Law*. In: 15 Brit. Y.B. Int'l L. 82 (1934), p.90.

<sup>51</sup> United Nations .Reports of International Arbitral Awards. *Giacopini Case* 1903 – in Vol. X, pp. 594-596.

mentioning, in this context, “bonds as to which a public register had been claimed<sup>52</sup>. He also adverted to the fact that the presentation of a claim to a competent authority within proper time would interrupt the running of prescription.

Even in the *Williams v. Venezuela Case*, mentioned above, in which prescription was indeed found after the Claimant remained idle for a period of 26 years, the Claims Commission recognized that "Conceded that a claim “is well founded,” there would seem to be no occasion for prescriptive or other evidence in regard to it.”<sup>53</sup>

One key additional aspect of the case law that is relevant to this dispute refers to the knowledge of the wrongdoing by Respondents. In the *Tagliaferro Case*<sup>54</sup>, 31 years had elapsed before the presentation of the claim and yet the arbitrators recognized that the "responsible authorities knew all the time of the wrongdoing...", and therefore should have kept records. Although Venezuela insisted upon prescription as a sufficient defense, the umpire said:

"Here the acts complained of were committed pursuant to the orders of the highest military authority of the State. The injured party at once appealed to the judicial authority, which denied relief, and then to the immediate representative of the nation, who, upon a subterfuge, refused his assistance. The responsible constituted authorities knew at all times of the wrongdoing, and if the complaint was baseless - an impossible conclusion under the evidence - judicial, military, and prison records must exist to demonstrate the fact. When the reason for the rule of prescription ceases, the rule ceases, and such is the case now."

This is the case here. As mentioned before, the Respondent had indications, in the very aftermath of the accident, of the wrongdoing of the pilots. Even if its alleged investigation in the aftermath of the accident concluded that there no was basis to take action against them, “records must exist to demonstrate that.”

It is clear that there is no question of procedural unfairness in this case or any risk of the Respondent being hindered in the preparation of its defense. Here, as before, time cannot justify barring Brazil’s application.

In sum, when the proper legal standard is applied to the accurate factual background of the present dispute, one is forced to acknowledge that, here, it is impossible to find that (i) there was an undue and unjustifiable lapse of time; (ii) that Brazil was negligent or had in

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<sup>52</sup> Ref. Op.cit. p.595.

<sup>53</sup> Op. cit p. 292.

<sup>54</sup> United Nations. Reports of International Arbitral Awards. *Tagliaferro Case* 1903 – in Vol. X, pp. 592-594.

anyway abandoned its claim; or (iii) that the lapse of time places the Respondent at a disadvantage regarding the present dispute or that its ability to defend itself was in any way hindered.

#### **IV.2.2. The Respondent's domestic statute of limitations is inapposite to the present dispute.**

The Respondent argues that the lapse of time between the accident and the application would prevent any kind of remedy, rendering void the recourse to the Council.

The preliminary proceedings under Article 5 is not the proper place to address the scope of Article 12, as this matter pertains to the merits of the dispute itself.

One of the main aspects of the disagreements between the parties is precisely whether the six-month statute of limitation under the legislation of the Respondent is consistent with Article 12, and, for that matter, with the principles of State responsibility, particularly in cases involving complex accidents that demand lengthy and careful investigations.

To the extent, however, that the Council decides to examine the arguments put forward by the Respondent in this regard, it should note that it is well established that the internal statutes of limitation are inapposite to international claims.

The jurisprudence is unequivocal in that regard.

Following the reasoning of the *Pious Fund case*,<sup>55</sup> it is well established that "an international claim cannot be defeated by reason of an internal statute of limitation."

The same principle was reaffirmed in many other case laws. In the *William v. Venezuela Case*<sup>56</sup>, the Claims Commission quoted Dr. Wharton, from the American

<sup>55</sup> As mentioned in the *Gentini Case*, during the *Pious Case*, the Arbitral Award rejected a Mexican request for prescription to be declared on the basis of a Mexican law establishing prescription after five years and of a decree by the Mexican government calling on all its creditors to present their claims within a certain period. In that instance, the distinguished agent of the United States argued that "it was not yet established, that an international tribunal had ever rejected a claim on the ground of an exception based on laws having no validity whatever before a tribunal of such [international] character". In: United Nations. Reports of International Arbitral Awards. The *Gentini Case*, 1903. In: Vol. X, pp. 552 and 553.

<sup>56</sup> United Nations. Reports of International Arbitral Awards. *John H. Williams v. Venezuela* – 1885. – in: Vol XXIX, p. 286.

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Department of State, who, in his Digest of the International Law of the United States, published in 1886<sup>57</sup>, affirmed that:

"There is no statute of limitation as to international claims, nor is there any presumption of payment or settlement from the lapse of twenty years. Governments are presumed to be always ready to do justice, and whether a claim be a day or a century old, so that it is well founded, every principle of natural equity, of sound morals, requires it to be paid."

In the *Spader Case*, the Claims Commission, after once again quoting Dr. Wharton<sup>58</sup>, stated that "It is doubtless true that municipal statutes of limitation cannot operate to bar an international claim."<sup>59</sup> The Umpire in the *Gentini Case* expressed the same view: "Local laws of prescription cannot be invoked to defeat an international claim."<sup>60</sup>

Thus, although the jurisprudence recognizes the principle of prescription, it clearly refutes the application of specific domestic statutes of limitations to international disputes.

As the Respondent itself contends in its response to the EU Preliminary Objection on a previous case before the Council<sup>61</sup>:

"The Convention empowers and authorizes the Council to decide disagreements between contracting parties to the Convention through binding and enforceable decisions subject to appeal, in certain situations, to the International Court of Justice. If the Council, nonetheless, were deprived of the power to grant appropriate relief, then it could not, as a practical matter, resolve most disputes, consistent with the intention of the Convention"

It would be incongruous, in light of this broad mandate, to consider that the Council would not be able to fulfill the fundamental and inalienable role of solving disagreements over the application of the Convention on the grounds that the internal legislation of a Member State no longer allows for a remedy.

<sup>57</sup> Francis Wharton. *A Digest of the International Law of the United States of America taken from documents issued by Presidents and Secretaries of State and from decisions of Federal Courts and Opinions of Attorneys-General*. Vol. II, Washington, Government Printing Office, 1886, § 239, p. 673.

<sup>58</sup> "While international proceedings for redress are not bound by the letter of specific statutes of limitations, (...)". In Francis Wharton. *A Digest of the International Law of the United States of America taken from documents issued by Presidents and Secretaries of State and from decisions of Federal Courts and Opinions of Attorneys-General*. 2 ed. Vol. III, § 239.

<sup>59</sup> United Nations. Reports of International Arbitral Awards. *Spader et al. Case* 1903-1905, in: Vol IX, p. 224.

<sup>60</sup> United Nations. Reports of International Arbitral Awards. The *Gentini Case*, 1903, in: Vol. X, p. 551.

<sup>61</sup> United States response to EU Preliminary Objections on United States and 15 European States (2000) regarding European Council Regulation (EC) No. 925/1999 ("Hush Kits"): (Doc. 7782/2), Montreal, September 15, 2000, p. 19.

This contention would run against the very principles of international law. In fact, Article 27 of the Vienna Convention on the Law of Treaties of 1969 specifically states that "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty".

That said, Brazil agrees with the respondent that "when violation occurs, correcting non compliance is critical". This is precisely why Brazil respectfully requests the Council to dismiss the Preliminary Objection by the Respondent and address the merits of this case to the benefit of air safety worldwide and, therefore, all persons transported by air.

## V. CONCLUSION

As explained in these Comments, there is no reason – both on factual and legal grounds - to apply the principle of prescription in the present case.

In Brazil's views, by submitting its Preliminary Objection, the Respondent ultimately seems to be arguing that the Council lacks authority to determine that States violating the Convention and its Annexes have a duty to cease their unlawful behavior and comply with their legal obligations on the grounds of time. Brazil's Comments have shown that the mere lapse of time is insufficient for determining that prescription should apply to a claim.

In fact, as demonstrated, the Respondent, in its attempt to justify its Preliminary Objection, resorted to the *wrong legal standard for prescription* and applied it to an *inaccurate factual background*. As it is clear from the language and context of the Chicago Convention and the Rules on Settlement of Differences, the Council's mandate to resolve inter-State disputes is not bound by time as long as the violation persists.

As argued before, at the heart of Brazil's claim, is the key issue of air safety, one that is of the utmost importance for all Member States. Therefore, preventing the Council from considering Brazil's claim would not serve the interests of civil aviation, but, rather, unwarrantedly miss the opportunity to strengthen it.

For the reasons set forth above, Brazil respectfully requests that the Council:

1. Reject the propositions in the Respondent's Preliminary Objection and reaffirm the Council's competence to consider the Application and Memorial of the Federative Republic of Brazil; and

2. Order that the period given to the Respondent for the filing of its counter-memorial, which was interrupted by the filing of the Preliminary Objection, shall begin to run again immediately following the Council's rejection of the Preliminary Objection.

Respectfully submitted,



Olyntho Vieira

Agent for the Federative Republic of Brazil

## **Annex 31**

Request of the State of Qatar for Consideration by the ICAO Council  
under Article 54(n) of the Chicago Convention, 15 June 2017



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<sup>1</sup>, 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.

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<sup>1</sup> 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 develop 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.<sup>2</sup>

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 international 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,

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<sup>2</sup> 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 39<sup>th</sup> 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.

## **Annex 32**

### **Decision of the Council on the Preliminary Objection of the United States in the Matter “Brazil v. United States”, 23 June 2017**

ICAO Council – 211th Session, Summary Minutes of the Tenth Meeting of  
23 June 2017, ICAO document C-MIN 211/10, 11 July 2017, pp. 1-3, 15-16



**International Civil Aviation Organization**

C-MIN 211/10 (Closed-AM)  
11/7/17

**COUNCIL — 211TH SESSION**

**SUMMARY MINUTES OF THE TENTH MEETING**

**(THE COUNCIL CHAMBER, FRIDAY, 23 JUNE 2017, AT 1000 & 1200 HOURS)**

**CLOSED MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

**PRESENT:**

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

**ALSO PRESENT:**

Dr. N. Luongo (Alt.)	— Argentina
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. O. Vieira (Authorized Agent)	— Brazil
Mr. L. Sacchi Guadagnin (Alt.)	— Brazil
Mr. G. do Prado Lima (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. D.A. Tavares Taufner (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
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
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden

**SECRETARIAT:**

Mrs. J. Yan	— C/OSG
Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. V. Smith	— D/ADB
Mr. A. Opolot	— LO
Mr. A. Larcos	— ACC
Miss A. Tyo	— Précis-writer

C-MIN 211/10 (Closed-AM)

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**ALSO PRESENT (CONTINUED):**

Mr. Ö. Dođrukol (Alt.)	— Turkey
Mr. A. Alnaqbi (Alt.)	— United Arab Emirates
Mr. J.C. Salazar (Alt.)	— United Arab Emirates
Mrs. L. Coquard-Patry (Alt.)	— United Arab Emirates
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Ms. K. McManus (Authorized Agent)	— United States
Mr. W. Voss (Alt.)	— United States
Mr. J. Méndez (Alt.)	— Uruguay

Representatives to ICAO

Chile  
Cyprus  
Ethiopia  
Greece  
Indonesia  
Lebanon  
Paraguay  
Sudan  
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)  
International Air Transport Association (IATA)  
European Union (EU)

**Subject No. 16:           Legal work of the organization**  
**Subject No. 26:           Settlement of disputes between Contracting States**

**Settlement of Differences: Brazil and United States – preliminary objection stage**

1.           The Council resumed consideration of this item, which had been first discussed at the Ninth Meeting of the current session on Wednesday, 21 June 2017. In doing so, it was recalled that at the previous meeting, the President had indicated his intention to prepare and circulate the draft text of the Council's decision on the preliminary objection in the matter: Brazil and United States, so that it could be considered and approved at this the Tenth Meeting of the 211th Session (C-DEC 211/9 refers). In this connection, it was noted that the draft text of the decision had been circulated (in all languages) to Council Representatives on the afternoon of Thursday, 22 June 2017.
2.           Following consideration, the Council adopted the decision, which is reproduced in the Attachment to this C-MIN.
3.           The Representative of Brazil thanked all the delegates who took part in the settlement process and expressed her gratitude to the Legal Affairs and External Relations Bureau (LEB) for its excellent work in leading the parties through a very difficult situation, a task which it had undertaken despite the demands of other important pressing assignments. She also commended the President of the Council for his leadership role in this endeavour and availed herself of the opportunity to express her appreciation of the constructive process that the Brazilian Delegation had had with the Delegation of the United States. She was confident that the two Delegations would work well together in future and congratulated the United States Delegation on the very constructive process and on the views that they had demonstrated to her delegation since the decision.
4.           The Authorized Agent of the United States (Ms. Katherine McManus) thanked the Secretary General for her assistance and the President of the Council for his guiding hand on this matter. Although the Council did not reach the decision that the United States Delegation had hoped for when it filed its preliminary objection, the matter was now in a posture with which her delegation was comfortable. She also thanked the many members of the Council who played constructive roles and helped the parties reach this point. The United States Delegation extended its gratitude to the Secretariat, particularly the LEB, for their excellent work in bringing about the result that the Council had now adopted. She assured that the United States would negotiate with its Brazilian counterparts in good faith, and it was hoped that these negotiations would come to a constructive and mutually beneficial resolution within a reasonable time. She added that a preliminary discussion of modalities with Brazil had already taken place, and expressed her appreciation of the offer from the President of the Council of further assistance as needed in this regard.
5.           The President of the Council congratulated the delegations of Brazil and the United States for the spirit of compromise and consensus that had been exhibited. Both delegations had displayed exemplary leadership in the statements presented and in their readiness to work together. The President confirmed his availability to support the continuing process in whatever way possible, but stressed that the key element was the determination of both sides to continue direct bilateral negotiations.
6.           The Council reconvened in open session at 1015 hours to consider the remaining items on its order of business. The closed session was then reconvened at 1200 to consider the following item.



**ATTACHMENT****DECISION OF THE ICAO COUNCIL  
ON THE PRELIMINARY OBJECTION  
IN THE MATTER: BRAZIL AND UNITED STATES (2016)**

*THE COUNCIL,*

*ACTING* under Article 84 of the *Convention on International Civil Aviation* and the *Rules for the Settlement of Differences*;

*COMPOSED* of the following Representatives entitled to vote: Mr. A.D. Mesroua (Algeria), Mr. G.E. Ainchil (Argentina), Mr. S. Lucas (Australia), Mr. C. Monteiro, (Cabo Verde), Mr. M. Pagé (Canada), Mr. Shengjun Yang (China), Mr. A. Muñoz Gómez (Colombia), Mr. R.M. Ondzotto (Congo), Mrs. M. Crespo Frasquieri (Cuba), Mr. I. Arellano (Ecuador), Mr. A. Khedr (Egypt), Mr. P. Bertoux (France), Mr. U. Schwierczinski (Germany), Mr. A. Shekhar (India), Mrs. A. Smith Floch (Ireland), Mr. M.R. Rusconi (Italy), Mr. S. Matsui (Japan), Ms. M.B. Awori (Kenya), Mr. Y.-H. Lim (Malaysia), Mr. D. Méndez Mayora (Mexico), Mr. M.S. Nuhu (Nigeria), Mr. G.S. Oller (Panama), Mr. J. Hur (Republic of Korea), Mr. A.A. Novgorodov (Russian Federation), Mr. S.A.R. Hashem (Saudi Arabia), Mr. T.C. Ng (Singapore), Mr. M.D.T. Peege (South Africa), Mr. V.M. Aguado (Spain), Ms. H. Jansson Saxe (Sweden), Mr. A.R. Çolak (Turkey), Miss A. Alhameli (United Arab Emirates), Mr. M. Rodmell (United Kingdom), Mr. R.W. Bokango (United Republic of Tanzania), Mr. M. Vidal (Uruguay).

*THE PARTIES* being: Brazil (Applicant), represented by Mr. Olyntho Vieira, Authorized Agent, assisted by Mrs. Mitzi Gurgel Valente da Costa, Mr. Norberto Moretti, Ms. Andrezza Brandão Barbosa, Mr. Lucio Alves Angelo Junior, Mr. Nil Castro da Silva, Mr. Luis Henrique Sacchi Guadagnin, Mr. Guilherme do Prado Lima, Mr. Roberto da Rosa Costa, Mr. Dário Alexandre Tavares Taufner, and Mr. Rodrigo Henriques Godinho on the one hand; and the United States (Respondent), represented by Ms. Katherine McManus, Authorized Agent, assisted by Mr. Samuel Kotis, Ms. Wynne Teel, Ms. Danielle Polebaum, Mr. David Sullivan, Mr. Amen Iyi-Eweka, Mr. Carl Burseson, Mr. John Duncan, Mr. Jeffrey Klang, and Ms. Lorrie Fussell on the other hand;

*CONSIDERING* that an Application and Memorial by Brazil under Article 84 of the *Convention on International Civil Aviation* was filed on 2 December 2016; that a Statement of preliminary objection of the United States was filed on 27 March 2017; and that Comments to the Statement of preliminary objection were filed by Brazil on 19 May 2017;

*HAVING HEARD* the Parties in the above matter on the preliminary objection and having held its deliberations at the ninth meeting of its 211th Session on 21 June 2017;

*HAVING CONSIDERED* the preliminary objection of the Respondent, namely that the Council should dismiss the proceeding as time-barred under the generally accepted international law principle of extinctive prescription;

*CONSIDERING* that the question before the Council was whether to accept the preliminary objection of the Respondent;

***DECIDES*** as follows:

1. The preliminary objection of the Respondent is not accepted.

2. The statements and arguments made in the preliminary objection of the Respondent and in the 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.

3. The time-limit for the Respondent to submit its counter-memorial is set at two weeks from the date of receipt by the Respondent of the minutes of the ninth meeting of the 211th Session of the Council, which will include a record of the oral proceedings on the preliminary objection.

4. The Parties having accepted an invitation to continue to seek a settlement of the matter in dispute, it is desirable for such negotiations to continue.

5. The President of the Council is invited to be available to provide his good offices as Conciliator during such negotiations.


6. No time-limit is set for the completion of negotiations, although the Council will be informed of the progress of the negotiations at its 212th Session.

Decision number 1, on the question whether to accept the preliminary objection of the Respondent, was taken by a secret ballot with 4 Members voting in favor, a majority of 19 Members voting against, and 11 Members abstaining. Decisions numbers 2 to 6 were taken unanimously without a vote.


Rendered on 23 June 2017 in Montréal.

## **Annex 33**

ICAO Presentation, “Council Informal Briefing – Qatar:  
Technical Issues”, 30 June 2017



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NO COUNTRY LEFT BEHIND 



# Council Informal Briefing

## Qatar: Technical Issues


*Presentation by Secretary General, supported by D/ANB and RD, Cairo*

30 June 2017

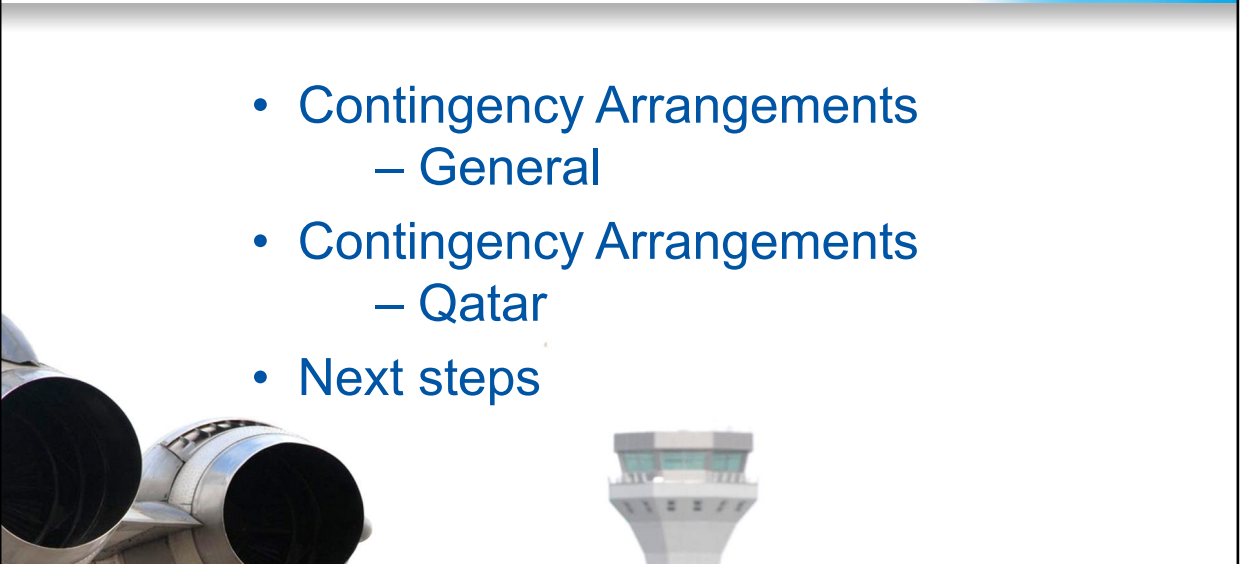
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- Contingency Arrangements
  - General
- Contingency Arrangements
  - Qatar
- Next steps





## Contingency Arrangements – General

- **ICAO Standard contained in Annex 11 – *Air Traffic Services*, 2.31**
- **Guidance Material contained in Attachment C to Annex 11**

3




## Contingency Arrangements – General


### ***Annex 11 – Air Traffic Services, 2.31***

- **ATS authorities shall develop contingency plans**
  - in the event of disruption or potential disruption of ATS & related services
  - in airspace they are responsible for providing such services
  - with the assistance of ICAO when necessary and in coordination with adjacent authorities and airspace users

4



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## Contingency Arrangements – General


(Guidance in Attachment C to Annex 11)

- **The purpose of such arrangements are to:**
  - assist in the safe and orderly flow of international air traffic
  - preserve the availability of major traffic air routes via alternative facilities/services that are temporary in nature

5



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## Contingency Arrangements – General

(Guidance in Attachment C to Annex 11)

- **It is complex:**
  - circumstances of disruptions vary widely (no two disruptions are alike)
  - measures, including access for humanitarian reasons, must be adapted for these circumstances
  - likely significant impact on adjacent airspace so international coordination, with ICAO as necessary, is essential

**A common solution is the establishment of Contingency Coordination Teams (CCTs)**

6





## Contingency Arrangements – General

(Related to Note 2 to Annex 11, 2.31)

- **Relationship with Approved Regional Air Navigation Plan:**
  - the changes are temporary in nature, they do not constitute an amendment to the ANP.
  - these temporary deviations are approved, as necessary, by the President of the Council, on behalf of the Council
- **In the case of airspace over high seas or undetermined sovereignty:**
  - this can include temporary reassignment by ICAO of the ATS provision

7




## Contingency Arrangements – General


(Guidance in Attachment C to Annex 11)

- **Typical elements of a contingency plan:**
  - re-routing to avoid airspace and/or controlled access to airspace
  - simplified route network, larger separation minima, flight level allocation scheme
  - reassignment of ATS & related services over high seas/delegated airspace
  - provision of air-ground, ground-ground communications by adjacent ATS providers
  - revised pilot procedures, such as: increased position reporting/transmit blind/listening watch/traffic information broadcast by aircraft (TIBA)/IATA In-flight broadcast procedure (IFBP), lights on, IFR only


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## Contingency Arrangements – Qatar



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## Contingency Arrangements – Qatar

Secretary General was informed by Qatar in letter dated 5 June 2017 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”

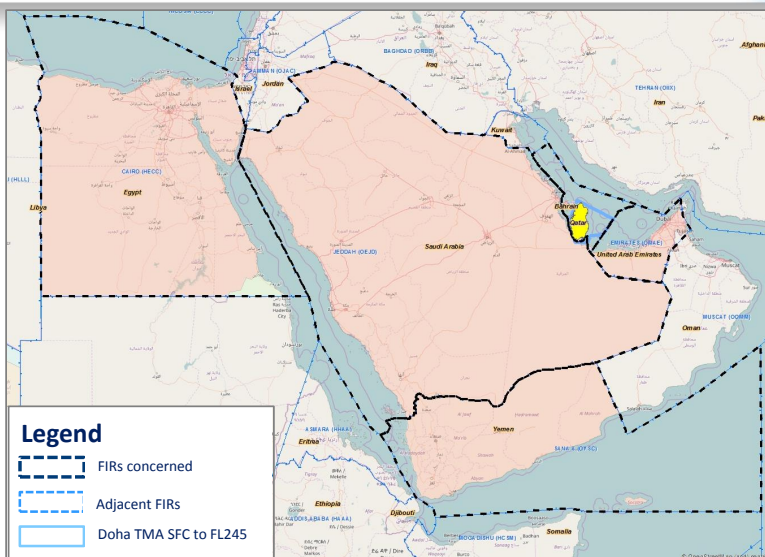
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## Contingency Arrangements – Qatar

- On receipt of promulgated NOTAMs a Contingency Coordination Team (CCT) of States and international organizations concerned was activated by the Regional Office in Cairo, in coordination with ANB
- Contingency routes, flight level allocation scheme and reduced separation minima progressively activated based on the NOTAMs issued by States
- Direct and continuous communication with all States involved maintained

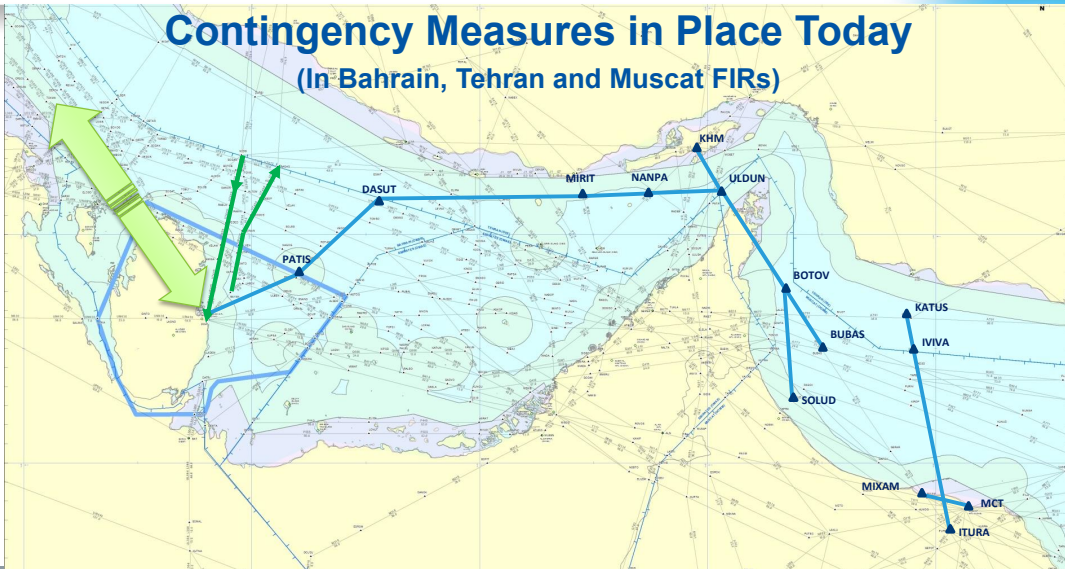
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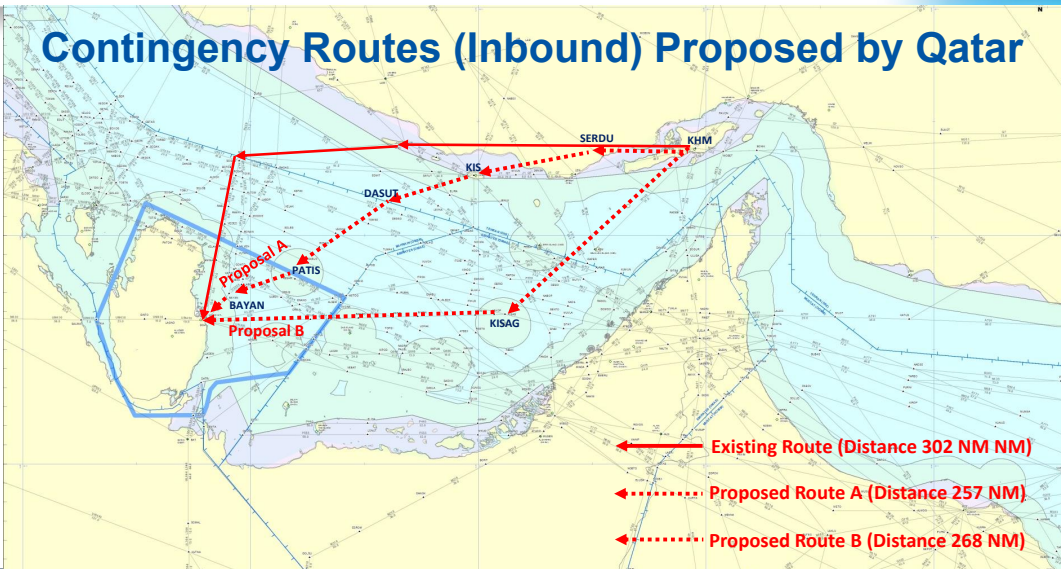
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### Contingency Measures in Place Today (In Bahrain, Tehran and Muscat FIRs)



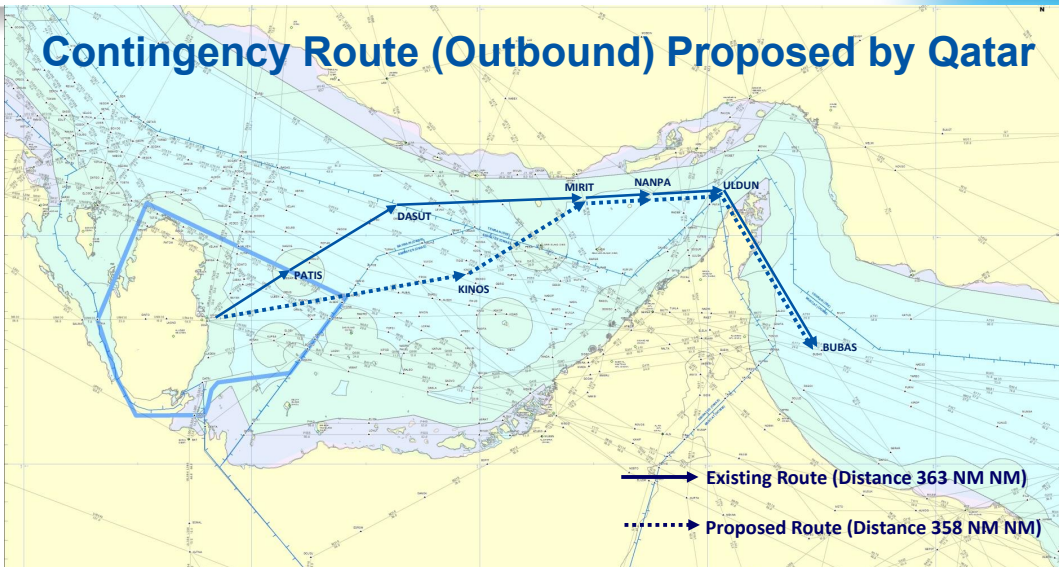
### Contingency Routes (Inbound) Proposed by Qatar



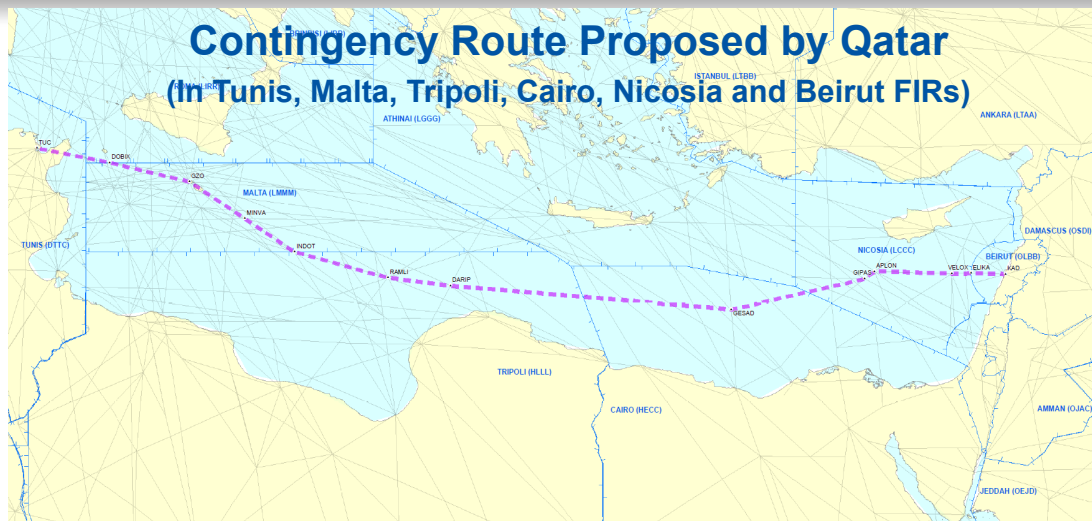




### Contingency Route (Outbound) Proposed by Qatar



### Contingency Route Proposed by Qatar (In Tunis, Malta, Tripoli, Cairo, Nicosia and Beirut FIRs)





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## Contingency Arrangements – Qatar

### Next steps

- A Special Technical meeting will be held at the ICAO Regional Office in Cairo on 6 July, hosted by Mr. Mohamed Rahma, Regional Director. Chief, Airspace Management and Optimization (AMO) Section, ANB will participate in the meeting
- Bahrain, Egypt, Saudi Arabia and UAE have committed to sending technical representatives to the meeting

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North American Central American and Caribbean (NACCC) Office  
Mexico City

South American (SAM) Office  
Lima

ICAO Headquarters  
Montréal

Western and Central African (WACAF) Office  
Dakar

European and North Atlantic (EUR/NAT) Office  
Paris

Middle East (MID) Office  
Cairo

Eastern and Southern African (ESAF) Office  
Nairobi

Asia and Pacific (APAC) Sub-office  
Beijing

Asia and Pacific (APAC) Office  
Bangkok

THANK YOU

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## **Annex 34**

Item under Article 54(n) of the Convention on International Civil  
Aviation – Request of the State of Qatar, ICAO Council – 211th Session,  
Summary Minutes of the Tenth Meeting of 23 June 2017,  
ICAO document C-MIN 211/10, 11 July 2017





**International Civil Aviation Organization**

C-MIN 211/10 (Closed-AM)  
11/7/17

**COUNCIL — 211TH SESSION**

**SUMMARY MINUTES OF THE TENTH MEETING**

**(THE COUNCIL CHAMBER, FRIDAY, 23 JUNE 2017, AT 1000 & 1200 HOURS)**

**CLOSED MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

**PRESENT:**

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

**ALSO PRESENT:**

Dr. N. Luongo (Alt.)	— Argentina
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. O. Vieira (Authorized Agent)	— Brazil
Mr. L. Sacchi Guadagnin (Alt.)	— Brazil
Mr. G. do Prado Lima (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. D.A. Tavares Taufner (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
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
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden

**SECRETARIAT:**

Mrs. J. Yan	— C/OSG
Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. V. Smith	— D/ADB
Mr. A. Opolot	— LO
Mr. A. Larcos	— ACC
Miss A. Tyo	— Précis-writer

C-MIN 211/10 (Closed-AM)

- 2 -

**ALSO PRESENT (CONTINUED):**

Mr. Ö. Dođrukol (Alt.)	— Turkey
Mr. A. Alnaqbi (Alt.)	— United Arab Emirates
Mr. J.C. Salazar (Alt.)	— United Arab Emirates
Mrs. L. Coquard-Patry (Alt.)	— United Arab Emirates
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Ms. K. McManus (Authorized Agent)	— United States
Mr. W. Voss (Alt.)	— United States
Mr. J. Méndez (Alt.)	— Uruguay

Representatives to ICAO

Chile  
Cyprus  
Ethiopia  
Greece  
Indonesia  
Lebanon  
Paraguay  
Sudan  
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)  
International Air Transport Association (IATA)  
European Union (EU)

**Subject No. 16:           Legal work of the organization**  
**Subject No. 26:           Settlement of disputes between Contracting States**

**Settlement of Differences: Brazil and United States – preliminary objection stage**

1.           The Council resumed consideration of this item, which had been first discussed at the Ninth Meeting of the current session on Wednesday, 21 June 2017. In doing so, it was recalled that at the previous meeting, the President had indicated his intention to prepare and circulate the draft text of the Council's decision on the preliminary objection in the matter: Brazil and United States, so that it could be considered and approved at this the Tenth Meeting of the 211th Session (C-DEC 211/9 refers). In this connection, it was noted that the draft text of the decision had been circulated (in all languages) to Council Representatives on the afternoon of Thursday, 22 June 2017.
2.           Following consideration, the Council adopted the decision, which is reproduced in the Attachment to this C-MIN.
3.           The Representative of Brazil thanked all the delegates who took part in the settlement process and expressed her gratitude to the Legal Affairs and External Relations Bureau (LEB) for its excellent work in leading the parties through a very difficult situation, a task which it had undertaken despite the demands of other important pressing assignments. She also commended the President of the Council for his leadership role in this endeavour and availed herself of the opportunity to express her appreciation of the constructive process that the Brazilian Delegation had had with the Delegation of the United States. She was confident that the two Delegations would work well together in future and congratulated the United States Delegation on the very constructive process and on the views that they had demonstrated to her delegation since the decision.
4.           The Authorized Agent of the United States (Ms. Katherine McManus) thanked the Secretary General for her assistance and the President of the Council for his guiding hand on this matter. Although the Council did not reach the decision that the United States Delegation had hoped for when it filed its preliminary objection, the matter was now in a posture with which her delegation was comfortable. She also thanked the many members of the Council who played constructive roles and helped the parties reach this point. The United States Delegation extended its gratitude to the Secretariat, particularly the LEB, for their excellent work in bringing about the result that the Council had now adopted. She assured that the United States would negotiate with its Brazilian counterparts in good faith, and it was hoped that these negotiations would come to a constructive and mutually beneficial resolution within a reasonable time. She added that a preliminary discussion of modalities with Brazil had already taken place, and expressed her appreciation of the offer from the President of the Council of further assistance as needed in this regard.
5.           The President of the Council congratulated the delegations of Brazil and the United States for the spirit of compromise and consensus that had been exhibited. Both delegations had displayed exemplary leadership in the statements presented and in their readiness to work together. The President confirmed his availability to support the continuing process in whatever way possible, but stressed that the key element was the determination of both sides to continue direct bilateral negotiations.
6.           The Council reconvened in open session at 1015 hours to consider the remaining items on its order of business. The closed session was then reconvened at 1200 to consider the following item.

**Subject No. 27: Convention on International Civil Aviation (Chicago Convention)****Item under Article 54 n) of the *Convention on International Civil Aviation***

7. The Council had for consideration the Oral Report by the Secretary General on a State's request under Article 54 n) of the *Convention on International Civil Aviation* – request of Qatar.

8. Prior to commencing consideration of this item, the Council decided that despite this matter being considered in closed session, the representatives of the European Union, International Air Transport Association (IATA), and Airports Council International (ACI), should be permitted to attend and observe the proceedings.

9. The Secretary General presented her Oral Report, as follows:

“A series of correspondence from the State of Qatar related to a request to the Council of ICAO to consider a matter pursuant to Article 54 n) of the Chicago Convention under which it is a mandatory function of the Council “to consider any matter relating to the Convention which any contracting State refers to it”. Such consideration under Article 54 n) may be about a dispute but is not part of the process for settlement of disputes provided in Article 84; in other words, the consideration of a matter under Article 54 n) is fully governed by the *Rules of Procedure for the Council*, not by the Rules for the Settlement of Differences. Consideration of a matter by the Council under Article 54 n) is not uncommon as there were several cases over the years. In terms of outcomes, the Council approved a variety of actions that are recorded either in Decisions, Declarations or Resolutions.

“In a letter dated 8 June 2017 addressed to the President of the Council, the Chairman of the Civil Aviation Authority of Qatar requested “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 (UAE) and the Kingdom of Bahrain to close their Airspace to aircraft registered in the State of Qatar”. He indicated Qatar's intention to make an application under Article 84 of the Chicago Convention and requested that the Council urgently consider under Article 54 n) certain actions of Bahrain.

“By letter dated 13 June 2017, the President of the Council advised the Chairman of the Civil Aviation Authority of Qatar that the authorities of Bahrain had been duly informed of Qatar's request under Article 54 n) but, considering that his afore-mentioned letter of 8 June addressed a range of issues, involving several States at various degrees, the President further requested from Qatar a separate and dedicated communication specifically on the Article 54 n) request, which would be circulated to the Council for decision on adding this item to its Work Programme.

“Following a letter dated 15 June supplemented by supporting documentation provided by e-mail message dated 16 June addressed to me, the Chairman of the Civil Aviation Authority of Qatar, by letter dated 17 June 2017 to the President of the Council, confirmed “the decision of the State of Qatar to invoke Article 54 n)” of the Chicago Convention. He further requested the Council to include this matter on a “top-urgent” basis as an item in the Work Programme of the current 211th Session. The letter referenced earlier correspondence from the State of Qatar which specifically requested the intervention of the Council under Article 54 n) “in the Matter of the Actions of the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the UAE to Close their Airspace to Aircraft Registered in the State of Qatar”, i.e. not only the actions of Bahrain.

“As regards the technical aspects of the issue, you will recall that I provided you with a technical brief on 9 June and so I will not repeat here all those points but I wish to point out the following:

- During the week of 5 June and subsequently, after coordination by the ICAO Regional Office in Cairo supported by Headquarters and the Air Navigation Bureau (ANB) with the States concerned, a number of NOTAMs promulgating restrictions were modified, clarifying that restrictions against Qatari-registered aircraft was over their airspace – meaning territory of the State within the Flight Information Region(s) (FIR) concerned.
- From 12 June until today three contingency routes have been promulgated by Bahrain, Iran (Islamic Republic of) and Oman, to add to some existing air traffic services (ATS) routes over the Gulf already being utilized for arrival and departures to/from Qatar.
- An additional contingency route; an extension of an existing ATS route via the Emirates FIR has been turned down for operational reasons. The ICAO Regional Office in Cairo continues to press for more effective contingency routes and arrangements to facilitate the traffic flow in and out of Qatar for Qatari-registered aircraft with the support of the Headquarters and the ANB.
- On 15 June, a technical delegation from Qatar visited ICAO Headquarters in Montréal, as well as a high-level delegation from Bahrain, Egypt, Saudi Arabia and UAE. Also, the Directors General of these four States have agreed to hold a Special Technical meeting with ICAO in Cairo on 6 July. I decided to send Chief Air Navigation Bureau from headquarters to join the Regional Office in Cairo to participate in this meeting.”

10. The Secretary General reported as additional information not pertaining to Article 54 *n*) but regarding Article 84:

- By letter dated 13 June 2017 from H.E. Jassim Bin Saif Al-Sulaiti, Minister of Transport and Communications of the State of Qatar, it was stated that formal applications by the State of Qatar, pursuant to Article 84, would be lodged, one regarding the Chicago Convention and the other the International Air Services Transit Agreement, along with their supporting memorials, which would be submitted under separate cover.
- Such separate cover has since not been received from Qatar but meanwhile two Applications and Memorials were hand-delivered to me on 15 June 2017 and a letter of the same date further transmitted updates on evidence through related Appendices.
- In accordance with Article 3 (1) (a) of the Rules for the Settlement of Differences, upon receipt of an application, the Secretary General shall verify whether it complies in form with the requirements of Article 2 of the said Rules and, if necessary, require the applicant to supply any deficiencies appearing therein.
- Besides necessary clarification regarding any “separate cover” from Qatar authorities invoking Article 84 of the Chicago Convention as mentioned above, the two hand-delivered applications and memorials were verified and deficiencies were identified.

Accordingly, by letter dated 21 June, I requested the Chairman of the Qatar Civil Aviation Authority to provide necessary information so as to rectify such deficiencies.

11. The President of the Council thanked the Secretary General for providing this updated information on the technical work that had been done and the details of the plan moving forward. He then made the following introductory remarks:

“Further to my email dated 19 June 2017, in which I sought your comments regarding the State of Qatar’s request to include an item under Article 54 *n*) of the Convention on International Civil Aviation in the current 211th Session, please note the following:

- A majority of members on the Council were in favour of including an item in the Work Programme of the Council. With respect to this session, a significant number but not the majority of members accepted to include the item in the current 211th Session, while others, noting practical challenges, suggested that it could be dealt with at a later session or at an extraordinary session, that is a session between this session and next session. There were also suggestions for an informal briefing as soon as possible.
- Many Representatives also indicated the need to prepare properly for the meeting, provide opportunities to States that have special interest to participate and make submissions and that the focus of the meeting should be strictly on technical matters of safety, security and regularity of air navigation.
- And finally that the Council’s consideration of the item should not be seen to discuss nor escalate any political differences.”

12. The President of the Council advised that the discussion of the current meeting would focus on how the Council would address this issue. As a first step the Council had been apprised of the technical developments on the contingency arrangements and that ongoing consultation was taking place between ICAO Headquarters, the Middle East Regional Office in Cairo and the States. The President then announced that on 30 June 2017 a detailed informal briefing by the Secretariat led by the Secretary General, and presented by the Director of the Air Navigation Bureau (D/ANB), would inform on the exact situation as of that date with respect to the issues of flights, contingency arrangements, efficiency and safety of operations in the Region. At that stage it would be necessary to identify a period for an extraordinary meeting by the Council to be held between its 211th Session and the scheduled start of its 212th Session.

13. The Council availed itself of the opportunity to thank the Secretary General for her Oral Report, and the Secretariat, in particular the Middle East Regional Office in Cairo, for the prompt action taken in response to the situation in the region in the service of international air navigation. The Council also expressed its appreciation to the President of the Council for the efforts made in his key role in addressing the urgent matter under consideration.

14. The Representative of Mexico supported the steps proposed by the President of the Council and relayed his belief that this delicate topic should be addressed urgently, in good faith and in a responsible manner, and that the differences between the States concerned be examined solely with a view to ensuring the safety, security and regularity of air operations regardless of the registration number of the aircraft, in line with the mandate of ICAO. Although cognizant of the urgency of the matter, he was of the view that reliable information was needed when taking the matter under review, and the Council should consider whether the information provided was sufficient. He suggested that the States concerned could formally share their positions with the Council so as to support it in determining the priority of the



case and determining how it should be resolved. He cautioned against acting in an overly hasty manner which could lead to an unfair or incomplete decision that could negatively impact on the safety and continuity of air travel.

15. Conveying his respect to the State that had requested that this item be presented to the Council, the Representative of Saudi Arabia agreed that the focus of the discussion should rest on safety, security and air navigation. He noted that two communications had been presented: one addressed to the President of the Council under Article 54 *n*) of the Chicago Convention that requested the submission of this item to the Council, and the other from the State of Qatar addressed to the Secretary General requesting the resolution of the settlement of this difference under Article 84 of the Convention. He opined that the Council's discussions should not address the settlement of the difference under Article 84 as he was of the view that this would be in contradiction to the Chicago Convention, and the Council could not take decisions that were contrary to the Convention. In response to the President's email request for comments, the Delegation of Saudi Arabia had asked for an update or briefing on the current situation so that the Council could be appraised of the safety plans and of the arrangements taken to guarantee the safety and security of air navigation. The Representative of Saudi Arabia took the opportunity to underline that Saudi Arabia considered air safety as a sacred subject and no State should violate or compromise it.

16. The Representative of the United States informed the Council that his State had been closely monitoring the situation. It was his understanding that Qatari aircraft had been restricted from operating in certain portions of the region, and this included flights originating from and destined for Qatar. His State had also been reviewing information shared by the Government of Qatar alleging that these actions, including the discontinuation of a vital airway, were creating an unsafe operational environment in already congested airspace. Over the last week, the United States Delegation had met with special representatives and high-level officials from all parties to this dispute and had heard their concerns concerning these extraordinary measures. The operational situation had also been discussed with experts from both the United States Federal Aviation Administration and the ANB of ICAO. While welcoming the informal briefings, he believed that the respective positions of the countries involved must be considered immediately in light of ICAO's primary responsibility to ensure the safety and security of international civil aviation in the region. He opined that the immediate concern was to ensure the safe operation of civil aviation in the region and stressed that all steps should be taken to ensure that transit aircraft were not placed in unsafe conditions due to the ongoing dispute between the Gulf countries. It was incumbent on ICAO to determine if contingency routes that allowed for the safe and regular passage of international traffic on international routes had been properly established or if additional measures were warranted. As the delegation of administrative control of international airspace was an ICAO responsibility, it was incumbent upon ICAO to react quickly to situations where aviation safety in these areas might be jeopardized.

17. In light of the received complaint and disputed statements on the ability of ICAO's Middle East Office to reach an agreement between the parties, the Representative of the United States believed it was incumbent on the ICAO Council to address this aspect of the dispute with a sense of urgency and called on the Council to take up this action immediately and without delay. In addition, as these measures hindered international aviation, his delegation urged the States concerned to continue to negotiate their differences. He advised that his State was in close communication with all parties to de-escalate and resolve the underlying irritants that had led to the airspace closures. It was critical that strong ties be maintained among key partners to sustain the fight against terrorism and violent extremist ideology. Such ties extended to commercial aviation activities so he reiterated that all steps should be taken to ensure safe and secure civil aviation operations.

18. The Representative of the United Arab Emirates (UAE) supported the comments of the Representative of Saudi Arabia and while averring that every State had the right to seek a hearing by

ICAO, she reminded that rules and procedures existed within the Organization and these needed to be followed. It was necessary to distinguish between what was to be considered urgent and what needed to follow established procedures. In particular the Secretariat of ICAO and the Middle East Regional Office needed to advise what was occurring on the ground, what contingency plans were in place, and what procedures were to be followed before the Council could make any assumptions about whether any aspects of this case needed to be dealt with urgently. She urged the Council to consider all the facts with open minds and reminded that two articles, Article 54 *n*) and Article 84, were involved but that these were separate issues.

19. The Representative of France stated that ICAO must stick strictly to its prerogatives and not enter into political issues which fell under the mandate of other institutions. His view was that sustainable solutions must be found quickly in order to ensure the international aviation regulations in accordance with the Chicago Convention were respected. While he supported the Secretariat's proposal to hold a technical meeting on 6 July 2017, as well as the proposal to hold an informal briefing on 30 June, he felt these measures were insufficient. There was a legitimate need for the Council to listen to all parties involved in this issue. Since a formal, urgent request relating to Article 54 *n*) had been presented, the Council should abide by the provisions of the Chicago Convention. Member States that did not sit on the Council must not be left behind. It would be regrettable for third parties not to be included, when the President of the Council and the Secretary General had already made fruitful efforts in this regard. The Representative of France was of the view that the deadlines needed to be tightened, and that a formal extraordinary meeting of the Council should be held as soon as possible where all sides could present their cases. This action would send a necessary message that ICAO was addressing the quick resolution of the relevant measures and abiding by its mandate to ensure the highest level possible of safety in the region.

20. Wishing to underscore that the work of ICAO was on the technical aspects of air navigation safety only, the Representative of Egypt opined that the Organization should not delve into political considerations or address subjects that were under the purview of other international entities. He also emphasized his State's full respect for international conventions and treaties and for international law. The Chicago Convention, as the legal framework that governed the work of ICAO, underlined the sovereignty of States and in its Article 4 underlined the commitment of all Contracting States not to abuse or misuse air navigation for other purposes. Under consideration at the current meeting were the actions taken by certain States, including Egypt, who he stated had evidence that Qatar was misusing civil aviation in violation of Article 4 of the Chicago Convention. He added that the recent period had borne witness to the cooperation of civil aviation authorities with ICAO in order to guarantee the security and safety of aviation in international airspace to ensure aviation would not be affected by the actions taken in the region. He underlined his State's readiness to continue to cooperate with the Secretary General, either through ANB or through the Regional Office in Cairo, in order to solve any problems and to respond to any request to continue the flow of air traffic in international airspace. He expressed agreement with the proposal to hold an informal briefing, in coordination with the Middle East Regional Office, so as to enable the Council to be appraised of all aspects of the matter. He also emphasized the view that the actions taken were exclusively related to Egyptian airspace against a country which his State considered to have misused civil aviation for purposes inconsistent with the aims of the Chicago Convention.

21. The Representative of Turkey conveyed his sadness at witnessing this problem among good friends in the same region and expressed the hope that political solutions would be found to this issue as soon as possible. Because it was not ICAO's role to find a political solution, however, the Organization needed to focus on safety, security and air navigation and to do so promptly. He added that it would be useful for the Council to be provided with the text of the Secretary General's oral report for further reference. He expressed support for the remarks made by the Representatives of the United States and of France for the need to act quickly on this matter. While the informal briefing would assist in establishing a clear vision of events taking place in the region, subsequent to that informal briefing there

should not be a long delay before hearing from the Qatari authorities because their demand followed from Article 54 *n*) of the Chicago Convention and had been accepted by the Council. He believed that the Article 54 *n*) hearing should be implemented immediately after the informal briefing, and notwithstanding the technical meeting forecast for 6 July in the Middle East Office, it was important to hear from the State of Qatar to determine the nature of its request. He concluded with the suggestion that every attempt should be made for the Article 54 *n*) Council meeting to take place as early as possible in the month of July.

22. The request to have the Secretary General's oral report made available to the Council for consultation was seconded by the Representative of the United Kingdom who felt it outlined aspects of the history of the case, and it was important that the Representatives report the facts accurately to their respective authorities. Referring to the views put forward by the Representatives of the United States, France, and Turkey regarding the action being proposed, he agreed that the Council should have the information to hand, and he felt it necessary to show a certain degree of urgency. In particular, as a specific request had been received from a Contracting State of the Organization and it appeared that a majority of Council Representatives had agreed that this matter be taken quite soon, he feared that inaction would risk the appearance of a lack of urgency in addressing this matter which could reflect badly on the Organization. He expressed the hope that the current meeting would come to a clear decision in that respect.

23. The Representative of Singapore expressed his appreciation for the briefing provided by the Secretariat and to the delegations of Egypt, Saudi Arabia, and the UAE for tirelessly updating the Council on many of these issues. He advised that Singapore was also closely monitoring the developments in the Gulf region with all concerned and, as a friend of all the Gulf Cooperation Council (GCC) Member States, Singapore hoped that all sides would take steps to reduce tensions. The ongoing efforts to find a peaceful resolution to the dispute through diplomacy and dialogue and on the basis of international law were welcomed. The Middle East countries played an important role in countering terrorism, and it was essential for the GCC Members and the Arab countries to stay united and to work together as this would ensure that ongoing multinational efforts, of which Singapore was a part, to combat terrorism remained unaffected.

24. Having listened carefully to all the comments, the Representative of Singapore agreed that the present was a complex and sensitive political issue involving more than civil aviation, and, as the United Nations agency responsible for international aviation with clear jurisdiction over global aviation matters, ICAO needed to look at this issue. Having listened to all parties including Saudi Arabia, the UAE and Egypt, he was of the opinion that none on the Council would disagree on the importance of the rule of law which was premised in international law and agreements. For over 70 years, civil aviation had been built upon Member States individually and together upholding the rule of law. Member States had fulfilled their commitments to international law and to the agreements that they had signed and ratified to ensure freedom of overflight for international aviation traffic, including international agreements such as the Chicago Convention and the International Air Services Transit Agreement, through which Member States ensured that air navigation services were provided professionally and objectively based on operational and technical considerations with safety being paramount. He expressed the opinion that, looking to the future, Member States must and would continue to uphold the same commitments for civil aviation to grow from strength to strength benefiting people around the world. He urged that more work be done so that operational solutions could be found to ease the situation and to guarantee the unhindered flow of air traffic in the region. He agreed with the viewpoints expressed by the Representatives of the UAE and of Turkey that all available information be presented and expressed support for the informal briefing set for 30 June. On procedural matters, he queried, with regard to the hearing on Article 54 *n*) of the Convention, whether the governments of Qatar and of the States concerned would be required to table working papers for the Council's consideration.

25. The President of the Council commented that some speakers had made clear the requirement to provide opportunities to States to present submissions to the Council, and it was on that basis he anticipated that those submissions to be made by the relevant States would outline what action the Council was expected to take. Further, the President stressed that for the Council it was necessary to differentiate the Article 54 *n*) process from the Article 84 resolution mechanism.

26. With regard to Article 54 *n*) proceedings, the Director of the Legal Affairs and External Relations Bureau (D/LEB) explained that there were a variety of ways that this could be brought to the Council in terms of information from the State, but ideally the State should provide a comprehensive, cohesive document which clearly outlined an action item which the State would request from the Council. In this particular case it would be important to sever the Article 54 *n*) proceedings from Article 84 proceedings. LEB had received numerous communications that had combined references to Article 54 *n*) and to Article 84. It was not the task of the Secretariat, but rather that of the requesting State, to decide which aspects fell under Article 54 *n*) and which fell under Article 84. As an example of a working paper that had invoked Article 54 *n*), D/LEB referenced a resolution attached to C-MIN 203/1 on the issue of the Malaysia Airlines Flight MH17, the discussion of which had raised the invoking of Article 54 *n*) of the Chicago Convention.

27. The President of the Council confirmed that it was his expectation that matters proceed in accordance with the *Rules of the Procedure for the Council*. It was his expectation that the State requesting consideration of Article 54 *n*) would be required to submit a working paper which would contain an action item for consideration by the Council. Thereafter, it would also be important, in accordance with the *Rules of Procedure for the Council*, to ensure that States with an interest in the matter be invited, if they so wished, to submit a working paper with an action item.

28. In view of the urgency of the situation, the Representative of Canada supported the position of the Representatives of France, Turkey, the United States and the United Kingdom to the effect that the Council of ICAO should address the matter as soon as possible.

29. Having listened carefully and with the greatest respect to the various contributions, the Representative of Spain welcomed the comments by the Representatives of Egypt and the UAE with regard to being faithful to the Chicago Convention and to upholding the rule of law. Noting that time was passing in addressing this crisis, which was both delicate and complex, he was of the view that the situation had possibly improved somewhat according to the latest information received. While he expressed support for the proposal to hold an informal briefing on 30 June, nevertheless, there was a need to distinguish between the receipt of information and the obligations of the Organization with respect to Article 54 *n*). The actions taken by the Council, as guardians of the Chicago Convention, needed to comply with the Convention and to align to ICAO's strategic objectives of safety and efficiency of air transport. On that basis, he proposed that the Council schedule an extraordinary meeting to take place as soon as practicable following the technical briefing set for 6 July in Cairo.

30. The Representative of Uruguay prefaced his comments by thanking the Representatives of Saudi Arabia, the UAE and Egypt for the timely information provided. He was pleased to be able to share information directly with them and with the pertinent regional groups. He agreed with previous speakers that the focus should be on essential air navigation matters, these being the technical issues of aviation safety and security. All parties concerned should be given the opportunity to speak directly on this urgent matter and in particular it was important in this case to uphold international law. He agreed with the Representative of Mexico and others on the importance of possessing reliable information upon which the Council would make an appropriate determination. He concluded by adding that the timeframe suggested by the Representative of Spain seemed to him to be sensible and should be given consideration.

31. The Representative of Germany concurred with all the speakers who expressed their concern over the situation and its impact on international civil aviation as regards safety, security and efficiency, as well as with the views expressed that the Council should consider this matter as one of urgency and of the highest priority. He considered this a fundamental function and responsibility of the ICAO Council, and urgent attention was necessary to provide the urgently needed clarity on the situation based on reliable facts in the interest of the international civil aviation.

32. Endorsing the contextual observations by the Representative of Singapore, the Representative of Australia wished to emphasize that the Australian Government looked forward to a resolution of these kind of issues from diplomatic efforts. For ICAO, procedurally it was important firstly that information be shared and secondly that the concerns of a Member State be heard. It was also important on this issue that the Council engage and satisfy itself as to the appropriateness of the Organization's response. Consideration of the matter in the Council following the informal briefing should not be delayed, and the Council's discussion should focus on ICAO's jurisdiction, being the safety of air navigation and the measures ICAO had taken and could yet take on contingency and other planning to ensure the safety of civil air navigation in the region.

33. Noting that previous speakers had referred to the technical work that needed to be done by the Organization, the Representative of Argentina reminded that nonetheless it was necessary to recognize the political dimension of the situation. International terrorism was the enemy of all and no effort should be spared to combat it. He echoed the support of other speakers for the informal briefing to be held on 30 June and shared the view as well that the right of a Member State to have its formal request heard by the Council must be respected. As "justice delayed was justice denied", a Member State of the Organization could not be prevented or delayed from making its case. The world would look upon ICAO, including its Council and all its bodies, and judge it by the measures it took. He supported the timeline proposed by the Representative of Spain, and noting the complexity of the problem and that the region comprised a very congested air space, believed it would be helpful to relay the technical information to the Council as quickly as possible so that the Council could meet soon after. In particular, he did not believe that the month of July should pass without the extraordinary meeting taking place subsequent to the technical meeting in Cairo.

34. Expressing her agreement with the majority of speakers, the Representative of Brazil opined that information and security were important and that the Council's commitment was to see that aviation security was upheld in civil aviation. She affirmed that the extraordinary meeting of the Council should be held immediately after the Cairo meeting on 6 July so as to consider the way forward to help in creating safe and secure airline traffic for all.

35. The Representative of Saudi Arabia agreed with the Representatives of Spain and Argentina, and wished to remind that the Organization had technical committees and expert panels which dealt with safety and security under the aegis of the Secretary General. The Cairo meeting on 6 July would give the technical experts an opportunity to transmit their assessment to the Council. Proper preparation for a subsequent Council meeting would entail a review of these findings. As well, following submission by Qatar of its working paper, the Representative suggested that a two-week interval period might be required to allow for its assessment and for the preparation of a response by the other States concerned.

36. The views expressed by the Representative of Saudi Arabia were strongly supported by the Representatives of the United Arab Emirates and of Egypt.

37. In support of the timeline proposed by the Representative of Spain, the Representative of the United States felt that any delay by the Organization in taking action risked damage to its reputation. Therefore he called for the extraordinary meeting of the Council to be scheduled as soon as possible

following the Cairo technical meeting. Outside observers would not be interested in the internal procedures of the Organization, but would want only to know what ICAO did to ensure the safety of passengers from all countries flying through the region. He hoped that the Council's role as the only resident Council of any United Nations technical agency and ICAO's unique structure and format would be called into play to address this situation proactively and as soon as practicable.

38. In response to the preceding intervention, the Representative of Saudi Arabia emphasized from a legal point of view, the right of all States concerned to have sufficient time to rebut the position that Qatar might submit in its documentation.

39. Expressing support for the comments made by the Representative of the United States and in support of the view that in accordance with the Chicago Convention, it was the right of a Member State not represented on the Council to be given the opportunity to be heard, the Representative of Turkey reminded that the matter was not open ended, and that it was important to address the issue within a reasonable timeframe. All States concerned should be given the opportunity to present their cases to the Council, after which the technical process could continue.

40. The President of the Council took the opportunity to remind all present that the Council's consideration of the item should not be seen to discuss nor escalate any political differences and called on all Council Members to focus on technical matters but in so doing to also ensure that opportunities be given to all interested parties to be heard. Of the interested States, two, Qatar and Bahrain, did not enjoy representation on the Council, and both States should be given the opportunity of a hearing. Summarizing the discussion thus far, the President said that, first, there was clear support for the need for credible information. He suggested that credible information was the essence of the upcoming informal briefing wherein the Secretariat would explain the current situation. Second, it was agreed that the technical coordination meeting in Cairo should be continued and the participation of Headquarters in that process was welcomed. Third was the need to ensure that the Council formally consider this item as soon as possible following the Cairo technical meeting and that the Council meeting should be properly but expeditiously prepared.

41. It had been noted that the process regarding Article 54 *n*) was different from that for Article 84, and that those two processes should not be confused. The State of Qatar had submitted three requests, one with respect to Article 54 *n*), and two with respect with Article 84, and the Secretariat was in the process of clarifying the three requests. Therefore the President advised that what still needed to be done was for the Council to set a date for its consideration of this subject. A proposal had been brought forth that the meeting of the Council should be held during the month of July. Rule 19 a) of the *Rules of Procedure for the Council* stated that "between two consecutive sessions of the Council, the President, on his own initiative or at the request of a Contracting State, after consulting the Members of the Council and with the approval of the majority of the Members of the Council, shall call an extraordinary session or change the date which the Council has set for the opening of the next session. No such action shall result in a Council Meeting being held on less than seven days' notice." The President advised that the extraordinary meeting would take place in July falling between the 211th and 212th Sessions. He advised that he would consult with the Secretariat on the exact date of the Council extraordinary meeting following the informal briefing set for 30 June. All States would be kept informed and would be given the opportunity to prepare working papers with clear action items for the Council. States of special interest in particular would have the opportunity to prepare their own working papers, with action items by the Council. The President then requested that the Council decide at the current meeting to ask the Secretariat to work expeditiously on all the operational and contingency arrangements to ensure the safety and efficiency of international civil aviation and in that regard to undertake necessary consultations with all States concerned.



42. The summary by the President of the Council was supported by the Representatives of Congo, Ecuador, Kenya, Saudi Arabia, South Africa and United Republic of Tanzania, without additional comment.

43. The Representative of Turkey agreed with the summary outlined by the President of the Council and on the need for expeditious action for the sake of ICAO's reputation and with regard to public opinion. He stressed the need to uphold the Chicago Convention and the role of Article 54 n).

44. Thanking the President of the Council for his summary, the Representative of Spain highlighted that it was important for the Middle East Regional Office and the ANB to progress in their endeavours and to make the necessary arrangements for a contingency plan for the region. It should be emphasized that this Secretariat action should not wait for the extraordinary meeting of the Council, which should be held as soon as possible.

45. Responding to a query from the Representative of France for clarification on the status of consultations, and a desire that, if they had not already commenced, such consultations begin immediately, the President of the Council advised that consultation with the Secretariat had been ongoing with regard to the request from Qatar, but subsequent to the current meeting, it was necessary to continue to review the situation. He reiterated that the extraordinary Council meeting would take place in July, and States would be informed accordingly.

46. The Representative of the United States voiced his appreciation for the President's summary and wished to ensure that the proposal from the Representative of Spain to have the extraordinary Council meeting follow immediately from the Cairo technical meeting had been noted as it comported closely with the sense of urgency expressed by many speakers.

47. The Representative of Egypt supported the summary presented by the President and reiterated the earlier request from the Representative of Saudi Arabia regarding the need to allow ample time after the dissemination of the working paper from the State of Qatar in order that other delegations might have sufficient time to prepare their comments and submit their own documentation.

48. The proposed summary from the President was supported by the Representative of the United Arab Emirates, who also supported the preceding intervention from the Representative of Egypt.

49. The Representative of Colombia supported the summary and stated that the position of the Council was above and beyond State disputes. In the midst of turmoil, the Council Representatives had the obligation, because they were elected by all Member States, to ensure the stability of air transport. Thus he appealed to all parties to set aside any differences in so far as possible and to take the fairest possible decision as expeditiously as possible for the good of international civil aviation.

50. The Representative of Nigeria supported the President's summary and echoed the sentiments of the Representative of Colombia that, despite any political differences, ICAO was a technical body and the Organization needed to work for the interests of air transportation.

51. Following a query from the Representative of the United Kingdom on the application of the *Rules of Procedures for the Council* as regarded the extraordinary Council meeting to be held under Article 54 n), the President of the Council confirmed that the said Rules would apply including the requirement that all Council members receive all the working papers at least five days before the meeting.

52. Following consideration, the Council requested that an informal briefing on technical issues arising should be provided by the Secretariat and the date set for this informal briefing would be



Friday, 30 June 2017 at 1500 hours. It was understood that further information regarding this informal briefing would be circulated in due course.

53. In addition, the Council agreed that in accordance with Rule 19 of the *Rules of Procedure for the Council*, an extraordinary session of the Council would be scheduled as soon as practicable following the technical meeting that would take place in the Regional Office in Cairo on 6 July 2017, on the understanding that the extraordinary session would occur before the end of the month of July 2017, taking into account the need to ensure that representatives from all the parties could attend as well as the need to prepare and circulate documentation that would form the basis for deliberations by the Council at the said extraordinary session.

54. In advance of the extraordinary session of the Council, the Secretariat was requested to continue to work cooperatively, diligently and expeditiously with all the parties involved in this matter.

55. Finally, the Council emphasized that in its deliberations on this item at subsequent sessions, it would be necessary 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 of the *Convention on International Civil Aviation*.

56. The meeting reconvened in open session at 1430 hours to consider the remaining items on its order of business.

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**ATTACHMENT****DECISION OF THE ICAO COUNCIL  
ON THE PRELIMINARY OBJECTION  
IN THE MATTER: BRAZIL AND UNITED STATES (2016)**

*THE COUNCIL,*

*ACTING* under Article 84 of the *Convention on International Civil Aviation* and the *Rules for the Settlement of Differences*;

*COMPOSED* of the following Representatives entitled to vote: Mr. A.D. Mesroua (Algeria), Mr. G.E. Ainchil (Argentina), Mr. S. Lucas (Australia), Mr. C. Monteiro, (Cabo Verde), Mr. M. Pagé (Canada), Mr. Shengjun Yang (China), Mr. A. Muñoz Gómez (Colombia), Mr. R.M. Ondzotto (Congo), Mrs. M. Crespo Frasquieri (Cuba), Mr. I. Arellano (Ecuador), Mr. A. Khedr (Egypt), Mr. P. Bertoux (France), Mr. U. Schwierczinski (Germany), Mr. A. Shekhar (India), Mrs. A. Smith Floch (Ireland), Mr. M.R. Rusconi (Italy), Mr. S. Matsui (Japan), Ms. M.B. Awori (Kenya), Mr. Y.-H. Lim (Malaysia), Mr. D. Méndez Mayora (Mexico), Mr. M.S. Nuhu (Nigeria), Mr. G.S. Oller (Panama), Mr. J. Hur (Republic of Korea), Mr. A.A. Novgorodov (Russian Federation), Mr. S.A.R. Hashem (Saudi Arabia), Mr. T.C. Ng (Singapore), Mr. M.D.T. Peege (South Africa), Mr. V.M. Aguado (Spain), Ms. H. Jansson Saxe (Sweden), Mr. A.R. Çolak (Turkey), Miss A. Alhameli (United Arab Emirates), Mr. M. Rodmell (United Kingdom), Mr. R.W. Bokango (United Republic of Tanzania), Mr. M. Vidal (Uruguay).

*THE PARTIES* being: Brazil (Applicant), represented by Mr. Olyntho Vieira, Authorized Agent, assisted by Mrs. Mitzi Gurgel Valente da Costa, Mr. Norberto Moretti, Ms. Andrezza Brandão Barbosa, Mr. Lucio Alves Angelo Junior, Mr. Nil Castro da Silva, Mr. Luis Henrique Sacchi Guadagnin, Mr. Guilherme do Prado Lima, Mr. Roberto da Rosa Costa, Mr. Dário Alexandre Tavares Taufner, and Mr. Rodrigo Henriques Godinho on the one hand; and the United States (Respondent), represented by Ms. Katherine McManus, Authorized Agent, assisted by Mr. Samuel Kotis, Ms. Wynne Teel, Ms. Danielle Polebaum, Mr. David Sullivan, Mr. Amen Iyi-Eweka, Mr. Carl Burseson, Mr. John Duncan, Mr. Jeffrey Klang, and Ms. Lorrie Fussell on the other hand;

*CONSIDERING* that an Application and Memorial by Brazil under Article 84 of the *Convention on International Civil Aviation* was filed on 2 December 2016; that a Statement of preliminary objection of the United States was filed on 27 March 2017; and that Comments to the Statement of preliminary objection were filed by Brazil on 19 May 2017;

*HAVING HEARD* the Parties in the above matter on the preliminary objection and having held its deliberations at the ninth meeting of its 211th Session on 21 June 2017;

*HAVING CONSIDERED* the preliminary objection of the Respondent, namely that the Council should dismiss the proceeding as time-barred under the generally accepted international law principle of extinctive prescription;

*CONSIDERING* that the question before the Council was whether to accept the preliminary objection of the Respondent;

***DECIDES*** as follows:

1. The preliminary objection of the Respondent is not accepted.

2. The statements and arguments made in the preliminary objection of the Respondent and in the 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.

3. The time-limit for the Respondent to submit its counter-memorial is set at two weeks from the date of receipt by the Respondent of the minutes of the ninth meeting of the 211th Session of the Council, which will include a record of the oral proceedings on the preliminary objection.

4. The Parties having accepted an invitation to continue to seek a settlement of the matter in dispute, it is desirable for such negotiations to continue.

5. The President of the Council is invited to be available to provide his good offices as Conciliator during such negotiations.

6. No time-limit is set for the completion of negotiations, although the Council will be informed of the progress of the negotiations at its 212th Session.

Decision number 1, on the question whether to accept the preliminary objection of the Respondent, was taken by a secret ballot with 4 Members voting in favor, a majority of 19 Members voting against, and 11 Members abstaining. Decisions numbers 2 to 6 were taken unanimously without a vote.

Rendered on 23 June 2017 in Montréal.



## **Annex 35**

ICAO, Working Paper presented by the Secretary General,  
Council – Extraordinary Session, concerning  
the Request of Qatar – Item under Article 54(n) of the  
Chicago Convention, ICAO document C-WP/14639,  
14 July 2017



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.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives on Safety; Air Navigation Capacity and Efficiency.
<i>Financial implications:</i>	N/A
<i>References:</i>	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 —



## **Annex 36**

Letter AN 13/4.3 of 17 July 2017 from the Secretary-General of ICAO  
to Representatives on the Council



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

CONFIDENTIAL  
SG 2373/17  
Ref.: AN 13/4.3

17 July 2017

To: Representatives on the Council  
cc: President of the Council  
From: Secretary General  
Subject: **Contingency arrangements to facilitate the flow of traffic over the high seas airspace in the Gulf Region**

Reference is made to the Council informal briefing on Technical Issues – Qatar provided by the Secretariat on 30 June 2017, during which the Council was advised that a special technical coordination meeting would be held at the ICAO Middle East (MID) Regional Office, Cairo on 6 July 2017. Please find below a brief overview and outcome of the said meeting and the follow up coordination meeting held in Doha immediately after the meeting in Cairo.

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 (the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates) and one international organization (International Air Transport Association (IATA)).

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 Headquarters, Montréal, Canada. Mr. Elie El Khoury, ICAO Regional Officer, Air Traffic Management/Search and Rescue (RO/ATM/SAR), Middle East Office was Secretary.

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.

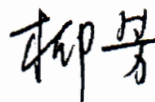
- 2 -

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.

Per my instruction, immediately following the meeting in Cairo, C/AMO and RO/ATM/SAR travelled 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.

Please note that the information in this memo will be reproduced as part of the information paper prepared by the Secretariat to support the consideration of the matter during the extraordinary session of the Council scheduled on 31 July 2017.



Fang Liu



Secretary General Introductory Remarks  
Informal Briefing: Qatar: Technical issues  
30 June 2017  
Council Chamber

1. Good afternoon and welcome to this informal briefing on the subject Qatar – Technical issues.
2. I received a letter from Qatar on 5 June informing me, and I quote “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” (end quote). I brought this matter immediately to the attention of the President and subsequently informed the Council accordingly.
3. Bearing in mind ICAO’s principal mandate of aviation safety, this briefing will be a technical briefing only, focussing primarily on the issue of contingency arrangements in general, and the role ICAO plays, as well as the specific steps which have been taken so far in this particular case in order to ensure the safe and orderly flow of traffic.
4. The work of the team at the ICAO Middle East Office in Cairo, in close coordination with, and active involvement of the Air Navigation Bureau, has been exceptional. They have maintained direct and continuous communication with all States involved, including regular reports to Headquarters of the evolving situation. The Secretariat has been vigilant in maintaining a strong focus on safety, and I commend them for this.
5. The Organization continues to monitor the situation, and I remain in very close contact with the Regional Director, in his role of acting for all States in the Region. I have, and will continue to keep the President of the Council informed and facilitate his coordination with all parties.



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6. I would now like to introduce Mr Steve Creamer, Director of the Air Navigation Bureau, who will speak on the subject of contingency arrangements from a general perspective. This should provide an effective foundation for the presentation by Mr. Mohamed Khalifa Rahma, Regional Director, Cairo, on the details of the contingency arrangements as they relate specifically to the current situation.

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## **Annex 37**

ICAO Working Paper presented by Bahrain, Egypt, Saudi Arabia  
and the United Arab Emirates, Council – Extraordinary Session,  
concerning the Request of Qatar – Item under Article 54(n) of  
the Chicago Convention, ICAO document C-WP/14640,  
19 July 2017



International Civil Aviation Organization

**WORKING PAPER**

C-WP/14640

**Restricted**  
19/7/17**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.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives on Safety; Air Navigation Capacity and Efficiency.
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> , Doc. 7559/7, <i>Rules of Procedure for the Council</i> , Doc. 7782/2, <i>Rules of Procedure for the Settlement of Differences</i> , 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)**.

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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 —



**Appendix A**

**RESPONSE**  
**OF BAHRAIN, EGYPT, SAUDI ARABIA, AND THE UNITED ARAB EMIRATES**  
**TO THE SUBMISSIONS OF QATAR UNDER ARTICLE 54 (n)**  
**OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

C-WP/14640  
Restricted  
**Appendix (English only)**

## **A. Introduction**

This Response is presented in relation to the 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), 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 on a basis of urgency.

## **B. Preliminary Issue: Participation of Egypt, Saudi Arabia, and the United Arab Emirates in the deliberations of the Council**

In its submissions, Qatar seeks to exclude Egypt, Saudi Arabia, and the United Arab Emirates, three members of the ICAO Council, from participating in the Council meeting(s) pertaining to the present matter (Letter dated 15 June 2017 ref. 2017/15995, supplement). This is an important procedural matter. It needs to be decided by the Council as a preliminary issue first before entering into substantive deliberations.

The request by Qatar to “suspend the participation of Egypt, the United Arab Emirates, and Saudi Arabia in the Council sessions pertaining to the current airspace blockade and with regard to all consideration of the Request presented herewith” (Supplement, page 9) is overreaching in form and in substance and not in line with the *Rules of Procedure for the Council* (ICAO Doc. 7559/7). There is no provision in the *Rules of Procedure for the Council* which would provide a basis for any decision to exclude members of the Council from a debate which directly concerns their interests. Even under the more formal *Rules of Procedure for the Settlement of Differences* (ICAO Doc. 7782/2), Article 15 (5)), a State member of the Council which is a Party to a difference or dispute before the Council under Article 84 **may participate in the proceedings before the Council**, but may not vote. *A fortiori*, the principle of participation is to be applied in the less formal procedure under Article 54 (n) and under the *Rules of Procedure for the Council*. All Council members have a right to participate, including providing their views and if necessary defending their interests in the Council’s deliberations, and in matters directly concerning them.

The Council should therefore deny the request from Qatar to exclude Egypt, Saudi Arabia, and the United Arab Emirates from participating in the Council’s deliberations under Article 54 (n).

## **C. General comments on the submissions of Qatar**

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.

As members of ICAO, the four 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 measures to ensure that operation of aircraft over the airspace administered by them is conducted under safe conditions at all times.

#### D. Analysis of the Submissions of Qatar

The main submissions of Qatar relating to the Article 54 (n) proceedings are contained in the Supplement to the Letter dated 15 June 2017 (ref. 2017/15995, hereinafter “Supplement”).

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. It mainly aims at the Council urgently providing contingency routes, in particular between Doha and the Tehran FIR, and the provision of ANS services within the portion of the ATS routes situated within the Bahrain FIR. However, it also seeks an urgent 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, namely Bahrain, Egypt, and the United Arab Emirates, regarding alleged violations of the International Air Services Transit Agreement (IATA). It seeks a finding from the Council to that effect;
- c) procedure under Article 84 of the Chicago Convention against four (4) States, namely Bahrain, Egypt, Saudi Arabia, and the UNITED ARAB EMIRATES, regarding alleged violations of the Chicago Convention. It seeks findings from the Council that Articles 5, 9, 28, 37, 44 and 69 of the Chicago Convention have been violated.

The above five letters are, for their 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* (ICAO Doc. 7559/7), while the two Article 84 procedures are governed by the *Rules of Procedure for the Settlement of Differences* (ICAO Doc. 7782/2). The two types of proceedings are procedurally and materially different and should be strictly separated.

**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 any 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.

**Furthermore, in deciding which items to be covered in a procedure requested on an urgent basis, matters directly related to the safety of international civil aviation should be given priority by the Council over other matters.**

**It would therefore be appropriate for the Council to 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.**

#### E. Contingency Arrangements and Routes

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**Appendix (English only)**

The submissions of Qatar under Article 54 (n) of the Chicago Convention in the present case firstly aim at the Council urgently providing 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.

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 reserve 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 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 or 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)**.

From the beginning, the four States presenting the working paper have seen it as a **priority to ensure the safe operation of civil aviation in the region** and have contributed to the **implementation of contingency measures** to ensure that operation of aircraft in their respective FIRs are conducted in safe conditions.

All along, they have **continuously been cooperating** with ICAO and IATA, as well as with Iran and Oman to implement a contingency plan to avoid the disruption of air traffic in the region.

**The States presenting this working paper consider the safety of the international air traffic and of the flying public in their airspace, in the region, and worldwide as their highest priority which should not be jeopardized.** In this regard, the following is underlined:

- 1) The airspace and airports of the States presenting this working paper are available for Qatar registered aircraft in cases of emergency.
- 2) The airspace over the high seas within their FIRs is available for Qatar registered aircraft to use, subject to ATS route connectivity and successful safety assessment.
- 3) The presenting States have issued NOTAMs to communicate the details of the measures introduced. They continue in to coordinate closely with all the neighboring states, as well as with ICAO and IATA, to work towards the full implementation of the contingency plan.

More specific technical information regarding the contingency measures agreed upon so far between the parties, including relevant maps showing the location of the contingency routes, is set out in **Appendix B** below.

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 largely met. The overriding need to maintain the **safe operation of civil aviation in the region** has likewise been met.

**The submissions of Qatar to provide for contingency measures on a basis of urgency under Article 54 (n) have therefore become largely moot.**

It is requested that the Council note the contingency arrangements and 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.

To the extent that the Council, after deliberating on the matter, comes to the conclusion that additional contingency measures on an urgent basis are required in the interest of safety of civil aviation, the States presenting this working paper are willing to consider such additional measures.

**It is therefore requested that the Council 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.**

**It is further requested that the Council recognize the ongoing excellent work by ICAO, including the Regional Office, to ensure safety and efficiency of civil aviation in the region.**

#### **F. No injunctive relief under the Article 54 (n) procedure**

Several of the submissions of Qatar request the Council to “urgently declare the actions by [the States concerned] to be violations of the Chicago Convention”, to require these States to comply with the provisions of the Chicago Convention”, and “to order these States to take immediate action to remove all these sanctions...” (Letter dated 13 June 2017, Ref. 2017/15993, pages 1-2).

In this regard, it should be underlined that **the Chicago Convention does not give the authority to issue “injunctions”**. In the national law context, it is the purpose of an injunction to grant the applicant interim relief in the form of a court order until the court renders a decision on the main matter. Qatar seeks interim relief of this type from the Council, but Article 54 (n) and the Convention as a whole do not provide for this, in accordance with general principles of international law. Neither Article 54 (n) nor any other provision of the Chicago Convention nor the general rules of international law provide a basis to “order” or “require” States to take any immediate or other particular action, whether as interim relief or otherwise. The Council may take any action in line with the Chicago Convention to initiate relief through encouraging or facilitating cooperative measures, including cooperation by the parties.

**The Council, if considering that further action may be required, may therefore encourage the parties to further cooperate regarding the matter before it.**

#### **G. Other Submissions of Qatar under Article 54 (n)**

Regarding the other submissions by Qatar under the Article 54 (n) proceeding, there are important overlaps and inconsistencies between them, including but not limited to the following:

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**Appendix (English only)**

- a) In the letter dated 13 June 2017 (ref. 2017/15993), pages 1 and 2, the action requested from the Council under Article 54 (n), namely to urgently declare the action taken to be violations of the Chicago Convention and of IASTA, to require compliance with these conventions, and to “order these States to take immediate action to remove all the sanctions imposed”, overlaps largely with the action requested from the Council, under the Procedures in Article 84, with respect to the IASTA and the Chicago Convention (see Attachments to the Letter dated 8 June 2017, ref. 15984/2017).
- b) The action No. 4 requested from the Council in the letter dated 13 June 2017 (ref. 2017/15993) page 2 is to “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 formal Request dated 15 June, supplementing the Letter ref. 2017/15995 of 13 June 2017, does not contain this request. Neither Article 54 (n) nor any other provision of the Chicago Convention nor the general rules of international law provide a basis for the Council to “order” States to take any immediate or other particular action.
- c) Most of the action requested from the Council under Article 54 (n) in the formal Request dated 15 June (supplementing the Letter ref. 2017/15995 of 13 June 2017) is not compatible with the Article 54 (n) procedure and the urgent nature of the request. In particular, Qatar seeks:
  - 1) A declaration that the action of the Respondents has violated Articles 5, 28, 37, 44 and 69 of the Chicago Convention (page 9 of the formal request in the “Supplement” dated 15 June). Such a declaration of the Council would first require a detailed examination of the facts and a careful legal evaluation, before the Council could arrive at any such formal pronouncement with precedent-setting effects. It would also pre-empt the Article 84 procedure. The request by Qatar is therefore inadmissible under Article 54 (n) convened on a basis of urgency.
  - 2) A “declaration” that the action of Bahrain should be investigated to determine whether they violate Article 69 of the Convention (page 10 of the formal request in the “Supplement” dated 15 June). Such action by the Council would not be appropriate to be taken by declaration under Article 54(n), and it would likewise have pre-emptive effects for the Article 84 procedure.
  - 3) An examination how the current measures are “putting at risk the safety, security, regularity and efficiency of civilian air transport services” and “whether Qatar-registered aircraft have access to international airspace over the High Seas in the FIRs of the abovementioned four countries” (pages 1-2 of the formal request dated 15 June 2017). A formal examination of this type if decided by the Council would require detailed fact-finding under rapidly evolving circumstances. Furthermore, the intended purpose of such examination has not been stated. It would be inappropriate in an Article 54 (n) proceeding convened on a basis of urgency to decide to conduct such an examination and the request is therefore likewise inadmissible.

The incompatibility of these and other submissions under the urgent Article 54 (n) proceedings in light of the additional Article 84 procedures is underlined.

Regarding the submission of Qatar to take immediate steps for the establishment of a distinct Qatari Flight Information Region (FIR), this is a matter which has important safety implications and which procedurally should be based on a consensual approach among the region. It would therefore likewise not be appropriate that this matter be decided on a basis of urgency within the framework of an Article 54 (n) proceeding.

In summary, reference is made to the action requested in the working paper, namely to **defer any non-urgent subject 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.**

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**Appendix (English only)**

**H. Conclusions**

**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.**

--- End---

**APPENDIX B**

**MEASURES TAKEN BY THE KINGDOM OF BAHRAIN, EGYPT, SAUDI ARABIA AND  
THE UNITED ARAB EMIRATES**



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 Appendix (English only)

## **Part 1 – Measures By The Kingdom Of Bahrain**

### **A. Contingency arrangements and contributions.**

- a. On 05 June 2017 a decision was made to close Bahrain Airspace and territorial water to Qatar Registered Aircraft. Bahrain Civil Aviation Affairs (BCAA) immediately took the necessary arrangements to ensure safe and efficient operation for all operators within the Bahrain FIR.
- b. In recognition of the Convention on International Civil Aviation and Use of Airspace agreements, BCAA permitted Qatari registered aircraft to use already established airways which took them in and out of Doha in a North/South flow through Bahrain FIR and into the Tehran FIR. *(See Attachment 1)*
- c. To ensure safety of air traffic, BCAA granted Tehran ACC additional flight levels (FL 200 - 220- 240-260) to maintain efficient traffic flow for Doha arrival traffic.
- d. On 11 June 2017 BCAA implemented Northwest arrival and departure contingency routes designed to further enhance safety and efficiency for Doha traffic. These routes have provided reduced track miles over pre-contingency routes. *(See Attachment 2)*
- e. On 22 June 2017, after close coordination with Tehran ACC routing T/UT800 was implemented designed to increase efficiency, providing two departure routes through the Doha “Northern Corridor” essentially doubling sector throughput. *(See Attachment2)*
- f. Additional Air Traffic Control Officers (ATCOs) have been assigned to all shifts to cope with increased traffic and complexity.

### **B. Operational Letters of Agreement ( LoA) Amended**

- a. **UAE LoA,**
  - i. FL300 not available via TUMAK. Amendment designed to facilitate Doha departure traffic to ensure availability of safe intermediate levels.
- b. **Kuwait LoA,**
  - i. Doha arrivals to be level FL310 to facilitate descent to safe crossing levels in Bahrain ACC North sector.
- c. **Tehran LoA,**
  - i. FL280 made available at ROTOX to safely facilitate Doha departure traffic,
  - ii. Amended levels at MIDSI to safely accommodate arrival traffic in Doha “Northern Corridor”,
  - iii. Established T/UT800 to safely expedite departure traffic in Doha “Northern Corridor”

**C. Other Relevant Efforts / Information**

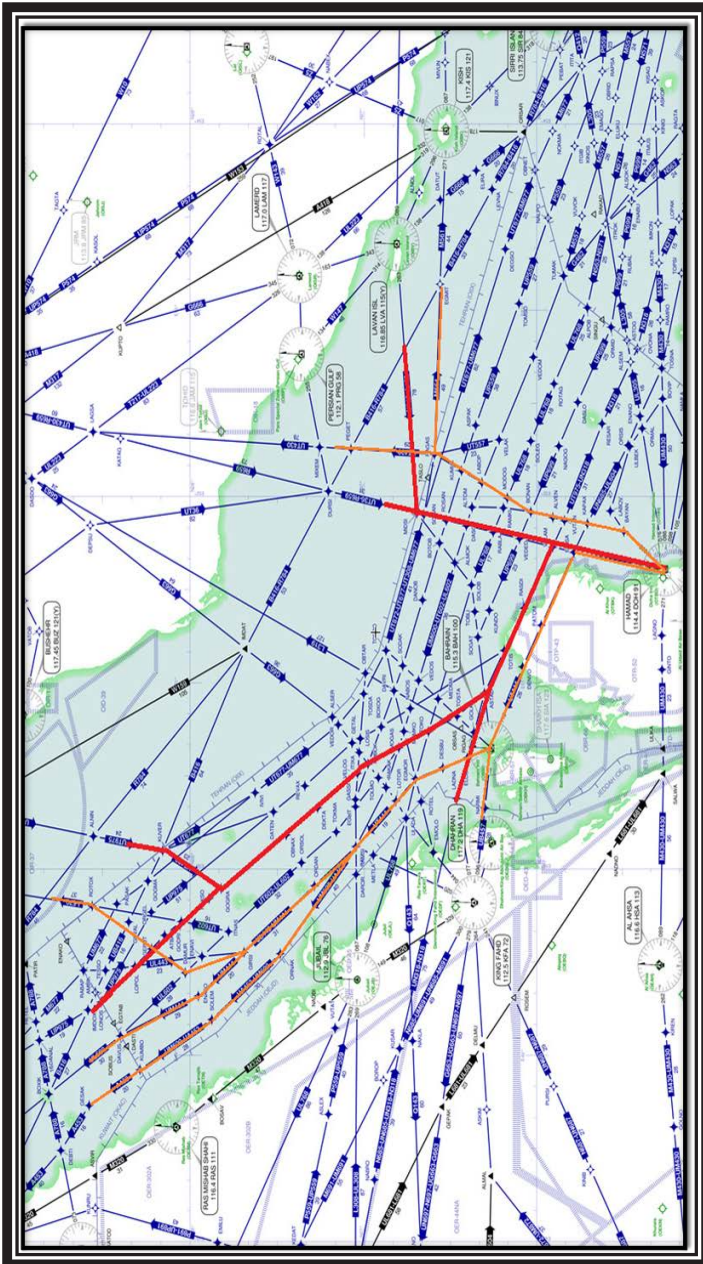
- a. Bahrain BCAA continues to operate and maintain safe operation of civil aviation in the Flight Information Region (FIR) over international waters, including airspace adjacent to and overlying Doha Terminal Management Area (TMA), without prejudice.
- b. The signed agreement (LoA), between the Ministry of Transportation and Telecommunications of the Kingdom of Bahrain and the Ministry of Transport of the State of Qatar that details the requirements of the parties in regards to airspace and procedures, has been fully adhered to at all times by the BCAA.
- c. Bahrain ACC has suffered multiple and random episodes where Doha Approach Control requires certain aircraft operators to remain clear of Qatar land mass, in violation of the parties LoA and in the absence of any State of Qatar restrictions regarding Qatar sovereign airspace. This has been raised to ICAO MID Region as a separate safety issue.
- d. Bahrain ATMD continuously monitors the situation and conducts daily “Contingency Coordination Team” meetings to ensure safety and operational efficiency. Senior management is available H24/7 for any concerns from the ATC operation.
- e. Contingency routing proposal, as received from ICAO, was considered and ultimately implemented within Bahrain FIR after a detailed safety assessment.
- f. BCAA maintains close coordination with ICAO and adjacent ANSP’s at all times to ensure a safe and efficient operation for all stakeholders.
- g. All changes have been implemented via the normal management of change processes with full safety assessments conducted for each operational proposal or modification.
- h. No changes to normal military routes or operational training areas have been made. No military “Buffer Zones” have been applied or imposed.
- i. Controller to controller communication with Tehran was unexpectedly lost on 12 June 2017, due to communication cable damage. BCAA took necessary action, at significant cost, to re-establish required communication on 16 June 2017.

**D. Summary**

- a. Bahrain has fulfilled its obligations at all times under the convention on International Civil Aviation (Chicago 1944)
- b. Bahrain CAA has facilitated the Qatar registered aircraft over international waters to the fullest extent possible without compromising safety at any time. Additional “contingency routes” have been established that are equally effective and at least as efficient as were the previously required routings.
- c. With the recent changes in regional traffic flow patterns and the establishment of the contingency routes, the operational complexity of the Bahrain FIR increased considerably. The Kingdom of Bahrain CAA, however, successfully adjusted to the new working environment with its safety performance measurement parameters remaining well within the established acceptable levels of safety performance (ALoSP).

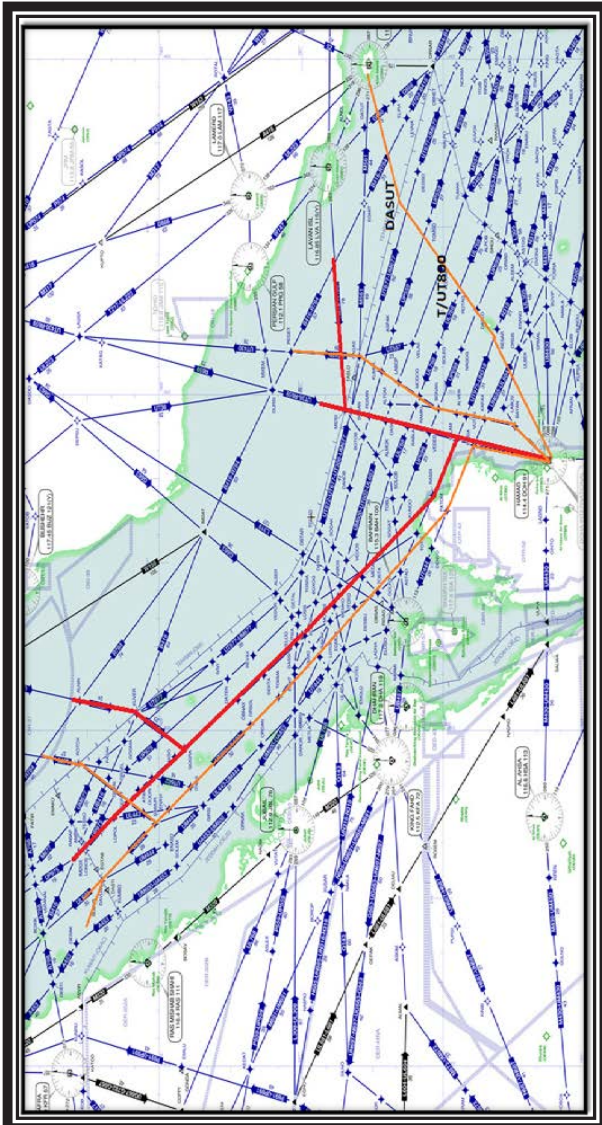
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**Appendix (English only)**

Attachment 1



(Figure 1) Pre- Contingency Routes- Doha Departure routes Orange / Doha Arrival Routes Red

Attachment 2



(Figure 2) Contingency Routes - Doha Departure routes Orange / Doha Arrival Routes Red

Attachment 3

**OBBB NOTAMS**  
**06<sup>th</sup> June 2017 – 17<sup>th</sup> July 2017**

(A0204/17 NOTAMN

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706060000 C) 2202222222PERM

E) NO FLIGHT WILL BE ALLOWED FROM KINGDOM OF BAHRAIN TO STATE OF QATAR AND FROM STATE OF QATAR TO KINGDOM OF BAHRAIN.)

(A0205/17 NOTAMN

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706060000 C) 2202222222PERM

E) ALL FLT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORISED TO OVERFLY BAHRAIN AIRSPACE)

(A0206/17 NOTAMN

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706060000 C) 2202222222PERM

E) FOR FLIGHTS AFFECTED BY NOTAM A0204/17 THE FOLLOWING AWYS ARE AVBL:

1-UT430 OUTBOUND VIA RAGAS

2-UR659 INBOUND VIA MIDSI)

(A0207/17 NOTAMC A0206/17

Q) OBBB/QXXXX/IV/M/E/000/999/

A) OBBB B) 1706051155

E) CNL OBBB NOTAM A0206/17)

(A0208/17 NOTAMN

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706060000 C) 2202222222PERM

E) FOR FLIGHTS AFFECTED BY NOTAM A0205/17 THE FOLLOWING AWYS ARE AVBL:

1-UT430 OUTBOUND VIA RAGAS

2-UR659 INBOUND VIA MIDSI)

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**Appendix (English only)**

(A0210/17 NOTAMR A0205/17

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706071135 C) 2202222222PERM

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)

(A0211/17 NOTAMR A0210/17

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706071250 C) 2202222222PERM

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)

(A0212/17 NOTAMR A0211/17

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706071748 C) 2202222222PERM

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)

(A0213/17 NOTAMR A0087/17

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706081101 C) 1709082359EST

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)



(A0214/17 NOTAMR A0208/17

Q) OBBB/QXXXX/IV/NBO/E/000/999/26161N05038E005

A) OBBB B) 1706092202 C) 2202222222PERM

E) FOR FLIGHTS AFFECTED BY NOTAM A0212/17 THE FOLLOWING AWYS ARE  
AVBL:

1-UT430 OUTBOUND VIA RAGAS

2-UR659 INBOUND VIA MIDS)

(A0215/17 NOTAMR A0214/17

Q) OBBB/QXXXX/IV/NBO/E/000/999/26161N05038E005

A) OBBB B) 1706110600 C) 2202222222PERM

E) ALL ROUTES WITHIN BAHRAIN FIR ARE AVILABLE FOR FLIGHTS AFFECTED BY NO  
TAM 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)

(A0219/17 NOTAMR A0212/17

Q) OBBB/QXXXX/IV/NBO/E/000/999/26161N05038E005

A) OBBB B) 1706131154 C) 2202222222PERM

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 OPERATE  
NON-SCHEDULED FLIGHTS OR CHARTER INCLUDING PRIVATE FLIGHTS, CARGO  
AND PASSENGER FROM OR TO THE STATE OF QATAR VIA BAHRAIN AIRSPACE  
SHALL OBTAIN APPROVAL FROM BAHRAIN CAA 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:00973 17329035 / 00973 17329096

EMAIL: SCHEDULE(AT)MTT.GOV.BH)

(A0220/17 NOTAMR A0215/17

Q) OBBB/QXXXX/IV/NBO/E/000/999/26161N05038E005

A) OBBB B) 1706131154 C) 2202222222PERM

E) ALL ROUTES WITHIN BAHRAIN FIR ARE AVILABLE FOR FLIGHTS AFFECTED BY NO  
TAM A0219/17, 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

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**Appendix (English only)**

3- N/UN318 BETWEEN LADNA AND ASTAD

4- A/UA453 BETWEEN ASTAD AND DESBU

5- P/UP699 BETWEEN ASTAD AND NARMI)

(A0222/17 NOTAMN

Q) OBBS/QXXXX/IV/NBO/E/000/999/

A) OBBS B) 1706151150 C) 2202222222PERM

E) REFERENCE AIP SUP 06/2017 STANDARD ROUTES DOCUMENT

ALL AIRCRAFT ENTERING OBBS FIR AT LONOS FOR DESTINATION IN QATARREQUIRED

ROUTE IS MODIFIED TO LONOS UL438 KOBOK DCT RASDI UN318 VELAM

ALL AIRCRAFT ENTERING OBBS FIR AT LONOS FOR THE SOUTHERN EMIRATES

FIR - REQUIRED ROUTE IS MODIFIED TO LONOS UP975 GETAL DCT RASDI

UN318 OVONA

ALL AIRCRAFT ENTERING OBBS FIR AT KUEVER FOR DESTINATION IN QATARREQUIRED

ROUTE IS MODIFIED TO KUEVER UT438 KOBOK DCT RASDI UN318 VELAM

ALL AIRCRAFT ENTERING OBBSFIR AT KUEVER FOR THE SOUTHERN EMIRATES FIR

- REQUIRED ROUTE IS MODIFIED TO KUEVER UT975 GETAL DCT RASDI UN318

OVONA)

(A0235/17 NOTAMN

Q) OBBS/QARCS/IV/NBO/E/045/150/

A) OBBS B) 1706220900 C) 2202222222PERM

E) ESTABLISHMENT OF A TEMPO RNAV1 ATS ROUTE T800 FROM DOH VOR TO NEW

WAYPOINT DASUT POSITION 261832N 0531108E ON BAHRAIN / TEHRAN FIR

BOUNDARY:

DOH VOR TO NEW WAYPOINT PATIS POSITION 254043N 0522148E ON DOHA TMA

BDRY, TRACK (MAG) 055 DEG, DISTANCE 48 NM,PATIS TO DASUT,TRACK (MAG)

047 DEG, DISTANCE 58 NM, AIRSPACE CLASS A,

LOWER / UPPER LIMITS 4500FT / FL150

EASTBOUND FOR TRAFFIC DEPARTING QATAR AIRPORTS.

F) 4500FT G) 15000FT)

(A0236/17 NOTAMN

Q) OBBS/QARCS/IV/NBO/E/150/460/

A) OBBS B) 1706220900 C) 2202222222PERM

E) ESTABLISHMENT OF A TEMPO RNAV1 ATS ROUTE UT800 FROM DOH VOR TO NEW WA

YPOINT DASUT POSITION 261832N 0531108E ON BAHRAIN / TEHRAN FIR

BOUNDARY:

DOH VOR TO NEW WAYPOINT PATIS POSITION 254043N 0522148E ON DOHA TMA

BDRY, TRACK (MAG) 055 DEG, DISTANCE 48 NM,PATIS TO DASUT,TRACK (MAG)

047 DEG, DISTANCE 58 NM, AIRSPACE CLASS A,

LOWER / UPPER LIMITS FL150 / FL460

EASTBOUND FOR TRAFFIC DEPARTING QATAR AIRPORTS

F) 15000FT G) 46000FT)

(A0237/17 NOTAMN

Q) OBBB/QAPCS/IV/BO/E/000/999/

A) OBBB B) 1706220900 C) 2202222222PERM

E) NEW WAYPOINT DASUT INSTALLED POSITION 261832N 0531108E ON BAHRAIN  
/ TEHRAN FIR BDRY.)

(A0238/17 NOTAMN

Q) OBBB/QAPCS/IV/BO/E/000/999/

A) OBBB B) 1706220900 C) 2202222222PERM

E) NEW WAYPOINT PATIS INSTALLED POSITION 254043N 0522148E ON DOHA TMA BDRY.)

(A0239/17 NOTAMN

Q) OBBB/QANLT/I /NBO/E /000/999/

A) OBBB B) 1706220900 C) 1709222359 EST

E) FL300 NOT AVAILABLE FOR TRAFFIC ENTERING BAHRAIN FIR VIA POSITION  
TUMAK ON AIRWAY UT602 AND EXITING BAHRAIN FIR VIA POSITION ROTOX.)

(A0240/17 NOTAMN

Q) OBBB/QXXXX/IV/NBO/E/000/999/

A) OBBB B) 1706211002 C) 2202222222PERM

E) ALL TFC FM LTAA FIR VIA OIIX FIR LANDING QATAR AIRPORTS TO ENTER  
OBBB FIR VIA POSITION KUVK ONLY)

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 Appendix (English only)

--End Part 1--

## **Part 2 – Measures By Arab Republic Of Egypt**

### **1.1 Arab Republic of EGYPT Contingency arrangements and contributions**

1.1.1 EGYPT implemented contingency measures to ensure the safe, orderly and efficient flow of air traffic in and around the Cairo FIR with regards to State of Qatar aircraft restrictions.

1.1.2 Issuance of two NOTAMs respectively to inform all airspace users regarding the restrictions in place:

(A0202/17 NOTAMN

Q) HECC/QXXXX/IV/NBO/E/000/999/2721N03009E050

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)

(A0206/17 NOTAMR A0202/17

Q) HECC/QXXXX/IV/NBO/E/000/999/2721N03009E050

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)

#### ***1.1.3 Reviewd an initial proposal to use over the high seas within Cairo FIR for QATAR registered aircraft routing to Asia and Africa was received from ICAO MID.***

1.1.4 Egypt considers the safety of the air traffic Flow and the passengers in Egypt airspace, so Egypt carried out a safety assessment to the proposed route and the conclusions of the assessment were:

1.1.4.1 The Trajectory Starts from and Ends to a Non-Published Transfer Points. Which Constitutes the Flowing Hazards:

- Trajectory crosses northern part of Cairo FIR from east to west and vice versa, intercepting and crossing eight airways which is controlled airspace class (A).
- Many traffic conflicts will result with south and north bound traffic.  
Note: traffic volume within this portion of airspace is considered high.
- High controlled workload.
- Coordination produces with adjacent FIRs is not defined concerning traffic acceptance, transfer, separation minima communication, level of services

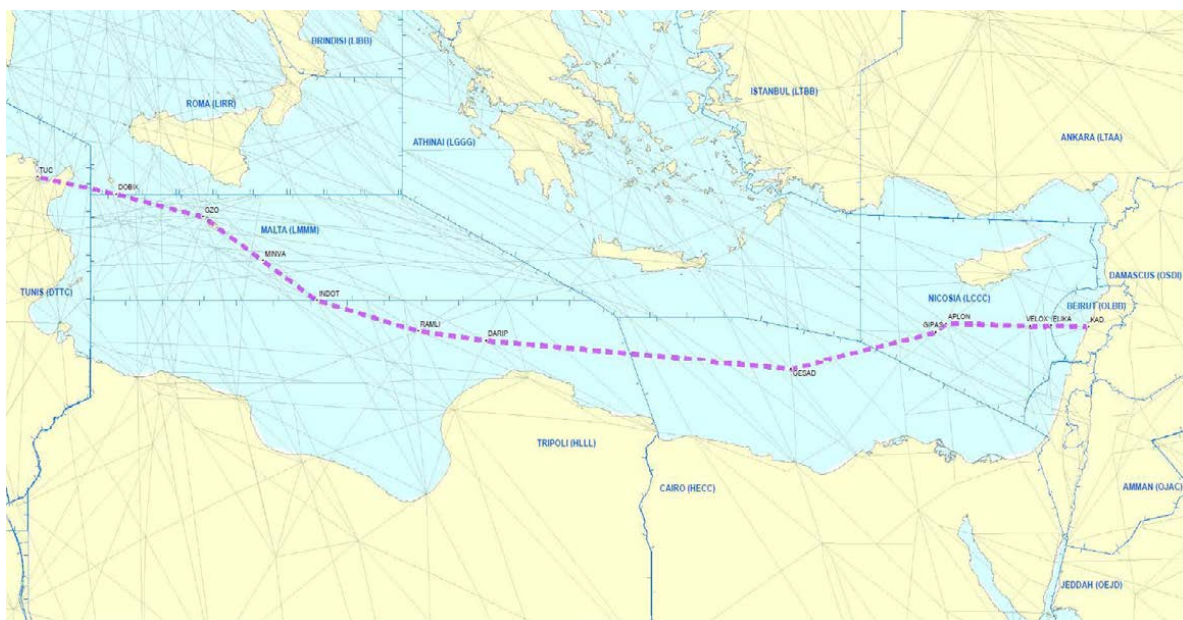
provided.

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**Appendix (English only)**

1.1.4.2 mitigation measures applied:

- Transfer points between adjacent FIR,s (Tripoli , Nicosia) should be defined and published
- Establishment of a regional agreement between concerned countries( Libya, Egypt, Cyprus) that specifies accurately the following:
  - Designated flight levels for the proposed flight path consists of two levels odd / even (FLAS)
  - Coordination procedures between Cairo FIR, Tripoli and Nicosia FIR,s concerning transfer of communication and longitudinal separation minima
  - Flight path navigation specification to be (RNAV5)
  - Actions by countries in case of flight emergency
- The proposed flight path is temporary and shall not be treated as an airway

1.1.5 A meeting took place on 06 July 2017, coordinated by the ICAO MID Office to review the contingency measures currently in place and to discuss Qatar proposals



1.1.5.1 EGYPT has provided principle approval to the proposal received by ICAO after amending the proposal to include transfer point between Cairo FIR and CYPRUS FIR (RASDA) according to approval with ICAO MID OFFICE and coordinating procedures with TRIPOLI FIR concerning transfer of communication and longitudinal separation minima.



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1.1.5.2 A specific odd/even Flight levels have been determined to enter/exit and overfly Cairo FIR to be FL 300 and FL 310 would be allocated for the route use with 10 minutes longitudinal separation.

1.1.5.3 The proposed flight path is temporary and shall not be treated as an airway to Qatar registered aircraft (both departures and arrivals) starting from LEBANON FIR to TRIPOLI FIR overflying Cairo FIR which not belong to the current AIRWAYS network.

1.1.5.4 The proposals are currently being discussed between ICAO MID Office and other state.

1.1.6 Summary:

1.1.6.1 All international operators except Qatar registered aircraft may use EGYPT territorial airspace to operate to and from airports within Qatar.

1.1.6.2 EGYPTIAN airspace and airports are available for Qatar registered aircraft in case of emergency.

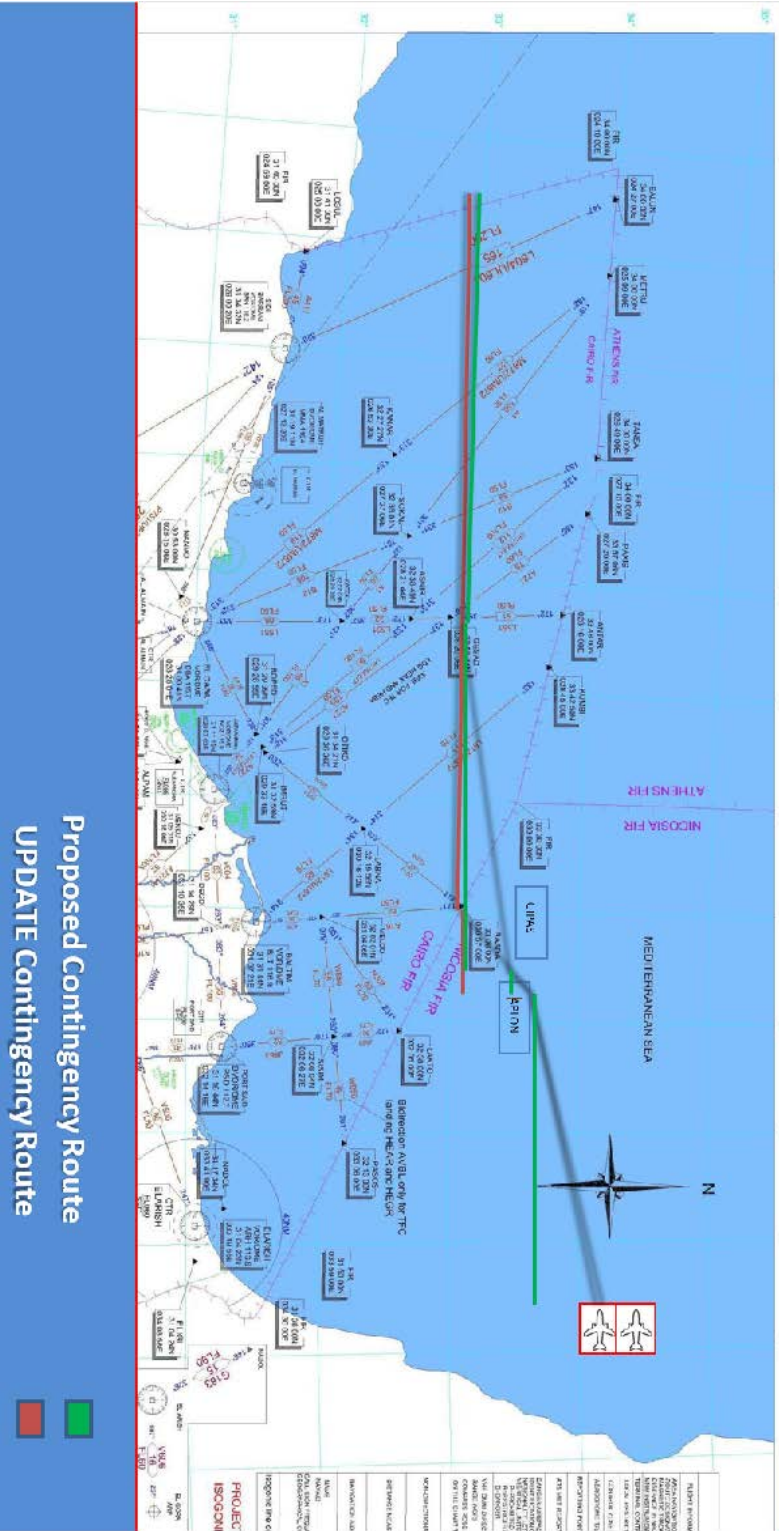
1.1.6.3 Airspace over high seas within Cairo FIR is available for Qatar registered aircraft's use, subject to ATS route connectivity and successful safety assessment as per ICAO requirements.



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Restricted  
**Appendix (English only)**

1.1.7 EGYPT implemented contingency measures to ensure the safe, orderly and efficient flow of air traffic in and around the Cairo FIR with regards to State of Qatar aircraft restrictions

**Proposed AND Updated Contingency Route by Qatar (In Tunis, Malta, Tripoli, Cairo, Nicosia and Beirut FIRs)**



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 Restricted  
**Appendix (English only)**

--End Part 2--

### **Part 3 – Measures By Saudi Arabia**

This appendix summarizes the contingency plan, arrangements and measures applied by the General Authority of Civil Aviation (Saudi Arabia) to ensure safety orderly and efficient flow of air traffic in the region following the revoked access for Qatar-registered aircraft.

1. The General Authority of Civil Aviation (Saudi Arabia) issued advanced NOTAMs to communicate the details restriction introduced.

**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.

**A0593/17 NOTAMN**

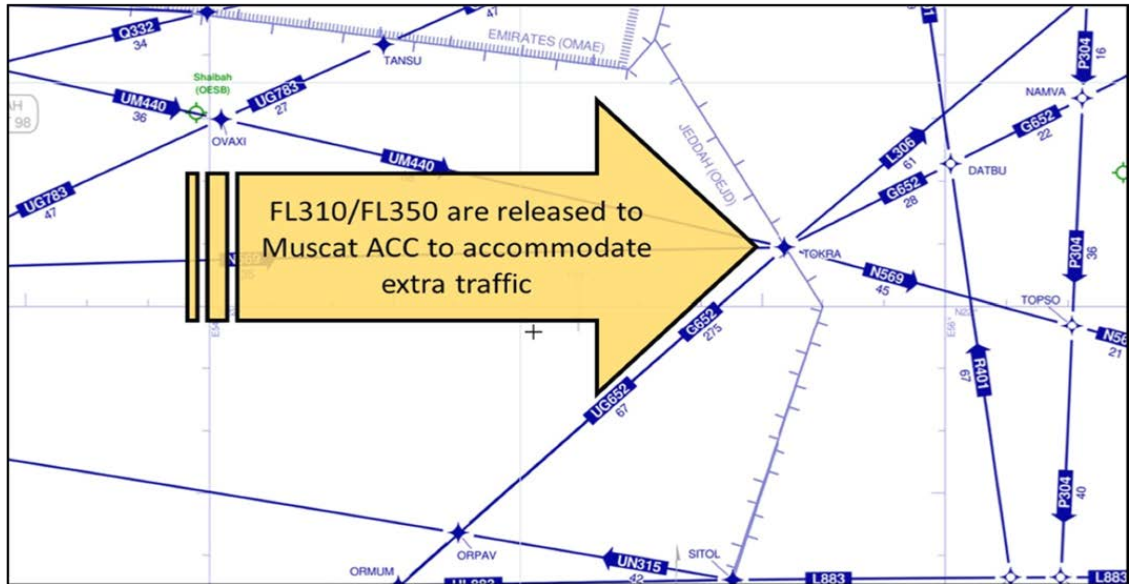
Q) OEJD/QXXXX/IV/NBO/E /000/999/

A) OEJD B) 1706060001 C) PERM

E) ALL FLT REGISTERED IN THE STATE OF QATAR ARE NOT AUTHORIZED TO OVERFLY SAUDI ARABIAN AIRSPACE.

2. The revoked access to operate within Saudi Arabia Airspace applied only to aircraft registered in the State of Qatar and did not apply to other operators wishing to fly to and from Qatar. Therefore, all other flights from/to State of Qatar are managed as per the applicable air traffic management rules and procedures and provided with normal Air Navigation Services.
3. The General Authority of Civil Aviation (Saudi Arabia) immediately contributed actively to the ICAO MID Contingency Coordination Team established for this case.
4. As Saudi Arabia Airspace is not used by aircraft registered in the State of Qatar; it was expected that MUSCAT ACC will manage additional flights from/to State of Qatar. To ensure safe aircraft operations and support MUSCAT ACC to accommodate the increase of traffic through OMAN airspace, Jeddah Area Control Center immediately coordinated with MUSCAT the application of FLAS and allocated an additional flight levels FL 310 and FL350 to MUSCAT ACC via the Waypoint TOKRA to allow this latter to deconflict traffic transiting through OMAN airspace and the traffic flying from/to Saudi Arabia Airspace.

An illustration of the released Flight Level and FIRs boundaries with Muscat FIR is given below;



5. Jeddah Area Control Center is offering the required assistance to MUSCAT ACC on daily basis to deal with traffic increase and maintain the required level of Safety in the provision of ATC services.
  
6. Moreover, the NOTAM issued by the Saudi NOTAM Office on behalf of Yemen was based on a formal request by the Chairman of CAMA-Yemen. The NOTAM was related to Yemen Airspace only. Accordingly, Qatar registered aircraft continued to use the routes over the high seas within Sana'a FIR.

A0604/17 NOTAMR A0603/17

Q) OEJD/QXXXX/IV/NBO/E /000/999/

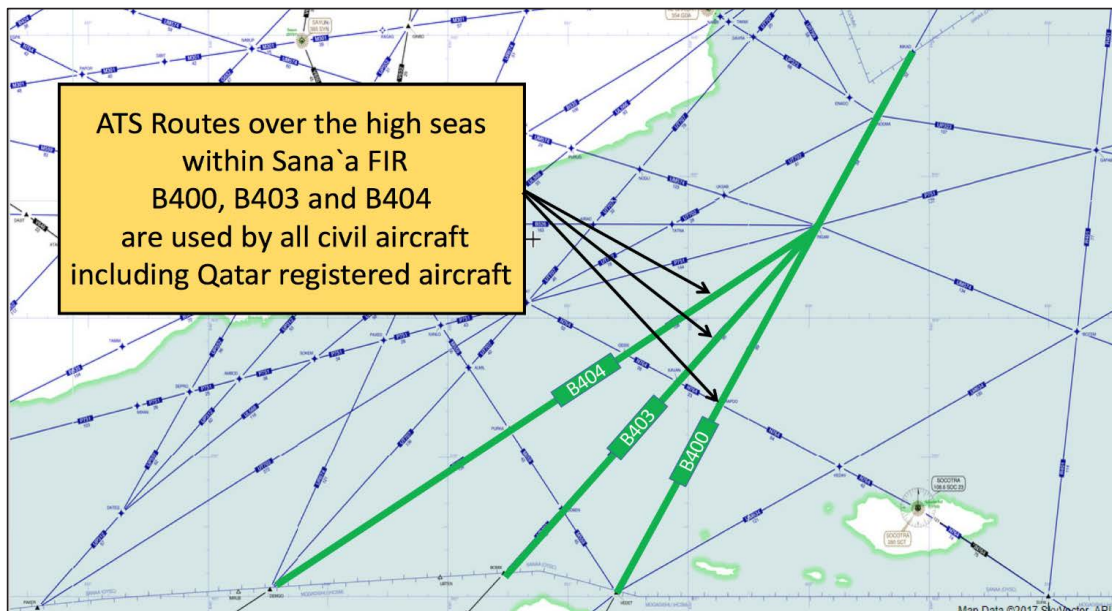
A) OEJD B) 1706070001 C) PERM

E) ONBEHALF OF REPUBLIC OF YEMEN/ADEN.

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

An illustration of the ATS routes network that is used is given below;

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 Restricted  
 Appendix (English only)



7. Although Saudi Airspace is not used by aircraft registered in the State of Qatar, the required assistance will be offered to any aircraft encountering emergency or any kind of distress. In fact, and to increase the performance of Search and Rescue via communication and coordination with National and Regional RCC's, GACA has established the Saudi Arabia Mission Control Center (SAMCC) at Jeddah Area Control Center that passes distress information captured through Search And Rescue Satellite-Aided Tracking (COSPAS-SARSAT) to several neighboring countries including State of Qatar. The center is continuing to maintain a database of all 406MHz distress beacons.
8. The General Authority of Civil Aviation (Saudi Arabia) has adopted contingency arrangements and is maintaining a close coordination with ICAO MID, IATA and neighboring States to ensure the safe of aircraft operations and offer the required assistance to any flight in distress.

--End Part 3--

**Part 4 – Measures By United Arab Emirates****1.1 UAE Contingency arrangements and contributions**

1.1.1 The UAE implemented contingency measures to ensure the safe, orderly and efficient flow of air traffic in and around the UAE FIR with regards to State of Qatar aircraft restrictions. The measures were implemented in two phases, Phase 1 from 06 to 12 June 2017 and Phase 2 after 12 June 2017.

**Phase 1 measures:**

1.1.1.1 Issuance of timely NOTAMs to inform all airspace users regarding the restrictions in place:

YLA2209 1706121010  
GG NOZZFALL NOZZUAEX  
121010 OMAEYNYX  
(A0848/17 NOTAMR A0812/17  
Q) OMAE/ QXXXX/IV/NBO/E/000/999/2500N05430E999  
A) OMAE B) 17 06 1 21 010 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 4 911  
EMAIL: AVSEC-DI(A)GCAA.GOV.AE

1.1.1.2 Activation of the UAE ATM Contingency plan and manning the ATM Contingency room as per UAE CARs and ICAO Doc 4444;

1.1.1.3 Coordinated the activation of the ICAO MID ATM Contingency Plan and the Contingency Coordination Team on the 5 June 2017 as agreed with ICAO;

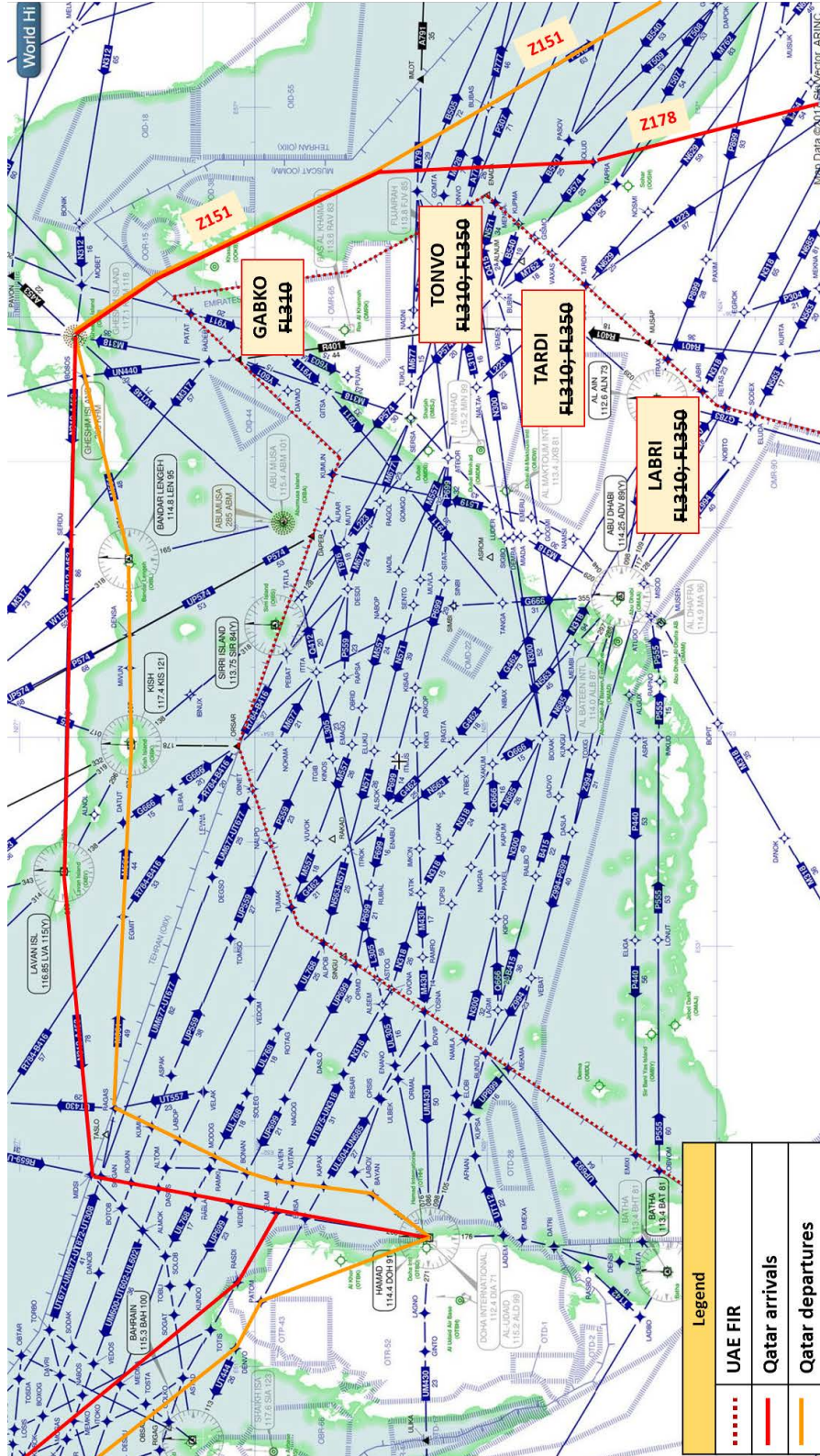
1.1.1.4 Coordination efforts with IATA on 5 June 2017;

1.1.1.5 Amendments to the operational Letter of Agreement (LoA) between UAE and Oman (6 June & 12 June 2017) to accommodate regional contingency measures and routings;



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 Restricted  
 Appendix (English only)

Amendments to the operational LoA between UAE and Oman (6 June & 12 June 2017)

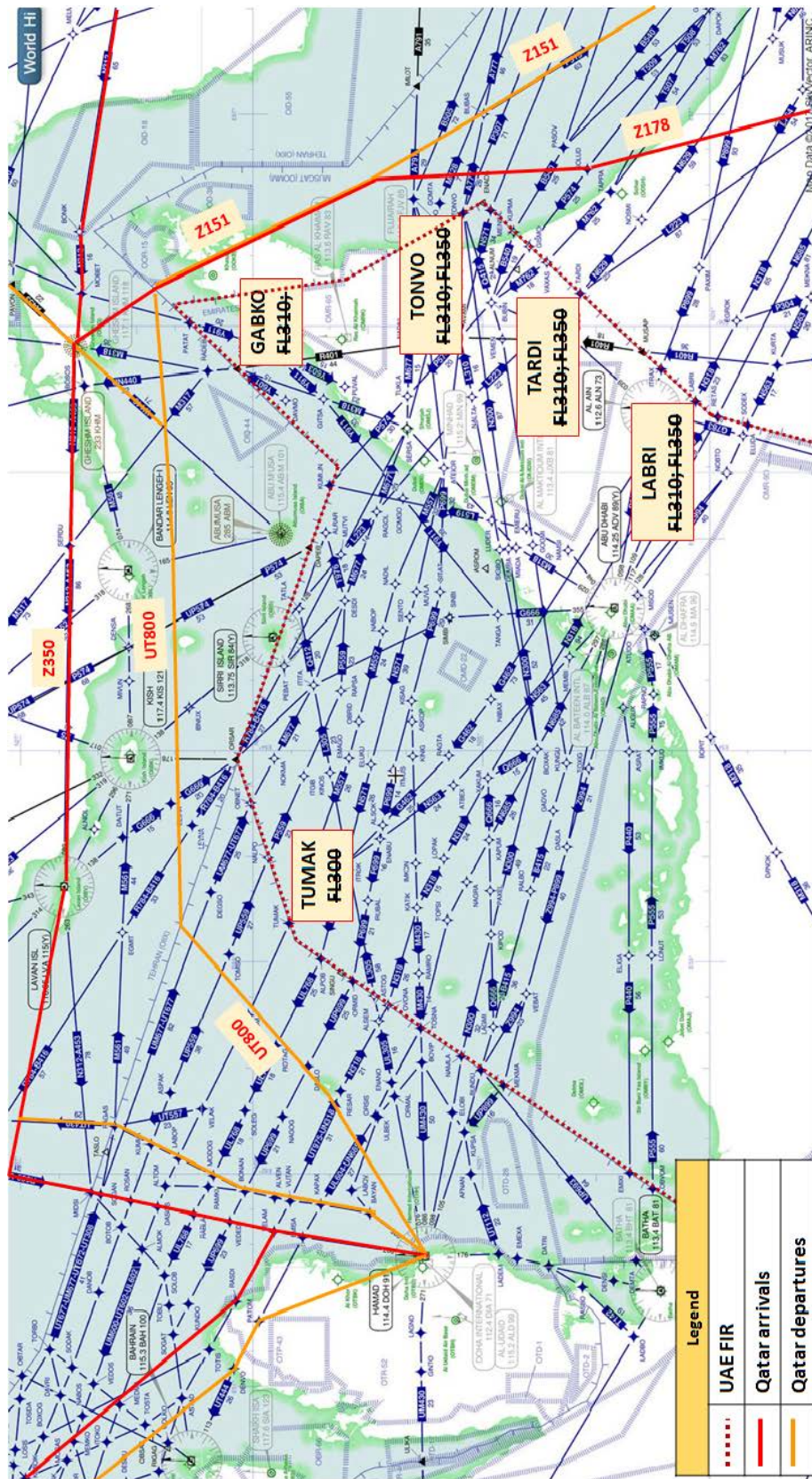




- 1.1.1.6 Amendments to the operational LoA between UAE and Iran on 9 June 2017 to accommodate regional contingency measures and routings;
- 1.1.1.7 Close coordination with ICAO and IATA on the 12 June 2017 to provide an update on the developments and recent NOTAM; and
- 1.1.1.8 Continuous close coordination with Bahrain, Iran and Oman on matters related to the measures in place.
- 1.1.2 **The Phase 2 measures:**
  - 1.1.2.1 Amendment of the operational LoA between UAE and Bahrain on 21 June 2017 to accommodate the regional contingency measures and routings;

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 Appendix (English only)

Amendment of the operational LoA between UAE and Bahrain on 21 June 2017



1.1.2.2 Communication to ICAO and QATAR ANSP regarding the lack of ATS routes within UAE FIR allowing Qatar registered aircraft to exit the UAE FIR without entering the UAE territorial airspace;

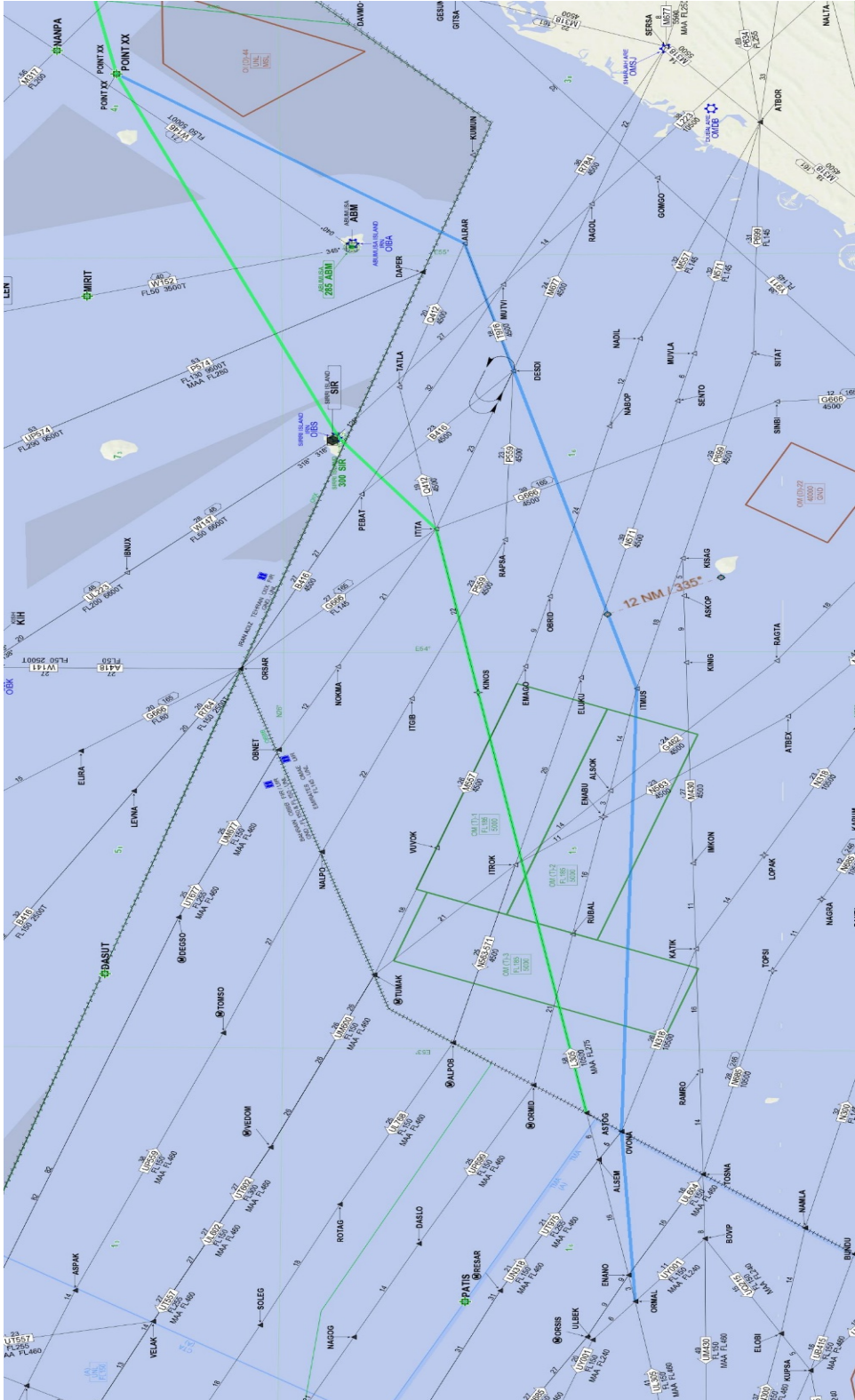
1.1.2.3 Reviewed an initial proposal to use L305 over the high seas within Emirates FIR for QATAR registered aircraft routing to Asia and Africa received from ICAO MID.

1.1.2.4 The UAE carried out a safety assessment and the proposal was deemed unsafe due to the multiple crossings of existing inbound and outbound routes to and from the UAE.

1.1.3 A meeting took place on 06 July 2017, coordinated by the ICAO MID Office to review the contingency measures currently in place and to discuss Qatar proposals.

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Restricted  
Appendix (English only)

Qatar proposal currently under discussion amongst ICAO MID and concerned units





1.1.3.1 UAE provided positive feedback to the proposals received by ICAO to accommodate Qatar registered aircraft (both departures and arrivals) to operate within the high seas airspace controlled by the UAE, on temporary routes connecting to existing ATS routes.

1.1.3.2 The proposals are currently being discussed between ICAO MID Office and other states; the UAE is ready to implement the temporary routes on short notice and provide air navigation services to Qatari registered aircraft.

1.1.4 Summary:

1.1.4.1 The UAE considers the safety of air traffic and passengers not only in UAE airspace but also globally as its highest priority and that it shall not be jeopardized.

1.1.4.2 The Currently implemented contingency measures to serve Qatar registered aircraft are found to be safe, fit for purpose and provides suitable connectivity to the rest of the world.

1.1.4.3 All international operators except Qatar registered aircraft may use the UAE territorial airspace to operate to and from airports within Qatar.

1.1.4.4 All UAE airspace and airports are available for Qatar registered aircraft in case of emergency.

1.1.4.5 Airspace over high seas within UAE FIR is available for Qatar registered aircraft's use, subject to ATS route connectivity and successful safety assessment as per ICAO requirements.

**TRANSCRIPT FROM TELEPHONE CONVERSATION BETWEEN DOHA ATC  
AND UAE ACC ON 13<sup>TH</sup> JUNE 2017 CONFIRMING THE POSSIBILITY OF  
USING UAE FIR OVER HIGH SEAS**

<b>TIME HHMMSS (UTC)</b>	<b>COMM.</b>	<b>AGENCY</b>	<b>TEXT</b>
10:16:24	TELEPHONE	DOHA ATC	Doha
10:16:24	TELEPHONE	UAE ACC	Hello Doha, uhm someone called the Sheikh Zayed Centre about the definition in the NOTAM about UAE airspace and the restriction
10:16:34	TELEPHONE	DOHA ATC	Yeah, eh can you, just one second
10:16:35	TELEPHONE	UAE ACC	Thank you
10:17:06	TELEPHONE	DOHA ATC	Hello
10:17:06	TELEPHONE	UAE ACC	Hello Doha
10:17:07	TELEPHONE	DOHA ATC	Yes
10:17:08	TELEPHONE	UAE ACC	Hello yes, just reference the UAE NOTAM 0848 /17
10:17:15	TELEPHONE	DOHA ATC	Yeah
10:17:15	TELEPHONE	UAE ACC	Yeah the definition we have now is that the, eh it refers to territorial airspace
10:17:21	TELEPHONE	DOHA ATC	Territorial, so if they are going over high seas at high level that is not a problem
10:17:25	TELEPHONE	UAE ACC	It is, it is not a problem, but it, it is over territorial waters, over territorial airspace
10:17:31	TELEPHONE	DOHA ATC	Only over territorial
10:17:33	TELEPHONE	UAE ACC	Territorial yes
10:17:34	TELEPHONE	DOHA ATC	All right, so as long as it is avoiding the UAE territorial airspace, uhm there's no issue
10:17:40	TELEPHONE	UAE ACC	There is no issue, but just for your information, to eh, to flight plan from Doha to the other side of our airspace, or transit our airspace at all, any flight plan will bring

			the aircraft over territorial airspace
<b>10:17:55</b>	TELEPHONE	DOHA ATC	Yeah, I mean, just eh just needed clarification
<b>10:17:57</b>	TELEPHONE	UAE ACC	That's no problem, yeah yeah, that's and that's the clarification I got from management here also
<b>10:18:00</b>	TELEPHONE	DOHA ATC	All right
<b>10:18:01</b>	TELEPHONE	UAE ACC	That's great
<b>10:18:02</b>	TELEPHONE	DOHA ATC	Just the territorial
<b>10:18:02</b>	TELEPHONE	UAE ACC	Territorial affirm
<b>10:18:03</b>	TELEPHONE	DOHA ATC	All right
<b>10:18:04</b>	TELEPHONE	UAE ACC	Oh kay, thanks very much, thank you, bye bye

--End Part 4--



## **Annex 38**

ICAO Working Paper presented by the State of Qatar,  
Council – Extraordinary Session, concerning the Request  
of Qatar – Item under Article 54(n) of the Chicago Convention,  
ICAO document C-WP/14641, 19 July 2017



International Civil Aviation Organization

**WORKING PAPER**C-WP/14641  
Restricted  
19/7/17**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.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives on Safety; Air Navigation Capacity and Efficiency.
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> ; Doc 7559/9, <i>Rules of Procedure for the Council</i> ; 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

C-WP/14641

- 2 -

## 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 —

## **Annex 39**

ICAO Council, Order of Business for the Extraordinary  
Council Meeting of 31 July 2017, concerning the Request  
of Qatar – Item under Article 54(n) of the Chicago Convention,  
25 July 2017





International Civil Aviation Organization

25/7/17

**ORDER OF BUSINESS****COUNCIL — EXTRAORDINARY SESSION****ORDER OF BUSINESS FOR THE EXTRAORDINARY COUNCIL MEETING**

(Council Chamber, 3rd floor, Monday, 31 July 2017 at 1000 hours)

Title	Subject No.	Documentation
-------	----------------	---------------

**CLOSED MEETING**

- |  |          |   |
|--|----------|---|
| 1. Request of Qatar — Item under Article 54 n) of the <i>Convention on International Civil Aviation</i>  |          | <ul style="list-style-type: none"> <li>* PRES OBA/2663 dated 23 June 2017</li> <li>* PRES OBA/2666 dated 11 July 2017</li> <li>+ C-DEC 211/10</li> <li>+ C-MIN 211/10 Closed</li> <li>* Doc 7300/9, <i>Convention on International Civil Aviation</i>, signed at Chicago on 7 December 1944 and amended by the ICAO Assembly</li> </ul> |
| <ul style="list-style-type: none"> <li>a) Contingency arrangements to facilitate the flow of traffic over the high seas airspace in the Gulf Region</li> <li>— Paper presented by the Secretary General</li> </ul>       | 14.3     | C-WP/14639 Restricted (Information paper)   |
| <ul style="list-style-type: none"> <li>b) Response to Qatar's submissions under Article 54 (n)</li> <li>— Paper presented by Bahrain, Egypt, Saudi Arabia, and the United Arab Emirates</li> </ul>                       | 14<br>27 | C-WP/14640 Restricted   |
| <ul style="list-style-type: none"> <li>c) Request of the State of Qatar for consideration by the ICAO Council under Article 54 (n) of the Chicago Convention</li> <li>— Paper presented by the State of Qatar</li> </ul> | 14<br>27 | C-WP/14641 Restricted   |
| 2. Any other business  |          |   |

— END —

\* For reference

+ In preparation at time of issuance of Order of Business

## **Annex 40**

ICAO Council – Minutes of the Meeting of the Extraordinary Session, Summary of Decisions of 31 July 2017, concerning the Request of Qatar – Item under Article 54(n) of the Chicago Convention, 2 August 2017



C-DEC Extraordinary Session  
(2017)  
2/8/17

## COUNCIL — EXTRAORDINARY SESSION

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

### SUMMARY OF DECISIONS

#### CLOSED MEETING

#### **Request of Qatar – Item under Article 54 n) of the *Convention on International Civil Aviation*** (Subject Nos. 14, 14.3 and 27)

1. The President referred to the Council’s earlier consideration, at the Tenth Meeting of its Two Hundred and Eleventh 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 memorandum [PRES 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 paper [C-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, which was introduced by H.E. Jassim Ben Saif Ahmed Al-Sulaiti. The paper 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 5 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. Mr. A. Al-Hamadi (Qatar) further elaborated on various elements of the paper and the actions which the Council was invited to take.
- Working paper [C-WP/14640](#) **Restricted** [*Response to Qatar's submissions under Article 54 n)*], jointly presented by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates, which was introduced by H.E. Sultan Bin Saeed Al Mansoori (United Arab Emirates). The paper set forth the co-presenters' response to the submissions sent by Qatar to ICAO between 5 and 15 June 2017 to invoke Article 54 n) of the 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. Updated information regarding the contingency measures described in Appendix B to the paper was provided in an accompanying PowerPoint presentation by Mr. H. Al Belushi (United Arab Emirates). Further clarifications were provided by H.E. Abdulhakim M. Al-Tamimi (Saudi Arabia) in response to some statements made by H.E. Al-Sulaiti (Qatar) during his above-mentioned introduction of [C-WP/14641](#) **Restricted**; and
- Information paper [C-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. The paper provided information concerning the restrictions imposed by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates on the use of their respective airspace by aircraft registered in Qatar. In addition, it presented the contingency arrangements and the preliminary results of the said first ATM Contingency Coordination Meeting for Qatar held on 6 July 2017 in Cairo, Egypt, in which Bahrain,

Egypt, Saudi Arabia, the United Arab Emirates and IATA had participated, and the related technical coordination meeting held on 9 July 2017 in Doha, Qatar in which Iran (Islamic Republic of), Oman and Qatar had participated. In her introduction of the paper, which was accompanied by a PowerPoint presentation, the Secretary General provided updated information regarding Proposal 1 – Cairo FIR (Beirut-Tunis) and Proposal 3 – Emirates FIR (inbound portion) set forth in paragraph 4.4. The Director of the Air Navigation Bureau (D/ANB) supplemented the Secretary General's introductory remarks.

7. Note was taken of the 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, the Director of the Legal Affairs and External Relations Bureau (D/LEB) and D/ANB during the Council's ensuing discussion, all of which were recorded for the summary minutes of the meeting.
8. The Council took the action 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.

9. 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.

10. 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.

11. 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.

12. 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.

— END —





## **Annex 41**

ICAO Council – Summary Minutes of the Meeting of the  
Extraordinary Session of 31 July 2017, concerning the  
Request of Qatar – Item under Article 54(n) of the  
Chicago Convention, 22 August 2017



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

**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

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**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. Alidrisi (Adv.)	— Saudi Arabia
Mr. I.B. Al Jabri (Adv.)	— Saudi Arabia
Mr. Ö. Dođrukol (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)

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

**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 memorandum [PRES 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.

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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 paper [C-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 paper [C-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 paper [C-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/14641](#) **Restricted**, 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/14641](#) Restricted 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 submission in [C-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 (IATA) 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/14641](#) Restricted 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 in [C-WP/14641](#) Restricted, caused serious concern for the continuing safety, security, regularity and economy of international civil aviation.

28. Referring to the IATA, 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 IATA 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 IATA must be considered as a dispute under Article 84 of the Chicago Convention. Mr. Al-Hamadi noted that, in fact, the IATA 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 IATA.

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29. Mr. Al-Hamadi then drew attention to the executive summary of [C-WP/14641](#) Restricted, 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 of [C-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) introduced [C-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 alleged by 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 to [C-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/14640](#) Restricted. 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) of [C-WP/14641](#) Restricted, 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/14640](#) Restricted), 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/14640](#) Restricted. 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 introducing [C-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 on [C-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) of [C-WP/14640](#) Restricted, 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-Sulaiti underscored that although it was claimed in paragraph 4.1 f) of [C-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 of [C-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 of [C-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/14639](#) Restricted.

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/14639 Restricted, 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/1464](#) Restricted).

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. Having 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 in [C-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 lent 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 —



## **Annex 42**

Letter of 3 November 2017 from the Secretary-General  
of ICAO to the Appellants



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

THE SECRETARY GENERAL

Ref.: LE 6/7.CONF

3 November 2017

Ms. Aysha Alhameli  
Representative of the United Arab Emirates  
on the ICAO Council  
Suite 14.20

Dear Ms. Alhameli,

I wish to inform you that by letter dated 21 October 2017, delivered to the International Civil Aviation Organization on 30 October 2017, the Chairman of the Qatar Civil Aviation Authority, on behalf of the State of Qatar, presented to the Organization two Applications and Memorials pursuant to “Article 84 of the Convention on International Civil Aviation (Chicago 1944) and the Rules for the Settlement of Differences”.

The first Application – Application (A) – dated 30 October 2017, is submitted “under the terms of Article 84 of the Convention on International Civil Aviation (“Chicago Convention”), related Annexes and the Rules for the Settlement of Differences (Doc 7782/2)”, and it names the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates as Respondents. Application (A) relates to a disagreement on the “interpretation and application of the Chicago Convention and its Annexes” following the referenced announcement by the governments of the Respondents on 5 June 2017 “with immediate effect and without any previous negotiation or warning, that Qatar-registered aircraft are not permitted to fly to or from the airports within their territories and would be barred not only from their respective national air spaces, but also from their Flight Information Regions (FIRs) extending beyond their national airspace even over the high seas”.

The second Application – Application (B) – also dated 30 October 2017, is submitted “under the terms of Article II, Section 2 of the International Air Services Transit Agreement (Chicago, 1944), Article 1 (b) of the Rules for the Settlement of Differences (Doc 7782/2) and Chapter XVIII of the Convention on International Civil Aviation (Chicago, 1944)”, and it names the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates as Respondents. Application (B) relates to a disagreement on the “interpretation and application” of the *International Air Services Transit Agreement* signed at Chicago on 7 December 1944 (Doc 7500) (the “Transit Agreement”) following the referenced announcement by the governments of the Respondents on 5 June 2017 “with immediate effect and without any previous negotiation or warning, that Qatar-registered aircraft are not permitted to fly to or from the airports within their territories and are barred from their respective national air spaces”.

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- 2 -

In accordance with Article 3 (1) (a) of the ICAO *Rules for the Settlement of Differences* (Doc 7782/2) (the "Rules"), I have verified that both Application (A) and Application (B) comply in form with the requirements of Article 2 of the said Rules. I am enclosing copies of the both Applications and their corresponding Memorials. I shall advise you when, in accordance with Articles 3 (1) (c) and 28 of the Rules, the time-limits for the filing of Counter-memorials by the Respondents have been fixed.

Further, in accordance with Article 3 (1) (b) of the above-mentioned Rules, I have notified all parties to the *Convention on International Civil Aviation*, signed at Chicago on 7 December 1944 (Doc 7300/9) and all parties to the Transit Agreement that the above-mentioned Application (A) and Application (B) respectively have been received.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Fang Liu', written in a cursive style.

Fang Liu

**Enclosures**

cc: President of the Council



## **Annex 43**

Letter of 17 November 2017 from the Secretary-General of ICAO  
to the Appellants





International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
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авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

THE SECRETARY GENERAL

Ref.: LE 6/7.CONF

17 November 2017

H.E. Kamal Ahmed Mohammed  
Minister of Transportation and Telecommunications  
Ministry of Transport and Communications  
P. O. Box 10325  
Kingdom of Bahrain

E-mail: [minister@mtt.gov.bh](mailto:minister@mtt.gov.bh)  
[s.johar@mtt.gov.bh](mailto:s.johar@mtt.gov.bh)

Excellency,

I wish to refer to my letter dated 3 November 2017, reference LE 6/7.CONF, by which I forwarded copies of two Applications referred to as Application (A) and Application (B) and their corresponding Memorials presented by the Government of the State of Qatar to the Organization on 30 October 2017, and also informed you that I shall advise you when the time-limits for the filing of Counter-memorials by the Respondents have been fixed.

In accordance with Article 3 (1) (c) of the *Rules for the Settlement of Differences* (Doc 7782/2) (the "Rules"), the Kingdom of Bahrain is invited to file Counter-memorials with respect to Application (A) and Application (B) and their corresponding Memorials within a time-limit fixed by the Council, as per Article 28 (1) of the Rules, of **12 weeks** from the receipt of this letter.

Your attention is drawn to the formal requirements relating to the Counter-memorial set out in Article 4 of the Rules, including the appointment of an authorized agent. Reference is also made to Article 27 (1) of the said Rules, under which the authorized agent cannot be a Representative on the Council.

Please accept, Excellency, the assurances of my highest consideration.

Fang Liu

cc: President of the Council of ICAO  
Mr. Mohamed Thamir Al-Kaabi, Undersecretary for Civil Aviation Affairs, Bahrain

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## **Annex 44**

Letter of 16 January 2018 from the Permanent Representative of  
the Arab Republic of Egypt on the ICAO Council to the President  
of the ICAO Council

REPRESENTATIVE OF  
THE ARAB REPUBLIC OF EGYPT  
ON THE COUNCIL OF  
THE INTERNATIONAL CIVIL  
AVIATION ORGANIZATION  
Montreal, Canada



مندوب جمهورية مصر العربية الدائم  
لدى مجلس منظمة الطيران المدني الدولي  
مونتريال، كندا

Dr. Olumuyiwa Benard Aliu  
President of the Council  
International Civil Aviation Organization  
999 Robert Bourassa Blvd.,  
Montreal, Quebec, Canada H3C 5H7

January, 16<sup>th</sup> 2018

Dear Excellency,

I wish to refer to the item: *Settlement of Differences: Application of the State of Qatar to the Council for Settlement of a Disagreement with the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates – Application (A), and Application of the State of Qatar to the Council for Settlement of a Disagreement with the Arab Republic of Egypt, the Kingdom of Bahrain, and the United Arab Emirates – Application (B)*. I also wish to refer to the time-limit of 12 weeks fixed by the Council to file a Counter-memorial in the above matter as notified by letter dated 17 November 2017 received on 20 November 2017 (Ref. LE 7/6 CONF.).

On behalf of the four Respondent States in the above matter, I wish to request an extension of the time-limit due to insufficient time available to adequately respond to the two Applications and Memorials. In order to allow for sufficient time and ensure fair treatment of the Respondents, we request an extension of the time-limit of 6 weeks.

This request is made in line with Article 28 (2) and (3) of the *ICAO Rules for the Settlement of Differences (Doc.7782)*.

Please accept, Excellency, the assurances of our highest consideration.

  
16-01-2018  
**Ahmed Hossein KHEDR**  
Permanent Representative of  
The Arab Republic of EGYPT on  
The Council of ICAO

Cc: Dr. Fang Lui, Secretary General, ICAO  
Bahrain Civil Aviation Authority  
Delegation of the Kingdom of Saudi Arabia, ICAO ✓  
Delegation of the United Arab Emirates, ICAO  
Delegation of the Arab Republic of Egypt, ICAO

## **Annex 45**

Letter of 9 February 2018 from the Secretary-General of ICAO  
to the Appellants



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

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авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

الأمينة العامة

Ref.: LE 6/7.CONF

٢٠١٨/٢/٩

إلى: السيدة عائشة الهاملي  
ممثلة الإمارات العربية المتحدة  
لدى مجلس منظمة الطيران المدني الدولي (الإيكاو)  
جناح ١٤٠٢٠  
تحية طيبة وبعد،

أتشرف بالإشارة إلى رسالتي المؤرخة في ٢٠١٨/٢/١، التي أبلغتكم فيها بأن الطلب الذي تقدم به ممثل جمهورية مصر العربية لدى مجلس منظمة الطيران المدني الدولي (الإيكاو)، نيابةً عن الدول المدعى عليها، لتمديد المهلة الزمنية لإيداع مذكرات مضادة لمدة ستة أسابيع، وذلك بشأن المسألة الخاصة بدولة قطر مع جمهورية مصر العربية ومملكة البحرين والمملكة العربية السعودية والإمارات العربية المتحدة (٢٠١٧) - الطلب (أ) والمسألة الخاصة بدولة قطر مع جمهورية مصر العربية ومملكة البحرين والإمارات العربية المتحدة (٢٠١٧) - الطلب (ب)، قد تم تعميمه على الدول الأعضاء في المجلس للنظر فيه.

وأود إبلاغكم بأنه عملاً بالمادة ٢٨ من "قواعد الإيكاو لتسوية الخلافات" (الوثيقة Doc 7782/2)، قرر مجلس الإيكاو في ٢٠١٨/٢/٩ تمديد مهلة الاثني عشر أسبوعاً لإيداع المذكرات المضادة من قبل الدول المدعى عليها بشأن كل من الطلب (أ) والطلب (ب) لمدة ستة أسابيع إضافية، أي حتى ٢٠١٨/٣/٢٦.

وتفضلوا معاليكم بقبول فائق الاحترام والتقدير،،،

  
فانغ اليو

نسخة إلى:  
رئيس المجلس



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
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гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

THE SECRETARY GENERAL

Ref.: LE 6/7.CONF

9 February 2018

Ms. Aysha Alhameli  
Representative of the United Arab Emirates  
on the Council of ICAO  
Suite 14.20

Dear Ms. Alhameli,

I refer to my letter dated 1 February 2018 informing you that the request for a six-week extension of the time-limit for the filing of Counter-memorials submitted by the Representative of the Arab Republic of Egypt on the Council of the International Civil Aviation Organization (ICAO), on behalf of the Respondents in the matters *the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) – Application (A)* and *the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017) – Application (B)*, has been circulated to Members of the Council for consideration.

I wish to inform you that the Council of ICAO, acting under Article 28 of the *ICAO Rules for the Settlement of Differences* (Doc 7782/2), has decided on 9 February 2018 to extend the 12 week time-limit for the filing of Counter-memorials by the Respondents in both Application (A) and Application (B) by an additional 6 weeks, i.e. until **26 March 2018**.

Yours sincerely,

Fang Liu

cc: President of the Council





## **Annex 46**

Letter of 17 May 2018 from the Permanent Representative  
of the Arab Republic of Egypt to the President of the  
ICAO Council

REPRESENTATIVE OF  
THE ARAB REPUBLIC OF EGYPT  
ON THE COUNCIL OF  
THE INTERNATIONAL CIVIL  
AVIATION ORGANIZATION  
Montreal, Canada



**PRES**

17 MAY 2018 مندوب جمهورية مصر العربية الدائم

لدى مجلس منظمة الطيران المدني الدولي  
مونتريال، كندا

May 17, 2018

A-1701/18/PRES

Dr. O. B. Aliu  
President  
Council of ICAO

Your Excellency:

I have the honour to enclose, herewith, the letter signed by H.E. Sherif Fathi, Minister of the Egyptian Civil Aviation, on behalf of the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates, reference to "Settlement of Differences: Preliminary Objections and Reply thereto Relating to Applications (A) and (B) of the State of Qatar – Further Procedure".

Accept, Your Excellency, the assurances of our highest consideration.

Gen./ Ahmed Hossein Mostafa Khedr  
Permanent Representative of Egypt on the Council of ICAO



REPRESENTATIVE OF  
THE ARAB REPUBLIC OF EGYPT

ON THE COUNCIL OF  
THE INTERNATIONAL CIVIL  
AVIATION ORGANIZATION  
Montreal, Canada



مندوب جمهورية مصر العربية الدائم  
لدى مجلس منظمة الطيران المدني الدولي  
مونتريال، كندا

Dr. Olumuyiwa Benard Aliu  
President of the Council  
International Civil Aviation Organization  
999 Robert-Bourassa Boulevard,  
Montréal, Québec H3C 5H7

Montreal, 17 May 2018

**Re: Settlement of Differences: Preliminary Objections and Reply thereto Relating to Applications (A) and (B) of the State of Qatar -- Further Procedure**

Excellency,

I have the honour of writing to you on behalf of the Respondents in the above proceeding, namely the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia, and the United Arab Emirates. We wish to refer to procedural matters regarding the upcoming hearing in relation to the settlement of differences between the above-named States and the State of Qatar.

We have reviewed the Response of the State of Qatar dated 30 April 2018 to the Preliminary Objections filed by the four respondent States in this matter. Qatar in its Response has raised a number of new legal arguments and new factual allegations which were not previously made in its Applications and Memorials and which the Respondents have not had an opportunity to address when the Preliminary Objections were lodged.

In light thereof, with a view to ensuring procedural fairness and so that the Council is able to give proper consideration to the issues raised, the four Respondent States consider that an adequate opportunity for them to respond in writing to the new factual and legal arguments made by the State of Qatar in its Responses is necessary.

Accordingly, we wish to advise you that the Respondent States intend to file a written rejoinder before the meeting of the Council in this matter takes place. Pursuant to Article 5(4) of the Rules for the Settlement of Differences (Doc 7782/2) ("the Rules"), the Council is required to "hear" the Parties before deciding on a preliminary objection. That requirement naturally means giving an adequate and appropriate opportunity to the Parties to address the issues arising, consistent with the general principle of fair treatment of the Parties, which is also memorialized in Article 28(1) of the Rules. The rejoinder which the Respondents intend to submit is called for in the circumstances of this unusually complex case, as described above; and is the kind of "additional pleading" which is expressly contemplated by Article 7(1) of the Rules.

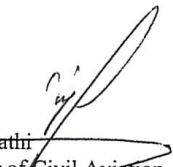
REPRESENTATIVE OF  
THE ARAB REPUBLIC OF EGYPT

ON THE COUNCIL OF  
THE INTERNATIONAL CIVIL  
AVIATION ORGANIZATION  
Montreal, Canada



مندوب جمهورية مصر العربية الدائم  
لدى مجلس منظمة الطيران المدني الدولي  
مونتريال، كندا

Please accept, Excellency, the assurances of our highest consideration.

  
Sherif Fathi  
Minister of Civil Aviation  
Authorized Agent for the Arab Republic of  
Egypt

## **Annex 47**

Email of 24 May 2018 from the President of the ICAO Council  
to all Council Delegations

---

**From:** LEB

**Sent:** May 24, 2018 4:59 PM

**To:** All Council Delegations Docs

**Cc:** Office of the Secretary General; Office of the Director ANB; All ACS; All DMO; Web

**Subject:** Settlement of Differences: time-limit to file Rejoinder to Preliminary Objection with respect to Application (B) – the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017)

Ref.: LE 6/7.CONF

I am in receipt of a letter dated 17 May 2018 signed by the Agent of the Arab Republic of Egypt advising the Organization that the Respondents in Application (B) intend to file a written rejoinder before the Council meets to hear the preliminary objections filed in that matter. According to the letter, the said written rejoinder is intended to address new factual and legal arguments made by the Applicant in its Responses to the Respondents' Statement of preliminary objections.

While Article 7, paragraph (1), of the *Rules for the Settlement of Differences* (Doc 7782/2) (the "Rules") permits the Respondents to file an additional pleading consisting of a Rejoinder, this must be filed within time-limits fixed by the Council in accordance with Article 28 of the Rules.

With reference to Article 66 (b) of the *Convention on International Civil Aviation* (Chicago, 1944 – the "Chicago Convention"), "Members of (...) the Council who have not accepted the International Air Services Transit Agreement (...) shall not have the right to vote on any questions referred to the (...) Council under the provisions of the (...) Agreement." Please find below, a list of the Members of the Council which are Parties to the Transit Agreement:

Algeria, Argentina, Australia, China (Hong Kong Special Administrative Region and Macao Special Administrative Region refer), Congo, Cuba, Ecuador, Egypt, France, Germany, India, Ireland, Italy, Japan, Malaysia, Mexico, Nigeria, Panama, Republic of Korea, Singapore, South Africa, Spain, Sweden, Turkey, United Arab Emirates, United Kingdom and the United States.

Also, in accordance with Article 53 of the Chicago Convention and as per Article 15 (5) of the Rules, "No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party."

I therefore propose to grant the Respondents in Application (B) a time-limit of **two** weeks to file their Rejoinder.

In the absence of objection by **a majority of the Members of the Council by close of business on 28 May 2018**, I shall consider that the Council has approved the above-mentioned proposal and I will inform the Respondents in Application (B) accordingly.

Olumuyiwa Benard Aliu

President of the Council

## **Annex 48**

Letter of 28 May 2018 from the Secretary-General of ICAO to the Appellants, attaching Email of 25 May 2018 from the Delegation of the State of Qatar to the Secretary-General of ICAO





International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

THE SECRETARY GENERAL

Ref.: LE 6/7.CONF

28 May 2018

To: Agent for the Arab Republic of Egypt  
Agent for the Kingdom of Bahrain  
Agent for the Kingdom of Saudi Arabia  
Agent for the United Arab Emirates

cc: President of the Council

From: Secretary General

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

I write to inform you that the President of the Council is in receipt of the attached e-mail from the Applicant in both matters, dated 25 May 2018, entitled “Settlement of Differences”.

I hereby transmit a copy of the email for your attention.

Yours sincerely,

  
Fang Liu

**Enclosure**

**From:** Delegation, Qatar  
**Sent:** 25-May-18 15:34  
**To:** Office of the Secretary General; Office of the President; Delegation, Algeria; Delegation, Argentina; Delegation, Brazil; Delegation, Cabo Verde; Delegation, Canada; Delegation, China; Delegation, Colombia; Delegation, Congo; Delegation, Cuba; Delegation, Ecuador; Delegation, France; Germany; Delegation, India; Delegation, ABIS; Delegation, Italy; Delegation, Japan; Delegation, Kenya; Delegation, Malaysia; Delegation, Mexico; Delegation, Nigeria; Delegation, Panama; Delegation, Korea; Delegation, Russia; Delegation, Singapore; Delegation, South Africa; Delegation, Spain; Delegation, NORDICAO; Delegation, Tanzania; Delegation, Turkey; Delegation, UK; Delegation, USA; Delegation, Uruguay; Delegation, Australia  
**Cc:** LEB  
**Subject:** Settlement of Differences  
**Categories:** Orange Category

Dear Dr. ALiu,

Greetings ,

I refer to the letter dated 17 May 2018 from the Agent of the Arab Republic of Egypt on behalf of the Respondents in the Settlement of Differences between the State of Qatar and:

- 1) the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (Application A); and
- 2) the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (Application B)

The said letter was transmitted to me by the Secretary General on 23 May 2018.

The State of Qatar objects to the stated intention of the Respondents in the above cases to file a written rejoinder. It is nothing more than an attempt by the Respondents to delay the hearing on the Preliminary Objections filed by the Respondent, and subsequently the hearing on the merits.

It is noted that after the Applications and Memorials were filed by Qatar, the Respondents were expressly granted permission to file their Counter-Memorials within a specific deadline, and subsequently the State of Qatar was also expressly allowed within a specific deadline to file a written response. Here, the Respondents are not seeking any permission by the Council, but simply stating their intention to file a further document, and apparently within a deadline of their own choosing ("before the meeting of the Council in this matter takes place").

Once again, as they have done in their Preliminary Objections, the Respondents take the rules and law out of context.

They claim that the Article 5(4) of the Rules for the Settlement of Differences state that the Council shall decide on the Preliminary Objections after hearing the parties. This is correct. However, the "hearing" of the parties will take place on the date to be fixed by the Council. No doubt all the parties will be given a full and fair opportunity to present their cases at that time. The Article does not envisage that a "hearing" can only be by the filing of written documents including a "written rejoinder".

They also refer to Article 28(1) of the Rules which reads:

“... Any time-limit fixed pursuant to these Rules shall be so fixed as to avoid any possible delays and to ensure fair treatment of the party or parties concerned.”

Therefore, the requirement for fair treatment under this Article is only in relation to the filing of the time limits. Please note that the Respondents took over 19 weeks to file their Preliminary Objections to Qatar’s Applications and Memorials. Qatar was given a mere six weeks to file its response to the Preliminary Objections. Now apparently, the proposal is for the Respondents to have five weeks (3+2) to file their rejoinder, and if the hearing is to take place this session, Qatar will have no time or almost no time to respond. If Qatar is afforded the required “procedural fairness” the result would be to delay the proceedings as desired by the Respondents.

The Respondents additionally refer to Article 7(1) of the Rules. Article 6 of the Rules refer to certain steps which could be taken after the filing of a counter-memorial. Article 7 immediately follows and outlines the further pleadings after the filing of a counter-memorial. These are a reply from the Applicant and a rejoinder to the said reply by the respondents. However, the Respondents in these cases have not filed their Counter-Memorials, and so Article 7 does not apply. It should be kept in mind that the roles of applicant and respondent are in effect reversed for the purposes of consideration by the Council of the Preliminary Objections by the States and that the “defendant” for Preliminary Objections is Qatar which should always be given the last opportunity for written pleadings. Their interpretation of Rule 7 by the Respondents leads to a different result.

Additionally, the ICAO Rules for the Settlement of Differences do not in fact address the additional pleadings which may be submitted following the filing of a Preliminary Objection. The Council has, however, developed a practice of only allowing the applicant to present a reply to the Preliminary Objection. This was done, for example, in the *United States v. 15 European States* (2000) and *Brazil v. United States* (2017). However, the Council has not in the past been requested or admitted further written pleadings following the filing of an applicant’s response to a preliminary objection. To do so in this case the Council would be breaking new ground.

The Respondent’s claim in the letter that a rejoinder “is called for in the circumstances of this unusually complex case”. It is to be recalled that the Council is at this stage only to consider the Preliminary Objections, not the merits. The issues raised in the Preliminary Objections are not any more complex than in previous cases considered by the Council, yet no previous respondent was permitted to file a written rejoinder following the response of the applicant to a preliminary objection.

As stated above, the Respondents would have full and fair opportunity to present their arguments and facts at the hearing on the Preliminary Objections.

In view of the above, as stated previously, the Respondents should not be permitted to file a “written rejoinder”.



Thanks And Regards,

The Permanent Mission of the State of Qatar to the International Civil Aviation Organization

T.: +1 514-329-9107

F.: +1 514-397-0304

Email: Qatar@icao.int

Le 700 Rue de la Gauchetière O, suite 2450, Montréal, Québec, H3B 5M2



## **Annex 49**

Letter of 28 May 2018 from the Secretary-General of ICAO  
to the Appellants



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

THE SECRETARY GENERAL

Ref.: LE 6/7.CONF

28 May 2018

To: Agent for the Arab Republic of Egypt  
Agent for the Kingdom of Bahrain  
Agent for the United Arab Emirates

cc: President of the Council  
Representative of the Arab Republic of Egypt on the Council of ICAO

From: Secretary General

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

I wish to acknowledge receipt of the letter from the Agent for the Arab Republic of Egypt, sent on behalf of the Respondents, dated 17 May 2018, transmitted by a letter from the Permanent Representative of Egypt to the President of the Council, reference A-1701/18/PRES, dated 17 May 2018 (the "Letters").

I wish to inform you that a copy of the said Letters were transmitted by letter dated 23 May 2018 to the Agent for the Applicant.

I wish to further inform you that on 28 May 2018, the Council of ICAO, in accordance with Article 28 of the *Rules for the Settlement of Differences* (Doc 7782/2), decided to grant the Respondents a time-limit of two weeks to file their rejoinder to the Applicant's Response to the Statement of preliminary objections, which is to say that the rejoinder should be received by the Secretariat no later than **12 June 2018**.

Yours sincerely,

Fang Liu



## **Annex 50**

Letter of 13 June 2018 from the President of the ICAO Council  
to the Appellants, attaching Working Paper in respect of  
Application (B), ICAO document C-WP/14778,  
23 May 2018



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

THE PRESIDENT OF THE COUNCIL

Ref.: LE 6/7.CONF

13 June 2018

To: Agent for the Arab Republic of Egypt  
Agent for the Kingdom of Bahrain  
Agent for the United Arab Emirates

cc: Secretary General

From: President of the Council

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

You are cordially invited to attend an informal briefing of the Council on the topic “Settlement of Differences” which will be held in the Council Chamber at ICAO Headquarters on 19 June 2018 at 1430 hours. The informal briefing will be conducted by Dr. Fang Liu, Secretary General, supported by Dr. Jiefang Huang, Director, Legal Affairs and External Relations Bureau.

Further, I wish to advise you, in accordance with Article 27 (3) of the *Rules for the Settlement of Differences* (Doc 7782/2), that the Council is scheduled to deal with the preliminary objections in the above-mentioned matter during its current 214th Session on Tuesday, 26 June 2018, starting at 1430 hours. The respective working paper C-WP/14779 Restricted is attached.

Yours sincerely,

Olumuyiwa Benard Aliu

**Enclosure**



International Civil Aviation Organization

**WORKING PAPER**C-WP/14779  
Restricted  
23/5/18**COUNCIL — 214TH SESSION****Subject No. 16: Legal Work of the Organization****Subject No. 26: Settlement of Disputes between Contracting States**

**SETTLEMENT OF DIFFERENCES: THE STATE OF QATAR AND THE ARAB REPUBLIC OF EGYPT, THE KINGDOM OF BAHRAIN AND THE UNITED ARAB EMIRATES (2017) – APPLICATION (B)**

(Presented by the Secretary General)

**EXECUTIVE SUMMARY**

This paper provides an overview of the procedure applicable to the above case during the preliminary objection stage.

**Action:** The Council is invited to:

- a) proceed to hear the arguments of the Parties relating to the preliminary objections; and
- b) take a decision on the matter in line with the procedure set out in paragraph 5.

<i>Strategic Objectives:</i>	SIS – Programme Support – Legal Services and External Relations
<i>Financial implications:</i>	None
<i>References:</i>	Doc 7300/9 — <i>Convention on International Civil Aviation</i> Doc 7500 — <i>International Air Services Transit Agreement</i> Doc 7782/2 — <i>Rules for the Settlement of Differences</i> SG 2384/17 SG 2411/18 SG 2416/18 PRES OBA/2737 State letter LE 6/7 – IND/17/18 <i>Appeal Relating to the Jurisdiction of the ICAO Council</i> , Judgement, I.C.J. Reports 1972, p. 46 ff.

## 1. INTRODUCTION

1.1 By letter dated 21 October 2017, delivered on 30 October 2017, the Chairman of the Qatar Civil Aviation Authority, on behalf of the State of Qatar, presented to the Organization two separate Applications, namely Application (A) and Application (B), and their corresponding Memorials for the settlement of two disagreements. This paper relates exclusively to Application (B). Application (A) is the subject of a separate paper, namely C-WP/14778.

## 2. RECEIPT OF THE APPLICATION AND MEMORIAL AND ACTION THEREON

2.1 Application (B) and its corresponding Memorial were submitted “under the terms of Article II, Section 2 of the International Air Services Transit Agreement (Chicago, 1944), Article 1 (b) of the Rules for the Settlement of Differences (Doc 7782/2) and Chapter XVIII of the Convention on International Civil Aviation (Chicago, 1944)”, and they state that a disagreement exists between the State of Qatar (the Applicant) and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (the Respondents).

2.2 According to the Applicant, the said disagreement relates to the “interpretation and application” of the *International Air Services Transit Agreement* signed at Chicago on 7 December 1944 (Doc 7500) following the referenced announcement by the governments of the Respondents on 5 June 2017 “with immediate effect and without any previous negotiation or warning, that Qatar-registered aircraft are not permitted to fly to or from the airports within their territories and are barred from their respective national air spaces”.

2.3 Based on the foregoing, the Applicant requests the Council:

- 1) to determine that the Respondent violated by their actions against the State of Qatar their obligations under the *International Air Transit Agreement* (Transit Agreement) and other rules of international law;
- 2) to deplore the violations by the Respondents of the fundamental principles of the Transit Agreement;
- 3) to urge the Respondents to withdraw, without delay, all restrictions imposed on the Qatar-registered aircraft and to comply with their obligations under the Transit Agreement; and
- 4) to urge the Respondents to negotiate in good faith the future harmonious cooperation in the region to safeguard safety, security regularity and economy of international civil aviation.

2.4 In accordance with Article 3, paragraphs (1) (a) and (c), of the *Rules for the Settlement of Differences* (Doc 7782/2) (the “Rules”), copies of Application (B) and its corresponding Memorial were transmitted to the Respondents by letter dated 3 November 2017, following verification that the

Application complied in form with the requirements of Article 2 of the Rules. The Respondents were granted a time-limit of 12 weeks (expiring on 12 February 2018) to file their Counter-memorials. At the request of the Respondents, the 12 week time-limit was extended for an additional six weeks (expiring on 26 March 2018) (PRES OBA/2737).

2.5 As required under Article 3, paragraph (1) (b), of the Rules, copies of the Application and Memorial were distributed to Representatives on the Council by memorandum SG 2384/17, dated 7 November 2017. All Contracting States of the *International Air Services Transit Agreement* (Chicago, 1944 – “the Transit Agreement”) were also notified that Application (B) and its corresponding Memorial had been received (State letter Ref. LE 6/7 – IND/17/18 of 15 November 2017).

### 3. PRELIMINARY OBJECTIONS

3.1 On 19 March 2018, the Respondents jointly submitted a Statement of preliminary objections questioning the jurisdiction of the Council to handle the matter presented by the Applicant and requesting the Council to decide:

- a) that it lacks jurisdiction to resolve the claims by the Applicant in Application (B); or
- b) in the alternative, that the Applicant’s claims are inadmissible.

3.2 As required under Article 3, paragraph (2), of the Rules, a copy of the Statement of preliminary objections was transmitted to the Applicant by letter dated 20 March 2018 with an invitation to present its Response to the said Statement within a time-limit of 6 weeks (expiring on 2 May 2018). A copy of the Statement of preliminary objections was also circulated to Representatives on the Council by memorandum SG 2411/18, dated 23 March 2018.

### 4. RESPONSE TO THE PRELIMINARY OBJECTION

4.1 On 1 May 2018, the Applicant submitted its Comments in response to the Statement of preliminary objections of the Respondents. As required under Article 3, paragraph (2), of the Rules, copies of the Applicant’s Comments were transmitted to each of the Respondents by letter dated 2 May 2018. A copy of the Applicant’s said Comments was also circulated to Representatives on the Council by memorandum SG 2416/18, dated 8 May 2018.

4.1.1 In the said Comments, the Applicant requested the Council to:

- 1) declare that it has jurisdiction to consider the disagreement;
- 2) declare that it has no competence at this preliminary objection phase to consider the claims, arguments and submissions of the Respondents on admissibility;
- 3) reject the preliminary objections of the Respondents in their entirety; and

- 4) order pursuant to Article 5(3) of the Rules, that the period given to the Respondents for the filing of their Counter-memorial, which was interrupted by the filing of preliminary objections, shall begin to run again immediately following the Council's rejection of the preliminary objection.

## 5. FURTHER PROCEDURE UNDER THE RULES

5.1 The procedure applicable upon the filing of a preliminary objection is essentially set out in Article 5 of the Rules. Article, paragraph (4) of the Rules reads as follows:

“(4) 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.”

5.2 The decision of the Council on the preliminary objection may be subject to appeal to the International Court of Justice (ICJ). In the case *India vs. Pakistan (Appeal Relating to the Jurisdiction of the ICAO Council)*, Judgement of 18 August 1972, ICJ Reports 1972, p. 46), the International Court of Justice decided that decisions of the ICAO Council regarding its jurisdiction to entertain a dispute under Article 84 of the Convention should from a procedural viewpoint, be treated in the same manner as decisions on the merits of the case, and are therefore appealable to the ICJ.

5.3 In light of the foregoing, Article 15 of the Rules, which sets out the relevant rules applicable to the decisions of the Council on disagreements between contracting States, applies equally to decisions on preliminary objections as well as decisions on the merits. Under Article 15, the following requirements apply:

- 1) The Council shall render its decision after hearing the arguments of the Parties;
- 2) The decision of the Council shall be in writing and shall contain all the particulars set out in Article 15, paragraph (2);<sup>1</sup>
- 3) Any Member of the Council who voted against the majority opinion may, if he/she so wishes, have his/her views recorded in the form of a dissenting opinion to be attached to the decision of the Council; and

<sup>1</sup> Article 15 (2) of the Rules reads:

“The decision of the Council shall be in writing and shall contain :

- (i) the date on which it is delivered;
- (ii) a list of the Members of the Council participating;
- (iii) the names of the parties and of their agents;
- (iv) a summary of the proceedings;
- (v) the conclusions of the Council together with its reasons for reaching them;
- (vi) its decision, if any, in regard to costs;
- (vii) a statement of the voting in Council showing whether the conclusions were unanimous or by a majority vote, and if by a majority, giving the number of Members of the Council who voted in favour of the conclusions and the number of those who voted against or abstained.”

- 4) The decision of the Council shall be rendered at a meeting of the Council called for that purpose which shall be held as soon as practicable after the close of the proceedings; and
- 5) No Member of the Council shall vote in the consideration by the Council of any dispute to which it is a party.<sup>2</sup>

5.4 Under Article 5 (3) of the Rules, upon a preliminary objection being filed, the proceedings on the merits shall be suspended and, with respect to the time-limit fixed under Article 3 (1) (c) of the Rules, time shall cease to run from the moment the preliminary objection is filed until the objection is decided by the Council.

— END —

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<sup>2</sup> With reference to Article 66 (b) of the Chicago Convention, “Members of (...) the Council who have not accepted the International Air Services Transit Agreement (...) shall not have the right to vote on any questions referred to the (...) Council under the provisions of the (...) Agreement.” Hereinafter is a list of the Members of the Council which are party to the Transit Agreement: Algeria, Argentina, Australia, China (Hong Kong Special Administrative Region and Macao Special Administrative Region refer), Congo, Cuba, Ecuador, Egypt, France, Germany, India, Ireland, Italy, Japan, Malaysia, Mexico, Nigeria, Panama, Republic of Korea, Singapore, South Africa, Spain, Sweden, Turkey, United Arab Emirates, United Kingdom and the United States.





## **Annex 51**

ICAO Presentation, “Informal briefing of the Council on the Settlement of Differences”, by Dr. Jiefang Huang, Director of ICAO Legal and External Relations Bureau, 19 June 2018

# INFORMAL BRIEFING OF THE COUNCIL ON THE SETTLEMENT OF DIFFERENCES

Dr. Jiefang Huang, D/LEB  
19 June 2018



1

## Overview of Presentation

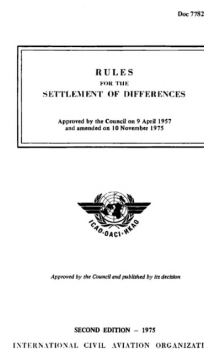
1. Function of the Council
2. Previous Cases
3. Preliminary Objections, Effect on Proceedings
4. Council Meeting of 26 June 2018
5. Voting in Council
6. The Role of the President of the Council, the Secretary General and the Secretariat



2

# 1. Function of the Council

- Article 84 of the Chicago Convention and Article II of the Transit Agreement entrust the Council of ICAO with a judicial function regarding the settlement of disputes between contracting States.
- In performing this function, the Council must act in accordance with Article 84 of the Chicago Convention as well as the *Rules for the Settlement of Differences* (Doc 7782/2).



3

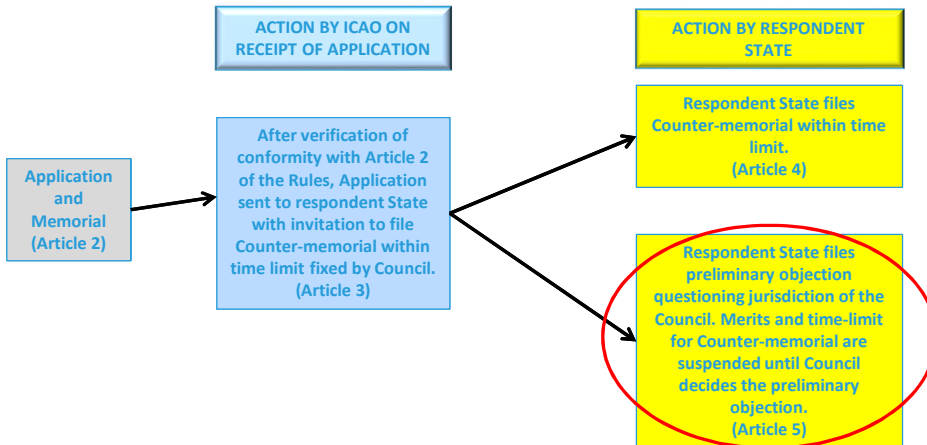
# 2. Previous Cases

- India and Pakistan (1952)
- United Kingdom and Spain (1967)
- Pakistan and India (1971)
- Cuba and United States (1996)
- United States and 15 European States (2000)
- Brazil and United States (2016)



4

### 3. Preliminary Objections



5



ICAO UNITING AVIATION

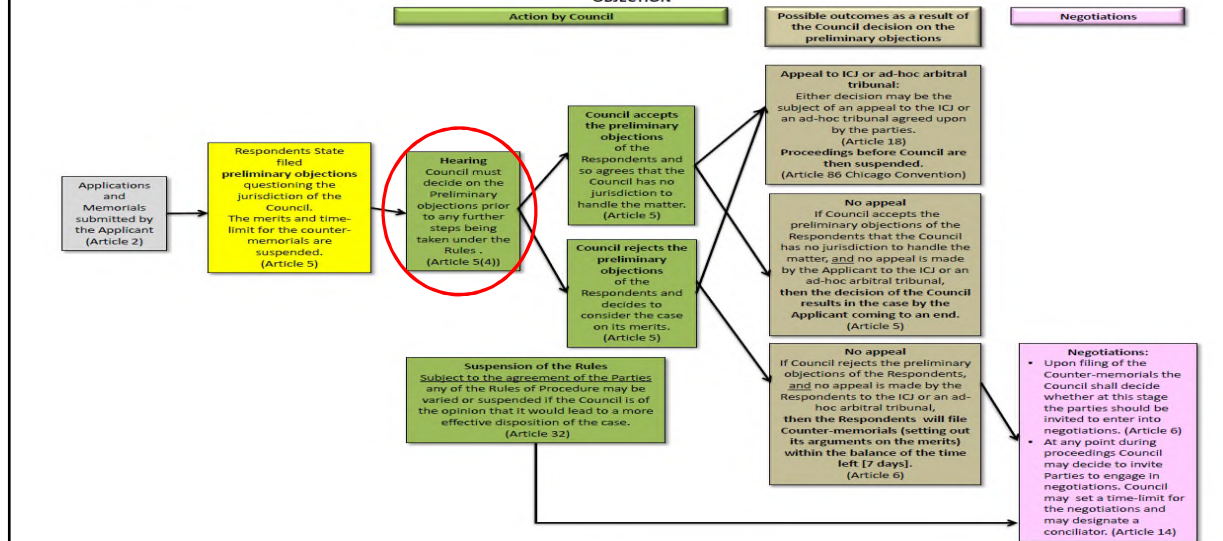
### 4. Council Meeting of 26 June 2018

- What will happen on 26 June 2018 and what is expected from Council Members ?
  - Presentation of C-WP/146778 and C-WP/146779 and respective Add. 1;
  - Submissions and replies by the Parties on the preliminary objections;
  - Question period open to Council Members not party to the dispute (Article 11 of the Rules);
  - Council deliberations and decision with respect to preliminary objections.
- On 26 June 2018 the Council **will not** consider or decide the actual substantive dispute between the Applicant and the Respondents.

6

## 4. Council Meeting of 26 June 2018

RULES FOR THE SETTLEMENT OF DIFFERENCES, PARTS I AND III, DOC 7782/2 SECOND EDITION, 1975.  
PROCEDURE FOR A DISPUTE CONCERNING THE INTERPRETATION OF THE CHICAGO CONVENTION AND THE TRANSIT AGREEMENT UP TO PRELIMINARY OBJECTION



ICAO UNITING AVIATION

## 4. Council Meeting of 26 June 2018

- How will the decision of the Council be made ?
  - In accordance with Article 15(2) of the Rules, the decision of the Council shall be in writing and shall contain:
    - i. the date on which it is delivered;
    - ii. the list of the Members of the Council participating;
    - iii. the names of the parties and their agents;
    - iv. a summary of the proceedings;
    - v. the conclusions of the Council together with its reasons for reaching them;
    - vi. its decision, if any, in regard to costs; and
    - vii. a statement of the voting in Council showing whether the conclusions were unanimous or by a majority vote, and if by majority, giving the number of Members of the Council who voted in favour of the conclusions and the number of those who voted against or abstained.



## 5. Voting in Council

- In ***Pakistan and India (1971)***, the decision of the Council on the preliminary objection filed by India was made by way of a vote. The names of the Council Members participating and how they voted were recorded in the minutes.
- In the ***United States and 15 European States (2000)***, the decision of the Council on the preliminary objection filed by the 15 EU States was unanimous, with no voting.
- In the ***Brazil and United States (2016)***, the decision of the Council on the preliminary objection filed by the United States was made by secret ballot.

9



## 5. Voting in Council

- Under Article 15 (3) of the *Rules for the Settlement of Differences*, “Any Member of the Council who voted against the majority opinion may have its views recorded in the form of a dissenting opinion which shall be attached to the decision of the Council”

10



## 5. Voting in Council

- With respect to the Preliminary objections related to **Application (A)**, Members of the Council **not parties to the dispute** would be entitled to vote (Article 84 of the Chicago Convention).
- With respect to the Preliminary objections related to **Application (B)**, Members of the Council which are **parties to the Transit Agreement** and **not parties to the dispute** would be entitled to vote (Article 66 (b) of the Chicago Convention).

11

## 5. Voting in Council

- In accordance with Article 52 of the Chicago Convention “[d]ecisions by the Council shall require approval by a majority of its Members”, (i.e. **19 Members**).

12



## 6. The Role of the President of the Council, the Secretary General and the Secretariat

- The Council sits as a judicial body when it considers disputes brought under Article 84 of the Chicago Convention and the Transit Agreement.
- Therefore, the role of the President of the Council, Secretary General and the Secretariat is to provide guidance to the Council on procedural aspects of the dispute. It is not their role to state the law, apply the law to the facts, provide legal opinions or express views on the substance or merits of the dispute to the Council.
- The Council itself must form its own legal opinion and take decisions on that basis.

13



14

## **Annex 52**

**Decision of the ICAO Council of the International Civil  
Aviation Organization on the Preliminary Objection in the Matter:  
the State of Qatar and the Arab Republic of Egypt, the Kingdom  
of Bahrain and the United Arab Emirates (2017) – Application (B),  
29 June 2018**

**DECISION**

**OF THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION  
ON THE PRELIMINARY OBJECTION IN THE MATTER: THE STATE OF QATAR  
AND THE ARAB REPUBLIC OF EGYPT, THE KINGDOM OF BAHRAIN  
AND THE UNITED ARAB EMIRATES (2017) – APPLICATION (B)**

*THE COUNCIL,*

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

*COMPOSED* of the following Representatives entitled to vote: Mr. A.D. Mesroua (Algeria), Mr. G.E. Ainchil (Argentina), Mr. S. Lucas (Australia), Mr. S. Yang (China), Mr. R.M. Ondzotto (Congo), Mrs. M. Crespo Frasquieri (Cuba), Mr. I. Arellano (Ecuador), Mr. P. Bertoux (France), Mr. U. Schwierczinski (Germany), Mr. A. Shekhar (India), Mrs. N. O'Brien (Ireland), Mr. M.R. Rusconi (Italy), Mr. S. Matsui (Japan), Mr. K.A. Ismail (Malaysia), Mr. D. Méndez Mayora (Mexico), Mr. M.S. Nuhu (Nigeria), Mr. G.S. Oller (Panama), Mr. Y.J. Lee (Republic of Korea), Mr. T.C. Ng (Singapore), Mr. M.D.T. Peege (South Africa), Mr. V.M. Aguado (Spain), Ms. H. Jansson Saxe (Sweden), Mr. A.R. Çolak (Turkey), Mr. D.T. Lloyd (United Kingdom), Mr. T.L. Carter (United States).

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

*CONSIDERING* that an Application and Memorial by the Applicant under Article II, Section 2 of the *International Air Services Transit Agreement* was filed on 30 October 2017; that a Statement of preliminary objections was filed by the Respondents on 19 March 2018; that a Response to the Statement of preliminary objections was filed by the Applicant on 1 May 2018; and that a Rejoinder was filed by the Respondents on 12 June 2018;

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

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

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

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

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

*DECIDES* that the preliminary objection of the Respondents is not accepted.

The above Decision, on the question whether to accept the preliminary objection of the Respondents, was taken by a secret ballot with 2 Members voting in favor, 18 Members voting against, and 5 Members abstaining.

The time-balance of 7 days remaining for the Respondents to file their Counter-memorials shall begin to run from the date of receipt by the Respondents of this Decision of the Council.

By mutual agreement between the Parties, the commencement of the running of the said time-balance of 7 days shall be suspended for a period of 5 days from the date of receipt by the Respondents of this Decision of the Council. Taking into account the expectation that this Decision will be received by the Parties on or before 3 July 2018, the suspension for 5 days will end on 8 July 2018, and the said time-balance of 7 days shall now run from 9 July 2018 until 16 July 2018, as 15 July 2018 falls on a non-business day.

Rendered on 29 June 2018 in Montréal.

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## **Annex 53**

ICAO Council – 214th Session, Summary Minutes of the  
Eighth Meeting of 26 June 2018, ICAO document C-MIN 214/8,  
23 July 2018





**International Civil Aviation Organization**

**DRAFT MINUTES**

DRAFT  
C-MIN 214/8 (Closed)  
23/7/18

**COUNCIL — 214TH SESSION**

**SUMMARY MINUTES OF THE EIGHTH MEETING**

**(THE COUNCIL CHAMBER, TUESDAY, 26 JUNE 2018, AT 1430 HOURS)**

**CLOSED MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

**PRESENT:**

Algeria	— Mr. A.D. Mesroua	Mexico	— Mr. D. Méndez Mayora
Argentina	— Mr. G.E. Ainchil	Nigeria	— Mr. M.S. Nuhu
Australia	— Mr. S. Lucas	Panama	— Mr. G.S. Oller
Brazil	— Mr. O. Vieira (Alt.)	Republic of Korea	— Mr. Y.J. Lee
Cabo Verde	— Mr. C. Monteiro	Russian Federation	— Mr. S. Gudkov
Canada	— Mr. M. Pagé	Saudi Arabia	— H.E. Dr. N.B.M. Al-Amudi, Minister of Transport and Chairman, GACA
China	— Mr. Shengjun Yang	Singapore	— Mr. T.C. Ng
Colombia	— Mr. A. Muñoz Gómez	South Africa	— Mr. M.D.T. Peege
Congo	— Mr. R.M. Ondzotto	Spain	— Mr. V.M. Aguado
Cuba	— Mrs. M. Crespo Frasquiere	Sweden	— Ms. H. Jansson Saxe
Ecuador	— Mr. I. Arellano	Turkey	— Mr. A.R. Çolak
Egypt	— H.E. H. EL-Adawy, President, CAA	United Arab Emirates	— H.E. S.B.S. Al Mansoori, Minister of Economy and Chairman, GCAA
France	— Mr. P. Bertoux	United Kingdom	— Mr. D.T. Lloyd
Germany	— Mr. U. Schwierczinski	United Republic of Tanzania	— Mr. R.W. Bokango
India	— Mr. A. Shekhar	United States	— Mr. T.L. Carter
Ireland	— Ms. N. O'Brien	Uruguay	— Mr. M. Vidal
Italy	— Mr. M.R. Rusconi		
Japan	— Mr. S. Matsui		
Kenya	— Ms. M.B. Awori		
Malaysia	— Mr. K.A. Ismail		

**ALSO PRESENT:**

Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
H.E. K.B.A. Mohammed, Minister of Transportation and Telecommunications (Obs.)	— Bahrain
Mr. M.T. Al Kaabi (Obs.)	— Bahrain
Mr. S.M. Hassan (Obs.)	— Bahrain
Mr. D. Krishan (Adv.)	— Bahrain
Mr. G. Petrochilos (Adv.)	— Bahrain
Ms. A. Keene (Adv.)	— Bahrain
Mr. R.F. Pecoraro (Alt.)	— Brazil
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. H. Gonzales (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
H.E. A. Salama (Alt.)	— Egypt
Mr. A. Khedr (Rep.)	— Egypt
Mrs. S. El Mowafi (Alt.)	— Egypt
Mrs. Y.H.M. Elbedewy (Alt.)	— Egypt
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico

**SECRETARIAT:**

Mrs. J. Yan	— C/OSG
Ms. I. Sosina	— SA/PRES
Mr. J. Huang	— D/LEB
Mr. Y. Nyampong	— LEB
Mrs. D. Brookes	— LEB
Mr. M. Vaugeois	— LEB
Mr. A. Larcos	— C/ACS
Miss S. Black	— Précis-writer

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**ALSO PRESENT (CONTINUED):**

H.E. J.B.S. AlSulaiti, Minister of Transport and Communications (Obs.)	— Qatar
H.E. A.N. AlSubaey (Obs.)	— Qatar
H.E. F.M. Kafood (Obs.)	— Qatar
H.E. Y.S. Laram (Obs.)	— Qatar
Mr. E.A. Al-Malki (Obs.)	— Rep. of Qatar to ICAO
Mr. M.A. AlHajri (Obs.)	— Qatar
Mr. T.A. Almalki (Obs.)	— Qatar
Mr. E.A. Mindney (Obs.)	— Qatar
Mr. A. Altamimi (Obs.)	— Qatar
Mr. J. Augustin (Adv.)	— Qatar
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D.S. Ha (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
H.E. A.M. Altamimi (Alt.)	— Saudi Arabia
H.E.H.E. W.M.A. Alidriissi (Adv.)	— Saudi Arabia
Mr. S.A.R. Hashem (Rep.)	— Saudi Arabia
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. N.B.B. Alsudairy (Obs.)	— Saudi Arabia
Mr. D.L.Q. Ming (Adv.)	— Singapore
Mr. L.C. Yong (Adv.)	— Singapore
Mr. S. Vuokila (Alt.)	— Sweden
Mr. Ö. Dođruköl (Alt.)	— Turkey
H.E. S.M. Al Suwaidi (Alt.)	— United Arab Emirates
H.E. M.S.H. Al Shehhi (Alt.)	— United Arab Emirates
H.E. F. Al Raqbani (Alt.)	— United Arab Emirates
Miss A. Alhameli (Rep.)	— United Arab Emirates
Mr. M. Salem (Alt.)	— United Arab Emirates
Mr. M. Al Shamsi (Alt.)	— United Arab Emirates
Dr. L. Weber (Alt.)	— United Arab Emirates
Mrs. L. Coquard-Patry (Alt.)	— United Arab Emirates
Mrs. S. Aminian (Alt.)	— United Arab Emirates
Mrs. S. Kirwin (Alt.)	— United Arab Emirates
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. S. Kotis (Alt.)	— United States
Mr. J.M. Padilla (Alt.)	— United States
Mrs. M.A. González (Alt.)	— Uruguay
Mr. F. de Medina (Alt.)	— Uruguay

**Representatives to ICAO**

Bolivia (Plurinational State of)  
 Chile  
 Cyprus  
 Ethiopia  
 Greece  
 Honduras  
 Indonesia  
 Iran (Islamic Republic of)  
 Lebanon  
 Paraguay  
 Peru  
 Qatar  
 Senegal  
 Sudan

**Subject No. 16: Legal work of the Organization**  
**Subject No. 26: Settlement of disputes between Contracting States**

**Settlement of Differences: The State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) – Application (A) (relating to the interpretation and application of the Chicago Convention and its Annexes): Preliminary Objection Stage**

**Settlement of Differences: The State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017) – Application (B) (relating to the interpretation and application of the International Air Services Transit Agreement): Preliminary Objection Stage**

1. On behalf of the Council, the President extended a warm welcome to the following high-level Government Officials who were duly accredited to represent their respective Member States as their Authorized Agents: H.E. Kamal Bin Ahmed Mohammed, Minister of Transportation and Telecommunications of Bahrain, H.E. Hany EL-Adawy, President of the Civil Aviation Authority of Egypt, H.E. Jassem Bin Saif ALSulaiti, Minister of Transport and Communications of Qatar, H.E. Dr. Nabeel bin Mohamed Al-Amudi, Minister of Transport and Chairman of the Board of the General Authority of Civil Aviation of Saudi Arabia, and H.E. Sultan Bin Saeed Al Mansoori, Minister of Economy and Chairman of the Board of the General Civil Aviation Authority of the United Arab Emirates. In addition, he welcomed all other officials from the said five Member States who were also in attendance. The Secretary General joined in this welcome.

2. The Parties and the Council agreed to the proposal by the President for the concurrent presentation and consideration of the two above-mentioned items, on the understanding that the Council would take separate decisions thereon given that Application (A) and Application (B) related to two different international air law instruments, namely, the Chicago Convention and the International Air Services Transit Agreement (Transit Agreement), and that there were different Respondents thereto. The items were considered on the basis of two working papers presented by the Secretary General, C-WP/14778 Restricted (with Addendum No. 1) and C-WP/14779 Restricted (with Addendum No. 1), respectively, and the following memoranda issued by the Secretary General to Council Representatives:

- memorandum **SG 2411/18 (with Blue rider)** dated 23 March 2018, which transmitted the Respondents' Statements of preliminary objections with respect to Application (A) and Application (B);
- memorandum **SG 2416/18 (with Blue rider)** dated 8 May 2018, which transmitted the Applicant's Response to the said Statements of preliminary objections; and
- memorandum **SG 2420/18** dated 13 June 2018, which transmitted the Respondents' Rejoinders to the Applicant's Responses to their Statements of preliminary objections.

*Introduction of C-WP/14778 Restricted (with Addendum No. 1) – Application (A)*

3. The Secretary General introduced C-WP/14778 Restricted (with Addendum No. 1), which provided an overview of the procedure applicable to **Application (A)** – the disagreement between Qatar, as Applicant, on the one hand and Bahrain, Egypt, Saudi Arabia and the United Arab Emirates, as Respondents, on the other hand, during the preliminary objection stage.

4. In the executive summary of C-WP/14778 Restricted, the Council was invited to hear the arguments of the Parties relating to the preliminary objection and to take a decision on the matter in line with the procedure set forth in Article 5 of the *Rules for the Settlement of Differences* (Doc 7782/2), paragraph (4) of which specified 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."

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*Introduction of C-WP/14779 Restricted (with Addendum No. 1) – Application (B)*

5. The Secretary General then introduced C-WP/14779 Restricted (with Addendum No. 1), which provided an overview of the procedure applicable to **Application (B)** – the disagreement between Qatar, as Applicant, on the one hand and Bahrain, Egypt and the United Arab Emirates, as Respondents, on the other hand, during the preliminary objection stage. The action by the Council proposed in the executive summary of C-WP/14779 Restricted was identical to that proposed in the executive summary of C-WP/14778 Restricted.

6. The President of the Council recalled that, for the two cases before it, the Council was sitting as a judicial body under Article 84 of the Chicago Convention, taking its decisions on the basis of the submission of written documents by the Parties, as well as on the basis of oral arguments. The Council's consideration was limited to the Respondents' two Statements of preliminary objections with respect to Application (A) and Application (B), the Applicant's respective Responses thereto, and the Respondents' respective Rejoinders, and would not address the merits of the cases. The *Rules for the Settlement of Differences* (Doc 7782/2) and the *Rules of Procedure for the Council* (Doc 7559/10) would be used.

*Presentation by the Respondents' Authorized Agents of their oral arguments with respect to Application (A) and Application (B)*

7. At the invitation of the President of the Council, and on behalf of Bahrain, Egypt, Saudi Arabia and the United Arab Emirates, H.E. Dr. Nabeel bin Mohamed Al-Amudi (Saudi Arabia) presented the preliminary objection filed by the Respondents in response to Qatar's **Application (A)** under Article 84 of the Chicago Convention. Before he began, H.E. Al-Amudi reiterated the Respondents' utmost respect for ICAO, the Council, and the international rules and principles governing civil aviation. He emphasized that safety had been, and continued to be, the Respondents' top priority. In noting that the Respondents, the Secretariat, and the ICAO Middle East Regional Office (MID) (Cairo), among others, had worked diligently to ensure that contingency arrangements were in place in the Gulf region, and that such arrangements ensured the safe operation of civil aircraft, H.E. Al-Amudi indicated that that task had been accomplished.

8. H.E. Al-Amudi underscored that, as one of the Council Members had astutely recognized and stated during the Extraordinary Session of the Council convened on 31 July 2017 pursuant to the request made by Qatar under Article 54n) of the Chicago Convention, the aviation component of the situation in the Gulf region was but one part of a complex environment. ICAO's role, within that environment, was to administer an international aviation system that delivered safe, secure and efficient air navigation for all Member States. He observed that that role had been fulfilled.

9. In emphasizing that the Respondents had not chosen to bring this dispute before the Council today, H.E. Al-Amudi stressed that, as previously notified to the President of the Council and the Secretary General, the procedures set for the present hearing were contrary to the Respondents' requests, the *Rules for the Settlement of Differences* (Doc 7782/2), and the fundamental rules of due process. He cited two notable examples, as follows: firstly, the Respondents' preliminary objections needed 19 positive votes to carry the day, but the Rules only required a simple majority of the Council Members entitled to vote; and secondly, the Respondents had not been provided with sufficient or equal time to adequately present their case. Their right to be heard had thus been compromised.

10. H.E. Al-Amudi highlighted that during the present meeting it fell on the Council to recognize that the real issue of this dispute did not concern international civil aviation but rather the Applicant's breaches of its international obligations, which had left the Respondents with no effective option other than to exercise their sovereign right to implement measures to protect their national security interests.

11. Underscoring the importance of the dispute's context, H.E. Al-Amudi recalled the 2013 and 2014 timeframe, when the Gulf Cooperation Council States, including Qatar, had agreed to a series of collective obligations known as the Riyadh Agreements. He noted that although Egypt was not a signatory thereto, under their terms, and in particular, as expressly stated in Article 4 of the November 2014 Agreement, Egypt was a beneficiary of those Agreements. H.E. Al-Amudi further noted that, under the signature of its Emir, Qatar had committed to stop funding, harboring, and supporting persons and organizations engaging in terrorist or extremist activities, and to desist from interfering in the internal affairs of neighbouring States. He emphasized that the Riyadh Agreements reinforced the Applicant's international law obligations, as set forth in the *Charter of the United Nations* (UN), the *International Convention for the Suppression of the Financing of Terrorism*, relevant binding United Nations Security Council Resolutions, and the customary international law principle of non-interference in the internal affairs of other States.

12. Recalling that the Respondents had asked the Applicant, time and again, to halt these practices, in line with its commitments, H.E. Al-Amudi underscored that, time and again, the Applicant had failed to do so. He indicated that in June 2017, after assessing that all other options had been exhausted, the Respondents had determined that the only way to address these grave threats to their national security was to terminate diplomatic and consular relations with the Applicant, and to institute a basket of lawful counter-measures, including the said airspace restrictions. He stressed that unless and until the Applicant fulfilled its obligations under the Riyadh Agreements, the Respondents would consider it a grave national security threat, and would continue the basket of counter-measures necessary to counter that threat.

13. In affirming that the Respondents did not implement such counter-measures to punish the Applicant, H.E. Al-Amudi underscored that their purpose was rather to induce the Applicant to bring its actions into compliance with its fundamental obligations. He emphasized that when the Applicant fully complied with its international obligations, as reinforced in the Riyadh Agreements, then the said counter-measures would be lifted, and that as long as the Applicant continued to breach its obligations, the counter-measures would remain.

14. Noting that some Council Representatives might be asking themselves why the Respondents were talking about terrorism in an Organization established to deal with international civil aviation, H.E. Kamal Bin Ahmed Mohammed (Bahrain) emphasized that that was exactly the point of first ground of their **preliminary objection with respect to Qatar's Application (A)**, which rested on the fact that the present dispute between Qatar, as Applicant, and the Respondents would require the Council to determine issues that fell outside the latter's jurisdiction. Noting that the Applicant had all but conceded that point, he recalled that it had promised to present a "robust defence" against the allegations of its funding and support of terrorism and to show why the Respondents' counter-measures were unlawful were the case to get to the merits. The Council would then have to determine those issues. H.E. Mohammed underscored, however, that the Council's jurisdiction under Article 84 of the Chicago Convention was limited to "any disagreement ... relating to the interpretation or application" of the Chicago Convention. In emphasizing that that provision clearly limited the types of matters that the Contracting States to the Convention intended the Council to hear, he underscored that the exercise of jurisdiction over matters unrelated to civil aviation was outside the latter's mandate. H.E. Mohammed stressed that by asking the Council to ignore that principle, the Applicant was in fact asking the Council to act far beyond the scope of its authority, which was not appropriate.

15. Noting that the Parties apparently agreed on the content and applicability of the customary international law principle on counter-measures in this case, H.E. Mohammed emphasized that the obligations in the Chicago Convention could not be viewed in isolation of those rules. The Respondents maintained that the Applicant's breaches of its international law obligations created a situation where they had no choice but to impose lawful counter-measures to induce the Applicant to change its behaviour.

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16. H.E. Mohammed recalled that the International Court of Justice (ICJ) had held in the *Hungary/Slovakia* case that an injured State could take counter-measures against a State which had breached its obligations. Under international law, five conditions had to be met for the counter-measures to be considered lawful, the first of which was that the counter-measure must be adopted in reaction to a previous internationally wrongful act and directed against the wrong-doing State. He affirmed that such was the case here.

17. H.E. Mohammed underscored that the Respondents maintained that their said airspace restrictions were lawful counter-measures, and were permitted under international law. He indicated that Council Members would know from their own experience that States had, in the past, been compelled to restrict their airspace in the face of illegal conduct by other States. They had done so bilaterally or collectively, and on various legal grounds, including by way of counter-measures. H.E. Mohammed cited, as examples, a European Union (EU) flight ban at the time of the Kosovo crisis; the flight bans on Libyan outbound flights in 2015; similar bans on North Korean flights; and bans on South African flights as a reaction to the continuation of apartheid policies in the 1980's. He noted that although the list of examples was much longer, the salient point was clear, and it had never been suggested by the States involved, and rightly so, that any of those broader disputes could be characterized as an aviation matter and resolved by the Council.

18. H.E. Mohammed emphasized that despite the Applicant's allegations, the Respondents were not asking the Council to decide those issues now; rather, at this stage, the Council had only to decide whether it could properly exercise jurisdiction over the merits, as it related to the real issue in the case. However, the Respondents did ask the Council to make a decision on its jurisdiction at this phase of the case. They submitted that their preliminary objection had an exclusively preliminary character. Deciding on the objection now would not require the Council to rule on the merits of the real issue in dispute, but simply require it to decide whether it had jurisdiction at all. H.E. Mohammed underscored that in keeping with ICAO's *Rules for the Settlement of Differences* (Doc 7782/2), as well as the practice of the ICJ, the objection should be resolved at the preliminary stage, if at all possible.

19. H.E. Mohammed noted that in order to rule on the legality of the Respondents' said airspace measures at large, the Council would first have to determine if the Applicant had in fact violated the Riyadh Agreements, the *Convention of the Organization of the Islamic Conference on Combatting International Terrorism*, the *Arab Convention for the Suppression of Terrorism*, the *International Convention for the Suppression of the Financing of Terrorism*, numerous United Nations Security Council Resolutions, and the customary international law principle of non-interference. To state the obvious, such matters were outside the mandate of the Council. Recalling that the Council had not once ruled on an Article 84 case in its history, H.E. Mohammed underscored that to do so on a matter involving national security and counter-terrorism would be unprecedented.

20. H.E. Mohammed stressed that it was impossible to rule on the legality of the Respondents' said airspace measures without dealing with the larger dispute at hand, a dispute in which the real issue was the Applicant's illegal actions. In indicating that for that reason the Council should rule in favour of the Respondents' preliminary objection, he reiterated that the real and principal issue in this dispute was not civil aviation. Recalling that the Council itself had reviewed and confirmed that the contingency arrangements in the Gulf region agreed in 2017 ensured the safe operation of civil aircraft, H.E. Mohammed maintained that the larger dispute at issue that the Applicant sought to bring before the Council did not belong in ICAO.

21. H.E. Sultan Bin Saeed Al Mansoori (United Arab Emirates) then presented the second ground of the Respondents' **preliminary objection with respect to Qatar's Application (A)**. Recalling that Article 84 of the Chicago Convention provided that only disagreements which "cannot be settled by negotiation" may be submitted to the Council, he indicated that that meant that an Applicant, in the present

case, Qatar, must show that it had attempted negotiations about the dispute *before* submitting a case to the Council. The text of Article 84 was quite clear.

22. H.E. Al Mansoori also brought to the Council Members' attention Article 2(g) of the *Rules for the Settlement of Differences* (Doc 7782/2), which provided that the Applicant's Memorial must contain "A statement that negotiations to settle the disagreement had taken place between the parties but were not successful." He noted that the Respondents' submissions cited numerous precedents where the ICJ had dealt with that issue, including the 2011 case *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)* (cf. Preliminary Objections, Judgment, ICJ Reports 2011, p. 70, paragraph 160). H.E. Al Mansoori underscored that where a treaty, such as the Chicago Convention, explicitly called for negotiations before a dispute may be brought, that requirement operated as a precondition that the Applicant must satisfy before filing an Application with the Council. Towards that end, it was notable that many of the exhibits the Applicant had provided to support its attempt at negotiations had come after it had filed its Application (A) and Memorial.

23. H.E. Al Mansoori affirmed that the Applicant had made no attempt to negotiate the real dispute with the Respondents, and had not even attempted to fulfil the said Article 2(g) requirement when filing its Application (A). He noted that, in fact, the Applicant conceded on page 9 of its Memorial (A) that it had not attempted to enter into negotiations in relation to the matters it now raised before the Council, taking the position instead that the severance of diplomatic relations had made negotiations "futile."

24. Indicating that the Applicant appeared to have realized, belatedly, that that argument did not satisfy the precondition to negotiate, H.E. Al Mansoori highlighted that in its Response, the Applicant had fundamentally changed its position, and now asserted that it had in fact attempted negotiations. It was notable, however, that despite exhibiting dozens of media reports containing the Applicant's supposed official statements, the Applicant had only illustrated that it had made vague public statements to third party States about its willingness to negotiate. However, the Applicant had not proved that it had demonstrated that willingness to the Respondents and the Applicant had never made a formal request to initiate negotiations. H.E. Al Mansoori maintained that the issuance of empty statements regarding the Applicant's "willingness" to negotiate was insufficient.

25. H.E. Al Mansoori emphasized that, as the Party asserting jurisdiction, the burden fell on the Applicant to demonstrate that it had satisfied the requirement of negotiations by making an attempt to negotiate, consistent with the ICJ Judgment in the said case *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*. The Applicant had failed to do so, however.

26. This led H.E. Al Mansoori to bring to the Council's attention to another clear contradiction in the Applicant's submission. He noted that the first ground of the Respondents' preliminary objection with respect to Qatar's Application (A) rested on the fact that the real issue of this dispute fell outside of international civil aviation. The Applicant disagreed with them in that regard. However, at the same time, the Applicant's response in relation to the question of whether it had fulfilled the precondition of negotiations was to point to vague statements relating to the larger dispute at hand. H.E. Al Mansoori reiterated that, indeed, none of the exhibits that the Applicant had pointed to as evidence of its attempts at negotiations touched on the Respondents' airspace restrictions.

27. H.E. Al Mansoori queried why, if the real issue of the dispute was the Respondents' airspace restrictions, did the evidence that the Applicant relied upon as supposedly demonstrating its attempts at negotiation of those airspace restrictions contain statements *only* as to the larger dispute. He underscored that if the real issue of the dispute was indeed the said airspace restrictions, as the Applicant would have the Council believe, then the Applicant had failed to fulfil the requirement of negotiations under Article 84 of the Chicago Convention.



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28. H.E. Al Mansoori observed that the Applicant had further attempted to confuse the issue by referring to discussions held in entirely unrelated fora, for example, to proceedings before the World Trade Organization (WTO), which related to a different dispute. He underscored that, consistent with the views expressed by the ICJ in the said case *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*, such discussions did not satisfy the requirement of prior negotiations because they did not relate to what the Applicant claimed was the subject of its Application (A) before ICAO.

29. H.E. Al Mansoori noted that the Applicant had also asserted that the proceedings of the the Extraordinary Session of the Council on 31 July 2017, held pursuant to Article 54 n) of the Chicago Convention, were evidence that there had been negotiations between the Parties within the framework of ICAO. He emphasized that, as the Council Members well knew, those Article 54 n) proceedings had been rightfully confined to discussions regarding the safety of civil aviation in the context of the contingency arrangements in the Gulf region. H.E. Al Mansoori affirmed that such discussions could not, under any characterization, constitute an attempt by the Applicant to negotiate for purposes of satisfying the requirement of prior negotiations under Article 84 of the Chicago Convention. He noted that while the Applicant had also pointed to letters that it had submitted to the President of the ICAO Council and the ICAO Secretary General, arguing that it had indeed attempted negotiations, none of the letters it had referred to included any request to the Respondents to negotiate on the said airspace restrictions. Indeed, those letters had not even been addressed to the Respondents.

30. H.E. Al Mansoori indicated that, in these circumstances, the Respondents respectfully submitted that the Council should conclude that the Applicant had failed to fulfil the precondition of negotiations required by Article 84 of the Chicago Convention and, further, that it had failed to comply with Article 2(g) of the *Rules for the Settlement of Differences* (Doc 7782/2). As a consequence, the Respondents respectfully submitted that the Council should decline to proceed with this matter further.

31. H.E. Al Mansoori underscored that even if the Applicant were to affirm today its willingness to undertake negotiations with the Respondents, it would be too late for the present case. Maintaining that any such request for negotiations had to occur before the Application was filed with ICAO, he reiterated that the law on that question was crystal-clear.

32. H.E. Al Mansoori indicated that, for all of the foregoing reasons, the Respondents respectfully requested that the Council accept and uphold their preliminary objection with respect to Qatar's Application (A) and therefore decide: i) that it lacked jurisdiction to adjudicate the claims raised by Qatar's Application (A); or ii) in the alternative, that Qatar's claims were inadmissible.

33. On behalf of Bahrain, Egypt and the United Arab Emirates, H.E. Hany EL-Adawy (Egypt) addressed the preliminary objection filed by them, as Respondents, in response to Qatar's **Application (B)** under Article II, Section 2 of the Transit Agreement. He prefaced his remarks with an affirmation of the Respondents' utmost respect for ICAO, the Council, and the international rules and principles governing civil aviation and their commitment to cooperating with all parties, including Qatar, under the auspices of ICAO, to ensure the safe and secure operation of civil aviation.

34. H.E. EL-Adawy underscored that the grounds for the preliminary objection explained earlier in respect of the Chicago Convention applied with equal force to the Transit Agreement. He reiterated that the first ground of the preliminary objection rested on the fact that the real issue of this dispute, the Applicant's illegal actions, fell outside the scope of ICAO's mandate, and that the second ground of the preliminary objection rested on the fact that the Applicant had not satisfied the precondition to make a genuine attempt at negotiations.

35. H.E. EL-Adawy took this opportunity to re-emphasize that the central issue in the current crisis was the Applicant's ongoing support for extremism and terrorism and its continued interference in the



internal affairs of other States. He reiterated that the Applicant's policies represented a threat not only to the security and stability of Arab States, but also to many other countries.

36. In noting that at this stage the Council was only called upon to decide whether it could properly exercise jurisdiction over the merits of the case, as they pertained to the real issue, H.E. EL-Adawy reiterated that if the Council were to accept jurisdiction and proceed to the merits of the case, then it would be acting inconsistently with international law and contrary to the expectations of States, because it would be required to pass judgment on issues outside its jurisdiction.

37. H.E. EL-Adawy underscored that the Applicant had overstated the breadth of the Council's jurisdiction when it claimed in its Response that "the Council has never refused jurisdiction in any case brought before it." He emphasized that the Council had only rejected preliminary objections challenging its ability to hear a disagreement on three occasions, and that it had never issued a final decision on the merits. H.E. EL-Adawy noted, by contrast, that since the founding of ICAO, the Council had never asserted jurisdiction over a counter-measures defence. He indicated that the Respondents respectfully submitted that ICAO should not be involved in setting this dangerous precedent today and accordingly respectfully requested the Council to uphold their preliminary objection with respect to Qatar's Application (B) on the grounds that: i) the Council lacked jurisdiction to adjudicate the claims raised by Qatar's Application (B); or ii) in the alternative, that Qatar's claims were inadmissible.

*Presentation by the Applicant's Authorized Agent of its oral arguments in response to the Respondents' oral arguments*

38. H.E. Jassem Bin Saif AlSulaiti (Qatar) prefaced his presentation with an expression of Qatar's gratitude to ICAO for its efforts and service to ensure the safety and security of international civil aviation, and for assuming its responsibilities by convening the present Council meeting to consider Qatar's requests regarding the aviation restrictions imposed on it by Saudi Arabia, the United Arab Emirates, Bahrain and Egypt on 5 June 2017.

39. H.E. AlSulaiti underscored that the purpose of the meeting was to discuss the Respondents' preliminary objections and not the merits of the claims made by Qatar in its Application (A) and Application (B) and their corresponding Memorials filed with ICAO on 30 October 2017. He emphasized that the current hearing was simply to discuss the jurisdiction of the Council, which was set out in Article 84 of the Chicago Convention and Article II, Section 2 of the Transit Agreement. Under those agreements, the jurisdictional clause was simple: the Council had jurisdiction to decide the case if there was any disagreement relating to the interpretation or application of the Chicago Convention or the Transit Agreement which could not be settled by negotiation. There was nothing under those agreements or in the *Rules for the Settlement of Differences* (Doc 7782/2) which set any other limits on, or otherwise circumscribed, the assumption of jurisdiction by the Council. The Council was simply being asked to undertake a function with which it had been constitutionally mandated.

40. H.E. AlSulaiti recalled that, on 5 June 2017, without any previous warning and without any effort to negotiate with Qatar, the said four States, acting in concert and in coordination, had taken what Qatar considered to be a series of brutal and unprecedented measures against it, which included the prevention of Qatari-registered civil aircraft from transiting their airspace and from landing for non-traffic purposes. He asserted that those actions explicitly violated a number of provisions of the Chicago Convention and the Transit Agreement as set out in Qatar's Application (A) and Application (B) and their corresponding Memorials, which had been filed with ICAO on 30 October 2017.

41. H.E. AlSulaiti noted that by letter dated 19 March 2018, the Respondents had presented to ICAO their Statements of preliminary objections to Qatar's Application (A) and Application (B). Qatar had responded on 30 April 2018. The Respondents subsequently had filed so-called "Rejoinders" on 12 June 2018. Before proceeding further, H.E. AlSulaiti wished to place on record that Qatar believed that it had

been procedurally and substantively prejudiced by virtue of the fact that the Respondents had been permitted to file the so-called “Rejoinders” under Article 7(1) of the *Rules for the Settlement of Differences* (Doc 7782/2). As stated in Qatar’s e-mail of 25 May 2018 to Council Delegations, Qatar was equivalent to the defendant for the purposes of consideration of the Respondents’ Statements of preliminary objections, yet the said Rules had been interpreted to allow the Respondents to file Rejoinders, which were the last written pleadings permitted following the filing of the Counter-memorials. The Respondents’ Counter-memorials had not yet been submitted, however.

42. H.E. AlSulaiti noted that since the Parties were making a single presentation for both of the said Applications for convenience and to save time, references in his current presentation to certain excerpts or texts were to Qatar’s Application (A), the Respondents’ Statement of preliminary objections (A), Qatar’s Response (A) and the Respondents’ so-called “Rejoinder” (A). He indicated that they were to be taken as cross-read with the comparable provisions in the pleadings for Application (B).

43. H.E. AlSulaiti emphasized that essentially, the crux of the Respondents’ arguments was that the Council did not have jurisdiction, or alternatively, that Qatar’s claims were inadmissible. He indicated that, at times, the Respondents confused the two concepts in their Statement of preliminary objections. They claimed that their actions constituted lawful counter-measures, and that that would require the Council to determine issues forming part of a wider dispute between the Parties. The Respondents stated that there was a body of law outside of the Chicago Convention which afforded them a dispositive defence to the claims of Qatar. The basis of the alleged lack of jurisdiction essentially boiled down to an allegation that “While the Council has considerable expertise in the technical aspects of aviation enshrined in the Chicago Convention, it is not well-suited or well-equipped to handle disputes of a wider nature ...”(cf. Statement of preliminary objections, executive summary, paragraph 4). Additionally, the Respondents claimed that Qatar had failed to meet the condition of negotiation.

44. H.E. AlSulaiti underscored that although the Respondents claimed that, in determining the issues raised by Qatar under the Chicago Convention or the Transit Agreement, the Council was prevented or circumscribed from considering any issues falling outside of the Convention or Agreement, they did not explain or explain satisfactorily why that should be so. He highlighted that most legal disputes arose in a wider context and that their determination could also take into account other issues relevant to the determination of the legal question placed before the tribunal. In adjudicating issues, tribunals, even those with subject matter jurisdictional clauses like the Council, were not placed in blinkers.

45. H.E. AlSulaiti affirmed that, as Qatar had pointed out in its Response to the said Statement of preliminary objections, the Council had jurisdiction as long as the question for decision related to the interpretation or application of the Chicago Convention or the Transit Agreement and could not be settled by negotiations.

46. H.E. AlSulaiti underscored that, as Qatar has shown in its said Responses, the *Rules for the Settlement of Differences* (Doc 7782/2) did not permit the Council to consider issues of *admissibility* at the preliminary objection stage. Article 5(1) of the Rules, adopted by the Council to govern its consideration of disputes under Article 84 of the Chicago Convention and Article II, Section 2 of the Transit Agreement, quite clearly only allowed a preliminary objection to be filed as to jurisdiction.

47. H.E. AlSulaiti averred that the reference made in paragraph 15 of the Respondents’ “Rejoinder” to Article 36(6) of the *Statute of the International Court of Justice* (ICJ) was intended to divert the Council’s attention from the central issue. The Article simply stated that in the event of a dispute as to whether the Court had jurisdiction, the matter shall be settled by the decision of the Court itself. It had nothing to do with admissibility.

48. H.E. AlSulaiti noted that it was quite remarkable how the Respondents attempted to explain away the recent decision of the Council in the case *Settlement of Differences: Brazil and United*

*States (2016)*. He emphasized that if Brazil had not wished to make the point that the Council should not address issues of admissibility at the preliminary objection stage, then that had been Brazil's prerogative. Qatar now raised the matter. H.E. AlSulaiti underscored that contrary to what had been alleged by the Respondents, there was no confirmation by the Council that it could have ruled on admissibility at that stage. In fact, for the Council, the matter to be decided at the preliminary objection stage was only jurisdiction, which was why the Council had not even discussed the arguments on extinctive prescription in the said case. He maintained that it was the Respondents who were wrong in law on that point.

49. H.E. AlSulaiti recalled that in paragraph 24 of the "Rejoinder", the Respondents stated that Qatar presumably intended to invite the Council to join the Respondents' preliminary objections to the merits in both Applications. Underscoring that the Respondents' presumption was wrong, he highlighted that in paragraph 214 of its Response, Qatar invited the Council to declare that it had no competence at the preliminary objection stage to consider the claims, arguments and submissions of the Respondents on admissibility.

50. H.E. AlSulaiti observed that the statement made by the Respondents in paragraph 26 of their Rejoinder that Article 5(4) of the *Rules for the Settlement of Differences* (Doc 7782/2) did not give the Council the option of joining preliminary objections to the merits was correct. He emphasized, however, that under Article 5(1) of the Rules, preliminary objections were to be on issues of jurisdiction, not issues of admissibility.

51. H.E. AlSulaiti averred that, given Qatar's arguments, it was disingenuous and trickery for the Respondents to claim, as they did in paragraph 14 of their Rejoinder, that Qatar did not dispute a Respondent's right to file an objection on grounds of admissibility under ICAO's Rules. Qatar's response was that although such an objection should be presented, the Council could not consider it at this stage.

52. H.E. AlSulaiti indicated that, as had been pointed out in paragraph 17 of Qatar's Response, although the ICJ could rule on admissibility at the preliminary objection stage, the ICJ had indicated in its Judgment in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)* that under its Rules, where the Court found that an objection did not possess an exclusively preliminary character, it would be dealt with at the merits stage (cf. Preliminary Objections, Judgment, ICJ Reports 2008)

53. H.E. AlSulaiti underscored that the Respondents' claim that the real issue before the Council was something different from their actions which were not in conformity with the Chicago Convention and the Transit Agreement was wrong and misleading. He averred that the Respondents had not understood or had ignored the case law. H.E. AlSulaiti stressed that the object of Qatar's claim, or the real issue for the Council to determine, was whether or not the Respondents had violated the Chicago Convention and the Transit Agreement, and to declare that accordingly. He emphasized that, as Qatar had pointed out in paragraph 34 of its Response, the fact that a legal dispute had wider underlying elements did not mean that such a dispute fell outside the jurisdiction of the Council or was inadmissible. H.E. AlSulaiti recalled that many of the cases under Article 84 of the Chicago Convention or the Transit Agreement previously referred to the Council had had wider underlying political issues or other non-aviation problems, and that in no case had the Council since its inception declined jurisdiction over it.

54. H.E. AlSulaiti highlighted that, as stated by the ICJ in its Judgment in the *United States Diplomatic and Consular Staff in Tehran* case, no provision of its Statute or Rules contemplated that the Court should decline to take cognizance of one aspect of a dispute merely because that dispute had other aspects, however important (cf. ICJ Reports 1980).

55. H.E. AlSulaiti emphasized that, although the Respondents would like the Council to believe otherwise, there was no provision in the Chicago Convention or the Transit Agreement which stipulated that the Council should decline jurisdiction over a disagreement on their interpretation or

application merely because there were other aspects to the dispute before the Council, or that the decision could or must take into account elements which did not fall completely within the parameters of civil aviation. He underscored that the violation of the Chicago Convention and the Transit Agreement was not a marginal or incidental matter before the Council.

56. H.E. AlSulaiti averred that the reference made by the Respondents in their Statement of preliminary objections and paragraph 42 of their Rejoinder to the *Chagos Islands* arbitration case did not help them. They had helpfully pointed out that the Tribunal had stated that where a dispute concerned the interpretation or application of the Convention, the jurisdiction of a court or tribunal extended to making such findings of fact or ancillary determinations of law as were necessary to resolve the dispute presented to it. H.E. AlSulaiti emphasized that that was exactly what Qatar was requesting the Council to do.

57. H.E. AlSulaiti underscored that the assertion made by the Respondents in paragraph 44 of their Rejoinder that bodies such as the Council may not encroach upon the jurisdiction which other bodies may have over the real dispute, which was related to the so-called “principle of specialty”, was wrong in law and unsubstantiated. He indicated that as Qatar had addressed that issue in paragraphs 49 to 65 of its Response to show that that principle espoused by the Respondents could not apply to prevent the Council from assuming jurisdiction, he would not repeat the arguments here in the Council. H.E. AlSulaiti indicated that it would mean that no other Specialized Agency or other body would have jurisdiction to consider a matter as long as there was some connection, incidental or otherwise, with the functions of another organization. The net result would be a complete denial everywhere of the justiciability of Qatar’s grievances. It would also render invalid the constitutional mandate under the Chicago Convention and the Transit Agreement to settle differences or disagreements relating to their interpretation and application.

58. H.E. AlSulaiti averred that the point which the Respondents tried to make about the use of the words “political issues” was, in the main, one of pure semantics. Noting that the words “wider issues”, “wider disputes”, “political issues”, “broader issues”, “wider underlying elements”, “broader questions”, “other aspects” and so on were all used, he underscored that, fundamentally, whatever terminology was used, the law was still the same.

59. H.E. AlSulaiti observed that all of the Respondents’ arguments as to why the Council could not answer the legal question put to it boiled down to one thing. In the Statement of preliminary objections, executive summary, paragraph 3, the Respondents claimed that resolution of Qatar’s claims would require the Council to determine issues forming part of the wider dispute between the Parties. They stated that the Council would have to determine, amongst other things, whether Qatar had breached its relevant counter-terrorism obligations under international law. In paragraph 4, they alleged that the Council did not have jurisdiction to adjudicate issues as to whether Qatar had breached its other obligations under international law. In particular, the Respondents stated in paragraph 58 of their Rejoinder: “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. But it is not well-suited or equipped to handle disputes about violation of sovereignty, breach of the principle of non-intervention, subversion and terrorism”. More or less the same statement was repeated in the Respondents’ Statement of preliminary objections, executive summary, paragraph 4, and paragraph 69; and in their Rejoinder, executive summary, paragraph 5.

60. H.E. AlSulaiti stressed that while it was clear that most of the Respondents’ arguments boiled down to the rationale that the Council was not well-suited or well-equipped to answer the legal question put to it or to assume its legal mandate, that was not a valid argument in law or in fact. Yet that was what the Respondents were, in effect, having as the conclusion of their reasoning and arguments.

61. In emphasizing that Qatar had the utmost respect for the Council, H.E. AlSulaiti indicated that although it might or might not agree with every decision of the Council, it had confidence in the ability of the Council and the Representatives to answer the legal questions put to them. He recalled that the Group

of Experts established to draft Rules for the Settlement of Differences in the 1950's had been of the view that: "If Council decides to hear a case arising under Article 84 [of the Chicago Convention] which presents problems of legal complexity or requires special knowledge of economic or air transport matters on the part of the Council, it is open for each State member of the Council to designate, temporarily, a legal, economic or other expert as Representative of that State on Council during the period or on the occasions where the contemplated case under Article 84 is being dealt with."

62. Further, as to the supposed difficulty the Council Representatives would face if the Respondents would put forward a defence that they had instituted lawful counter-measures, Qatar believed that, based on the documents which the Respondents had unfortunately produced as exhibits and the statements they had made in their Statements of preliminary objections and Rejoinders, the matter would be one of the easiest for the Council to decide at that session when it would examine the merits of the two cases.

63. H.E. AISulaiti underscored that, whether or not Council Representatives believed that statement, the fact was that the assessment could only be made after the Respondents' Counter-memorial was presented, which may or may not contain a claim from the Respondents that their actions were lawful counter-measures, and after Qatar replied to whatever defence was put forward by the Respondents. In emphasizing that the Council could not make that assessment now, he noted that that was what the ICJ had been guarding against in its 1972 Judgment regarding the *Appeal relating to the jurisdiction of the ICAO Council (India v. Pakistan)*.

64. H.E. AISulaiti recalled that in that ICJ case India had alleged then that flights of Pakistani aircraft over India was governed by a Special Regime in force between the two States, which was completely outside of the Chicago Convention and the Transit Agreement, and also that India had become entitled under international law or international treaty law outside of those two agreements, to terminate or suspend them. In its Judgment, the ICJ had decided that as long as there was "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 ... then *prima facie* the Council is competent. Nor could the Council be deprived of 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." (cf. ICJ Reports 1972, p. 61, paragraph 27). The Court had gone on to state that "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, which would be inadmissible." (cf. ICJ Reports 1972, p. 61, paragraph 27). Thus the competence or jurisdiction of the Council must depend on the character of the dispute submitted to it and on the issues raised, not on those defences on the merits or other considerations, which would become relevant only after the jurisdictional issues had been settled.

65. H.E. AISulaiti emphasized that although the Respondents had tried to explain away the importance of that ICJ Judgment, they could not hide from the plain, clear wording of the Court. They could not claim that the Council had no jurisdiction because they intended to raise a defence of counter-measures at the stage of the merits. They could not bring forward a defence, any defence, on the merits so as to deny jurisdiction. The Council had not seen the Respondents' Counter-memorial and Qatar's reply, and it could not assume that it had no jurisdiction because of issues which might be in there.

66. Further, all those arguments of the Respondents went to admissibility, not jurisdiction, and should be dismissed at this stage.

67. The Respondents kept claiming that the actions they had taken were lawful counter-measures. They were not.

68. On the issue of the negotiations, Qatar had made it clear that the threshold to establish jurisdiction was quite low.

69. H.E. AlSulaiti underscored that compromissory clauses such as, or similar to, Article 84 of the Chicago Convention or Article II, Section 2 of the Transit Agreement were not uncommon. Qatar believed, and reiterated, that the question as to the date when the condition of negotiation must be fulfilled was not definitively settled in law, as prior to the *Racial Discrimination* case, there had been a long string of cases, going back to 1924 right through to 2008, to the effect that any initially unmet condition, including for jurisdiction, may be fulfilled at the time the Court rules, as otherwise the Applicant would be entitled to initiate fresh proceedings, which would not be in the interests of sound administration of justice. The one case that went against the grain was the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)* case, which had a strong dissenting opinion by five judges (cf. Preliminary Objections, Judgment, ICJ Reports 2011, p. 70, paragraph 160).

70. Recalling that Qatar had mentioned in its said Response that none of its efforts to negotiate with the Respondents had been fruitful, H.E. AlSulaiti indicated that the core issue before the Council was Qatar's request that it determine whether the Respondents had violated the provisions of the Chicago Convention and the Transit Agreement. In so doing, the Council was free, as the Respondents had pointed out in paragraph 42 of their Rejoinder, to make such findings of fact or ancillary determination of law as were necessary to resolve the dispute presented to it. For example, if the Respondents would keep their promise to defend their actions by saying that their counter-measures were valid, then the Council was not prevented from considering elements which would go to a determination of the question. Nor was it an argument in law or in fact to say that the Council was ill-suited or ill-equipped to do so.

71. H.E. AlSulaiti underscored that the issue of negotiations in the two cases now under consideration must be considered in the context that the Respondents had broken off diplomatic relations with Qatar at the same time as they had instituted the said measures. They had acted then, and had continued to act, in concert and in coordination with each other. The Respondents had refused to negotiate with Qatar, instead presenting non-negotiable demands and principles, which if accepted, would render Qatar no longer a sovereign nation. H.E. AlSulaiti averred that it was therefore self-serving for the Respondents to claim that Qatar did not negotiate the aviation aspects with them, when in fact all the other coercive measures had been taken jointly as one package.

72. H.E. AlSulaiti emphasized that Qatar had nevertheless presented evidence that it had negotiated or attempted to negotiate with the Respondents, through the mechanism of ICAO, the very subject matter of the violations of the Chicago Convention and the Transit Agreement. Qatar was seeking to work with the Respondents through ICAO to find a solution to the measures which they had taken. He recalled that when Qatar had taken the matter to the Council under Article 54 n) of the Chicago Convention, the Respondents had asked the Council to recognize that the Parties were cooperating and to encourage them to cooperate further. H.E. AlSulaiti noted that the United Arab Emirates had indicated that the ICAO MID Regional Office had coordinated multiple meetings to review the contingency measures in the Gulf region and to discuss additional proposals. Numerous Representatives had spoken of the need for the Parties to "*continue*" to cooperate, or negotiate, or dialogue, or discuss. The Council had encouraged all Parties to continue their collaboration. Contrary to the Respondents' assertion, in carrying out those negotiations through the mechanism of ICAO, Qatar did not have to indicate that they were under Article 84 of the Chicago Convention. Discussions and negotiations on the Respondents' aviation restrictions had taken place in ICAO. If the other Parties had not responded then in a manner to negotiate in good faith and to resolve the aviation measures taken against Qatar, Qatar could not be faulted for that.

73. H.E. AlSulaiti noted that the multiple ICAO meetings held in the Gulf region had also been to seek solutions to mitigate the effects of the coercive measures taken by the Respondents by preventing Qatari-registered aircraft from overflying their airspaces.



74. With regard to the WTO, H.E. AlSulaiti recalled that although Qatar had written to three of the Respondents in Application (A) and to two of the Respondents in Application (B) requesting consultations on the prohibition of Qatari-registered aircraft from accessing their airspaces and landing at their airports, the answer from the three States had been a flat “no”. So within another multilateral framework Qatar had sought unsuccessfully to engage the Respondents on the subject matter of the specific dispute before the Council today.

75. H.E. AlSulaiti recalled that under international jurisprudence, it was not necessary for Qatar to have referred specifically to the Chicago Convention or the Transit Agreement, as long as the negotiations related to the subject matter of those Agreements.

76. With respect to the use of good offices of the Emir of Kuwait and certain other States, H.E. AlSulaiti noted that despite the expressions of willingness by Qatar to negotiate a solution, the only reaction on the part of the four Respondents had been to issue non-negotiable demands, some of which would be an affront to the sovereignty of any State.

77. H.E. AlSulaiti highlighted that among the demands which the Respondents stated were non-negotiable were to: immediately shut down the Turkish military base; shut down Al Jazeera and its affiliate stations; align Qatar’s military, political, social and economic policies with the Gulf and Arab countries; shut down all news outlets funded directly and indirectly by Qatar; respond within 10 days of the list being submitted to Qatar, or the list would become invalid; and consent to monthly compliance audits in the first year, quarterly audits in the second year and annual audits in the following 10 years.

78. H.E. AlSulaiti emphasized that Qatar had made clear that it was open to negotiations and had attempted negotiations, that it would not negotiate on items which would derogate from its sovereignty, but was open to discuss all other issues in accordance with international law.

79. H.E. AlSulaiti indicated that Qatar had noted with particular interest the statement in paragraph 137 of the Respondents “Rejoinder” that Qatar had not made any genuine attempt to negotiate through other channels, such as via Kuwait and the United States. He considered that that was quite an astonishing assertion, which utterly ignored the evidence produced by Qatar in its various exhibits attached to its Response. H.E. AlSulaiti recalled that the then US Secretary of State Rex Tillerson had said on 19 October 2017 that “It is 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.”.

80. H.E. AlSulaiti stressed that under these circumstances, it was clear that negotiations were futile and the Parties were deadlocked.

81. H.E. AlSulaiti underscored that Qatar clearly had met the requirement for negotiations under Article 84 of the Chicago Convention and Article II, Section 2 of the Transit Agreement. He reiterated that Qatar had been subjected to a brutal campaign from the four States, targeting its civil aviation and aiming to cause direct and premeditated damage to Qatar and its airlines. The campaign was still going on for a year. The Respondents refused to allow Qatari-registered aircraft to fly over or land in their territories, in violation of numerous provisions of the Chicago Convention and the Transit Agreement. They acted with complete impunity.

82. H.E. AlSulaiti recalled that the drafters of the Chicago Convention had given the Council a noble and sacred function to decide upon disagreements between States relating to the interpretation or application of those two instruments. That duty became even more important to protect Member States from aggressive and arbitrary actions by other Member States. The Council was elected by all of the Member States of ICAO to work for the global good of civil aviation. That was the vision of the creators of this Organization.

83. H.E. AlSulaiti recalled Article 4 of the Chicago Convention, which indicated that each Contracting State agreed not to use civil aviation for any purpose inconsistent with the aims of the Convention. He underscored that ICAO contracting States looked to the Council Members to preserve the integrity of the Chicago Convention and the Transit Agreement, and to set an example to the other Contracting States, not to violate themselves those treaties.

84. In concluding, H.E. AlSulaiti indicated that Qatar respectfully requested the Council to accept its submissions at paragraphs 214 and 215 of its Response, including to reject the preliminary objection of the Respondents in both Application (A) and Application (B).

85. After a brief recess to enable consultations, the Respondents and the Applicant presented the following rebuttals to each other's oral arguments, all of which were duly noted and recorded for the minutes of the meeting.

*Respondents' rebuttal*

86. Speaking on behalf of the four Respondents on this very important matter which raised novel issues for the Council, Mr. Georgios Petrochilos (Legal Advisor, Bahrain Delegation) noted that the latter had heard arguments from the Applicant on a number of points. Rather than reiterating the Respondents' procedural concerns at this stage, he focused only on three of the Applicant's points. He started with its argument, or perhaps lack of argument, on what was the real issue in dispute. As the Council would have seen, in the pleadings, the term "real issue in dispute" was a legal term of art. Mr. Petrochilos noted that there were three main propositions, the first of which was that it was within the power of the Council to address and assess objectively the object of the dispute. Affirming that that was indeed a responsibility of the Council, he underscored that it was a responsibility that went hand-in-hand with the power of the Council to determine the existence and the scope of its jurisdiction. The second proposition – and it followed from the first one like the night follows the day – was that in so doing the Council was not bound by the characterizations made by the Parties, and in particular, by the characterizations that were made by one Party, in the present case, the Applicant. The third proposition was that the object of the dispute consisted of the issues that arose objectively from the pleadings of both sides.

87. In now applying that test to the facts of the cases, Mr. Petrochilos indicated that when one looked at Qatar's Applications one saw an attempt – and Council had heard it today – to frame the dispute as one under ICAO international treaties. Even so, it was hard to keep up that pretense in the pleadings, and so the Applicant had had to admit, as in fact it did, that the Respondents had adopted a set of measures which included the severance of diplomatic and consular relations with the Applicant and various other restrictions placed on the latter. Mr. Petrochilos recalled that the Applicant called those measures "actions", in the plural, and that it admitted that they had several "aspects". He noted that the position was then made clearer in the Respondents' pleadings, which described the main measures, although very briefly. The pleadings also referred to the stated position of the Respondents from the outset of the measures that the latter were being adopted as lawful counter-measures. Those had been taken, as the Council had heard, in the face of the Applicant's multiple grave and persistent breaches of international obligations essential to the security of the Respondents and the region. Mr. Petrochilos underscored that the Applicant did not dispute that counter-measures were what the Respondents intended to take, nor that the Respondents were entitled to bring that defence and have it determined before any court or tribunal that had proper jurisdiction to adjudicate the real dispute. Indeed, the Applicant conceded in its Response, and had stated the same thing during the present meeting, that in order for the Council to decide on the merits of the case the Council would need to determine "on the facts and in law whether the Respondents have met the conditions for lawful counter-measures". Mr. Petrochilos underscored that that would require the Council to conduct a forensic factual enquiry, in proper judicial fashion, into the Applicant's illegal activities. He respectfully submitted that that left the Council in a place clearly outside the Chicago Convention and the Transit Agreement



88. In elaborating thereon, Mr. Petrochilos indicated that, on the merits of the case the Council would first have to determine whether the Applicant had breached or had not breached a number of international obligations that, as it admitted, had, in the main, nothing whatever to do with civil aviation. He queried how the Council was to assess the long list of the Applicant's grave misdeeds which the Respondents said were not related to civil aviation, the Chicago Convention, or to the Transit Agreement, and what legal standard the Council would apply. Mr. Petrochilos noted that, while the Council would then have to determine whether the four Respondent States were entitled to react to the Applicant's breaches by taking a set of counter-measures to induce it to come back to the fold of legality, the Chicago Convention and the Transit Agreement could not help the Council answer that question. He underscored that it was crucial to understand that this forensic and legal examination would come before the Applicant's complaints under the Chicago Convention and Transit Agreement. Why was that? because – and this was uncontroversial between the Parties – counter-measures precluded any question of unlawfulness at the threshold. Mr. Petrochilos emphasized that the Council would not get anywhere near the Chicago Convention or the Transit Agreement, which were the texts that granted it jurisdiction, until it had fully considered and decided a host of other issues on which the Chicago Convention and the Transit Agreement had nothing whatever to say. He averred that one was unable to see how the Council might uphold its jurisdiction in those circumstances. Mr. Petrochilos reiterated that this was not a civil aviation dispute but rather a dispute about fundamentally different and broader duties of international law. He underscored that those duties were neither ancillary, as the Applicant had said, nor incidental issues on any possible view, but rather “the core of the dispute”, to quote the *Chagos Islands* ICJ decision.

89. Turning to the second point, the Applicant's argument about the preliminary nature of the Respondents' objections, or otherwise, Mr. Petrochilos recalled that the *Rules for the Settlement of Differences* (Doc 7782/2), at Article 5(1), characterized a preliminary objection as a question as to “the jurisdiction of the Council to handle the matter presented by the Applicant.”. Thus a preliminary objection might concern either, firstly, whether the Council had jurisdiction at all to consider the Application, or secondly, whether the Council should, in the circumstances of the case, exercise a jurisdiction that it had. Mr. Petrochilos noted that the first type of objection was one of jurisdiction, while the other type of objection could perhaps, in legal theory, be called one of admissibility. He averred that those distinctions did not matter for the Council's purposes as both of those types of objection were covered by the wording of Article 5(1). They were points as to the jurisdiction of the Council to handle the dispute, whether it had jurisdiction or whether it should exercise it. Mr. Petrochilos indicated that, in any event, there was not much daylight between the two types of objection because both, if successful, precluded the consideration of the substance of the dispute. They operated at the threshold.

90. Mr. Petrochilos highlighted that Article 5(4) of the said Rules provided that where preliminary objections had been lodged, as in the present case, the Council *shall* decide the question as a preliminary matter. Recalling that the ICJ had held “that in principle a Party raising preliminary objections is entitled to have them resolved preliminarily”, he underscored that all the said Rules were doing was expressing a general procedural principle. Mr. Petrochilos underscored that the Council had always resolved preliminary objections that it had characterized as going to its jurisdiction in a preliminary decision and had never joined them to the merits of the dispute for consideration later. The only circumstances in which the Council had joined preliminary objections to the merits was where the objection did not possess “an exclusively preliminary character”, which might mean either that the Council did not have enough information to properly evaluate the objection at that stage or that it was impossible to rule on the preliminary objection separately on its own without prejudging the merits. Mr. Petrochilos stressed that at present the Council was not in either one of these territories. The Respondents were not asking the Council to validate the lawfulness of the measures they had taken, nor were they asking the Council to condemn the Applicant for its severely unlawful conduct. They were simply asking the Council to recognize the real object of the dispute between the Parties and to recognize and declare on that basis that it did not possess jurisdiction to consider the substance of this dispute.

91. The last point that Mr. Petrochilos wished to make on this issue of the Respondents' primary position was that both of their preliminary objections went to the Council's jurisdiction i.e. to the issue of whether the Contracting States, including the four Respondent States, had or had not consented to have this dispute adjudicated by the Council. In the interest of time, he picked that point up only by reference to Article 84 of the Chicago Convention, in which the Contracting States had consented to the Council's jurisdiction to adjudicate disputes which firstly related to "the interpretation or application of this Convention". It was thus necessary for Council Members to satisfy themselves that the real dispute that was objectively before them was about the interpretation or application of the Chicago Convention. Secondly, it was necessary for them to satisfy themselves that this was a dispute that could not be settled by negotiation. Those were jurisdictional requirements enshrined in Article 84 of the Convention.

92. Turning to the requirement of exhaustion of negotiations before an Applicant may commence proceedings, Mr. Petrochilos re-emphasized that Qatar had not fulfilled that precondition. He noted that Article 84 of the Chicago Convention and Article II of Section 2 of the Transit Agreement were formal: they required that the dispute must be one that could not be settled by negotiations. At the risk of stating the obvious, Mr. Petrochilos underscored that that was not an option at the Applicant's discretion, nor was it a mere formality. He recalled that the ICJ, which was the appeal body in respect of the Council's decisions, required an Applicant to make at least "a genuine attempt to resolve the disagreement through negotiations and that attempt and these negotiations must take place prior to the filing of an Application". Mr. Petrochilos underscored that an Applicant which commenced legal proceedings first and only thereafter sought to start negotiations fell afoul of that jurisdictional requirement. He noted that there were good policy reasons why the Respondents asked the Council to enforce that precondition, as follows: firstly, that unless the Parties had tried to negotiate and had clearly stated their positions in a formal and appropriate way, the contours of the dispute were not known and it was not possible to see the pathology that had developed in this case. The Council was able to assess the nature and the scope of the dispute only through the exchange of pleadings between the Parties, which the Respondents considered was neither appropriate nor helpful. The second policy reason was that if the Council were to accept jurisdiction on the basis that one can start proceedings first and only then pick up the phone perhaps or send a formal diplomatic correspondence, more importantly and more appropriately, then there would be no motivation for Applicant States to do that which was required of them by the Chicago Convention, and that was not a policy to be encouraged. Thirdly, it was necessary to always bear in mind that judicial resolution was the mechanism of last resort, and that negotiation was the primary method of resolution in international relations. Mr. Petrochilos recalled that the Applicant represented to the Council in its Application (A) and Application (B) that it had not sought to negotiate. It stated in section (g) thereof that "The Respondents did not permit any opportunity to negotiate the aviation aspects ...". Then the Applicant had had to prove that assertion. He noted that that kind of assertion, which was one that went to futility, was a very demanding one which required one, at the very least, to try to commence negotiations. Mr. Petrochilos underscored that when the Respondents had put the Applicant to that point in their pleadings, the latter had changed tact, assumedly because it had not been able to sustain its allegation anymore. The Applicant had therefore stated that it had invited negotiations after all.

93. In making two points on that allegation, Mr. Petrochilos averred that as 11 of the statements relied upon by the Applicant during the present meeting post-dated its said Applications, the Council could ignore them. He highlighted that all of the remaining statements were addressed to third parties, for political consumption in the view of the Respondents: they had not been made in the formal fashion of formal correspondence on specific issues. Mr. Petrochilos further emphasized that, in fact, not even in that irregular fashion adopted by the Applicant had the latter even once formulated a specific invitation to negotiate specific complaints that it now claimed to have under the Chicago Convention and the Transit Agreement, and yet the Applicant had admitted in its own Applications that the negotiations would have to concern civil aviation specifically. He underscored that an invitation to negotiations would have been a very straightforward thing to do for any State that resorted to the Council with a genuine complaint within the ICAO system. Any State would know how to do it. That the Applicant had instead

expended its energies on vague political statements addressed to third parties showed that it had no intention to have a genuine negotiation on specific legal rights and obligations.

94. Before closing, Mr. Petrochilos noted that he was authorized to represent to the Council one important factual point: the four Respondent States had heard today for the first time, if they had understood correctly, that the Applicant had invited all of them to negotiate. So far as ICAO-related complaints were concerned, he was authorized to place on record on behalf of the said Respondents that that was incorrect. It had never happened. Unless he could be of further help to the Council under the control of the Respondents' Authorized Agents, that concluded Mr. Petrochilos' intervention.

95. Returning to the point raised regarding the safety of civil aviation, H.E. Al Mansoori (United Arab Emirates) recalled that the Council, at its said Extraordinary Session on 31 July 2017, had successfully addressed the issue of contingency arrangements in the Gulf region. In emphasizing that the Applicant's airports and airspace remained open, he noted that: Qatar Airways alone currently had over 100 aircraft in operation flying to more than 150 destinations worldwide; Qatari-registered aircraft continued to fly in and out of Doha every day; contingency routes had been established through the Respondents' FIRs; and, in addition, landing and overflight options remained available for safety or emergency purposes. H.E. Al Mansoori indicated that it was very regrettable that the Applicant was exploiting ICAO, a very important technical organization, for its political and media campaign purposes.

*Applicant's surrebuttal*

96. H.E. AlSulaiti (Qatar) reiterated that Qatar's sole intention in submitting its Application (A) and Application (B) and their corresponding Memorials to ICAO had been to raise purely technical issues relating to the interpretation and application of the Chicago Convention and the Transit Agreement and not any political issues. He then gave the floor to his Legal Advisor, Mr. John Augustin.

97. Enquiring whether the Respondents' Legal Advisor had given an additional presentation or a rebuttal, Mr. Augustin noted that whereas his rebuttal was supposed to have addressed issues raised by the Applicant in its oral arguments, his comments had gone well beyond that into a fresh presentation. He underscored that the Applicant had neither been afforded such an opportunity to give an additional presentation nor been prepared to give one, although the Respondents had apparently been prepared to do so.

98. In then commencing his surrebuttal, Mr. Augustin highlighted that approximately one-third of the Respondents' comments had had to do with issues which absolutely went to the merits of the two cases and whether the Applicant supported terrorism or terrorism financing. He pointed out that whereas in the past when the Council has considered similar matters it had drawn a curtain on discussions which touched on the merits of the case, some ten minutes had been spent by the Respondents in commenting on the Applicant's alleged support for terrorism or terrorism financing, which had nothing to do with the matter currently before the Council.

99. In emphasizing that the Applicant had a completely different view from the Respondents on the issue of admissibility of its claims and the *Rules for the Settlement of Differences* (Doc 7782/2), Mr. Augustin indicated that it was completely unable to understand the logic of the Respondents' reasoning with regard to Article 5(1) of the Rules, which clearly stated "If the Respondent questions the jurisdiction of the Council to handle the matter presented by the Applicant, he shall file a preliminary objection setting out the basis of the objection." The Respondents accepted that there was a difference between jurisdiction and admissibility. However, Article 5(1) referred to the jurisdiction of the Council and not to the admissibility of a case. Mr. Augustin emphasized that ICAO's *Rules for the Settlement of Differences* (Doc 7782/2) were different from the ICJ's Rules in that regard.

100. Mr. Augustin highlighted that a completely new philosophy had been presented by the Respondents, namely, that of the “real issue” in the case. He noted that although Qatar’s Application (A) and Application (B) and their corresponding Memorials related purely to the interpretation and application of the Chicago Convention and the Transit Agreement, for some reason the Respondents considered that the Council lacked the jurisdiction to hear and resolve the claims raised therein. Mr. Augustin further indicated that the Respondents had avoided the substantive issue of the *Appeal relating to the jurisdiction of the ICAO Council (India v. Pakistan)* on which the ICJ had rendered its Judgment on 18 August 1972, referred to earlier by H.E. AlSulaiti (cf. paragraphs 69 and 70 above). In that Appeal India had claimed that there were issues outside the Chicago Convention and the Transit Agreement which prevented the Council from examining the merits of the case, the same argument being used by the Respondents in the present two cases. He repeated the ICJ’s decision that as long as there was “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 ... then *prima facie* the Council is competent. Nor could the Council be deprived of 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.” (cf. ICJ Reports 1972, p. 61, paragraph 27).

101. Recalling that the Respondents had indicated that they might have a defence on the merits, Mr. Augustin enquired whether that was a promise that they would bring forward the issue of their counter-measures. Noting that neither the Respondents’ defence on the merits nor the Applicant’s reply had been seen by the Council, he underscored that as a consequence the latter could not make a determination that it lacked jurisdiction to hear and resolve the claims raised in Qatar’s Application (A) and Application (B). Mr. Augustin quoted, in this regard, the ICJ’s Judgment in the said Appeal relating to the jurisdiction of the ICAO Council (*India v. Pakistan*) “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, which would be inadmissible.” (cf. ICJ Reports 1972, p. 61, paragraph 27). Averring that that was the very core of the Respondents’ arguments, he asserted that they wanted, at this stage, to control the competence of the Council for a defence on the merits which no one had seen and to which the Applicant had not replied.

102. Mr. Augustin reiterated that if the Respondents were to put forward a defence that they had instituted lawful counter-measures, then the Applicant considered, on the basis of the evidence referred to earlier, that the matter would be one of the easiest for the Council to decide at that session when it would examine the merits of the two cases. The Respondents, on the other hand, had indicated that it would be extremely difficult as the Council’s hands were tied and it was incapable of handling the matter. The point was that the Council could not make a determination that it had no jurisdiction until it had seen the Respondents’ defence on the merits and the Applicant’s response, which was exactly what the said *Appeal relating to the jurisdiction of the ICAO Council (India v. Pakistan)* had been trying to avoid.

103. Mr. Augustin then referred to the Respondents’ argument, presented in their Statement of preliminary objections, executive summary, paragraph 4, that “While the Council has considerable expertise in the technical aspects of aviation enshrined in the Chicago Convention, it is not well-suited or well-equipped to handle disputes of a wider nature ... including issues regarding terrorism and other matters related thereto.” He recalled that that argument was repeated in paragraph 69 of the said Statement (“The Council, comprised of aviation specialists, has considerable expertise in the technical aspects of aviation enshrined in the Chicago Convention, but is not well-suited or well-equipped to handle disputes about interference, violation of sovereignty, subversion and terrorism.”), as well as in the Respondents’ Rejoinder, executive summary, paragraph 5 (“The Council is not well-suited or equipped to handle disputes of this nature, nor is it competent to do so.”) and paragraph 58 (“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. But is not well-suited or equipped to handle disputes about violation of sovereignty, breach of the principle of non-intervention, subversion and terrorism.”).

104. Mr. Augustin indicated that he would very much like to see the Respondents go before a proper tribunal or court of law such as the ICJ and claim that it was not well-suited or well-equipped to discuss issues which went to the merits of a case, whatever the type of issue. He averred that it was a novel legal argument and that it had no basis in fact or in law. Recalling the oral arguments presented earlier by H.E. AlSulaiti (cf. paragraph 67 above), Mr. Augustin reiterated that the Group of Experts established to draft Rules for the Settlement of Differences in the 1950's had been of the view that: "If Council decides to hear a case arising under Article 84 [of the Chicago Convention] which presents problems of legal complexity or requires special knowledge of economic or air transport matters on the part of the Council, it is open for each State member of the Council to designate, temporarily, a legal, economic or other expert as Representative of that State on Council during the period or on the occasions where the contemplated case under Article 84 is being dealt with." Affirming that each Council Member State was free to designate temporarily whomever it wished to listen to a particular case, Mr. Augustin stressed that it could not be said that the Council was ill-equipped or ill-suited and that the case should therefore be dismissed upfront at the preliminary objection stage.

105. All of the preceding oral arguments were duly noted and recorded for the minutes of the meeting. In the absence of any direct questions to the Authorized Agents or Legal Advisors of the Applicant and the Respondents by Council Members non-Parties to the disagreements, the Council proceeded to its deliberations on the items.

#### *Deliberations*

106. Taking into account the Council's recent experience with the *Settlement of Differences: Brazil and United States (2016)* (cf. C-DECs 211/9 and 211/10), and the views of the many Council Representatives who had been consulted prior to the present meeting, the Representative of Mexico, in his capacity as Dean of the Council, proposed that the Council proceed directly to a vote by secret ballot in order to take a decision on each of the Respondents' preliminary objections with respect to Application (A) and Application (B), pursuant to Article 50 of the *Rules of Procedure for the Council* (Doc 7559/10).

107. This proposal was seconded by the Representative of Singapore, in his capacity as First Vice-President of the Council, as constituting the most efficient way forward.

108. The Council agreed to the said proposal. Under Article 52 of the Chicago Convention, decisions by the Council required approval by a majority of its Members. In line with the consistent practice of the Council in applying that provision in previous cases, since the Council comprised 36 Members, acceptance of the Respondents' preliminary objections in both Application (A) and Application (B) required 19 positive votes.

109. It was highlighted: that Egypt, Saudi Arabia and the United Arab Emirates were not entitled to vote under Application (A) and that Egypt and the United Arab Emirates were not entitled to vote under Application (B) in accordance with Article 84 of the Chicago Convention and Article 15 (5) of the *Rules for the Settlement of Differences* (Doc 7782/2), which specified that "No Member of the Council shall vote in the consideration by the Council of any dispute to which it is a Party"; that pursuant to Article 66 b) of the Chicago Convention only those Council Member States parties to the Transit Agreement were eligible to vote under Application (B)<sup>1</sup>; and that following the completion of each secret ballot, a staff member from LEB would assist in the tallying of all of the votes cast for the purpose of ensuring its accuracy.

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<sup>1</sup> List of Council Member States parties to the Transit Agreement:  
Algeria, Argentina, Australia, China (Hong Kong Special Administrative Region and Macao Special Administrative Region), Congo, Cuba, Ecuador, Egypt, France, Germany, India, Ireland, Italy, Japan, Malaysia, Mexico, Nigeria, Panama, Republic of Korea, Singapore, South Africa, Spain, Sweden, Turkey, United Arab Emirates, United Kingdom and the United States.

110. A request made by H.E. Al-Amudi (Saudi Arabia) on behalf of the Respondents for an open ballot for the sake of transparency in the process given that the Council was currently acting as an adjudicator was declined by the Council on the basis of Rule 50 of the *Rules of Procedure for the Council* (Doc 7559/10), which stipulated that “Unless opposed by a majority of the Members of the Council, the vote shall be taken by secret ballot if a request to that effect is supported, if made by a Member of the Council, by one other Member, and, if made by the President, by two Members”.

111. In seeking clarification regarding the voting majority required (19), H.E. Al Mansoori (United Arab Emirates) noted that, pursuant to Article 84 of the Chicago Convention, 33 Council Members were eligible to vote on the Respondents’ preliminary objection relating to Application (A). In his view, that meant that 17 positive votes constituted a majority. In further noting that in accordance with Article 66 b) of the Chicago Convention 25 Council Members were eligible to vote on the Respondents’ preliminary objection relating to Application (B), he indicated that in his opinion 13 positive votes constituted a majority.

112. Reiterating that Article 52 of the Chicago Convention stipulated that “Decisions by the Council shall require approval by a majority of its Members.”, the Director, Legal Affairs and External Relations Bureau (D/LEB) noted that his Bureau had examined the historical records of previous ICAO proceedings under Article 84 of the Chicago Convention relating to the settlement of disputes and that it had been the consistent and unanimous practice of the Council to require approval of its decisions by a majority of its Members, which currently stood at 19..

113. H.E. Al-Amudi (Saudi Arabia) wished to place on record his objection to the statement that 19 votes would constitute the voting majority required under Article 52 of the Chicago Convention. Indicating that it was the Respondents’ understanding that a review of the *Rules for the Settlement of Differences* (Doc 7782/2) would be undertaken in September 2018, he underscored that they considered that it was contrary to due process to conduct such a review of the rules whereby the Council adjudicated the settlement of differences while such momentous and critical decisions by the Council on Qatar’s Application (A) and Application (B) were pending.

114. In clarifying that when the Council was sitting as a court, as at present, it was not the role of LEB to provide its interpretation of relevant rules, D/LEB underscored that earlier he had merely read the text of Article 52 of the Chicago Convention and recited to the Council the factual historical records of previous Council decisions, no more, no less.

115. In providing factual information in response to a query by the President of the Council, D/LEB recalled that at the Tenth Meeting of its 211th Session on 23 June 2017 the Council had requested the Secretariat to review the *Rules for the Settlement of Differences* (Doc 7782/2) with the aim of determining whether they needed to be revised and updated taking into account relevant developments that had occurred since the publication of that document (cf. C-DEC 211/10, paragraph 45). The Secretariat had subsequently reported that it was necessary to consult the Legal Committee thereon during its upcoming 37th Session (Montréal, 4-7 September 2018). D/LEB further clarified that while Article 33 of the said Rules stipulated that the latter “may, at any time, be amended by the Council”, it also stipulated that “No amendment shall apply to a pending case except with the agreement of the parties”.

116. H.E. Al Mansoori (United Arab Emirates) also wished to place on record his objection to the voting majority required (19) for the Council’s acceptance of the Respondents’ preliminary objections with respect to Qatar’s Application (A) and Application (B). In protesting against the voting majority required (19), he noted that Article 52 of the Chicago Convention did not provide for a qualified majority and instead provided that decisions by the Council “shall require approval by a majority of its Members”. H.E. Al Mansoori further noted that Article 84 of the Chicago Convention and Article 15(5) of the *Rules of Settlement of Differences* (Doc 7782/2) both provided that “No Member of the Council shall vote in the consideration by the Council of any dispute to which it is a party.”. He affirmed that Article 52 of the



Chicago Convention, read together with Article 84 thereof, should be interpreted as meaning that the majority required was of all Council Members entitled to vote. Accordingly, as there were 33 Council Members entitled to vote on the preliminary objection with respect to Application (A), 17 positive votes would constitute a majority. Furthermore, as there were 25 Council Members entitled to vote on the preliminary objection with respect to Application (B), 13 votes would constitute a majority. H.E. Al Mansoori averred that any other reading of the rules would defeat their purpose and also defy the principle of treaty interpretation, fairness and equal treatment of the Parties. He therefore felt compelled to clearly express his disagreement with the voting majority required (19).

117. In supporting the above intervention by H.E. Al Mansoori, H.E. EL-Adawy (Egypt) requested that his objection to the said voting majority required be also placed on record. He enquired how that requirement would be applied in the case of a dispute regarding the interpretation or application of a Convention to which there were fewer than 19 parties and thus fewer than 19 States, in particular, Council Member States, eligible to vote

118. A request then made by H.E. Al Mansoori (United Arab Emirates) that the Council reconsider the above-mentioned majority of 19 positive votes in the current Council for the approval of its decisions on the Respondents' preliminary objections with respect to both Application (A) and Application (B) was declined in the absence of any desire on the part of the Council to determine what constituted the voting majority other than the relevant provisions of the Chicago Convention read by D/LEB.

119. The above-mentioned requests and statements were noted for the record.

120. The Council then proceeded to the holding of a secret ballot on the Respondents' preliminary objection with respect to Application (A) and on their preliminary objection with respect to Application (B). In response to questions by the Representatives of the United States and South Africa, D/LEB clarified that: a "Yes" vote was a vote in favour and meant acceptance of the Respondents' preliminary objection; a "No" vote was a vote against and meant disagreement with the said preliminary objection; and "Abstain" meant that there was no vote, neither for nor against the preliminary objection.

121. H.E. Mohammed (Bahrain) recalled that the Respondents had two preliminary objections each to Qatar's Application (A) and Application (B). As explained by Mr. Petrochilos (Legal Advisor, Bahrain Delegation), the first preliminary objection was that the real issue in dispute was not an issue of the interpretation or application of the Chicago Convention or the Transit Agreement. The second preliminary objection was that the dispute was not one which cannot be settled by negotiation as was required by the jurisdictional clauses of those two treaties. As accepting either one of those preliminary objections had the effect of disposing of the case here and now, Mr. Petrochilos suggested that the appropriate wording of the question for the secret ballot for each Application would be "Do you accept either one of the two preliminary objections formulated by the Respondents in respect of each of the Applications?"

122. The President of the Council observed that both of the Respondents' said preliminary objections related to the jurisdiction of the Council. At his request, D/LEB read the text of Article 5(1) of the *Rules for the Settlement of Differences* (Doc 7782/2), which stipulated that "If the Respondent questions the jurisdiction of the Council to handle the matter presented by the Applicant, he shall file a preliminary objection setting out the basis of the objection."

123. The President of the Council noted that in essence for each of Qatar's Application (A) and Application (B) the Respondents had a preliminary objection for which they provided two justifications. He took the point made by Mr. Petrochilos that the voting on each preliminary objection applied to both of the justifications provided therefor.



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*Secret ballot on the Respondents' Preliminary Objection – Application (A)  
(relating to the interpretation and application of the Chicago Convention and its Annexes)*

124. The result of the secret ballot on the question “Do you accept the preliminary objection?”, in which 33 votes were cast by the Council Members eligible to vote, was as follows:

In favour	4 votes
Against	23 votes
Abstentions	6 votes

There were no invalid ballots or blank votes.

125. Based on this result, the President declared that the preliminary objection filed by the Respondents with respect to Application (A) was not accepted by the Council.

*Secret ballot on the Respondents' Preliminary Objection – Application (B)  
(relating to the interpretation and application of the Transit Agreement)*

126. The result of the secret ballot on the question “Do you accept the preliminary objection?”, in which 25 votes were cast by the Council Members eligible to vote, was as follows:

In favour	2 votes
Against	18 votes
Abstentions	5 votes

There were no invalid ballots or blank votes.

127. Based on the above result, the President declared that the preliminary objection filed by the Respondents with respect to Application (B) was not accepted by the Council.

*Closing statements*

128. H.E. AlSulaiti (Qatar), as Applicant, expressed appreciation to the Council for having been afforded the opportunity to participate in the present meeting and to present its views regarding the Respondents' preliminary objections with respect to Qatar's Application (A) and Application (B).

129. Speaking on behalf of the Respondents, H.E. Al-Amudi (Saudi Arabia) reiterated their utmost respect for ICAO and the Council and reaffirmed their unwavering commitment to the rules and principles of the Chicago Convention and the Strategic Objectives and principles of ICAO. He re-emphasized that the cases brought before the Council during the present meeting involved: the Applicant's multiple and persistent breaches of international law, obligations that did not relate to civil aviation; and the sovereign right of the Respondents under international law to take lawful counter-measures to induce the Applicant to comply with its international obligations and to protect against a national security threat. Underscoring that the Respondents regretted that the Council had decided that ICAO had jurisdiction to hear the Applicant's complaints, H.E. Al-Amudi reiterated that they believed that the rules applied today were contrary to the fundamental rules of due process. In particular, they considered that the super majority voting requirement was not in line with the plain meaning of the Chicago Convention.

130. Repeating that the Respondents had not chosen to bring this dispute before the Council, H.E. Al-Amudi indicated that they respectfully submitted that ICAO's role did not extend to consideration of a dispute where the real issue involved national security and international instruments outside of civil aviation. He underscored that while the Respondents had the utmost respect for the Council, they were compelled to exercise their right under Article 84 of the Chicago Convention to appeal the Council's

decisions to the ICJ and would file their applications with the Court in this regard immediately following the receipt of the Council's approved decisions. The Respondents continued to take the view that the dispute that the Applicant had brought before the Council fell outside the scope of matters that the ICAO Council could adjudicate upon under Article 84 of the Chicago Convention and Article II, Section 2, of the Transit Agreement. By cause of the Respondents' impending appeal, the dispute was now moving to the ICJ. H.E. Al-Amudi emphasized, however, that as the Respondents had expressed before and as they now again expressed, their four States were committed to continuing to work with all Parties, including Qatar, under the auspices of ICAO to ensure the safe operation of air traffic. He stressed that the safety of civil aviation had been, and remained, the Respondents' top priority. In concluding, H.E. Al-Amudi thanked the President and the Council for their efforts in this matter and their commitment to the Strategic Objectives of this esteemed Organization.

131. The above statements were noted and recorded for the summary minutes of the meeting.

132. On behalf of the Council, the President expressed appreciation to the high-level Government officials from Bahrain, Egypt, Qatar, Saudi Arabia and the United Arab Emirates and the members of their Delegations for having participated in the present meeting. He stressed that, regardless of the Council's decisions regarding the Respondents' preliminary objections with respect to Application (A) and Application (B), it was important that as Member States of the same Organization, ICAO, they continue to communicate, consult and collaborate for the further development of international civil aviation. The President expressed the hope that all ICAO Member States would continue to move forward in that spirit.

133. It was noted that, on the basis of the above proceedings, the Secretariat would prepare and circulate the draft text of the Council's decisions at the preliminary objection stage of the *Settlement of Differences: The State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) – Application (A)*, and the *Settlement of Differences: The State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017) – Application (B)*, which would be tabled for the Council's consideration and approval at its Eleventh Meeting (214/11) on Friday, 29 June 2018.

134. It was further noted that the time-balance of seven calendar days remaining for the Respondents to file their Counter-memorial with ICAO shall begin to run from the date of receipt by the Respondents of the Council's approved decisions regarding their preliminary objections with respect to Application (A) and Application (B). However, the Respondents had indicated their intention to exercise their right under Article 84 of the Chicago Convention and to immediately thereafter file appeals of the Council's said decisions with the ICJ, in which case, pursuant to Article 86 thereof, the said decisions of the Council would be suspended until the appeals were decided by the ICJ.

135. The meeting adjourned at 1810 hours.

— END —

## **Annex 54**

ICAO, Working Paper of the Secretariat submitted to the  
Legal Committee for consideration at its 37th Session,  
ICAO document LC/37-WP/3-2, 27 July 2018



International Civil Aviation Organization

**WORKING PAPER**LC/37-WP/3-2  
27/7/18**LEGAL COMMITTEE – 37th SESSION**

(Montréal, 4 to 7 September 2018)

**Agenda Item 3 : Review of the General Work Programme of the Legal Committee****REVIEW OF THE RULES FOR THE SETTLEMENT OF DIFFERENCES**

(Presented by the Secretariat)

**1. INTRODUCTION**

1.1 At the tenth meeting of its 211th Session held on 23 June 2017, the Council requested the Secretariat to review the *Rules for the Settlement of Differences* (Doc 7782/2) (the “ICAO Rules”), with the aim of determining whether the said Rules need to be revised and updated taking into account relevant developments that had occurred since the publication of the document. The Council further requested that this review should also take into account comparable documentation that is in use for similar purposes elsewhere in the United Nations system as well as international governmental organizations, and in particular the *Rules of Court* of the International Court of Justice (the “ICJ Rules”). In undertaking this review, the Secretariat was specifically requested to advise on whether it would be necessary for this issue to be referred to the Legal Committee for consideration.

1.2 Following some preliminary work on the subject, the Secretariat advised the President of the Council that it was necessary for the issue to be referred to the Legal Committee, and that arrangements will be made to bring the matter to the attention of the Legal Committee for consideration during its 37th Session. As the item is currently not included in the General Work Programme of the Legal Committee, it is hereby presented under Agenda Item 3 in order for the Committee to determine whether or not it should be included in its General Work Programme.

**2. HISTORICAL BACKGROUND**

2.1 The judicial function of the Council is set out in Article 84 of the *Convention on International Civil Aviation* (Doc 7300/9) (the “Chicago Convention”), which provides that “[i]f any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council...”. Similarly, Article II, Section 2, of the *International Air Services Transit Agreement* (Doc 7500) (the “Transit Agreement”) and Article IV, Section 3, of the *International Air Transport Agreement* (Chicago, 1944 – the “Transport Agreement”) provide that “[i]f any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention [i.e., the Chicago Convention] shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention”.

2.2 In 1952, the Council had its first opportunity to exercise its judicial function when India filed an Application against Pakistan under Article 84 of the Chicago Convention. At the time, the *Rules Governing the Settlement of Differences between Contracting States*, which were initially approved by the Interim Council of the Provisional International Civil Aviation Organization on 10 September 1946 were in effect. As these Rules predated the establishment of ICAO and had not since been reissued as ICAO Rules, the Council decided, at the fourth meeting of its 16th Session held on 21 May 1952, to establish a Working Group for the revision of the said *Rules Governing the Settlement of Disagreements, Differences and Disputes between Contracting States*.

2.3 After the Working Group proposed a draft set of rules, the Council decided, at the eighth meeting of its 19th Session held on 21 May 1953, to circulate the draft rules to all Contracting States, with a view to their adoption at its October 1953 Session.

2.4 At the sixteenth meeting of its 23rd Session held on 6 December 1954, the Council decided to refer the draft rules to be finalized by a group of legal experts nominated by the Chairman of the Legal Committee in consultation with the President of the Council. It was agreed that these experts should be nominated from among the members of the Committee, but that the group should not be a sub-committee of the Legal Committee, and would report directly to the Council.

2.5 At the tenth meeting of its 30th Session held on 9 April 1957, the Council decided, at the recommendation of the Group of Experts, to adopt the Rules and directed that they should be circulated to Contracting States for their information.

2.6 The ICAO Rules approved by the Council in 1957 were drafted in close alignment with the 1946 ICJ Rules. Since then, the ICJ has adopted a thoroughly revised set of *Rules of Court* which came into force on 1 July 1978, with subsequent amendments which entered into force in 2001 and 2005.

2.7 The ICAO Rules have only been amended once in 1975 to include Russian as a working language.

### 3. NEED TO MODERNIZE THE CURRENT ICAO RULES

3.1 Throughout ICAO's history, a total of nine cases have been presented to the Council for the settlement of differences between contracting States pursuant to Article 84 of the Chicago Convention. The first six cases were filed between 1952 and 2000 whereas the last three were filed in 2016 and 2017, and are currently still pending before the Council.

#### 3.2 Alignment of the ICAO Rules with the current ICJ Rules

3.2.1 In view of the fact that the ICJ Rules have been amended several times since 1957, a question may be raised whether the ICAO Rules should be realigned with the current ICJ Rules. For example, with respect to the issue of preliminary objections, Article 5 (1) of the ICAO Rules provides that: "[i]f the respondent questions the jurisdiction of the Council to handle the matter presented by the applicant, he shall file a preliminary objection setting out the basis of the objection." Article 79 (1) of the ICJ Rules, on the other hand, provides that "[a]ny 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, shall be made in writing as soon as possible...". It could be observed that while the ICJ Rules mention "jurisdiction", "admissibility" and "other objection" as grounds for preliminary objections, the ICAO Rules do not mention "admissibility" or "other objection".

### 3.3 **Miscellaneous Provisions**

3.3.1 A modernization of the current ICAO Rules may include a review of some miscellaneous provisions in order to recognize other ICAO working languages (Arabic and Chinese) as well as electronic communications and submissions such as through emails. Currently, the ICAO Rules require the Parties to provide the address of their agents at the seat of the Organization to which all communications relating to the case, including notice of any meeting, should be sent.

### 4. **ACTION BY THE COMMITTEE**

4.1 The Legal Committee is invited to consider this working paper and take any action it deems necessary.

— END —

## **Annex 55**

ICAO Council – 214th Session, Summary Minutes of the Eleventh Meeting of 29 June 2018, ICAO document C-MIN 214/11 (Draft), 10 September 2018





**International Civil Aviation Organization**

**DRAFT MINUTES**

DRAFT  
C-MIN 214/11  
10/9/18

**COUNCIL — 214TH SESSION**

**SUMMARY MINUTES OF THE ELEVENTH MEETING**

**(THE COUNCIL CHAMBER, FRIDAY, 29 JUNE 2018, AT 1000 HOURS)**

**OPEN MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

**PRESENT:**

Algeria	— Mr. A.D. Mesroua	Kenya	— Ms. M.B. Awori
Argentina	— Mr. G.E. Ainchil	Malaysia	— Mr. K.A. Ismail
Australia	— Mr. S. Lucas	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mr. O. Vieira (Alt.)	Nigeria	— Mr. M.S. Nuhu
Cabo Verde	— Mr. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Mr. M. Pagé	Republic of Korea	— Mr. Y.J. Lee
China	— Mr. Shengjun Yang	Russian Federation	— Mr. S. Gudkov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. S.A.R. Hashem
Congo	— Mr. R.M. Ondzotto	Singapore	— Mr. T.C. Ng
Cuba	— Mrs. M. Crespo Frasier	Spain	— Mr. V.M. Aguado
Ecuador	— Mr. I. Arellano	Sweden	— Ms. H. Jansson Saxe
Egypt	— Mr. A. Khedr	Turkey	— Mr. A.R. Çolak
France	— Mr. P. Bertoux	United Arab Emirates	— Miss A. Alhameli
Germany	— Mr. U. Schwierzinski	United Kingdom	— Mr. D.T. Lloyd
India	— Mr. A. Shekhar	United Republic of Tanzania	— Mr. R.W. Bokango
Ireland	— Ms. N. O'Brien	United States	— Mr. T.L. Carter
Italy	— Mr. M.R. Rusconi	Uruguay	— Mr. M. Vidal
Japan	— Mr. S. Matsui		

**ALSO PRESENT:**

Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
Mr. R.F. Pecoraro (Alt.)	— Brazil
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. H. Gonzales (Alt.)	— Brazil
Mr. M.G. Correia Pontes (Alt.)	— Brazil
Mr. P. Langlais (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. Ö. Doğrukol (Alt.)	— Turkey
Mr. M. Salem (Alt.)	— United Arab Emirates
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. S. Kotis (Alt.)	— United States
Mrs. M.A. González (Alt.)	— Uruguay
Mr. F. de Medina (Alt.)	— Uruguay

**SECRETARIAT:**

Mrs. J. Yan	— C/OSG
Ms. I. Sosina	— SA/PRES
Mr. B. Djibo	— D/ATB
Mr. S. Creamer	— D/ANB
Mr. V. Smith	— D/ADB
Mr. J. Huang	— D/LEB
Mr. B. Verhaegen	— SELO
Mrs. L. Comeau-Stuart	— Advisor, POD
Ms. K. Balram	— C/SEA
Mr. S. Jossai	— C/RCP
Ms. S. Rose	— C/POD
Mr. A. Opolot	— LO
Mr. Y. Nyampong	— LO
Mr. M. Vaugeois	— LEB
Mr. A. Larcos	— C/ACS
Miss Y. Que	— Précis-writer

Representatives to ICAO

Bolivia (Plurinational State of)  
Cameroon  
Chile  
Cyprus  
Equatorial Guinea  
Greece  
Honduras  
Indonesia  
Iran (Islamic Republic of)  
Lebanon  
Paraguay  
Peru  
Qatar  
Sudan

European Union (EU)

**Subject No. 16: Legal Work of the Organization**  
**Subject No. 26: Settlement of Disputes Between Contracting States**

**Settlement of Differences: The State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) — Application (A) (relating to the interpretation and application of the Chicago Convention and its Annexes): Preliminary Objection Stage**

**Settlement of Differences: The State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017) — Application (B) (relating to the interpretation and application of the International Air Services Transit Agreement): Preliminary Objection Stage**

1. The Council resumed consideration of these items, which had been discussed at the Eighth Meeting of the current session on Tuesday, 26 June 2018. In doing so, it was recalled that at the conclusion of the Eighth Meeting, it had been indicated that the Secretariat would prepare and circulate the draft text of the Council decisions on the preliminary objections in these matters, pertaining to both Application A and Application B, so that the decisions could be considered and approved at this, the Eleventh Meeting of the 214th Session. In this connection, it was noted that the English language version of the draft text of the decisions had been circulated in the afternoon of Wednesday, 27 June 2018.
2. At the invitation of the President of the Council, the Director of the Legal Affairs and External Relations Bureau (D/LEB) introduced the draft Council decisions in both Application A and Application B that had been circulated on 27 June 2018.
3. In response to questions from both the Representatives of Saudi Arabia and Egypt, D/LEB indicated that any inaccuracies related to the names of participants at the meeting would be corrected in the final updated text.
4. The Council then considered each of the draft decisions paragraph by paragraph and approved the text of the said decisions as follows:

**“DECISION**

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

*THE COUNCIL,*

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

*COMPOSED* of the following Representatives entitled to vote: Mr. A.D. Mesroua (Algeria), Mr. G.E. Ainchil (Argentina), Mr. S. Lucas (Australia), Mr. O. Vieira (Alt.) (Brazil), Mr. C. Monteiro (Cabo Verde), Mr. M. Pagé (Canada), Mr. S. Yang (China), Mr. A. Muñoz Gómez (Colombia), Mr. R.M. Ondzotto (Congo), Mrs. M. Crespo Frasquiere (Cuba), Mr. I. Arellano (Ecuador), Mr. P. Bertoux (France), Mr. U. Schwierczinski (Germany), Mr. A. Shekhar (India), Mrs. N. O’Brien (Ireland), Mr. M.R. Rusconi (Italy), Mr. S. Matsui (Japan), Ms. M.B. Awori (Kenya), Mr. K.A. Ismail (Malaysia), Mr. D. Méndez Mayora (Mexico), Mr. M.S. Nuhu (Nigeria), Mr. G.S. Oller (Panama),

Mr. Y.J. Lee (Republic of Korea), Mr. S. Gudkov (Russian Federation), Mr. T.C. Ng (Singapore), Mr. M.D.T. Peege (South Africa), Mr. V.M. Aguado (Spain), Ms. H. Jansson Saxe (Sweden), Mr. A.R. Çolak (Turkey), Mr. D.T. Lloyd (United Kingdom), Mr. R.W. Bokango (United Republic of Tanzania), Mr. T.L. Carter (United States), Mr. M. Vidal (Uruguay).

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

*CONSIDERING* that an Application and Memorial by the Applicant under Article 84 of the Chicago Convention was filed on 30 October 2017; that a Statement of preliminary objections was filed by the Respondents on 19 March 2018; that a Response to the Statement of preliminary objections was filed by the Applicant on 1 May 2018; and that a Rejoinder was filed by the Respondents on 12 June 2018;

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

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

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

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

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

**DECIDES** that the preliminary objection of the Respondents is not accepted.

The above Decision, on the question whether to accept the preliminary objection of the Respondents, was taken by a secret ballot with 4 Members voting in favor, 23 Members voting against, and 6 Members abstaining.

The time-balance of 7 days remaining for the Respondents to file their Counter-memorials shall begin to run from the date of receipt by the Respondents of this Decision of the Council.

Rendered on 29 June 2018 in Montréal.

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**DECISION**

**OF THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION  
ON THE PRELIMINARY OBJECTION IN THE MATTER: THE STATE OF QATAR  
AND THE ARAB REPUBLIC OF EGYPT, THE KINGDOM OF BAHRAIN  
AND THE UNITED ARAB EMIRATES (2017) – APPLICATION (B)**

*THE COUNCIL,*

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

*COMPOSED* of the following Representatives entitled to vote: Mr. A.D. Mesroua (Algeria), Mr. G.E. Ainchil (Argentina), Mr. S. Lucas (Australia), Mr. S. Yang (China), Mr. R.M. Ondzotto (Congo), Mrs. M. Crespo Frasquiere (Cuba), Mr. I. Arellano (Ecuador), Mr. P. Bertoux (France), Mr. U. Schwierczinski (Germany), Mr. A. Shekhar (India), Mrs. N. O'Brien (Ireland), Mr. M.R. Rusconi (Italy), Mr. S. Matsui (Japan), Mr. K.A. Ismail (Malaysia), Mr. D. Méndez Mayora (Mexico), Mr. M.S. Nuhu (Nigeria), Mr. G.S. Oller (Panama), Mr. Y.J. Lee (Republic of Korea), Mr. T.C. Ng (Singapore), Mr. M.D.T. Peege (South Africa), Mr. V.M. Aguado (Spain), Ms. H. Jansson Saxe (Sweden), Mr. A.R. Çolak (Turkey), Mr. D.T. Lloyd (United Kingdom), Mr. T.L. Carter (United States).

*THE PARTIES* being: the **State of Qatar** (Applicant), represented by H.E. Jassem Bin Saif AlSulaiti, Authorized Agent, assisted by Mr. Essa Abdulla Al-Malki (Rep.), H.E. Abdulla Nasser AlSubaey, H.E. Fahad Mohammed Kafood, H.E. Yousef Sultan Laram, Mr. Mohammed Abdulla AlHajri, Mr. Talal Abdulla Almalki, Mr. Essa Ahmed Mindney, Mr. Abdulla Altamimi, Mr. John Augustin on one hand; and the Respondents: the **Arab Republic of Egypt** represented by H.E. Hany EL-Adawy, Authorized Agent, assisted by H.E. Amal Salama, Mrs. Lamia Mohamed Galal, Mrs Yara Hussein Mokhtar Elbedewy, Mrs. Salwa El Mowafi, the **Kingdom of Bahrain** represented by H.E. Kamal Bin Ahmed Mohammed, Authorized Agent, assisted by Mr. Mohammed Thamer Al Kaabi, Mr. Salim Mohammed Hassan, Mr. Devashish Krishan, Mr. Georgios Petropoulos, Mr. Motou Mida, Ms Emilia Kean, and the **United Arab Emirates** represented by H.E. Sultan Bin Saeed Al Mansoori, Authorized Agent, assisted by H.E. Mohammed Saif Helal Al Sehhi (Alt.), Mr. Mohamed Al Shamsi, Dr. Ludwig Weber, Mr. Alan Yanovich, Mrs. Laura Coquard-Party, Mrs. Shiva Aminian, Mrs. Sarah Kirwin on the other hand;

*CONSIDERING* that an Application and Memorial by the Applicant under Article II, Section 2 of the *International Air Services Transit Agreement* was filed on 30 October 2017; that a Statement of preliminary objections was filed by the Respondents on 19 March 2018; that a Response to the Statement of preliminary objections was filed by the Applicant on 1 May 2018; and that a Rejoinder was filed by the Respondents on 12 June 2018;

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

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

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

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

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

**DECIDES** that the preliminary objection of the Respondents is not accepted.

The above Decision, on the question whether to accept the preliminary objection of the Respondents, was taken by a secret ballot with 2 Members voting in favor, 18 Members voting against, and 5 Members abstaining.

The time-balance of 7 days remaining for the Respondents to file their Counter-memorials shall begin to run from the date of receipt by the Respondents of this Decision of the Council.

Rendered on 29 June 2018 in Montréal."

5. The Council, having thus completed its consideration of this part of the proceedings, continued its meeting.

6. The Representative of Egypt raised a question whether the seven-day time balance for the filing of counter-memorials by the Respondents would stop if notification of appeal was sent to ICAO. In response, D/LEB clarified that when the Council was sitting as a court under Article 84 of the Chicago Convention, he was not in a position to render a legal opinion to replace the function of the Council. As the proceedings had been completed and the Council was no longer sitting as a court, he was at liberty to provide an opinion in response to the queries raised. Based on that understanding, D/LEB stated that the seven-day time balance for the Respondents to file their counter-memorials would start upon their receipt of certified copies of the Council decisions; that as per practice, an e-mail message would be sent first, followed by hard copies of the decisions.

7. The Representative of Egypt sought further clarification as to the letters that would be issued to the Respondents notifying the decisions adopted. Specifically, the Representative expressly stated that the start and end dates of the seven-day time balance referred to in the decisions for the Respondents to file their counter-memorials should be clearly indicated, including whether this time period related to seven calendar days or seven business days. In response, D/LEB confirmed that the time period related to the filing of a counter-memorials referred to seven calendar days. In this regard, the President of the Council expressed the hope that the information conveyed to the parties would clearly indicate the exact dates to be taken in relation to the start and finish of the seven-day time balance period for the filing of counter-memorials.

8. The Representative of Egypt then took the opportunity to inform the Council that the Respondents intended to give formal notification today of their intention to file an appeal with the International Court of Justice (ICJ) in The Hague. In this connection, the Representative wondered whether this notification would of itself be sufficient to put on hold the seven-day period for the filing of the counter-memorials.

9. In response, D/LEB indicated that within the time-frame established under Article 84 of the Chicago Convention, the timing of when to file an appeal was entirely at the discretion of the Respondents. According to Article 84, any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council. This means that the appeal must already be filed with the ICJ before it is notified to the Council. If the Respondents submitted a notice today indicating that they had already appealed to the ICJ then, in accordance with Article 86 of the Chicago Convention, this would have the effect of suspending the decision of the Council until the appeal is decided by the ICJ.

10. In thanking D/LEB for his explanation, the Representative of Egypt then confirmed that the four Respondents would notify ICAO today that they would file appeals against the decision of the Council in both cases to the ICJ.

11. The President of the Council observed that it would be necessary for the Respondents to submit two separate notifications since there were two different applications. The President also sought clarification on who should be responsible for submitting the notifications; the agent or the representative. In response, D/LEB clarified that since the Council was acting under the *Rules for the Settlement of Differences*, it was always advisable for any such notifications to be submitted by the officially designated agents of the Respondents.

12. The Representative of Egypt then reiterated that the agents representing the four Respondents of Bahrain, Egypt, Saudi Arabia and the United Arab Emirates, would file their notification today with the Secretary General and that the Legal Bureau would be copied on this communication. In this regard, the Representative sought confirmation that the time balance of seven-days referred to in the decisions would be suspended given the intention to lodge appeals with the ICJ.

13. In response to a query of the President of the Council as to whether the Council had any discretion with regard to the time balance of seven days for the filing of counter-memorials by the Respondents, D/LEB referred to Rule 28 of the *Rules for the Settlement of Differences*, by which the Council could at any time decide to extend a time-limit that had been set under this rule, either at the request of any of the parties or at the Council's own discretion. The Council could also in special circumstances and after hearing the objections of any party, decide that any step taken after the expiration of a time-limit shall be considered as valid.

14. The President of the Council expressed some uncertainty as to whether the Council was considered to be sitting as a court each time it acted under Rule 28 to fix or extend time-limits and so he sought further clarification in this regard. In response, D/LEB explained that any action that the Council took in accordance with the *Rules for the Settlement of Differences* should be seen as the Council acting in its capacity as a court pursuant to Article 84 of the Chicago Convention. This included any communication that was conveyed by the Council to relevant parties.

15. The President of the Council then proposed, and it was agreed, to temporarily suspend the proceedings of the Council deliberations on this item so as to enable further informal consultations to take place and which would help to clarify any outstanding questions that remained.

16. Prior to the temporary adjournment, the Legal Advisor of Qatar drew attention to a number of issues that he observed might need to be taken into consideration. Firstly, in relation to the



proposal to suspend the proceedings of the Council, he noted that it would need to be clear how long this suspension would be since this would have a bearing on how the Council could proceed. Secondly, he wished to express support for the legal interpretation provided by D/LEB in his earlier intervention in relation to the filing of an appeal to the ICJ. In this connection, he noted that Article 84 of the Chicago Convention states that a decision of the Council may be appealed to the ICJ and that “any such appeal shall be notified to the Council”. This meant that after an appeal had been filed with the ICJ, the Council should then be notified. Sequentially, this meant that the submission of further pleadings to ICAO is stopped but significantly there was no time limit on when the parties might file their appeals with the ICJ. Effectively, this meant that in five years’ time, everything could be on hold, including further proceedings in ICAO because the appeals had not been filed with the ICJ. Therefore, the logical interpretation of the Chicago Convention was that a party should notify ICAO after it had filed an appeal and until this is done, the sequence of the pleadings remains the same, meaning counter-memorial, reply, and in this case, rejoinder.

17. The Legal Advisor of Qatar also drew attention to Article 5 (3) of the *Rules for the Settlement of Differences*, in which it was stated that with respect to the time-limit fixed for the filing of the counter-memorial, time shall cease to run from the moment a preliminary objection is filed until the objection is decided by the Council. The key date in the timeline was when the objection is filed.

18. Finally, the Legal Advisor of Qatar noted that any further discussion concerning the timelines referred to in Article 28 of the *Rules for the Settlement of Differences*, should take into account that the Respondents in this case had already been provided with ample time to prepare counter-memorials. He recalled that they had been given an extension of six weeks beyond the original twelve weeks and yet no counter-memorial had ever been forthcoming. Instead, all that had been submitted was a preliminary objection. This should be taken into account in the context of further discussions regarding extensions provided for under Article 28.

19. The Representative of Saudi Arabia expressed his objection to the intervention of the Legal Advisor of Qatar. The Representative noted that the President had sought for, and the Council had agreed to a temporary suspension of the proceedings of the Council. In those circumstances, he viewed the preceding intervention on behalf of Qatar as inconsiderate.

20. The Council then proceeded to hold a ten-minute recess pending further informal consultations on this item.

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21. At the resumption of the Council deliberations, the President of the Council indicated that the Council was hereafter sitting as a court. Referring to the penultimate paragraph of the two decisions related to the time balance and having consulted with the two relevant parties, the President proposed, and the Council noted, that in light of the information that had been provided to the Council about the impending notification today by the Respondents of their intention to file an appeal at the ICJ and with respect to the time balance of seven days from the date of receipt by the Respondents of this decision of the Council, this Council decision was expected to be communicated to the Respondents the following Tuesday, 3 July 2018. Accordingly, it was agreed by the Council that the commencement of the running of the said time-balance of 7 days for the filing of counter-memorials by the Respondents shall be suspended for a period of 5 days from the date of receipt by the Respondents of the decisions of the Council. Taking into account the expectation that the decisions will be received by the Parties on or before 3 July 2018, the suspension for 5 days will end on 8 July 2018, and the said time-balance of 7 days shall now run from 9 July 2018 until 16 July 2018, as 15 July 2018 falls on a non-business day.

22. In expressing agreement with the proposal, the Representative of Qatar requested that the minutes indicate that this proposal was reached through mutual agreement between the relevant parties and not through an imposition by the Council. The President of the Council commented that it was important for the Council to note in its records that all relevant parties had agreed to the proposal.

23. The Representatives of Saudi Arabia, the United Arab Emirates and Egypt all expressed support for the proposal.

24. In accordance with the foregoing, the approved decisions of the Council in both Application (A) and Application (B) reproduced at paragraph 4 above were amended with the insertion of the following new paragraph immediately after the penultimate paragraph as follows:

“By mutual agreement between the Parties, the commencement of the running of the said time-balance of 7 days shall be suspended for a period of 5 days from the date of receipt by the Respondents of this Decision of the Council. Taking into account the expectation that this Decision will be received by the Parties on or before 3 July 2018, the suspension for 5 days will end on 8 July 2018, and the said time-balance of 7 days shall now run from 9 July 2018 until 16 July 2018, as 15 July 2018 falls on a non-business day.”

25. Following consideration, the Council adopted the decisions as amended, which are reproduced as Appendix A (Application A refers) and Appendix B (Application B refers) to this C-MIN. It was also agreed that certain editorial amendments and corrections to the spelling of names of the parties present, would be reflected in an updated final text that was adopted as part of the decision at this meeting.

26. In adopting these decisions, the Council noted the stated intention of the Respondents to file appeals with the ICJ.

**Subject No. 10: ICAO Relations with the United Nations, the specialized agencies and other international organizations**

**Report of the Joint Inspection Unit (JIU) for 2017 and Programme of Work for 2018**

27. The Council considered this item on the basis of Information Paper C-WP/14773, which provided an account of the activities of the Joint Inspection Unit (JIU) in 2017 and an outline of the topics to be reviewed in 2018.

28. The Representative of Spain sought further information on item A.440 on a proposed review of the management and administration in ICAO (C-WP/14773, Appendix A refers), and how this related to the proposed restructure of the Secretariat, which was reflected in the Work Programme for the 215th Session (C-WP/14771, Appendix A refers).

29. In response and in the absence of the Chief of the Evaluation and Audit Office (EAO), the Secretary General explained that the restructure of the Secretariat was being undertaken in response to a Council decision (C-DEC 212-8 refers), in which the Secretariat was requested to review its structure. She further explained that the JIU had proposed a review well before the time at which the Council had requested a paper on the restructure of the Secretariat, so on this basis there was no correlation between the two items. The Secretary General also explained that the timelines for the two items were also unrelated. The paper on the restructure of the Secretariat was included in the Council's work programme for the 215th session, whereas the JIU report was not expected until early next year.

30. In the absence of any further interventions, the Council concluded its consideration of

this item.

**Subject No. 13: Work programmes of Council and its subsidiary bodies**

**Subject No. 7: Organization and personnel**

**Subject No. 7.4: Conditions of service**

**Report of the Working Group on Governance and Efficiency (WGGE) review of the ICAO Framework on Ethics**

31. The Council considered this item on the basis of an oral report from the Working Group on Governance and Efficiency (WGGE), which outlined recommendations on enhancing the independence, competence and resourcing of the ethics functions in ICAO, along with proposed amendments to *The ICAO Service Code*, including the ICAO Framework on Ethics as contained in Annex I thereof, as well as to the terms of reference of the Evaluation and Audit Advisory Committee (EAAC).

32. The Council recalled that pursuant to its consideration of the review of the terms of reference of the EAAC during the Ninth Meeting of the 210th Session, it had decided (C-DEC 210/9 refers) to task the WGGE with considering whether consequent amendments would be necessary to the ICAO Framework on Ethics. Since the WGGE had constituted a Sub-group on the ICAO Ethics Framework (SEF) to consider these matters, it was further recalled that an interim report with preliminary recommendations from the SEF had been presented at the 213th Session (C-DEC 213/9 refers), following which the Council requested the WGGE to present a report with final recommendations on this item for consideration by the Council at this current session.

33. The oral report presented by the Representative of Argentina was commended by Representatives of the Council, as were the efforts and hard work undertaken by the SEF in progressing this item. In his comments, the President of the Council recalled that in the context of revising the terms of reference of the EAAC during the 210th Session, the Council had decided to task the WGGE with reviewing the Framework on Ethics and to consider resultant amendments to *The ICAO Service Code*. Given that three sessions had already elapsed since that decision, he had urged the Chairperson of the WGGE to make every effort to present a report at this current 214th Session. In the circumstances, he thanked in particular the Representative of Argentina for stepping in and finalizing an oral report as Interim Chairperson of the WGGE, in the absence of the Chairperson (Representative of South Africa).

34. While acknowledging that the WGGE had accomplished a great deal, the Representative of Saudi Arabia expressed concern that the options presented in the oral report were not fully in line with the recommendations of the Joint Inspection Unit (JIU). In particular, he pointed out that according to the practices elsewhere in the United Nations system, the duties of the Ethics Officer should not include responsibility for dealing with misconduct cases. As for the proposal for the establishment of an Investigations Committee, he agreed that this was an acceptable compromise. While concurring with the separation of the ethics function from the investigations function, he also suggested there was a need to separate the investigation of cases of misconduct from those of retaliation. The Representative agreed with the need for special procedures to be established to handle allegations of misconduct against the Secretary General since these should not be investigated by the Ethics Officer. In essence however, his primary concern was that more work was required on this item, especially in aligning the options with the recommendations of the JIU, so on this basis the Representative proposed that the item be deferred until the next session of the Council.

35. In response to the intervention of Saudi Arabia, the President of the Council opined that as the governing body, it was the Council that provided oversight of the Organization and as such it was important that this issue not be further delayed.

36. Concerning the JIU, the Representative of Mexico recalled that even as the Organization had over the years tried to align itself with JIU recommendations, it had in some instances not followed those recommendations. For his part, he expressed support for the oral report of the WGGE, including the proposal to create the post of Chief Investigator, which he considered should be recruited as soon as practicable, and if necessary, in the interim on a fee-for-service basis.

37. Regarding the third member of the Investigations Committee, the Representative's preferred option was for this individual to be someone from elsewhere within the United Nations system. However, in the event that the third member of the Committee was someone from the Legal Bureau, he queried if this individual could be fire-walled or given immunity to participate in the proposed Investigations Committee. Finally, the Representative was of the view that the proposals from the WGGE should be accepted on a preliminary or trial basis for a period of one year, after which the Council would be able to review the item again and make any necessary adjustments. He also indicated that it would be necessary for any amendments to the Service Code to be consulted with the Human Resources Committee (HRC) but without altering the substance of the proposals presented by the WGGE.

38. The composition of the proposed Investigations Committee and specifically who should be the third member of the body aside from the Ethics Officer and the Chief, Investigator, was the focus of many interventions by Representatives and drew many comments. In this connection, the Representative of Nigeria endorsed a proposal that the Representative of Ireland had made during the meeting of the WGGE in that the third member of the Committee be an external party unrelated to ICAO so as to ensure impartiality of the proceedings. This concept was also supported by the Representative of the United Kingdom. On the other hand, the Representative of India queried how an external individual could be expected to dovetail into the work of the Committee given the nature of the meetings and the work involved. In the latter's view, the issue of impartiality could still be addressed by selecting someone suitable from within the Secretariat as the third member of the Committee, such as someone from the Legal Bureau or the Chief, Evaluation and Audit Office (C/EAO).

39. Numerous Representatives supported the adoption of a one-year trial period for the interim arrangements to apply in implementing the proposals, following which the Council could review the item again and make the necessary adjustments, if any, to the arrangements. Those in favour of this view included the Representatives of Mexico, Nigeria and the United Kingdom. The latter also urged that every effort be made for the recruitment of the Chief, Investigator, to be fast-tracked as far as practicable.

40. Concurring with the necessity for changes to be adopted to the ICAO Framework on Ethics as soon as possible, the Representative of the United States described the oral report as a good compromise and urged the Council to go forward based on the recommendations that it had presented. Responding to the earlier intervention of Saudi Arabia, he drew attention to the document, *Ethics and the United Nations System*, which outlined the tasks and duties of an Ethics Officer. The Representative agreed that it was important to conform with the recommendations of the JIU, and in this regard he noted that the latter had emphasized the importance of ensuring that the executive head of any organization should be removed from the decision-making process in determining whether or not an investigation into allegations of misconduct should be initiated. This was one reason why he viewed the recommendations of the WGGE as important to be implemented as soon as possible. The Representative also informed the Council that conformance with JIU recommendations was something that was an extremely high priority to his government.

41. The Representative of the Russian Federation opined that the issue and the implications of certain recommendations presented by the WGGE appeared to him to have not been fully thought through. In the circumstances, he supported the proposal of the Representative of Saudi Arabia for this item to be deferred so that more work could be carried out in finalizing outstanding issues.

42. Expressing full support for the recommendations contained in the oral report of the WGGE, the Representative of Spain in particular noted that the implementation of a one-year trial period would afford the Council the opportunity to revisit this item. The Representative noted though that the establishment of a new post of Chief, Investigator carried certain financial implications and in this connection, he wondered what the potential budget impact would be of this decision. The Representative agreed that EAAC should be excluded from any roles in the investigations process in cases of misconduct involving the Secretary General, the Ethics Officer or the Chief Investigator, since its role was entirely separate.

43. Drawing attention to the fact that the oral report from the WGGE had been distributed only at around 0900 hours earlier this morning, the Representative of China wondered whether in the circumstances it was reasonable to now expect the Council to adequately debate the recommendations that it contained. The Representative was also concerned to note that consensus appeared to be lacking in relation to several issues referred to in the oral report. Accordingly, the Representative supported the proposal of the Representative of Saudi Arabia to defer this item to the next session and for the Council to request the WGGE to continue discussions in order to resolve the pending issues.

44. In expressing support for the spirit of the reform proposals aimed at strengthening the ethics framework, the Representative of France expressed support for the creation of an Investigations Committee but indicated that clarity was needed with regard to the third member of the Committee otherwise there would be confusion on this point. He agreed that it was important for the Secretary General to be detached from the decision-making process in determining whether or not to initiate an investigation but that it was also important to separate the ethics role from the investigation function. He also pointed to the potential confusion and overlap due to the increasing number of entities within the Secretariat that would now hold an oversight function, including the Ethics Officer as well as EAO.

45. In relation to the issue on term limits, the Representative of France supported the introduction of seven year non-renewable terms for both the Ethics Officer and Chief, Investigator but with the proviso that this be applied to the next appointee. He also stressed the need to uphold existing procedures, including for consultations to take place with both the Human Resources Committee (HRC) as well as the Staff Advisory Committee before any changes were made to the Service Code.

46. Addressing the suggestion that more time was needed to consider certain outstanding issues, the President of the Council recalled that the WGGE had now been discussing this particular item for a number of sessions in order to reach consensus. Given that context, he doubted that allocating more time to the WGGE would resolve the outstanding issues. It had to be recognized that consensus was not always possible despite everyone's best efforts but at the same time, the debate should not be allowed to continue indefinitely. Sometimes consensus was not possible but that in itself should not prevent the Council from taking a decision. Citing the recent adoption by the Council of the SARPs for CORSIA as an example, the President observed that sometimes the Council needed to take a decision and move forward in order to advance the work programme in an effective and efficient manner.

47. While agreeing with the President that much work had already been carried out on this item, the Representative of India nevertheless remarked that it was not necessarily correct to state that the WGGE had spent several sessions debating the issues. He recalled that the outcome of the SEF had only just been presented to the WGGE while the oral report had itself been issued only this morning. While agreeing with the recommendation to establish an Investigations Committee, the Representative stressed that there were important aspects of this proposal that remained unresolved especially with regard to who the third member of the Committee would be. In this connection, he reiterated that it would be preferable for this individual to be internal from within the existing Secretariat structure, such as someone from the Legal Bureau or C/EAO. From a practical point of view, he also favoured the separation of the ethics and the investigation functions as well as the separation of the handling of general misconduct and of

retaliation cases. The Representative stated that this separation would also enable the Ethics Officer to deal with other issues such as education and ethics awareness, which represent important elements of her function.

48. Pending finalization of these issues, the Representative of India suggested that the current system should continue and that thereafter, the new system could be put in place. He cautioned against moving too quickly on such an important item. In the meantime, it was also important to keep in mind that any proposed changes to the Service Code should be consulted with both the Human Resources Committee (HRC) as well as with the Staff Advisory Committee.

49. In his preliminary summary on this item, the President of the Council noted that in the oral report of the WGGE, it was clear that a majority of members had supported the recommendation that the proposed Investigations Committee be comprised of three individuals: the Ethics Officer, the Chief Investigator, and the third member to be drawn internally from the Legal Bureau or externally from another entity of the United Nations system. Regardless of which option was chosen however, the President indicated that the third member of the Committee should not be the Chief, EAO since this role was separate and therefore should be excluded from the investigations process.

50. In relation to the issue of how allegations are to be investigated, the President noted that it was important for staff to know who to go to. In this connection, the President suggested that the focal point for the receipt of any allegations of misconduct should continue to be the Ethics Officer who would thereafter consult with the Investigations Committee on the conduct of any investigations that might be required to deal with the allegations.

51. In relation to the issue of the terms of the Ethics Officer and the Chief, Investigator, the President noted that the majority of the members of the WGGE supported the introduction of seven-year non-renewable terms for these posts and for this to become applicable as from the future recruitment for both positions. Likewise, in relation to the issue of the applicability of the Ethics Framework, the President observed that the predominant view of a majority of the members of the WGGE had been to support the principle that while the Ethics Framework should apply to all personnel, special procedures should be set in place to process any allegations of misconduct involving the Secretary General.

52. Finally, the President noted that a clear majority of members of the WGGE were in favour of the proposal that the recommendations being presented to the Council should be adopted for a trial period of one year and that at the conclusion of this trial period, a report should be presented to the Council outlining lessons learned.

53. In response to the Representative of India who urged that there be clarity as to who the third member of the Investigations Committee would be as well as in regard to the details of the process by which a preliminary assessment and investigation was to be conducted on the receipt of allegations of misconduct and by whom, the President of the Council noted that these points had been discussed by the members of the WGGE and he had taken these points into consideration when presenting his summary based on the oral report of the WGGE.

54. The Representative of Turkey commended the WGGE for the efficiency of the manner with which the group had undertaken the process especially given the late issuance of some important documents for review. While supporting the President's summary, he also recalled related discussions that had occurred at the WGGE, including the need for the Council to consider the budget as quickly as possible in order to finalize funding for the new post of Chief, Investigator. At the same time, the Representative noted that some issues on this item appeared to remain unresolved but in this regard, he concurred with the Representative of the United States in expressing the hope that these issues could be resolved in due course.

55. In expressing appreciation to the Representative of Argentina for stepping in as interim Chairperson of the WGGE to finalize the oral report as well as to the Representative of Sweden for her strenuous efforts to reach consensus on this item as Chairperson of the SEF, the Representative of Australia indicated that he was in agreement with the preliminary summary that the President had presented in his earlier intervention.

56. The Secretary General expressed her appreciation to the WGGE and the SEF for all the efforts undertaken on this item. However, she noted that despite these best efforts, it was apparent that some issues remained unresolved. In particular, she stressed the importance of ensuring that a proper mechanism was in place for giving due consideration to any subsequent revisions of the Service Code. In this regard, the Secretary General also drew attention to a rule in the Service Code, providing for consultations to take place with the Staff Advisory Committee whenever proposed amendments to the Service Code were being considered.

57. The Representative of Japan observed that any decision taken by the Council at this meeting would be reviewed by the Council again at the end of the one-year trial period. Referring also to the recent off-site strategy meeting, he reminded the Council of the agreement for Representatives to be proactive in moving forward the future work of the Organization. In this spirit, he affirmed that it was important for the Council to agree a decision and to take a first step on this issue.

58. In noting the extensive level of consultation that had already taken place on this item, the Representative of Canada indicated that in relation to the third member of the Investigations Committee, he favoured that this be someone from the Legal Bureau designated from within the Organization who would be more likely to meet confidentiality as well as cost-benefit requirements. For the same reasons he was opposed to the third member of the Committee being someone from elsewhere in the United Nations system. On the option to consult with the Staff Association as to any changes to the Service Code, he indicated that in his view, this consultation should not involve anything substantial but rather that the Staff Association could just be informed of any changes instead. The Representative also stressed that it was important to implement these decisions as soon as possible.

59. The Representative of Ecuador expressed his appreciation to the WGGE and in general terms supported the oral report that had been presented. However, he cautioned that the decisions on this item would require amendments to the Service Code, which needed to be carefully considered and there had been insufficient attention paid to this point. In this connection, it was also important for both the Human Resources Committee as well as the Staff Advisory Committee to be consulted on any proposed changes to the Service Code. Regarding the proposed Investigations Committee, the Representative supported the establishment of this new body and indicated that in relation to the third member of the Committee, his preference was that this should be a senior officer from the Legal Bureau or possibly C/EAO.

60. In relation to the allocation of responsibilities, the Representative stressed that it was important for this to be properly clarified before the Council took any decision. It needed to be clear how allegations were to be processed and investigated and who would have responsibility. For his part, he expressed the view that allegations of retaliation should be handled by the Ethics Officer while allegations related to general misconduct should be handled by the Chief Investigator.

61. Agreeing that there remained a number of unresolved issues, the Representative of Egypt wondered what would be the best course of action in attempting to resolve these and if the item should again be deferred to the next session. It was essential that there be clarity on all the outstanding issues before any decisions were taken by the Council especially vis-à-vis any proposed amendments to the Service Code.



62. In observing that the WGGE and the SEF had already spent a great deal of time discussing this item, the Representative of Malaysia noted that despite these extensive efforts, it was clear from the oral report that a number of issues remained unresolved and on this basis he wondered whether the item should again be deferred until the next session. At the same time, he viewed the suggestion for a one-year trial period for any new arrangements as helpful since it would allow the Council the opportunity to revisit the item. The Representative also expressed support for the view that had been proffered in other preceding interventions that the Staff Advisory Committee should be consulted on any proposed amendments to the Service Code.

63. The President of the Council noted that a number of Representatives had expressed the view that the item should be deferred to the next session but he indicated that he wanted the Council to take a decision during the current session.

64. In noting the extensive work that had already been undertaken on this item, the Representative of Kenya indicated that despite some unresolved issues, it was important nonetheless for the Council to now move forward on this item. She accepted that there were dissenting views on some issues such as the composition of the proposed Investigations Committee but this as well as other points should not prevent the implementation of the new Framework on Ethics. She stressed that there should be no further delays especially since in her view this would probably not help to resolve the outstanding issues. The Representative did agree however that any proposed amendments to the Service Code should be consulted with the Staff Advisory Committee.

65. In indicating support for the earlier intervention of the United States, the Representative of Germany expressed the view that the oral report of the WGGE represented a good compromise and as such, it was important for the Council to move forward and make a decision on this item. In particular, he noted that the adoption of the recommendation of a one-year trial period was important in that it afforded the opportunity for the Council to revisit any outstanding issues when it again considered the item at the end of that trial period.

66. The Representative of the Republic of Korea agreed with a number of previous interventions in expressing the view that the Secretariat should be consulted in relation to any proposed amendments to the Service Code. The Representative also echoed the sentiments expressed in earlier interventions in that given the lack of time to properly consider all the issues, further consideration by the Council of the Ethics item should be deferred until the next session.

67. In noting that a number of issues remained unresolved, the Representative of Uruguay wondered whether it might not be better to allocate more time to discussions to help try and bridge the gaps on the points of divergence. In the circumstances, he wondered whether the Council might not benefit from agreeing to a *procédure d'approbation tacite* (silence procedure), which might facilitate the decision-making process and help reach consensus.

68. The Representative of Colombia stated that it was important for the Council to move forward on this item and take a decision at this meeting.

69. The Representative of the United Arab Emirates raised the issue of the constant changes to the rules and the difficulty that arose in attempting to keep track of these. In this connection, she called for a mechanism to be established that would enable Representative to better track changes and revisions. In doing so, the Council would then be in a better position to recall and understand the changes being made, such as in the Rules of Procedures or the policies.

70. The Representative of Sweden endorsed the sentiments of the preceding intervention from Kenya. She underscored the need for the Organization to have a robust ethics framework in place and in this regard it was important for the Council to now move forward on this item.

71. In relation to the third member of the proposed Investigations Committee, the Representative of Singapore indicated that his preference was for this to be someone from the Legal Bureau. In relation to the process by which allegations and investigation were to be processed, he associated himself with the earlier intervention of India in stressing the need for clarity on this point. For his part, the Representative stated that while the Ethics Officer should continue to be the focal point for the receipt of all allegations, there should be a two-track process thereafter by which one dealt with allegations of general misconduct and the other dealt with issues of retaliation. This meant that potentially there could be parallel investigations taking place at the same time. It was important to have clarity on this aspect of the new process in order to allay the concerns of those who had expressed the view that the item be deferred until the next session.

72. Citing the unresolved differences on this item that seemed apparent to him, the Representative of Algeria suggested that it would be better for the decision on this item to be deferred to the next session.

73. In contrast, the Representative of Nigeria supported the view that the Council should move forward on this item and in this connection he expressed support for the preceding interventions of the Representatives of Kenya, Germany and Sweden.

74. The Representative of Mexico stressed that in relation to the recruitment for the new post of Chief Investigator, it was important that current staff members of the Secretariat should be ruled ineligible for recruitment to this post. In relation to the third member of the proposed Investigations Committee, he expressed the view that this should be someone from the Legal Bureau and for this individual to have immunity for their role on the Committee. The Representative agreed with other interventions in stating that it was important to consult with the Staff Advisory Committee on any changes to the Service Code but that this should not necessarily delay the Council from taking a decision.

75. Noting that the majority of Representatives had supported his preliminary summary, the President of the Council took the opportunity to further clarify some of the outstanding issues. On the position of the Chief Investigator, he explained that the individual could be hired as a permanent staff, which would take more time or someone could be recruited externally on a fee-for-service basis but the difference was just a question of semantics. According to his understanding, many positions are created and the individuals recruited are either as permanent, a secondee or a consultant. This was a regular occurrence subject to funding but in his view this was not a significant issue.

76. Regarding the third member of the proposed Investigations Committee, the President had noted that some Representatives suggested this should be someone from the Legal Bureau while others had indicated a preference for someone external from elsewhere in the United Nations system. If the individual was from the Legal Bureau then it was important to ensure that this individual had all the necessary support to carry out this function. There is a related issue on whether there are sufficient resources available within the Legal Bureau or whether the individual was obtained externally and how this was paid for but this was all a question of resources. Therefore, subject to the availability of resources, both options were acceptable.

77. In relation to the issue of the processing of allegations, the President indicated that the consensus appeared to be that the Ethics Officer would continue to be the focal point to receive and review all allegations but that thereafter, the Investigations Committee would decide on whether or not an investigation was warranted.

78. Referring to the recommendation regarding a Chief Investigator, the Secretary General stressed the importance of ensuring clarity on this point. She recalled that the SEF had recommended that the person to be recruited should be a professional investigator; competencies that did not currently exist in the Secretariat. Her recollection of the majority view was that this professional investigator should have the responsibility for investigating allegations of general misconduct so it was important that there be clarity on this aspect of the post. In response, the President of the Council recalled that the Secretary General had already briefed him about this concern but that regardless of the exact duties of the role itself, the post of Chief Investigator still needed to be established. In this connection, he suggested that the person recruited could either be permanent or recruited externally on a fee-for-service basis but that either way, it would need to be a professionally qualified investigator. In the interim, someone could be hired and if extra resources were required, this could be addressed in the next budget to include an allocation for this permanent position.

79. In concluding its consideration of this item, the Council:

- a) agreed to the establishment of a new position in the Secretariat with the title of “Chief Investigator”, to be filled as soon as possible, and on the understanding that the post would be included in the budget for the next triennium;
- b) requested that the finalization of the job description and details related to the issuance of the vacancy notice for the position of Chief Investigator, be undertaken in consultation with the Human Resources Committee (HRC);
- c) approved the establishment of an Investigations Committee that would have the authority to initiate an investigation and that the Investigations Committee would be comprised of three individuals, with the first two being the Ethics Officer as well as the Chief Investigator, to be recruited or in the interim, whose functions may be performed by a qualified person, hired on a temporary basis or as a consultant, while the third would be either a Professional-level officer from the Legal Affairs and External Relations Bureau (LEB) who should be firewalled from LEB when undertaking this function or an externally engaged officer from another entity of the United Nations system, on the understanding that the final decisions in this regard would take into account resourcing implications and that the Chief EAO will play no role in this process;
- d) agreed that the ethics function would be distinct from the investigation function with both office holders reporting separately to the Secretary General and with each office-holder being recruited for a single non-renewable seven-year fixed term contract to take effect as from future recruitment against both positions;
- e) further agreed that while the Ethics Officer would continue to be the focal point to receive and undertake preliminary review and evaluation of all allegations of general misconduct and retaliation, the said Investigations Committee will decide based on majority on how to process the different nature of allegations and whether or not to initiate an investigation;
- f) noted that while all personnel of the Organization would be subject to the new ethics framework, special procedures and arrangements should be adopted to handle allegations of misconduct in the exercise of executive functions involving the Secretary General;

- g) further noted that the Evaluation and Audit Advisory Committee (EAAC) would be excluded from any role in the investigation process in cases of misconduct involving the Secretary General, the Ethics Officer or the Chief Investigator, and that accordingly, with regards to ethics matters, the EAAC would maintain the current oversight and advisory function to the Council;
- h) requested the WGGE to complete, through its sub group, a review (“clean-up of the language”) of the implications of these decisions vis-à-vis the distributed flimsy on the SEF proposed amendment of the current texts contained in *The ICAO Service Code*, including the ICAO Framework on Ethics contained in Annex I, as well as to the terms of reference of the EAAC, with the outcome submitted to the President and circulated to Representatives; and
- i) agreed that these new arrangements be operated for a trial period of one year and requested that a progress report on the implementation of these decisions be provided at the 215th Session of the Council.

80. The meeting was then adjourned at 1320 hours. In doing so, the Council agreed to reconvene again at 1430 hours in order to complete consideration of the remaining items on the Order of Business for this session.

## APPENDIX A

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

*THE COUNCIL,*

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

*COMPOSED* of the following Representatives entitled to vote: Mr. A.D. Mesroua (Algeria), Mr. G.E. Ainchil (Argentina), Mr. S. Lucas (Australia), Mr. O. Vieira (Alt.) (Brazil), Mr. C. Monteiro (Cabo Verde), Mr. M. Pagé (Canada), Mr. S. Yang (China), Mr. A. Muñoz Gómez (Colombia), Mr. R.M. Ondzotto (Congo), Mrs. M. Crespo Frasier (Cuba), Mr. I. Arellano (Ecuador), Mr. P. Bertoux (France), Mr. U. Schwierczinski (Germany), Mr. A. Shekhar (India), Mrs. N. O'Brien (Ireland), Mr. M.R. Rusconi (Italy), Mr. S. Matsui (Japan), Ms. M.B. Awori (Kenya), Mr. K.A. Ismail (Malaysia), Mr. D. Méndez Mayora (Mexico), Mr. M.S. Nuhu (Nigeria), Mr. G.S. Oller (Panama), Mr. Y.J. Lee (Republic of Korea), Mr. S. Gudkov (Russian Federation), Mr. T.C. Ng (Singapore), Mr. M.D.T. Peege (South Africa), Mr. V.M. Aguado (Spain), Ms. H. Jansson Saxe (Sweden), Mr. A.R. Çolak (Turkey), Mr. D.T. Lloyd (United Kingdom), Mr. R.W. Bokango (United Republic of Tanzania), Mr. T.L. Carter (United States), Mr. M. Vidal (Uruguay).

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

*CONSIDERING* that an Application and Memorial by the Applicant under Article 84 of the Chicago Convention was filed on 30 October 2017; that a Statement of preliminary objections was filed by the Respondents on 19 March 2018; that a Response to the Statement of preliminary objections was filed by the Applicant on 1 May 2018; and that a Rejoinder was filed by the Respondents on 12 June 2018;

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

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

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

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

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

*DECIDES* that the preliminary objection of the Respondents is not accepted.

The above Decision, on the question whether to accept the preliminary objection of the Respondents, was taken by a secret ballot with 4 Members voting in favour, 23 Members voting against, and 6 Members abstaining.

The time-balance of 7 days remaining for the Respondents to file their Counter-memorials shall begin to run from the date of receipt by the Respondents of this Decision of the Council.

By mutual agreement between the Parties, the commencement of the running of the said time-balance of 7 days shall be suspended for a period of 5 days from the date of receipt by the Respondents of this Decision of the Council. Taking into account the expectation that this Decision will be received by the Parties on or before 3 July 2018, the suspension for 5 days will end on 8 July 2018, and the said time-balance of 7 days shall now run from 9 July 2018 until 16 July 2018, as 15 July 2018 falls on a non-business day.

Rendered on 29 June 2018 in Montréal.

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## APPENDIX B

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

*THE COUNCIL,*

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

*COMPOSED* of the following Representatives entitled to vote: Mr. A.D. Mesroua (Algeria), Mr. G.E. Ainchil (Argentina), Mr. S. Lucas (Australia), Mr. S. Yang (China), Mr. R.M. Ondzotto (Congo), Mrs. M. Crespo Frasquieri (Cuba), Mr. I. Arellano (Ecuador), Mr. P. Bertoux (France), Mr. U. Schwierczinski (Germany), Mr. A. Shekhar (India), Mrs. N. O'Brien (Ireland), Mr. M.R. Rusconi (Italy), Mr. S. Matsui (Japan), Mr. K.A. Ismail (Malaysia), Mr. D. Méndez Mayora (Mexico), Mr. M.S. Nuhu (Nigeria), Mr. G.S. Oller (Panama), Mr. Y.J. Lee (Republic of Korea), Mr. T.C. Ng (Singapore), Mr. M.D.T. Peege (South Africa), Mr. V.M. Aguado (Spain), Ms. H. Jansson Saxe (Sweden), Mr. A.R. Çolak (Turkey), Mr. D.T. Lloyd (United Kingdom), Mr. T.L. Carter (United States).

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

*CONSIDERING* that an Application and Memorial by the Applicant under Article II, Section 2 of the *International Air Services Transit Agreement* was filed on 30 October 2017; that a Statement of preliminary objections was filed by the Respondents on 19 March 2018; that a Response to the Statement of preliminary objections was filed by the Applicant on 1 May 2018; and that a Rejoinder was filed by the Respondents on 12 June 2018;

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

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



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

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

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

*DECIDES* that the preliminary objection of the Respondents is not accepted.

The above Decision, on the question whether to accept the preliminary objection of the Respondents, was taken by a secret ballot with 2 Members voting in favour, 18 Members voting against, and 5 Members abstaining.

The time-balance of 7 days remaining for the Respondents to file their Counter-memorials shall begin to run from the date of receipt by the Respondents of this Decision of the Council.

By mutual agreement between the Parties, the commencement of the running of the said time-balance of 7 days shall be suspended for a period of 5 days from the date of receipt by the Respondents of this Decision of the Council. Taking into account the expectation that this Decision will be received by the Parties on or before 3 July 2018, the suspension for 5 days will end on 8 July 2018, and the said time-balance of 7 days shall now run from 9 July 2018 until 16 July 2018, as 15 July 2018 falls on a non-business day.

Rendered on 29 June 2018 in Montréal.

— END —



## **Annex 56**

Draft Aide Memoire of Appellants in response to Qatar  
Working Paper C-WP/14641 dated 19 July 2017, in respect of  
Request of Qatar – Item under Article 54(n) of the Chicago  
Convention, Undated

**DRAFT****AIDE MEMOIRE****on C-WP/14641 of Qatar dated 19/7/17****introduction:**

On 19 July 2017, Qatar submitted a Working Paper to the Council, C-WP/14641, which makes arguments not previously raised in its earlier submissions. This document arrived after Bahrain, Egypt, Saudi Arabia, and the United Arab Emirates (hereinafter collectively referred to as “the Four States”) submitted their Working Paper to the Council. The Procedures of the Council do not have a mechanism for formal response to Qatar’s latest Working Paper, and this procedural situation is challenging given that Qatar has asked the Council to meet on an urgent, expedited basis. Accordingly, the Four States have prepared this Aide Memoire to address these newly raised points to provide important background to Council Members.

The Working Paper of Qatar requests the Council 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 States to the International Air Services Transit Agreement 1944 to comply in good faith with their obligations concerning overflight 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.”*

**General comments:**

These action items are different from those previously requested by Qatar in the five letters sent between 5 and 15 June 2017 to ICAO. It is unclear whether these actions replace all the numerous actions previously requested from the Council, or whether they supplement or modify these actions. This should be clarified.

**Comments on items a. and b.:**

1. Regarding specifically action items a. and b., it should be noted that the contingency routes already agreed and implemented with the active involvement of the ICAO Regional Office in Cairo are situated over the High Seas. The Four States do not restrict or limit access of Qatar-registered aircraft to the High Seas. As paragraph 2.1 of the Working Paper of the ICAO Secretary-General confirms, the NOTAMs promulgated by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates during the week of 5 June 2017 confirmed that “restrictions against aircraft registered in Qatar were over their airspace – meaning the territory of the State within the FIR(s) concerned – and did not include high seas airspaces”, These aircraft are merely subject to the same operational constraints over the High Seas as any other aircraft due to safety and operational requirements, as laid down in Annex 11, including Attachment C, and other related Annexes.

2. The Qatar paper omits to refer to the various contingency routes referred to in the preceding paragraph. Due to the implementation of contingency routes over the High Seas already agreed between the parties (as clearly substantiated in C-WP 14639 and C-WP 14640), the action requested by Qatar under a. and b. has essentially already been met and is therefore moot.

**General comments on item c.:**

Regarding action item c., it should be noted that it overlaps with the Article 84 proceedings. Qatar has initiated one of the two Article 84 proceedings precisely on the issue of non-observance of obligations under the Transit Agreement. Therefore, this proceeding and the rights of parties under this proceeding should not be pre-empted. The action which the Council is asked to take under this action item c., including urging the Four States to observe their obligations in good faith, would create an implication that their obligations have not properly been fulfilled and does not account for other principles of international law that may apply to the situation. Thus, it may legally have a prejudicial effect on the formal Article 84 proceedings. Therefore, the Council should be mindful of 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 of the Convention on International Civil Aviation.. " (C-DEC 211/10 refers).

--- end ---



## **Annex 57**

Official Statements on the founding of the GCC, in R. K. Ramazani,  
*The Gulf Cooperation Council: Record and Analysis*  
(1988), pp. 1-13 and 31-32



# THE GULF COOPERATION COUNCIL Record and Analysis

R. K. Ramazani

with the assistance of  
Joseph A. Kechichian

With a Foreword by Sultan Bin Mohamed Al-Qasimi

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To the Secretariat General  
of the  
Gulf Cooperation Council  
in Recognition of  
Its Vision of the GCC as an Arab Confederation

## 1

*Founding the Gulf Cooperation Council*

## ANALYSIS

Five years after the founding of the Gulf Cooperation Council (GCC) in 1981 by Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE), the debate over the reasons for its creation continued. A number of observers, particularly from the Gulf Arab countries, have seen the GCC as an organic growth rooted in the pre-GCC interaction of the six member states, particularly in the economic field. Others have emphasized various kinds of threats, ranging from that of Israel to those of the Soviet Union, the United States, and Iran. Still others, in fact most observers, have attributed the birth of the organization to the threat of the Iraq-Iran war.

The detractors of the GCC have compounded the problem of analyzing its origins. Anti-Western regimes, especially those led by the Soviet Union, have characterized the GCC as a military “arm of NATO.” Anti-American observers have dubbed it a “tool of the United States” in the pursuit of its alleged imperialist game in the Middle East. Some have labeled it as a “latter-day Central Treaty Organization” (CENTO), that moribund brainchild of Secretary of State John Foster Dulles. And finally, the antimonarchical radical left and extremist right have depicted it as a “stalking horse of Saudi Arabia.”

The admirers of the GCC, on the other hand, have viewed it favorably for various reasons. Some see it as a budding confederation among the Gulf Arab states. Others consider it an example of the capacity of Arabs to work toward the goal of complete unity, while still others see it as an economic community similar to the European example.

*Official Perceptions of the GCC*

The founding of the Gulf Cooperation Council officially took place between 4 February and 26 May 1981. On 4 February the foreign ministers of Saudi Arabia, Kuwait, Bahrain, Oman, and the United Arab Emirates (UAE) met in Riyadh, Saudi Arabia, and decided to set up a cooperation council among their states, to form a secretariat general for this purpose, and to hold periodic meetings at the summit level and the level of foreign ministers. In a statement issued on that date and read to journalists that night by Saudi foreign minister Prince Saud al-Faysal, the founding of the organization was attributed to such considerations as the “special relations,” “joint characteristics,” “joint creed,” “similarity of regimes,” and “unity of heritage” of the member states and their “desire to deepen and develop cooperation and coordination among them in all fields in a manner that brings good, development and stability to their peoples.” The formation of the organization was said to be “within the framework of the Arab League Charter, which urges regional cooperation” (D1 and D2).

A special committee of experts began a two-day meeting in Riyadh on 24 February for the purpose of “formulation of the fundamental system” for the GCC before submitting the results to the foreign ministers of the member states on 8 March. The committee was chaired by the head of the Saudi delegation, Ambassador Shaykh Ismail ash-Shura, and included experts from all the other five GCC

states. The experts also held another meeting in Muscat, Oman, where the session was inaugurated on 7 March by Salim Ismail Suwayd of the Omani Foreign Ministry. As a result of the meetings of the experts, four basic draft documents on the structures and functions of the GCC were presented to the foreign ministers for their initials in Muscat. These basic documents included the Charter of the GCC (D4), Rules of Procedures of the Supreme Council (D5), Rules of Procedures of the Ministerial Council (D6), and Internal Statute for the General Secretariat, all of which were initialed by the foreign ministers except for the last document, which was reviewed but its approval postponed until the appointment of a secretary general who would be able to express his view on it. At the end of their meeting on 10 March, the foreign ministers recommended that the first summit meeting of the GCC should be held on 26–27 May in the city of Abu Dhabi, UAE.

The first GCC summit actually began on 25 May, and hence the basic documents of the organization carry the dates when they were approved by the leaders of the six countries on 25–26 May. The following day, Abdallah Yaqub Bisharah, secretary general of the GCC, held his first press conference in Abu Dhabi (D11). Among many points made, the secretary general reportedly said that the organization had attracted worldwide interest; that its members refused to be viewed as mere oil states and waterways; and that they had a greater role to play in the world. He also said that the members remained, as before, independent sovereign states; they were equal despite the establishment of the GCC headquarters in Saudi Arabia and the appointment of the secretary general from Kuwait; and the council was “not exactly political . . . [because] priority is given to economic issues.”

How did the officials and leaders of the GCC perceive the organization during this founding period? A sampling of views should include those of Saudi Arabia, Kuwait, and Oman for the important reason that before the establishment of the GCC, each had developed its own proposal for regional cooperation. In response to a correspondent, Saudi interior minister Prince Nayif flatly stated that Saudi Arabia “did not have contacts with the Gulf states on the subject of Gulf security cooperation prior to the declaration of the Gulf cooperation project in which we have participated.” Although no date for the interview was given, the Saudi newspaper *Al-Jazirah* published it on 14 February, which falls within the official founding period of the GCC.<sup>1</sup> The prince further stated that “our intention is to establish complete cooperation in all fields—political, economic, security, unity of jurisdictions—on the basis that the Islamic Shariah is the fundamental source of our legislation and system.” In regard to the security of the oilfields, the prince said: “I see no reason why a joint security action should not exist within the framework of a Gulf cooperation plan that includes the economy, a united political stand, military defense cooperation and other issues. . . . There can be joint security to prevent threats to oil wells such as sabotage and to organize the security of wells and their sites. All this is possible, and we have been cooperating satisfactorily on information.” The Saudi minister of defense and aviation, Prince Sultan, believed that the GCC arose in the “shadow of cooperation and coordination, which had already been growing at the highest and best levels.” Furthermore, he thought that “the Gulf states and their peoples were aware of all that is being hatched against them and that this is what makes them confident that the Gulf Cooperation Council will serve all these states and peoples.”<sup>2</sup>

The Kuwaiti officials seemed to emphasize the nonaligned character of the GCC. For example, the crown prince and prime minister, Shaykh Saad al-Abdallah, was reported on 17 February 1981 to have said that the GCC “was not a new grouping or an alliance but a framework for organizing constructive cooperation among the member states.” He added that “many peoples in the world had covered a long

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distance on the path of regional cooperation, hence the Islamic countries are in bad need for such cooperation,” and the GCC “was the outcome of a sincere effort aimed at coordinating and developing cooperation already existing between countries having common destiny and history.”<sup>3</sup>

In contrast with the official Saudi and Kuwaiti perspectives, the Omani view of the GCC unequivocally stressed the problem of security, particularly as it concerned the freedom of navigation in the Strait of Hormuz. With respect to the question of regional cooperation in general, in an interview given to *Al-Mustaqbal* magazine in May 1981 Sultan Qabus stated: “There have been many previous attempts in this direction, the first in 1974, but none have been successful. When the idea of Gulf cooperation was revived during the Amman summit, we immediately supported and agreed to it. When we received a working paper in At-Taif, we responded to the idea and paid much attention to it.” “The region,” he continued, “is facing threats from all directions. The USSR is in Afghanistan, while South Yemen is a Soviet military base in the full meaning of the word. There are thousands of Cuban soldiers in Ethiopia. We are the gateway to Arabia and the oil route. Any aircraft in the Horn of Africa, Kabul or Tashkent is capable of covering a distance of 450 miles to drop mines in the Strait of Hormuz, closing the strait and severing the West’s economic artery.”<sup>4</sup>

Although these and other official perspectives of the GCC members held immediately after the establishment of the organization hint at previous attempts at regional cooperation and at the kind of general concerns that motivated the leaders of the six states to band together, both the background of the GCC and the incentives for its formation require a brief analysis. (Those readers who are interested in the formal structures and functions of the GCC may find the documents appended at the end of this chapter useful.)

*The Quest for Regional Cooperation*

How can one date the birth of the idea of regional cooperation in the Gulf? The answer is complicated by the fact that the founders of the GCC made frequent references to “Islam” and “Arabism,” ideas which are as old as Muslim and Arab histories. Both the notions of Islamic community (*umma*) and Arab community (*qawmiyyah*) long preceded the birth of the new congeries of sovereign states and are regarded by some observers to be related to the movement toward regional cooperation. The founders of the GCC have claimed that it was established within the framework of the Arab League insofar as the idea of Arabism is concerned. They also have claimed that it is within the context of Islam as evidenced by the fact that in January 1981 the Organization of the Islamic Conference (OIC) issued the landmark Mecca Declaration stating that “security and stability of the Gulf as well as the safety of its waterways are absolute responsibility of the Gulf states without any foreign interference.” Alternatively, one may trace the idea back to May 1976, as an official GCC publication seems to do, when Shaykh Jabir al-Ahmad al-Sabah, the prime minister and crown prince of Kuwait, called for “the establishment of a Gulf Union with the object of realizing cooperation in all economic, political, educational and informational fields . . . to serve the interests and stability of the peoples of the region.”<sup>5</sup>

From the perspective of power politics, however, it may be said that the idea of regional cooperation in the Gulf region paralleled the regional conflict that arose after the demise of *Pax Britannica*. Although the shah of Iran was one of the earliest advocates of the idea of regional cooperation, he was suspected by the Arabs of using it as a cloak for *Pax Iranica*. Because of their greater weakness, the

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smaller states were attracted to the ideal of collaboration partly as a means of thwarting the bid for hegemony by the larger states. It is little wonder that the Dubai Agreement of February 1967—thirteen months after the British government announced its decision to withdraw its forces from the Gulf in 1971—marked the beginning of intensified efforts to unite the seven Trucial Coast Emirates with Bahrain and Qatar. These efforts had the support of the British, who were urged by some of the shaykhly leaders to reverse their decision to withdraw. Although Bahrain and Qatar stayed out of the proposed union, a new federated state of the United Arab Emirates was formed in 1971.

In the intervening decade between the formation of the UAE and the establishment of the GCC although both Arab-Iranian and intra-Arab conflicts marked the affairs of the region, many disputes were peacefully settled. Iran resolved its conflict with Saudi Arabia (1968), Abu Dhabi (1971), Qatar (1970), and Iraq (1975), while Saudi Arabia settled its disputes with Iraq (1975) and Abu Dhabi (1974). The two large conservative states set the example for the smaller Gulf states such as Abu Dhabi and Qatar, which also settled their disputes.

The idea of regional cooperation got its greatest boost, however, when Iran and Iraq settled the ancient and bitter controversy over the Shatt al-Arab boundary river in 1975. The two countries had nearly gone to war the previous year after years of border skirmishes. The passing of the threat of war as a result of a peaceful settlement was hailed by numerous states from within and outside the Gulf region, and the critical mediatory role of Algeria was acknowledged by all concerned. Only a few months after the Algiers Agreement (March 1975), during the Islamic Conference in Jiddah (July 1975), the Gulf foreign ministers agreed, for the first time, to hold a summit meeting to discuss mutual defense cooperation and other issues such as the territorial integrity of all littoral states, limits on foreign fleets, freedom of navigation, a ban on foreign military bases in the Gulf, mutual aid against internal coups, and the division of Gulf waters. In November 1976 various plans were discussed by all eight states of the Gulf in Muscat without any agreement being reached. Saudi Arabia and the smaller Gulf states were wary of both Iranian and Iraqi ambitions to dominate the region.

Such fears seemed to be aroused especially whenever security issues came up. With respect to non-security issues, progress toward cooperation seemed more feasible. For example, seven Gulf states including non-Arab Iran, reached an agreement for the protection of the marine environment in 1978.<sup>6</sup> Furthermore, despite the suspicion of Saudi Arabia and the smaller Gulf states of fellow-Arab Iraq, they did reach agreement with Iraq in regard to a number of nonsecurity issues. One of these was the establishment by the seven Gulf Arab states of the Gulf Organization for Industrial Consultation (GOIC) in February 1976 "to achieve industrial cooperation and coordination among the member states." By the time of the establishment of the GCC, the GOIC had expanded its personnel from three to some eighty people and had conducted various studies on the basic Gulf industries and downstream operations. It had also drawn up long-term regional strategies for the aluminum, petrochemical, cement, and iron and steel industries.<sup>7</sup> The examples of regional cooperation among the Arab states of the Gulf before the establishment of the GCC could be easily multiplied to indicate three points: one to show that during the pre-GCC decade there had been more cooperation, both bilateral and multilateral, among the Arab states of the Gulf than between them and non-Arab Iran; two, to reveal that there had been far more cooperation among the six Arab states which subsequently formed the GCC than between them and Arab Iraq; and three, to emphasize that most attempts at cooperation foundered



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on the rock of security issues, even when Iran was excluded and whether or not Iraq was included. In other words, each major Arab state of the Gulf had its own security scheme.

To take up each one briefly, the Iraqi security plan was the most ambitious of all Arab plans. It reflected the Iraqi bid for Arab leadership in the face of Egypt's isolation by the Arab world as a result of President Sadat's signing of the Camp David accords and the peace treaty with Israel. In 1978 and 1979 Iraq led the Arab hard-line platform against Egypt in two conferences held in Baghdad. In 1980 Saddam Hussein unfurled the banner of the Arab Charter after the revolutionary destruction of the shah's regime and a momentary decline of Iran's preponderant power in the Gulf region. The Iraqi security scheme called for creating a collective Arab Gulf Security Force, as a supplement to the Arab League Joint Defense Pact, and a Joint Military Command which would control the force as an independent unit financed by the participating member states.

As a matter of fact, the Iraqi security proposal was largely designed to counter the plan of Oman. *Al-Thawra*, the mouthpiece of the Baath party of Iraq, dubbed the Omani security proposal as a "new imperialist alliance," and the Iraqi government did everything to discredit it among the Arab states. The Omani Gulf security concept was centered on the concern of the sultanate with the safety of navigation through the Strait of Hormuz. The Omani Musandam Peninsula juts out into this vital international waterway. As early as 1974, the shah and Sultan Qabus had agreed to the "joint patrol" of the strategic waterway, but the Iranian Revolution overturned that arrangement. The Omanis tried to sell their scheme to the revolutionary regime in September 1979 but failed. The charge that the Omani plan was an imperialist plot stemmed from the fact that it envisaged financial and technical aid from major oil-consuming industrial nations. Rejected by both Iran and Iraq, the plan was subsequently confined to the establishment of a Joint Arab Gulf Force to which participating Arab states would contribute money for arms purchases, but not to the exclusion of assistance from Western industrialized nations. Although as early as 1975 Henry Kissinger and Sultan Qabus had "initiated" an agreement for the American use of the British-controlled Masirah Island airstrip off the coast of Oman, Oman did not agree to accord such "facilities" to the United States until 4 June 1980, well after the Iranian Revolution.

The Omani plan not only was opposed by Iran and Iraq but also was rivaled by regional security ideas of two other prospective GCC states. At the time, Kuwait represented the opposite pole of Oman in its foreign policy orientation. It was then the only future GCC state that had diplomatic relations with the Soviet Union and was the most ardent advocate of nonalignment in world politics. In Kuwait's view, if there was to be a regional security plan, it would have to be premised, above all else, on the principle of self-reliance. Such a plan presumably would end foreign dependency and aim at military defense by creating a joint command and standardizing military equipment and training.

The Saudi plan seemed to strike a middle course between the Omani and Kuwaiti extremes. It neither rejected the idea of foreign aid, the way the Kuwaiti scheme seemed to do, nor accepted such assistance as wholeheartedly as the Omani proposal did. It significantly differed from rival security plans in two major respects. First, it was clearly confined to "collective cooperation" between Saudi Arabia and the other prospective GCC states. Second, it emphasized collaboration among the participant states with respect to internal stability of the incumbent regimes. It would be tempting to attribute this Saudi preoccupation with domestic stability to the traumatic siege of the Grand Mosque in Mecca



in 1979,<sup>8</sup> but as will be seen, other factors also contributed to the Saudi fear of acts of subversion and sabotage.

### *Emergence of a Common Security Concern*

The overriding pre-GCC concern of Saudi Arabia with the security and stability of the House of Saud and other royal families no doubt contributed to the creation of the GCC. But several subsequent commentaries about the founding of the organization have muddied the waters. To begin with, neither the Charter of the GCC nor the statements of its founding fathers clarified its political philosophy. To be sure, the leaders of the six members talked about cooperation in all fields "in order to serve the interests and strengthen their ability to hold on to their beliefs and values." But nowhere did they spell out what these words meant. The resulting ambiguity was compounded by the comments of outsiders attributing the birth of the GCC variously to the fight against Israel, the machinations of NATO, the prodding of the United States, the dictation of Saudi Arabia, and so on.

On a more serious note, however, the creation of the GCC has been almost universally attributed to the fear of its founders of the spread of the Iraq-Iran war. In the light of the analysis that will follow it should become amply clear that this has been an unwarranted assumption. At best, the war was catalyst, not the cause, of the GCC's creation. It helped to crystallize and unify the various prewar concepts of security as well as to point out the need for tidying up the already existing bilateral and multilateral cooperation in many nonmilitary fields. Finally, the war provided a perfect excuse for excluding Iraq from membership in the GCC. On the unlikely assumption that Iraq would join a regional organization which was not closely tied to the Arab League, Iraqi membership would have compromised the GCC's official neutrality in the war.

More than any other single factor, the Iranian Revolution helped to coalesce the security concerns of Saudi Arabia and the other monarchies in the Gulf region. As the largest Arab monarchy, Saudi Arabia was in a position to lead the others toward cooperative efforts. The impact of the Iranian Revolution on Saudi Arabia was manifold. The revolution destroyed the most powerful monarchy in the Gulf area. It was the second revolution to send shock waves throughout the Gulf region, the first being the revolution in Iraq that destroyed the monarchy in 1958. The Iraqi revolution had been followed by deteriorating relations between Riyadh and Baghdad, when the Baathist regime tried to subvert the Gulf monarchies. The Iranian example, however, appeared more menacing. The balance of forces seemed to have changed further against the monarchical regimes in the region because Iran, like Iraq, replaced the monarchy with a republic. Whatever course the new Iranian republic took, its very existence would threaten Saudi Arabia and other Gulf monarchies. As the revolution began to unfold in Iran, the Saudis feared that the communist forces might win out, substantially increasing the communist threat to conservative regimes. The Marxist regime in South Yemen would find an ally in Iraq which would no longer act as an anticommunist and anti-Soviet bulwark in the Gulf region. But the Saudis, like everybody else, misread the Iranian revolutionary dynamics. They were as surprised as anybody else when the militant religious forces on the right in effect toppled the moderate Bazargan government on 6 November 1979, two days after the seizure of the United States Embassy in Tehran.

This event, which the Khomeini forces labeled the "second revolution," brings us to yet another reason for the Saudi security concern about the Iranian Revolution. The unfolding of the revolution

coincided with the most traumatic domestic threat to the House of Saud in history. The seizure of the Grand Mosque by ultrafundamentalist Muslims threatened the stability of the House of Saud. There was no sign of Iranian or pro-Khomeini Saudi Shia involvement in this incident. But the general Iranian propaganda agitation for exporting the "Islamic Revolution" compounded the threat of subversion by indigenous forces in all Gulf Arab monarchies, especially in Saudi Arabia, where a radical Sunni fundamentalist group was in rebellion. More critically, the indigenous Saudi Shias also rebelled in November 1979 and February 1980, no doubt inspired by the Iranian paradigm and propaganda.<sup>9</sup>

Although Iran's revolutionary example seemed menacing in all these respects, the other effects of the revolution paradoxically seemed propitious for the House of Saud. Because the Saudi concern with the threat of the revolution was shared by the other Gulf monarchies, the emerging perception of a common threat aided the Saudi bid for leadership. Furthermore, the momentary decline of Iranian preponderance in the Gulf region, as a result of domestic revolutionary chaos, preoccupation with the hostage crisis, and defense against the Iraqi invasion, seemed to have created a power vacuum in the area, for Iraq was also preoccupied with the war. In these circumstances the Saudis could finally realize their historical goal of extending their protective power and influence throughout the Arabian Peninsula and its periphery. The creation of a regional cooperation organization would aid them in attaining that goal. Such a limited peninsular, rather than Gulf-wide, conception of cooperation would be aided by the great amount of commonality already in existence. The six nations shared a common religion, an Arab heritage, a similarity of regimes, and a tradition of cooperation in social and economic fields. Yet, the real catalyst for action was their perception of the common threat of the Iranian Revolution to their regimes. A regional organization led by Saudi Arabia and backed by the world's largest pool of energy would also aid the Saudi role in world affairs, particularly in the Arab world, where Sadat's Egypt was universally ostracized for having signed the Camp David accords and the peace treaty with Israel.

Of the Arab monarchies alarmed by the eruption of the Iranian Revolution, ranking second only to Saudi Arabia was Bahrain. The shah in 1970 had dramatically relinquished the ancient Iranian claim to sovereignty over Bahrain and had been the first leader to recognize the island's independence. But soon after the revolutionary forces took power, and before the fall of the government of Bazargan, when revolutionary chaos reigned, a firebrand cleric, Ayatollah Sadeq Ruhani, threatened that Iran would "annex" Bahrain unless it adopted an Islamic government after the Iranian model. The threat created an uproar throughout the Arab world from the Gulf to Egypt where President Sadat offered aid to Bahrain and other Gulf states to counter the Iranian threat, which embarrassed the Bazargan government. It denounced the "unauthorized" statement of Ruhani and sent envoys to Bahrain and Saudi Arabia to put out the fire. Like the Saudis, the Bahrainis also experienced two Shia upheavals in 1979 and 1980. These added to the mounting sense of vulnerability within the Khalifah Sunni ruling family. Unlike Saudi Arabia, where the Shias are a small minority, the Shias in Bahrain constitute the majority of the citizen population.<sup>10</sup>

Even Kuwait could not escape the onslaught of the Iranian revolutionary crusade. As an independent-minded and fairly liberal ruling elite, the Sabah royal family officially welcomed the Iranian Revolution, and Kuwait was the first Gulf Arab state to send its foreign minister on a goodwill mission to Iran. Ayatollah Khomeini personally received Sabah al-Ahmad al-Sabah, who expressed confidence

in improving Kuwait's relations with Iran, partly because of Iran's pro-Palestinian stance. Yet, the Kuwaiti ruling family soon would face the threat of Iranian political incitement within the borders of Kuwait itself. According to the Kuwaiti interior minister, "a nephew of Ayatollah Khomeini" by the name of Ahmad al-Mahri used religious sermons in a mosque for "political purposes." The cleric and his father, Abbas al-Mahri, who had been appointed by Khomeini as a Friday prayer leader in Kuwait, and the rest of their family were expelled from Kuwait.<sup>11</sup>

The threat posed by the Iranian Revolution convinced these three major royal families that the time for a united front had come if they were to ensure their survival. It is no wonder, therefore, that the Saudi security scheme emphasized, more than any other proposal, the need for cooperation in assuring internal security among the six conservative monarchies. Yet, to leave the matter here would convey the false impression that the GCC was created simply as a counterrevolutionary alliance against revolutionary Iran. There were other major factors at work as well.

One such factor was the perceived threat of the Soviet Union, which was seen to be twofold. First, the invasion and occupation of Afghanistan intensified the long-standing fear of both the Soviet Union and communism felt by the conservative monarchies. The presence of over 100,000 Soviet troops in Afghanistan brought the threat of the Soviet Union that much closer to the Gulf and the Strait of Hormuz. It also tightened the perceived noose around the neck of the conservative regimes by adding the Soviet presence there to the existence of Soviet proxies in South Yemen and Ethiopia. The Saudis had always considered communism and Zionism the two faces of the evil of imperialism. Even the Kuwaitis, who had diplomatic relations with Moscow, rejected the Soviet justification of their invasion in terms of the Moscow-Kabul treaty of 1978 and vowed to continue to help Afghan refugees with food and medicine.<sup>12</sup>

The other dimension of the Soviet threat was the so-called Brezhnev proposals for neutralizing and demilitarizing the Gulf region. In the Gulf, everyone knew that these proposals were advanced by the Soviets as a means of countering the Carter Doctrine. To the Gulf leaders, the Soviet stance was essentially self-serving because it would, if implemented, make it difficult for them to seek foreign military aid, especially from the United States, as a means of strengthening their armed forces. The Saudi information minister, Dr. Muhammad Abduh Yamani, for example, reacted to the Soviet proposals by saying that "the Gulf area is in no need of custodianship and that its people are capable of defending it."<sup>13</sup> If accepted, he believed, the Soviet proposal would amount to actual interference in the name of noninterference. The Omani undersecretary of foreign affairs, Yusuf al-Alawi, sounded the same note straightforwardly. He rejected the Brezhnev proposals, reportedly saying that "these proposals will provide the Soviet Union with the opportunity to interfere in the area's domestic affairs."<sup>14</sup>

It was, however, the perceived threat of the Soviet military presence in Afghanistan, rather than the Brezhnev proposals, that helped crystallize the need for the creation of an indigenous and eventually self-reliant regional organization. The Saudi foreign minister, Prince Saud al-Faysal, for example, told the newspaper *Al-Jazirah* in an interview that the events in Afghanistan "confirmed the need for Gulf states to depend on themselves for the protection of their independence and resources" and urged "friendly nations" to offer arms supplies to the Gulf states to help them achieve "self-reliance for self-defense."<sup>15</sup> Having preceded the formation of the GCC, this statement by a Saudi leader shows the

impact of the Soviet invasion of Afghanistan on Saudi thinking in favor of collective self-help. Newspaper accounts later expressed the Saudi thought on the matter more frankly than the official policy statements. An article in the Saudi newspaper *Ukaz*, for example, said on 11 February 1981 that “the objective of creating the Gulf Cooperation Council is to protect the Arab entity against all challenges, against the Soviet challenge in Afghanistan which seeks domination and hegemony, and in many parts of Asia and Africa. Can we forget what is happening in Africa at the hands of Soviet mercenaries?”<sup>16</sup>

We would be remiss, however, to limit this analysis to the two factors discussed above. The fear of the Iranian Revolution and the potential Soviet intervention in the Gulf region was paralleled by the concern over the potential threat of American intervention in the area. In a region of the world which has been bedeviled by imperial rivalries ever since Alexander’s soldiers roamed its lands—that is, long before the world’s largest oil pool was discovered in the Middle East—the memories of foreign intervention are always fresh. The United States was viewed in many respects as the legatee of British imperialism, despite its lack of direct control over the area. Its aid to the creation of the state of Israel in 1948 was regarded by many Arabs as the most blatant example of American political interference in favor of a local client. They knew of other examples as well. In 1975 Henry Kissinger threatened that the United States would intervene in Arab oil fields in the event of “some actual strangulation of the industrialized world.” Five years later the United States finally committed itself to direct military intervention in the Gulf if necessary to protect the uninterrupted flow of Gulf oil supplies to world markets.

The Carter Doctrine was to the Gulf people as a red flag to a bull. Without consulting the regional states, in 1980 President Jimmy Carter told the Congress in his State of the Union Address: “Let our position be absolutely clear: An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States. It will be repelled by use of any means necessary, including military force.” The fact that the Gulf Arab leaders knew that President Carter’s statement was precipitated by the Soviet invasion of Afghanistan made no real difference in their reactions. They still opposed the Carter Doctrine because it reflected the underlying superpower competition in the region. As the president himself had admitted, his doctrine could not be effectively implemented without the support of the local states. But the regional states would extend none of that kind of support if it meant having American military bases on their soil. Saud al-Faysal, the foreign minister of Saudi Arabia, categorically opposed the establishment of such bases by any foreign country on Saudi territory, despite decades of security relations between Riyadh and Washington. Crown Prince and Prime Minister Shaykh Saad al-Sabah of Kuwait opposed “all foreign intervention in the Gulf no matter what its origin.”

The same theme was sounded by other Arab leaders. They also insisted that the Gulf area had no need for any foreign intervention and the regional states themselves could look after the security of their oil supplies. None of this, of course, meant that they were really capable of stopping the Soviet interdiction of oil supplies if Moscow was to disrupt their flow. The Gulf Arab leaders believed that the United States could deter Soviet mischief by establishing a military presence “over the horizon,” outside the Gulf waters in the Arabian Sea near the Strait of Hormuz. Although all leaders seemed to oppose American military bases in the region, military “facilities” could be provided. Despite the objection of would-be fellow-GCC Arabs, Oman provided facilities for the United States about four months after President Carter delivered his message to Congress. The Gulf Arab leaders were keenly aware of the



need for foreign military aid if they were to be able to create their own collective deterrent force. In fact, their request for such aid, particularly from the United States, skyrocketed after the formation of the GCC.

### *Preserving the Monarchical Regimes*

All said, the founding of the GCC reflected the developments of 1979–81, which the six Arab monarchs felt threatened the very survival of their regimes. The birth of the GCC was not inevitable. In the decade between the departure of the British forces from the Gulf region and the founding of the organization, bilateral cooperation in a great variety of fields had taken place among the six founding members. No matter how important the previous efforts for cooperation, however, they still did not provide sufficient conditions for creating such an organization. To be sure, the pre-GCC tradition of cooperation greatly facilitated the post-GCC activities, especially in nonmilitary fields, but they did not in themselves provide the necessary stimulus for creating the GCC.

The perceived threat of the Soviet Union to the Gulf region did not impel the Gulf monarchies to band together either. They generally feared the perceived Soviet intention of using Afghanistan as a launching board for imperialist expansion in the Gulf and the Indian Ocean, but the threat did not appear that imminent. In fact, there were differences between, for example, the Omani and the Kuwaiti perceptions of the Soviet threat to the region. But even the Omanis, or for that matter the Saudis who were more alarmed by the Soviet invasion of Afghanistan, did not seem to believe that the Soviet Union posed an immediate threat to the security and stability of the incumbent regimes.

Nor did the potential American military intervention in the Gulf region seem to pose such a threat. After all, Saudi Arabia had enjoyed decades of a security relationship with the United States, and Oman had already pledged to provide the United States with facilities necessary for military contingencies, especially for protecting the freedom of navigation through the Strait of Hormuz. Kuwait had always pursued a more independent policy toward the United States, but when the chips were down even that small city-state would probably opt for American, rather than Soviet, aid to maintain its security. Of course, if the Soviets themselves happened to pose a threat to Kuwaiti security, American protection could become all the more desirable.

Finally, the threat of the spread of the Iraq-Iran war—although an increasing threat after the formation of the GCC—did not at the inception of the GCC pose enough of a threat to be regarded as the cause of the GCC's creation. In fact, during the months between the outbreak of the Iraq-Iran war and the founding of the GCC, Iran was in no position whatever to expand the war to the six monarchies. It was first invaded by Iraqi forces, which escalated the longtime border skirmishes to the level of total war (*harb al-shamiliyah*) on 22 September 1980. And then for nearly a year Iran was unable to launch an offensive against the Iraqi forces occupying some 800 square miles of the Iranian oil-rich province of Khuzistan. When Iran was finally able to launch its first successful offensive in September 1981, the GCC had already been in existence for about half a year.

The common security concern, therefore, that impelled the leaders of the six states to create the GCC was the perceived threat of the contagion of the Iranian Revolution. Of all the perceived dangers, this was considered to be the most real and imminent threat to the ruling regimes in the six countries. During the crucial 1979–81 period before the founding of the GCC, three of the six states—Bahrain, Kuwait, and Saudi Arabia—had in one way or another faced the threat of Iranian-inspired rebellion.

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within their own societies and a virulent antiroyalist campaign from Iran. Although the other three countries did not share such an experience at the time, Oman, Qatar, and the UAE as similar monarchies fully empathized with the experience of the other three. Their leaders believed that the overthrow of the royal families, particularly in Kuwait and Saudi Arabia, could seriously jeopardize the survival of the others as well.

This perceived threat of revolution to the six ruling families before the founding of the GCC carried over into the first five years of the GCC's existence. For half a decade, the six faced increasingly the threat of perceived Iranian-inspired acts of subversion and terrorism, a perception that Iranian revolutionary leaders vehemently denied. Nevertheless, from the perspective of the six, the post-GCC experience with acts of political violence confirmed their belief that if they did not hang together, they would hang separately.

### Notes

1. *Foreign Broadcast Information Service, Daily Report: Middle East and Africa*, V, no. 032, 18 Feb. 1981 (Hereafter FBIS-V-MEA- ).
2. FBIS-MEA-V-81-076, 21 April 1981.
3. FBIS-MEA-V-81-032, 18 Feb. 1981.
4. FBIS-MEA-V-81-085, 4 May 1981.
5. Gulf Cooperation Council, *Gulf Information and Research Center* (n.p., 1983).
6. Oman did not sign this agreement. For the text of this convention and the related protocol, see R. K. Ramazani, *The Persian Gulf and the Strait of Hormuz* (Alphen aan den Rijn, The Netherlands: Sijthoff and Noordhoff, 1979), pp. 163–75.
7. For details, see *Middle East Magazine*, April 1981, pp. 70–72.
8. *Middle East Magazine*, January 1981, p. 16.
9. See R. K. Ramazani, "Iran's Islamic Revolution and the Persian Gulf," *Current History*, January 1985, pp. 5–8, 40–41.
10. For details, see R. K. Ramazani, "Shiism in the Persian Gulf," in Juan R. I. Cole and Nikki R. Keddie, eds., *Shiism and Social Protest* (New Haven and London: Yale University Press, 1986), pp. 48–54. See also R. K. Ramazani, *Revolutionary Iran: Challenge and Response in the Middle East* (Baltimore and London: Johns Hopkins University Press, 1986), pp. 48–53.
11. For details, see Ramazani, *Revolutionary Iran*, pp. 42–48.
12. See *ibid.*, pp. 119–23.
13. FBIS-MEA-V-81-045, 9 March 1981.
14. *Ibid.*
15. Reported in *Arab News*, 3 March 1980.
16. FBIS-MEA-V-81-028, 11 Feb. 1981.

## *Documents*

- 1 Foreign Ministers' Statement on the Founding of the Gulf Cooperation Council (Riyadh Communiqué, 4 February 1981)
- 2 The Decision to Establish the Gulf Cooperation Council, 14 February 1981
- 3 The Structure of the GCC, 10 March 1981
- 4 Charter of the GCC, 25 May 1981
- 5 Rules of Procedures of the Supreme Council, 25 May 1981
- 6 Rules of Procedures of the Ministerial Council, 25 May 1981
- 7 Rules of Procedures of the Commission for the Settlement of Disputes, 25 May 1981
- 8 Bylaws of the GCC, 26 May 1981
- 9 Abu Dhabi Supreme Council Summit: Final Communiqué, 26 May 1981
- 10 GCC Working Paper, 26 May 1981
- 11 GCC Secretary General Bisharah's Press Conference, 27 May 1981

### Document 1

Foreign Minister's Statement on the Founding of the Gulf Cooperation Council (Riyadh Communiqué)  
4 February 1981

The United Arab Emirates, the State of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar and the State of Kuwait, out of consideration of their special relations and joint characteristics stemming from their joint creed, similarity of regimes, unity of heritage, similarity of their political, social and demographic structure, and their cultural and historical affiliation; and out of these states' desire to deepen and develop cooperation and coordination among them in all fields in a manner that brings good, development and stability to their peoples, these states' foreign ministers met in Riyadh in the Kingdom of Saudi Arabia on 4 February 1981 and resumed their consultations with a view to setting up the operational sys-

tem [*at-tanzim al-amali*] and the organizational structure to crystallize and develop the desired cooperation and coordination among their states. They agreed to set up a cooperation council among the said Arab Gulf states, to form a secretariat general for this purpose and to hold periodic meetings on the summit level and the level of foreign ministers with a view to attaining the desired objectives of the states and their peoples in all fields.

This step comes in conformity with the Arab national objectives and within the framework of the Arab League Charter, which urges regional cooperation that aimed at strengthening the Arab nation and emphasizing these states' affiliation to the Arab League and their enhancement of its role in attaining the aims and principles of its charter in a manner that serves the Arab and Islamic issues.

The foreign ministers decided to hold another meeting in Muscat on 8 March 1981. It is to be preceded by the meetings of experts, on 24 February 1981 and 4 March 1981, in Riyadh and Muscat with a view to completely s-

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tematizing what has been agreed upon with regard to establishing a cooperation council for the Arab Gulf states.

Source: *Al-Hadaf* (Kuwait), 5 Feb. 1981, p. 5, as translated in FBIS-MEA-V-81-026, 9 Feb. 1981, p. C1.

Document 2

The Decision to Establish the Gulf Cooperation Council

14 February 1981

In the name of God, the compassionate and the merciful:

Out of their realization of special relations, common characteristics and similar regimes that govern them; out of their feeling of the importance of establishing close coordination in all spheres, especially the economic and social domains; out of their belief in a common destiny and unity of objectives; and out of their desire to realize coordination, integration and closer relations in all spheres, the UAE, the State of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar, and the State of Kuwait have decided to establish an organization that aims at deepening and bringing closer relations, ties and cooperation among its members in various spheres. The organization shall be named the Cooperation Council for the Arab States of the Gulf [*luduwa al-khalij al-arabiyah*]. Its headquarters shall be in Riyadh, Saudi Arabia. The council will be the vehicle by means of which the maximum coordination, integration and closer relations will be realized. It will also draw up regulations in the spheres of economy, finance, education, culture, social affairs, health, communications, information, passports and nationality, travel, transport, trade customs, freight and legal and legislative affairs.

The Cooperation Council for the Arab States of the Gulf Organizational structure:

The council shall consist of:

A. The Supreme Council, to which will be attached a body for resolving disputes.

B. The Ministerial Council.

C. The Secretariat General.

The Supreme Council:

1. Shall consist of the heads of state of the member states.

2. The presidency of the council shall be rotated in alphabetical order.

3. The council shall meet in normal sessions twice a year. Emergency session may be held.

4. Each member has the right to call for an emergency meeting. The meeting shall take place if seconded by another member.

Competency of the Supreme Council:

It will draw up the high policy of the Cooperation Council and the basic lines it will follow. It will discuss the recommendations, laws and bylaws presented to it by the Ministerial Council and the Secretariat General in preparation for their endorsement. It shall form the body for resolving disputes.

Body for resolving disputes:

It shall be attached to the Supreme Council. It shall resolve existing disputes or any that may occur between member states. It also shall be the reference for interpretation of the basic bylaws of the Cooperation Council.

The Ministerial Council:

1. It shall be composed of the foreign ministers of the member states, or any ministers deputizing for them.

2. It shall draw up the basic regulations for the Secretariat General.

3. The Ministerial Council shall prepare for meetings of the Supreme Council and studies, topics, recommendations, bylaws and laws presented to the Supreme Council. It will also make preparations for meetings of the council.

4. The council shall meet six times every year, that is, once every 2 months. Emergency sessions may be held at the proposal of two member states.

5. It shall draw up policies, recommendations, studies and projects which aim at developing cooperation and coordination among member states in various spheres.

6. It shall encourage aspects of cooperation and coordination between the various activities of the private sector.

7. It shall endorse routine reports as well as regulations and bylaws concerning administrative affairs, and those proposed by the Secretariat General of the Cooperation Council.

8. It shall work to encourage, develop and coordinate existing activities between states in various spheres. Such activities shall be binding should the Ministerial Council endorse them. The council shall recommend competent ministers to draw up policies as well as studies apt to bring to fruition the objectives of the Cooperation Council.

Secretariat General:

The Cooperation Council shall have a secretary general appointed by the Supreme Council. The Supreme Council shall define the conditions and period of office of the secretary general. He shall be chosen from subjects of the Cooperation Council states.

The secretary general shall be responsible directly for all actions of the assistant secretary generals, the Secretariat General and the good course of work in its various sectors. The Secretariat General shall have a data information apparatus.

Competency of the Secretariat General:

1. Preparation of studies concerning cooperation and coordination.

2. Follow up the implementation of resolutions and recommendations of the Supreme Council and the Ministerial Council by the member states.



Document 11

GCC Secretary General Bisharah's Press Conference  
27 May 1981

Abdallah Bisharah, secretary general of the Arab Gulf Cooperation Council, has said that the council is a historic accomplishment to rally the forces of the region's states in the interest of their peoples as well as the interest of the Arab and Third Worlds.

In a press conference held today at the end of the meetings of the cooperation council's supreme council in Abu Dhabi yesterday, the secretary general added that the council enjoys an economic power, in addition to the Gulf states' important strategic position, which draws the attention of the big powers. These facts, he said, give the council's states a strong voice and a great influence on relations among states on the world level. Moreover, the strength of the council's states stem from these states' similar political and economic systems and their similar cultural and social values.

The secretary general stressed that the council's member-states aim at keeping the region away from the big powers' rivalry and struggle.

He added: The unprecedented factor I sensed during the closed meeting at King Khalid's suite yesterday morning was that the leaders were determined to achieve their aims and to carry on work for the establishment of the council.

He said that the council is neither a confederal nor a federal one, but a cooperation council. We say this, he added, believing that the strength of this cooperation stems from the harmony we seek to achieve and which we believe is existing in all fields. He added that this council is not inspired by the big powers, but stems from the awareness of the region's peoples of the need to establish it.

He announced that during the past 2 days future economic activity was discussed and the conferees agreed to establish five committees on economic cooperation. He added that the secretary general was asked to call for a meeting of the finance ministers in order to reach a comprehensive and unified economic agreement to replace the present bilateral agreements.

Bisharah said that the heads of state discussed the political situation in the Gulf and its complications. They showed complete agreement regarding all the topics and reaffirmed their commitment to the Islamic Conference summit resolutions. These topics, he said, were related to Afghanistan, Palestine, bases in the Indian Ocean and foreign threats. However, he added, the heads of state did not go into the details of these topics because the council's aim was to concentrate on issues related to the Gulf and to assert its commitment to the Islamic Conference summit resolutions.

Bisharah went on to say: There can be no economic progress without stability. Therefore, the heads of state decided to continue to exchange viewpoints, to call the ministerial

council into session to thoroughly discuss other topics and to submit a report about them to the second summit conference of the cooperation council to be held in Riyadh in November.

He stressed that the council would enjoy the interest of the world due to its economic power and its ability to affect the world economic situation. He said: Since there can be no economic stability without the industrial states' participation, there can be no economic stability without our council's participation; and if technology is important to the issue of dialogue between the north and south, raw materials and energy are considered basic and vital in this dialogue.

The secretary general strongly reiterated that the member-states object to foreign intervention, the establishment of bases and the presence of fleets and foreign influence, adding that the purpose of this is to keep the region free of and removed from any foreign intervention. He cited the contents of the final statement, which stressed that the region's security is the responsibility of its states.

He stated that the council cannot be separated from the Arab states, since it is not an independent group. Rather, we constitute an important tributary that flows into the main Arab river. We constitute an important power in the major course of Arab policy and believe that our council both strengthens and bolsters the Arab League.

He added that the council includes states which are members of the Islamic Conference Organization and are the cradle of Islam. The Prophet's cradle is also in the land of Mecca, which is considered the Kiblah of all Muslims. The council's importance does not only lie in its economic importance but also in its spiritual, strategic and political importance.

Addressing the reporters, he said: You cannot find leaders who can sit together at ease and agree on important issues within two hours. He praised the supreme council's meeting, saying that this was a wonderful beginning for this council, reflecting its determination and persistence to achieve all its goals.

In the course of his reply to a question on his contacting international and regional organizations, Abdallah Yaqub Bisharah affirmed that he will conduct such contacts, saying: We do not live in isolation, nor do we live on an island in the middle of an unknown ocean.

He pointed out that the council's states have drawn the world's interest and refuse to be viewed as mere oil states and waterways. Rather, he added, these states insist on contributing to making humanity happy. He added that the role of the council's states goes beyond their being a group of states which constitutes a source for the production of energy. Rather, he pointed out, these states have a greater role to play and have sharp teeth.

Bisharah pointed out that the cooperation council's charter does not include anything to the effect that all member-states should give up their sovereignty. Rather, this council comprises independence and sovereign states. He

further pointed out that the kings and leaders have left a Gulf region that is much stronger than it was.

He stated that the council's member-states are equal whatever their position, resources, foreign policy or affiliations might be. The presence of the general secretariat's headquarters in Saudi Arabia does not mean that Saudi Arabia has a stronger voice, nor does the appointment of a Kuwaiti as secretary general mean that Kuwait has a stronger voice than the others. We are all equal and the council's budget is equally divided among the states, thus affirming our equality.

The secretary general said that the council is not exactly political. He added that the council's charter does not specifically refer to politics. Rather, he pointed out, priority is given to economic issues.

The secretary general affirmed that the member-states will not change their firm policy on the Palestinian people and on bolstering and supporting the Syrian struggle and Lebanon. At the end of his press conference he affirmed that the council will not separate itself from the world since the Gulf would then suffer and its security would be jeopardized. He added that the Gulf states will participate in and bolster the Arab nation's issues, particularly the Palestinian people's issue and this people's realization of their legitimate rights. Indeed, he said, these are among the priorities of our pan-Arab work.

Source: *FBIS-MEA-V-81-102*, 28 May 1981, pp. A1-A2.



## **Annex 58**

Note Verbale of 1 January 2014 from the Embassy of  
the Arab Republic of Egypt in Doha to the Ministry of Foreign Affairs  
of the State of Qatar

(Arabic original, English translation)

Archives of the Arab Republic of Egypt Ministry of Foreign Affairs

Embassy of the  
Arab Republic of Egypt  
Doha



سفارة  
جمهورية مصر العربية  
الدوحة

٢٠  
١١٢١

Date:

التاريخ: ٢٠١٤/١/١

Ref.:

رقم التقييد: ٦

تهدى سفارة جمهورية مصر العربية بالدوحة أطيب تحياتها إلى وزارة خارجية دولة قطر الشقيقة (إدارة الشؤون العربية)؛

وتتشرف بالإحاطة بأن مجلس الوزراء المصري قد اتخذ يوم الأربعاء الموافق ٢٥/١٢/٢٠١٣ قراراً باعتبار جماعة الإخوان المسلمين جماعة إرهابية وتنظيمها تنظيمياً إرهابياً (مرفق صورة من القرار).

كما قامت الحكومة المصرية بمخاطبة الأمانة العامة لجامعة الدول العربية لطلب إعلام الدول الأعضاء بالجماعة بالقرار المصري، وكذلك إعتزام السلطات المصرية المختصة اتخاذ الإجراءات اللازمة لتفعيله إستناداً إلى الإتفاقية العربية لمكافحة الإرهاب والإتفاقية العربية لمكافحة غسل الأموال وتمويل الإرهاب، بالتعاون والتنسيق مع الدول العربية الشقيقة في هذا الأمر.

وقد قامت الأمانة العامة لجامعة الدول العربية بدورها بتعميم هذا القرار المصري على جميع المنسوبيات الدائمة بالقاهرة وذلك بتاريخ ٢٦/١٢/٢٠١٣ .

هذا، وترجو السفارة من ناحيتها تفضلكم بالنظر والتكرم بإتخاذ ما ترونه مناسباً لإحاطة السلطات والجهات القطرية الشقيقة المختصة بالقرار المصري المشار إليه بعالیه.

وتنتهز سفارة جمهورية مصر العربية بالدوحة هذه المناسبة لتعرب لوزارة خارجية دولة قطر الشقيقة (إدارة الشؤون العربية) عن فائق التقدير والإحترام.

١ يناير ٢٠١٤



إلى: وزارة خارجية دولة قطر الشقيقة (إدارة الشؤون العربية).

**Embassy of the Arab Republic of Egypt****Doha**

Date: 1/1/2014

Ref: 6

The Embassy of the Arab Republic of Egypt in Doha presents its compliments to the Ministry of Foreign Affairs of the brotherly State of Qatar (Department of Arab Affairs).

It is honored to note that on Wednesday 25/12/2013, the Egyptian Cabinet decided to consider the Muslim Brotherhood Group and its organization a terrorist organization (a copy of the decision is attached).

The Egyptian government also addressed the General Secretariat of the League of Arab States to inform the Member States of the Egyptian decision, as well as the intention of the competent Egyptian authorities to take the necessary measures to enact, in cooperation and coordination with the brotherly Arab countries, the mentioned decision pursuant to the Arab Agreement on Counter Terrorism and the Arab Agreement on Countering Money Laundering and Financing Terrorism.

The General Secretariat of the League of Arab States circulated this Egyptian decision to all the permanent missions in Cairo on 26/12/2013.

Hence, the Embassy kindly requests that you take what is deemed appropriate to inform the brotherly Qatari authorities concerned with the Egyptian decision hereinabove.

The Embassy of the Arab Republic of Egypt avails itself of this opportunity to renew its highest consideration to the Ministry of Foreign Affairs of the brotherly State of Qatar.

1 January 2014

To: The Ministry of Foreign Affairs of the brotherly State of Qatar (Department of Arab Affairs)



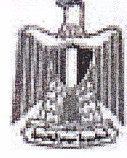


## **Annex 59**

Statement of the Arab Republic of Egypt Ministry of Foreign Affairs,  
“The Egyptian Ministry of Foreign Affairs summons the Qatari  
Ambassador to Cairo”, 4 January 2014

(Arabic original, English translation)

Archives of the Arab Republic of Egypt Ministry of Foreign Affairs



وزارة الخارجية

المتحدث الرسمي

٤ يناير ٢٠١٤

## الخارجية المصرية تستدعي سفير قطر بالقاهرة



٢٩٩٦٢

صرح المتحدث الرسمي باسم وزارة الخارجية الدكتور بدر عبد العاطي أنه بناء على تعليمات من وزير الخارجية نبيل فهمي، قام السفير ناصر كامل مساعد وزير الخارجية للشئون العربية صباح اليوم ٤ يناير ٢٠١٤ باستدعاء سفير قطر بالقاهرة إلى مقر وزارة الخارجية لإبلاغه رفضنا شكلاً وموضوعاً للبيان الصادر عن الخارجية القطرية في ساعة متأخرة من مساء أمس بشأن الوضع السياسي في مصر.

وذكر المتحدث أن مصر لم تكتف بإصدار بيان شجب علي بيان الخارجية القطرية وإنما قامت باستدعاء السفير القطري بالقاهرة، وهي خطوة غير معتادة فيما بين الدول العربية. وأوضح المتحدث أن السفير كامل نقل للسفير القطري أن ما جاء في هذا البيان يعد تدخلاً مرفوضاً في الشأن الداخلي للبلاد. كما تطرق لتجاوزات قناة الجزيرة وأذناها من الجزيرة مباشر مصر والجزيرة مباشر في حق مصر.

وقال المتحدث أن سفير قطر أكد من جانبه أن بلاده أيدت ثورة ٢٥ يناير ومن بعدها ثورة ٣٠ يونيو وأنها سارعت بإصدار بيان يؤكد علي دعم إرادة الشعب المصري ويشيد بدور القوات المسلحة، فضلاً عن توجيه أمير قطر رسالة تهنئة للسيد رئيس الجمهورية فور حلفه اليمين الدستورية. فعقب مساعد الوزير بأن

## **Ministry of Foreign Affairs**

### **Spokesperson**

January 4<sup>th</sup> 2014

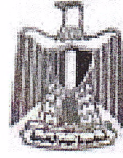
### **The Egyptian Ministry of Foreign Affairs summons**

#### **The Qatari Ambassador to Cairo**

The spokesperson of the Ministry of Foreign Affairs Prof/ Badr Abdullaty stated that under the instructions of the Minister of Foreign Affairs Mr. Nabil Fahmy, Mr. Ambassador Nasser Kamel Assistant Minister of Foreign Affairs for Arab Affairs summoned the Qatari ambassador to Cairo in the morning on January 4th 2014 to the headquarters of the Ministry of Foreign Affairs. Such summons was to inform him about our complete refusal concerning the statement released from the Qatari Foreign Affairs Ministry yesterday at midnight about the political situation in Egypt.

The spokesperson stated that Egypt is not satisfied with issuing a statement to denounce the Qatari statement, but Egypt summoned the Qatari ambassador as well. Such summons is not a normal step to be taken against an Arab country. In addition to that, the spokesperson declared that Mr. Ambassador Kamel conveyed to the Qatari ambassador that the content of the Qatari statement is considered gross interference in the domestic affairs of our country. He also referenced the transgressions of Al Jazeera channel and its branches including Al Jazeera Mubasher Masr and Al Jazeera Mubasher against Egypt.

The spokesperson said that the Qatari ambassador confirmed that his country supported January 25th Revolution and June 30th Revolution. Moreover, Qatar quickly issued a statement that confirms supporting the will of the Egyptian people and applauds the role of



وزارة الخارجية

المتحدث الرسمي

مصر لا تقبل أي تدخل في شأنها الداخلي، وأنه إذا كانت قطر صادقة في تأييد الثورتين فكان من المتوقع من قطر أن تتخذ خطوات ملموسة وبناءة لإعادة العلاقات بين البلدين إلي سياقها الطبيعي بدلاً من التدخل المرفوض في الشؤون الداخلية للدول.

أضاف المتحدث باسم وزارة الخارجية أن مصر تؤكد مجدداً أنها لن تسمح علي الإطلاق لأي طرف خارجي بالتدخل في شئونها الداخلية تحت أي مسمى أو تبرير، وأنها تحمل أية دولة أو طرف خارجي يشرع أو يقدم علي ذلك مسئولية ما يترتب عليه من تداعيات.



٢٠١٦

the Egyptian Armed Forces. In addition, the Qatari Emir sent a congratulations message to the President of the Republic after swearing the constitutional oath.

Mr. Ambassador Kamel said that Egypt refuses any interference in its domestic affairs. If Qatar is true about its support to both revolutions, Qatar is likely to take tangible and fruitful steps to restore the relations between both countries to be on the right track instead of interfering in the domestic affairs of countries.

The Spokesperson of the Ministry of Foreign Affairs added that Egypt reconfirms that it will not accept any kind of interference in its domestic affairs from any external party under any title or justification. Anyone who engages in such activities bears full responsibility for any ramifications from such interference.



## **Annex 60**

Note Verbale of 3 February 2014 from the Embassy of the  
Arab Republic of Egypt in Doha to the Ministry of Foreign Affairs  
of the State of Qatar

(Arabic original, English translation)

Archives of the Arab Republic of Egypt Ministry of Foreign Affairs

Embassy of the  
Arab Republic of Egypt  
Doha



سفارة  
جمهورية مصر العربية  
الدوحة

Date:

Ref.:

١٧  
١١٢١

التاريخ: ٣ فبراير ٢٠١٤  
رقم القيد: ٤٨

تهدى سفارة جمهورية مصر العربية بالدوحة أطيب تحياتها إلى وزارة خارجية دولة قطر الشقيقة (إدارة المراسم)؛

وتتشرف بالإفادة بأن السيد السفير/ محمد مرسى سفير جمهورية مصر العربية لدى دولة قطر الشقيقة قد غادر الدوحة ومتواجد الآن في جمهورية مصر العربية. وسيعود سيالته إلى عمله بالدوحة أوائل شهر مارس ٢٠١٤. وسيتولى الأعمال بالإجابة خلال فترة عدم تواجد سيالته بالسفارة المستشار/ وليد حجاج.

وتنتهز سفارة جمهورية مصر العربية بالدوحة هذه المناسبة لتعرب لوزارة خارجية دولة قطر الشقيقة (إدارة المراسم) عن فائق التقدير والإحترام.

٣ فبراير ٢٠١٤



إلى: وزارة خارجية دولة قطر الشقيقة (إدارة المراسم).



**Embassy of the Arab Republic of Egypt,**

**Doha**

Date: 3/2/2014

Ref: 48

The Embassy of the Arab Republic of Egypt in Doha presents its compliments to the Ministry of Foreign Affairs of the State of Qatar (Protocol Department)

And has the honor to report that Ambassador Mohamed Morsi, the Ambassador of the Arab Republic of Egypt to the State of Qatar, has left Doha and is currently present in the Arab Republic of Egypt. He will return to Doha in early March 2014. He will assume the duties during the period of his absence in the Embassy / Counselor Walid Hajjaj.

The Embassy of the Arab Republic of Egypt in Doha takes this opportunity to convey to the Ministry of Foreign Affairs of the State of Qatar, the Protocol Department, its highest esteem and respect.

February the 3rd

To: The Ministry of Foreign Affairs of the State of Qatar (Protocol Department)



## **Annex 61**

Note Verbale of 3 March 2014 from the Embassy of the Arab Republic of Egypt in Doha to the Ministry of Foreign Affairs of the State of Qatar

(Arabic original, English translation)

Archives of the Arab Republic of Egypt Ministry of Foreign Affairs

Embassy of the  
Arab Republic of Egypt  
Doha



سره  
جمهورية مصر العربية  
الدوحة

٢٣  
١١/٢١

ite:

التاريخ: ٣ مارس ٢٠١٤

of:

رقم القيد: ٩٤

تهدى سفارة جمهورية مصر العربية بالدوحة أطيب تحياتها إلى وزارة خارجية دولة قطر الشقيقة (إدارة الشؤون العربية)؛

والحفاً بمذكرة السفارة رقم ١ بتاريخ ٢٠١٤/١/١ بشأن قرار مجلس الوزراء المصري باعتبار جماعة الإخوان المسلمين جماعة إرهابية وتنظيمها تنظيمًا إرهابيًا؛

تتشرف بأن ترفق مع هذا المذكرة التي أعدتها الحكومة المصرية بشأن الأسايد القاتونية لإعلان مجلس الوزراء المصري جماعة الإخوان المسلمين جماعة إرهابية، وهي المذكرة التي طلبت القاهرة من السفارة موافاة وزاراتكم الموقرة ووزارات خارجية بقية الدول العربية الشقيقة بنسب منها.

وتنتهز سفارة جمهورية مصر العربية بالدوحة هذه المناسبة لتعرب لوزارة خارجية دولة قطر الشقيقة (إدارة الشؤون العربية) عن فائق التقدير والإحترام.

٣ مارس ٢٠١٤



إلى: وزارة خارجية دولة قطر الشقيقة (إدارة الشؤون العربية).

**Embassy of the Arab Republic of Egypt****Doha**

Date: 3 March 2014

Ref: 94

The Embassy of the Arab Republic of Egypt in Doha presents its compliments to the Ministry of Foreign Affairs of the brotherly State of Qatar (Department of Arab Affairs).

Further to the Embassy note No. 1 dated 1/1/2014 on the decision of the Egyptian Cabinet to consider the Muslim Brotherhood Group and its organization as a terrorist group.

The Embassy is honored to attach the note prepared by the Egyptian Government on the legal grounds depending on which the Egyptian Cabinet announced the Muslim Brotherhood group a terrorist group. Cairo has requested from the Embassy, through the mentioned note, to provide a copy to your esteemed Ministry and the Foreign Ministries of the other brotherly Arab countries.

The Embassy of the Arab Republic of Egypt avails itself of this opportunity to renew its highest consideration to the Ministry of Foreign Affairs of the brotherly State of Qatar.

3 March 2014

To: The Ministry of Foreign Affairs of the brotherly State of Qatar (Department of Arab Affairs)



## **Annex 62**

Kingdom of Bahrain Ministry of Foreign Affairs News Details, “A Statement Issued by the Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain”, 5 March 2014

Website of the Kingdom of Bahrain Ministry of Foreign Affairs, available at <https://www.mofa.gov.bh/Default.aspx?tabid=7824&language=enUS&ItemId=3960>

## **A statement issued by The Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain**

The Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain issued today the following statement:

The Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain would like to clarify that:

Based on what is dictated by the principles of the tolerant Islamic Shari'a of the need for unity, cooperation and non-dissention in compliance with the verse in which Allah says in the Holy Quran 'And hold fast, all together, by the Rope which Allah (stretches out for you), and be not divided among yourselves,' and the verse, 'And obey Allah and His Messenger; and fall into no disputes, lest ye lose heart and your power depart', Committed to the principles on which the statute of Gulf Cooperation Council (GCC) was based on, which provided for the realization of member states of common destiny and unity of purpose that combine their peoples and the Council's aim to achieve coordination, cooperation and interdependence among member states in all fields for the unity, deep-rooted strong ties and existing cooperation between their peoples in various fields,

And stemming from the sincere desire of the leaders for the need to exert all efforts for closer ties between the GCC countries and according to the aspirations of the people for the need to maintain what has been accomplished of achievements and gains as priority of maintaining the security and stability of the GCC countries, which is stipulated in the security agreement signed between the GCC countries as a collective responsibility borne by these countries; these countries have made great efforts to communicate with the State of Qatar at all levels in order to agree on a course approach that ensures the movement within the framework of a unified policy for the GCC countries based on the principles set forth in the Statute of the GCC in the agreements signed between them, including the security agreement, and a commitment to the principles that ensure non-interference in the internal affairs of any of the GCC countries, either directly or indirectly, and not to support all of the actions that threaten the security and stability of the GCC countries by organisations or individuals, either through direct security work or by attempting political influence as well as not supporting hostile media.

However, these efforts have resulted in the approval of the State of Qatar of that through the signing of Shaikh Tamim bin Hamad Al Thani, Emir of the State of Qatar, on the agreement following a meeting held in Riyadh on 23-11-2013 in the presence of Shaikh Sabah Al Ahmad Al Jaber Al Sabah, Emir of the State of Kuwait, which was signed and endorsed by all the leaders of the GCC member countries, the three countries had hoped that the above mentioned agreement to be put into effect by the State of Qatar if signed.

Yet, in light of the passing of more than three months after the signing of the agreement with no necessary actions being taken by the State of Qatar to put it into effect, and based on the approach of openness and full transparency, which the leaders of the three countries were consistently adopting in all the issues related to high national interests of their countries and sensing the gravity of great challenges being witnessed by the region as well as variables relating to decisive issues directly affecting the security and stability of the GCC countries, the responsibility entrusted to the three leaders necessitated assigning their foreign ministers of their respective countries to clarify the seriousness of the matter to the State of Qatar and the importance of standing together against whatever might destabilize the fundamentals and be detrimental to the security of their countries and stability in the meeting, which was held in Kuwait on 17-2-2014 in the presence of Shaikh Sabah Al Ahmad Al Jaber Al Sabah, Emir of the State of Kuwait; Shaikh Tamim bin Hamad bin Khalifa Al Thani, Emir of the State of Qatar and the GCC Foreign Ministers Council, in which they agreed that the foreign ministers of the Council develop a mechanism to monitor the implementation of the Riyadh agreement.

This was followed by a meeting of foreign ministers of the GCC countries in Riyadh on 4-3-2014, during which major attempts were made to persuade the State of Qatar of the importance to take the necessary measures to put the Riyadh agreement into effect and agree on a mechanism to monitor its implementation. However, all these efforts have not resulted, with great regret, in the consent of the State of Qatar to adhere to these procedures, so the three countries have to start taking whatever they deem appropriate to protect their security and stability by withdrawing their ambassadors from the State of Qatar, as of today 5-3-2014.



طباعة الخير

The three countries confirm their keenness on the interests of all the people of the GCC member States, including the brotherly people of Qatar whom they consider as an integral part of the other people of the GCC member States, , hoping that the State of Qatar takes immediate steps to respond to what had been agreed upon and to protect the march of the GCC countries from any rift as all the GCC people build high hopes on their GCC council.



## **Annex 63**

Press Release issued by the Minister of Interior of the Kingdom of Saudi Arabia, “Injunctions on Security and Ideology for Citizens and Residents; and An Extra Grace Period of 15 Days for Those Taking Arms outside the Kingdom to Rethink Their Position and Return Home [to] Riyadh”, 7 March 2014

Website of the Saudi Press Agency, available at <https://www.spa.gov.sa/1206762>

2018-12-2 Ministry of Interior: Injunctions on Security and Ideology for Citizens and Residents; and An Extra Grace Period of 15 Days for Those Taking A...



وكالة الأنباء السعودية

Ministry of Interior: Injunctions on Security and Ideology for Citizens and Residents; and An Extra Grace Period of 15 Days for Those Taking Arms outside the Kingdom to Rethink Their Position and Return Home 3 Riyadh

الجمعة 1435/5/8 هـ الموافق 2014/09/07 م واس

The Ministry of Interior notes that these recommendations have been endorsed by Royal Order 16820 dated 5, Jumadi Alawla, 1435H and will be enforced, effective Sunday 8, Jumadi Alawla, 1435H (March 9, 2014). Whoever violates these will be held accountable for one's all former and later violations. The King has further ordered that those who took part in any way in the fighting outside the Kingdom be given an extra extension period of 15 days as of the issuance of this statement to rethink their position and return immediately home, hoping that they will heed reason and come to their better senses.

Along with this, the Ministry of Interior attaches here the first list of parties, groups and factions addressed by this statement:

Al-Qaida Organization- Al-Qaida Organization in the Arabian Peninsula - Al-Qaida Organization in Yemen- Al-Qaida Organization in Iraq- Da'ish- Alnusra front- Hezbollah in the Kingdom- the Muslim Brotherhood - Alhuthi Group

More--

LOCAL TIME 17:39 GMT 20:39



([www.spa.gov.sa/1206762](http://www.spa.gov.sa/1206762) (<http://www.spa.gov.sa/1206762>

## **Annex 64**

Fourth Report of the Follow-up Committee on the Implementation  
of the Riyadh Agreement Mechanism, 15 July 2014

(Arabic original, English translation)

Archives of the Kingdom of Bahrain Ministry of Foreign Affairs

سري للغاية

## التقرير الرابع لجنة متابعة تنفيذ آلية اتفاق الرياض ١٨ رمضان ١٤٣٥هـ الموافق ١٥ يوليه ٢٠١٤م الأمانة العامة

عقدت لجنة المتابعة اجتماعها التاسع في مقر الأمانة العامة بمدينة الرياض يوم الثلاثاء ١٨ رمضان ١٤٣٥هـ الموافق ١٥ يوليه ٢٠١٤م ، بحضور وفود من الدول الأعضاء ( مرفق قائمة بالأسماء ) .

في بداية الاجتماع ألقى الأمين العام كلمة استهلها بالترحيب بالوفود المشاركة ، معبرا عن شكره وتقديره للجهود التي تقوم بها الوفود في نطاق مسؤوليات اللجنة . كما عبر معالي الأمين العام عن شكره وتقديره لفريق المتابعة الدائم الذي عقد اجتماعه الثالث بتاريخ ٢٦ يونية ٢٠١٤م ، واجتماعه الرابع بتاريخ ١٤ يوليه ٢٠١٤م ، وتوصله الى عدد من التوصيات المعروضة على لجنة المتابعة الدائم . ونقل تحياتي اصحاب السمو والمعالي وزراء الخارجية لما تقوم به لجنة المتابعة من جهود مخلصه ، وتأكيدهم بالالتزام بتنفيذ اتفاق الرياض .

واشار الى ان تقرير الاجتماع الثالث للجنة المتابعة ، والذي عقد في مقر الامانة العامة بمدينة الرياض يوم الثلاثاء ٢٨ رجب ١٤٣٥هـ الموافق ٢٧ مايو ٢٠١٤م ، تم رفعه الى اصحاب السمو والمعالي وزراء الخارجية بدول المجلس ، اللذين عقدوا اجتماعا لهم متزامنا مع عقد الدورة ( ١٣١ ) للمجلس الوزاري بتاريخ ٢ يونية ٢٠١٤م ، حيث اطلعوا على التقرير والتوصيات الواردة فيه وتم اعتماده ، ووجهوا باستمرار عمل اللجنة وعقد الاجتماعات كل اسبوعين .

وقد اطلعت اللجنة على محضري الاجتماع الثالث والرابع لفريق المتابعة الدائم ، وما ورد بهما من توصيات

في نهاية الاجتماع وبعد التداول توصلت اللجنة إلى ما يلي :

١. المصادقة على تقرير فريق المتابعة الدائم الثالث والرابع لفريق العمل .
٢. يستمر فريق المتابعة الدائم بعقد اجتماعاته الدورية على ان يخصص اجتماعات خاصة لمناقشة الجانب الامني .
٣. التأكيد على قرار وزراء الخارجية بدول المجلس في اجتماعهم الثاني الذي عقد في مدينة جدة بتاريخ ٣ مايو ٢٠١٤م بان تقوم الدول الاعضاء بموافاة الامانة العامة بالإجراءات التي اتخذتها لتحقيق التزامها بنود آلية تنفيذ اتفاق الرياض .

**The Fourth Report  
Follow-Up Committee of the Implementation of the Riyadh Agreement Mechanism  
18 Ramadan 1435, 15 July 2014  
General Secretariat of the GCC**

The Follow-Up Committee held its ninth meeting at the General-Secretariat in Riyadh on Tuesday, 18 Ramadan 1435 (15 July 2014), attended by delegations of member states (attached is a list of names).

At the beginning of the meeting, the Secretary General delivered a speech, welcoming the delegations and expressing his thanks and appreciation to their efforts within the duties of the committee.

The Secretary General also expressed his thanks and appreciation to the permanent follow-up team which held its third meeting on 26 June 2014 and fourth meeting on 14 July 2014, and reaching a number of recommendations presented to the permanent follow-up committee. He conveyed the greetings of Their Highnesses and Excellencies the Ministers of Foreign Affairs for the sincere efforts of the follow-up committee, affirming commitment to the implementation of the Riyadh Agreement.

He pointed out that the report of the third meeting of the follow-up committee, held at the General Secretariat in Riyadh on Tuesday, 28 Rajab 1435 (27 May 2014) has been presented to Their Highnesses and Excellencies the Ministers of Foreign Affairs, who held a meeting coinciding with the 131<sup>st</sup> session of the Ministerial Council on 2 June 2014. They discussed the report and recommendations contained within it, which they approved and issued directives for the continuation of work by the committee to held meetings every two weeks.

**The committee reviewed the minutes of the third and fourth meetings of the permanent follow-up committee and the recommendations contained within it.**

**At the end of the meeting, and following discussions, the committee reached the following:**

- 1- Ratification of the third and fourth reports by the permanent follow-up team for the work team.
- 2- The permanent follow-up team will continued to hold its periodical meetings, while allocating special meetings to discuss the security aspect.
- 3- Affirm the decision of the Ministers of Foreign Affairs of the GCC states in their second meeting held in Jeddah on 3 May 2014, stipulating that member states update the General Secretariat of the measures taken to achieve their commitment to provisions of the mechanism to implement the Riyadh Agreement.

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### مواقف الدول الاعضاء في اجتماع اللجنة

#### الامارات العربية المتحدة :

- ضبطت الامارات العربية المتحدة شخصين من الجنسية القطرية احدهما مرافق شخصي لرئيس جهاز الامن القطري ، لقيامهما بأعمال تحريضية موجهة ضد الدولة والشقيقة المملكة العربية السعودية ، وان هناك قنوات أمنية بين دول المجلس لمعالجة مثل هذه المسائل وليس من خلال وسائل الاعلام .
- لم يصدر أي تعليق رسمي من الدولة بشأن المقبوض عليهم باعتبار انهم جواسيس وما زالت التحقيقات جارية بشأن هذا الموضوع وأن هذه الصفة اطلقتها وسائل الاعلام القطرية الرسمية والتي يتم تكرارها من ممثل دولة قطر .
- لم تقم دولة قطر بتنفيذ بنود اتفاق الرياض الاساسية على الرغم من اننا نجتمع هنا بسبب مواقفهم فلم يتم اخراج أي من الاخوان المسلمين ، بل يتم استقبالهم وتكريمهم ودعمهم ماليا ومعنويا .
- ترى دولة الامارات أن اللجنة وعلى الرغم مما قامت به من اعمال ايجابية خلال الاجتماعات السابقة الا انه تم اغراقها بمسائل تتعلق بالموضوعات والاساءات الاعلامية دون وجود مؤشرات على تنفيذ بعض الدول الامور الهامة المتعلقة بالموضوعات الامنية والتي نراها هي صلب اتفاق الرياض .
- أيد سعادة رئيس وفد الامارات العربية المتحدة ما اشار اليه معالي رئيس وفد مملكة البحرين بأن المنحى تصعيدي ، فالامارات قدمت قائمة بأسماء أشخاص من حماس موجودين في دولة قطر وكان رد دولة قطر بأنهم من غير الاخوان المسلمين مع انهم في دستورهم يقولون بأننا اخوان مسلمين .

#### مملكة البحرين :

- ان وجودنا هنا هو لحالة عدم الثقة بين دول المجلس ، وقد يكون هذا بسبب المنابر الهادمة الغير مسئولة ، من اصحاب الفتن والاجندات المشبوهة، وهم للأسف من غير ابناء دول المجلس .
- أن عدد الاجتماعات التي عقدت هنا والمستوى التمثيلي العالي للدول الاعضاء لا يرقى الى ما تم التوصل اليه حتى الان ، فلا زال التراشق الاعلامي والاتهامات متبادلة والتهديد الامني ما زال مستمر .
- أن الوضع الذي اوصلنا الى هذه النقطة ومن قبلها الموقف الثلاثي الرفض للسياسات الخاطئة وما تلاها من سحب السفراء من دولة قطر الشقيقة من قبل الدول الثلاث هو لنقول للعالم ارجو عدم التدخل في الشأن الخليجي وبالأخص الملف القطري .



## Positions of Member States at the Committee's Meeting

### The United Arab Emirates:

- The United Arab Emirates identified two Qatari citizens, one of them is the personal aide to the President of the Qatari security agency, who were carrying out seditious work targeting the brotherly Kingdom of Saudi Arabia, and that there are security channels between the GCC states to resolve such matters and not through media outlets.
- There was not any official committee from the country in regards to those arrested; considering they were spies and investigations are still ongoing in this regard. The official Qatari media outlets launched this characterization and the representative of the State of Qatar repeated it.
- The State of Qatar did not implement the basic provisions of the Riyadh Agreement despite that we are meeting here due to their positions, whereas the Muslim Brotherhood has not been deported, in fact they are being received, honored and provided with financial and moral support.
- The United Arab Emirates believes that the committee, despite of the positive work it carried out during previous meetings, it has been dragged down with issues related to media offences without any indicators on the implementation of some countries important matters related to security issues, which we see as the core of the Riyadh Agreement.
- His Excellency the head of the UAE delegation supported the point made by His Excellency the head of the Kingdom of Bahrain delegation about the escalating situation. He added that the UAE presented a list of individuals from Hamas who are in the State of Qatar and the response of Qatar was that there were not from the Muslim Brotherhood, **even though in their Charter they state that they are the Muslim Brotherhood.**

### The Kingdom of Bahrain:

- Our presence here is due to the lack of trust between GCC states, which may be the reason behind the irresponsible and destructive parties behind sedition and suspicious agendas, who unfortunately are not from the GCC states.
- The number of meetings held here and the high level of representation for member states is not in line with what has been reached so far, there are still continuation of media attacks, exchange of accusations and security threats.
- The situation that made us reach this point and previously the tripartite position rejecting wrong policies and what followed of withdrawing ambassadors from the brotherly State of Qatar by the three countries was to tell the world do not interfere in Gulf affairs, particularly the Qatari issue.

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- سوف نعمل في دول المجلس على حل القضية خليجيا وليس بأسلوب الانتقام العربي الازهابي ، واننا هنا لنحمي دولة قطر ووحدة دول مجلس التعاون .
- ما زلنا نسمع عن خلايا للقاعدة وشبكات تجسس وتجنيس مستمر ومتسارع .
- اذا كانت دولة قطر تظن بان سحب السفراء ثقيلًا عليهم فان وجود سفراءكم في دول المجلس اثقل علينا بسبب وجود عدد من الملفات العالقة والتي لازالت تراوح مكانها بدون حل .
- بالنسبة لموضوع تجنيس البحرينيين ، فما زال التجنيس مستمر بل ويزداد ، وترغب مملكة البحرين في ايقاف التجنيس حالا ، وقد تم ارسال خطاب الى معالي وزير الداخلية في دولة قطر بهذا الشأن ، وسيتم بعد الايقاف عقد اجتماعات بين المختصين في الدولتين ، او عن طريق اجتماعات اللجنة المشتركة بين مملكة البحرين ودولة قطر .
- شكر دولة قطر على ازالة برنامج صرخة ظلام، ولكن ليس هذا هو البرنامج الوحيد الذي يسيء لمملكة البحرين، ولا بد من العمل على ازالة أي كل البرامج المسيئة لأي من دول المجلس .
- اذا وصلت دول المجلس لعدم الثقة فيما بينها فلا بد من الرفع بذلك الى اصحاب السمو والمعالي وزراء الخارجية بان اللجنة وصلت الى طريق مسدود بسبب الماطلة واستمرار التجاوزات الامنية والاعلامية . ولهم ان يتخذوا ما هو مناسب من قرارات بهذا الشأن لان بعد كل التعهدات ما زالت الامور خارج السيطرة بل في وتيرة من الازدياد في الشرخ الخليجي، لعل وعسى ان يتخذوا قرارات قد تكون اكثر صرامة في مصلحة العمل الخليجي المشترك.

المملكة العربية السعودية :

- ان اتفاق الرياض وضع دول المجلس في قارب واحد، بهدف الحفاظ على منظومة مجلس التعاون ،الا اذا كان هناك اهداف وتحالفات اقليمية اخرى تؤثر على منظومة مجلس التعاون، ويجب المصارحة بشأن الاخطار التي تواجه دول المجلس.
- الطلب من الدول الاعضاء برد مكتوب عن الاجراءات التي تم اتخاذها بشأن القوائم التي قدمتها المملكة العربية السعودية .
- الطلب من الاجهزة الامنية في الدول الاعضاء الاسراع في حل المسائل الامنية.
- يجب أن تحل الامور اولا بأول واذا كانت المشاكل الامنية ثنائية فلا بد من حل عاجل لها .

- We will work in the GCC states on the Gulf issue and not in an Arab terrorist revengeful manner. We are here to protect the State of Qatar and the unity of GCC states.
- We still hear about Al Qaeda cells, spy networks and continued and rapid naturalization.
- If the State of Qatar believes that the withdrawal of Ambassadors was harsh against them, then the presence of your Ambassadors in GCC states is harsher on us because the existence of the number of pending issues that remain unresolved.
- In regards to the issue of naturalizing Bahrainis, the naturalization continues, in fact more increasingly. The Kingdom of Bahrain would like to immediately stop naturalization. A letter was sent to His Excellency the Minister of Interior of the State of Qatar in this regard and the meetings, which previously stopped, will be held between those concerned between the two countries or through the meetings of the joint committee between the Kingdom of Bahrain and the State of Qatar.
- Thanks to the State of Qatar for removing the program “A Shout in the Dark”, however this is not the only program that harms the Kingdom of Bahrain and work must be carried out to remove any program that harm any GCC state.
- If the GCC states reach a point of lack of trust between them, then this must be presented to Their Highnesses and Excellencies the Ministers of Foreign Affairs that the committee reached a dead end due to stalling and the continued security and media breaches. They will consider and take the ideal decisions in this regard. After all the pledges, there are still issues that are out of control, in fact are increasing the split in the Gulf. Hopefully they will take stringier decisions for the benefit of joint Gulf work.

#### **The Kingdom of Saudi Arabia:**

- The Riyadh Agreement place the GCC states in one boat with the aim of safeguarding the entity of the Gulf Cooperation Council, unless there are other regional objectives and alliances that affect the GCC. There must be honesty in regards to dangers facing GCC states.
- Request member states for a written response on the measures taken in regards to the list presented by the Kingdom of Saudi Arabia.
- Request the security authorities of member states to accelerate solving security issues.
- Matters must be resolved instantly as they arise, and if the security problems are secondary, the must be an immediate solution for them.

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## دولة قطر :

- آلية تنفيذ اتفاق الرياض ملزمة لكافة الدول الموقعة عليها واعتبار محتواها اساسا لأمن واستقرار دول مجلس التعاون وتماسك دوله وعدم تجاوز التوجه الجماعي لدول المجلس.
- اشارت دولة الامارات في بيانها بتاريخ ٢ يونيو ٢٠١٤م الموجه الى معالي الامين العام بان اتفاق الرياض وأليته يخص دولة قطر وحدها وهذا ادعاء غير صحيح وفيه اضعاف للالية ولا يخدم الهدف الذي من اجله وضع اتفاق الرياض وأليته ونحن في دولة قطر نرى ان هذا الاتفاق وأليته معنية وملتزمة به كافة دول المجلس.
- دولة قطر التزمت منذ التوقيع على الالية بالعمل على تطبيق وتنفيذ بنودها فمئذ الاجتماع الأول للجنة المتابعة أوضح وفد دولة قطر بأنه اتخذ الاجراءات اللازمة لوضع بنود الآلية موضع التنفيذ وفيما يلي هذه الاجراءات التي اتخذتها دولة قطر كما يلي:

- تم التوجيه واتخذت الاجراءات الرسمية اللازمة لالتزام جميع القنوات والصحف والمجلات والشبكات الاعلامية الرسمية والمدعومة سواء الواردة في القوائم او التي لم ترد.
- اتخذت الاجراءات اللازمة حيال اصحاب المعرفات الموثقة وكذلك المغردين المعروفين بصورة تدريجية ولحين الانتهاء من القائمة المقدمة.
- تم اتخاذ الاجراءات المناسبة بشأن عدد (٤) اشخاص اماراتيين وردت اسماؤهم في القائمة المقدمة من دولة الامارات والتي ذكرت بأنهم يقومون بنشاط معارض لحكومتهم، حيث تم تأمين مغادرة اثنين منهم بينما الآخرين (زوج وزوجته) تم ابلاغهما بالمغادرة وبسبب وجود جواز سفر الزوجة في سفارة دولة الامارات لم يغادرا البلاد وحتى تاريخه يطلب من الجانب الاماراتي خلال اجتماعات الفريق تسليمهما جوازيهما للعمل على خروجهما من دولة قطر والى الآن لم يتخذ اللازم من قبل الجانب الاماراتي.
- تم تقديم قوائم بالمواطنين الخليجين والجنسيات الغير خليجية المقيمين بدول المجلس وكذلك قوائم ممن اساءوا الى دول المجلس أو قاموا بأعمال مناهضة ضدها ، الا ان دولة الامارات ترى أن الأدلة غير كافية لاتخاذ اللازم حيالهم رغم ما تم تقديمه من أدلة واضحة وكافية على اساءتهم والتدخل في الشؤون الداخلية لدولة قطر.
- اتخذت الاجراءات اللازمة بشأن من ثبت انتمائهم للإخوان المسلمين الذين وردت اسماؤهم في القوائم المقدمة من دول المجلس فقد تم تأمين



### The State of Qatar:

- The mechanism to implement the Riyadh Agreement obliges all states that signed it, considering its content is the basis of security and stability in GCC states, their unity and not to breach the collective policy of Gulf states.
- The United Arab Emirates in its statement on 2 July 2014 presented to His Excellency the Secretary General that the Riyadh Agreement and its mechanism relates to only the State of Qatar. This is an incorrect claim, weakens the mechanism and does not the objective that resulted in the Riyadh Agreement and its mechanism. We in the State of Qatar believe that this agreement and its mechanism relates and obligatory to all GCC states.
- The State of Qatar has been committed since signing on the mechanism to work on implementing its provisions. Since the first meeting of the follow-up committee, the State of Qatar delegation explained that it took the necessary measures to implement the provisions and following are the measures taken by the State of Qatar:
  - Directives were issued and the necessary official measures were taken to ensure the commitment of all channels, newspapers, magazines, official and backed media networks, whether they were mentioned on the lists or not.
  - The necessary measures were taken towards owners of documented accounts as well as well-known tweeters in a gradual manner and until finalizing the list presented.
  - The suitable measures were taken in regards to (4) Emirati individuals named on the list presented by the United Arab Emirates, which stated that they (the 4 individuals) were carrying out activities against their government. Ensured the departure of two of them, while the others (a husband and his wife) were notified to leave, but since the wife's passport was in the UAE embassy they did not leave the country. To this date, the UAE side is requested during the team's meetings to give her the passport to work on the process of her departure from the State of Qatar. Until now, the necessary measures were not taken by the Emirati side.
  - Presented the lists of Gulf citizens and non-Gulf nationalities residing in GCC states as well as lists of individuals who harm GCC states or carried out activities against them. However, the UAE believes that the evidence is not sufficient to take the necessary towards them, despite of the clear and sufficient evidence provided on their harmful activities and interference in the internal affairs of the State of Qatar.
  - The necessary measures were taken on individuals listed by GCC states, securing the departure of (3) individuals and currently securing the departure of (8) other

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مغادرة (٣) اشخاص وجار تأمين مغادرة (٨) اشخاص آخرين خلال ستة اشهر بناء على توصية لجنة المتابعة واعتماد تلك التوصية من وزراء الخارجية.

- تم اتخاذ الاجراءات اللازمة بخصوص القائمة الاسترشادية بالمجموعات والجماعات والتنظيمات الداخلية والخارجية التي تمثل تهديدا لأمن واستقرار دول مجلس التعاون سواء في اليمن او سوريا وغيرها من مواقع الفتن.

- تم اغلاق اكاديمية التغيير كما تم اغلاق المؤسسة العربية الديموقراطية ولم يتم تجديد عقد معد راند ووضعت مخرجات مركز بروكينغز تحت المراقبة.

- بعث معالي الشيخ عبد الله بن ناصر بن خليفة آل ثاني رئيس مجلس الوزراء ووزير الداخلية دعوة لمعالي الشيخ راشد بن عبد الله آل خليفة وزير الداخلية بمملكة البحرين الشقيقة بتاريخ ٢٠١٤/٥/٧م بشأن مناقشة موضوع التجنيس والمواضيع الثنائية وفقا لقرار المجلس الوزاري.

#### • الإجراءات المتخذة من دولة قطر بشأن التقرير المقدم من الأشقاء في المملكة العربية السعودية وهي كالتالي:

- تم اتخاذ الاجراءات المناسبة حيال الاساءات الصادرة من شبكة قناة الجزيرة ومذيع قناة الجزيرة أحمد منصور وكذلك فيما يتعلق بمحرر الخبر الذي نشر على الجزيرة نت ولا يزال التحقيق جار في الموضوع.

- فيما يتعلق بتجاوزات معرفات التواصل الاجتماعي فقد تم التحقيق مع المدعو محمد الهامي محمد عبدالكريم ( مصري) جواز رقم (A٠٧٤١٢١٥٢) واتضح بانه من قام بتوجيه الاساءة الى خادم الحرمين الشريفين ، حفظه الله، وتقرر ترحيله بشكل فوري من البلاد .

- تم استدعاء المدعو علاء صادق محمد موسى (مصري) جواز رقم (A٠٦١٢٩٤٤٠) محلل رياضي والتحقيق معه بخصوص الاساءة الموجهة الى خادم الحرمين الشريفين ، حفظه الله، المرصودة في موقع التواصل الاجتماعي في حساب علاء صادق حيث اتضح عدم صلته بهذا الحساب وان الاساءة ليست من حسابه الرسمي وقد قام بتقديم بلاغ رسمي لمعرفة منتحلي شخصيته كما قام بنشر تغريدة ينفي صلته بالتغريدات المسيئة وانها من حساب مزيف علما بأنه ليس من المنتمين الى الاخوان المسلمين.

- اما بخصوص سيد فراج فقد تم البحث عنه ولم يتبين دخوله الى دولة قطر حيث توفرت لدينا معلومات تفيد بأنه متواجد في السودان.

individuals during six months based on the recommendation of the follow-up committee, which was approved by the Ministers of Foreign Affairs.

- All necessary measures were taken in regards to the guidelines list on the internal and foreign groups and organizations that pose a threat on the security and stability of GCC states, with in Yemen, Syria or other areas of sedition.
- The Academy of Change has been shut down as well as the Arab Democracy Foundation, while the contract with the RAND Policy Institute was not renewed. The output of the Brookings Doha Center is being monitored.
- The Prime Minister and Minister of Interior, Shaikh Abdulla bin Nasser bin Khalifa Al Thani, extended an invitation to the Minister of Interior of the Kingdom of Bahrain, Shaikh Rashid bin Abdulla Al Khalifa, on 7/5/2014 in regards to discussing the issue of naturalization and bilateral issues based on the decision by the Cabinet.

- **Measures taken by the State of Qatar in regards to the report presented by the brotherly Kingdom of Saudi Arabia were the following:**

- The suitable measures were taken towards the offenses by Al Jazeera channel and the Al Jazeera presenter Ahmed Mansoor as well as in relation to the news item editor who published it on Al Jazeera-net, where an investigation is still ongoing in this regard.
- In relation to the offenses social network accounts, an interrogation was carried out with Mohammed Al Hami Mohammed Abdulkarim (Egyptian) passport No. (A07412152), and it was revealed that he was the one who carried out the offense against the Custodian of the Two Holy Mosques and it was decided that he immediately leaves the country.
- Ala'a Sadiq Mohammed Mousa (Egyptian) passport No. (A06129440) a sports analyst was summoned and interrogated in regards to the offense against the Custodian of the Two Holy Mosques posted on a social media website in the account Ala'a Sadiq. It was revealed that he did not have any connection to this account and that the offense was not from his official account. He made an official complaint to identify the impersonator as well as posted a tweet denying his link to the offensive tweets that were from a fake account, stating that he is not a member of the Muslim Brotherhood.
- In regards to Wajdi Abdulhameed Mohammed Ghanim (Egyptian) passport No. (A09187514), he was summoned and interrogated. He pledged never to offend any

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- اما فيما يتعلق بالمدعو وجدي عبدالحميد محمد غنيم ( مصري ) جواز رقم (A٠٩١٨٧٥١٤) فقد تم استدعائه والتحقيق معه وتعهد بعدم الاساءة لأي من قادة ورموز دول المجلس لحين موعد مغادرته دولة قطر نهائيا حسب المهلة الممنوحة له.

- الاجراءات التي اتخذتها دولة قطر بشأن القائمة المقدمة من الاشقاء بالامارات العربية المتحدة بشأن الاخوان المسلمين وذلك على النحو التالي :
  - اشخاص تمت مغادرتهم دولة قطر وعددهم ٣ .
  - اشخاص جار اتخاذ الاجراءات المناسبة ضدهم وعددهم ٦ .
  - قائمة الغير مقيمين والغير معروفين وعددهم ٢٨ .
  - قائمة القطريين وعددهم ٢ .
  - قائمة الذين لا ينتمون او لم يثبت انتماؤهم وعددهم ١٨ .
  - قائمة حركة حماس وعددهم ٨٠ .

واكد رئيس وفد دولة قطر على ضرورة وأهمية تقديم الأدلة والاثباتات على الانتماء الى جماعة الاخوان المسلمين ، كما ان بعض الاسماء غير مكتملة والاخرى مكررة ومن جنسيات مختلفة ولم يثبت انتمائهم الى جماعة الاخوان المسلمين ، وحركة حماس حركة سياسية وبعض اعضائها المقيمين على ارض قطر والمذكورين في قائمة الامارات لا صلة لهم بتنظيم الاخوان المسلمين ووجود بعضهم في قطر ضمن تفاهمات وترتيبات لاستضافتهم لانهم كانوا اسرى في السجون الإسرائيلية ويصعب استقبالهم من أي بلد ، والبعض الاخر بناء على اتفاق مع الاردن وبعض الاسماء لا صلة لها بحركة حماس . وقد عرض الموضوع على اجتماع وزراء الخارجية بشأن وضعهم القانوني حيث انهم ضيوف على دولة قطر وفق اتفاقيات وتفاهمات دولية واقليمية.

- اما بالنسبة لطلب رئيس وفد مملكة البحرين من رئيس وفد دولة قطر العمل على إزالة برنامج صرخات في الظلام والذي ترجم الى عدة لغات ويعرض على قنوات الجزيرة . أكد رئيس وفد دولة قطر بان دولة قطر غير راضية على بث هذا البرنامج وسيتم العمل على ازالته .
- أشارت دولة قطر الى استمرار اجهزة ووسائل الاعلام التابعة لدولة الامارات بالاساءة اليها بصورة مباشرة أو غير مباشرة ورغم ما قدم من أدلة تؤكد هذه الاساءة الا انه لم يتخذ أي اجراء حيال ذلك.
- ترى دولة قطر ان ما ذكره رئيس وفد دولة الامارات بشأن المواطنين القطريين اللذين تم اعتقالهما في المركز الحدودي لدولة الامارات (الغويفات) واتهامهم بأنهم يقومون بأعمال تخريبية وتجسسية غير صحيح مطلقا حيث أنهم ذهبوا الى الامارات لتوصيل سيارة رئيس جهاز امن الدولة لابنه الذي كان في زيارة عائلية لأقاربه في امارة أبوظبي واحدهما موظف في مكتب رئيس جهاز أمن الدولة وهو



of the GCC leaders and symbols until he is scheduled to leave the State of Qatar permanently based on the period granted to him.

- The measures taken by the State of Qatar in regards to the list presented by the brotherly United Arab Emirates on the Muslim Brotherhood was the following:
  - Individuals who left the State of Qatar accounted for (3).
  - Individuals the relevant measures were taken against them accounted for (6).
  - List of the non-resident and unknown accounted for (28).
  - List of Qataris accounted for (2).
  - List of those who do not belong or there was no proof that they belong accounted for (18).
  - List of the Hamas Movement accounted for (80).

The head of the State of Qatar delegation affirmed the importance of providing evidence and proof of association to the Muslim Brotherhood. Some of the names were incomplete and others repeated and from various nationalities without proof that they belong to the Muslim Brotherhood group. The Hamas Movement is a political movement and some of its members residing in Qatar and named in the list presented by the UAE do not have a connection to the Muslim Brotherhood. Their presence in Qatar is part of understandings and preparations to host them because they were prisoners in Israeli jails and it is difficult to receive them by any country. Others were based on an agreement with Jordan and some of the names are not connected to the Hamas Movement. This issue has been presented at the meeting of the Ministers of Foreign Affairs in regards to their legal status, whereby they are guests at the State of Qatar based on regional and international agreements and understandings.

- In regards to the request by the head of the delegation of the Kingdom of Bahrain from the head of the delegation of the State of Qatar on removing the program “Shouting in the Dark”, which has been translated to a number of languages and broadcast on Al Jazeera channels. The head of the delegation of the State of Qatar affirmed that the State of Qatar was displeased with the broadcast of this program and work will be carried out to remove it.
- The State of Qatar pointed out to the continued offences by media outlets of the United Arab Emirates against Qatar, either directly or indirectly, and despite the evidence provided that affirm these offences, no measures have been taken.
- The State of Qatar believes that what was stated by the head of the UAE delegation in regards to Qatari nationals detained in the UAE Border Center (Al Ghuwaifat) and accusing them of carrying out sabotage and spy activities is completely false. They went to the UAE to deliver the car of the Head of the State Security to his son who was on a family visit for his relatives in Abu Dhabi. One of them is an employee in the office of the Head of the UAE State Security Agency, which is considered an arbitrary arrest and

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يعد اعتقال تعسفي وغير مبرر لكون هذا الموظف معروف لدى جهاز أمن الدولة الاماراتي واي اتهامات ضدتهما تعتبر ملفقة لأنه لا يمكن ان يذهب اشخاص في مهمة أمنية بسيارة مسؤول أممي معروف وابنه موجود في أبوظبي وانه يتهم بهذا الاتهام الخطير بمجرد القبض عليه في المركز الحدودي قبل دخوله البلاد.

- ترى دولة قطر أن استمرار فريق المتابعة الدائم ولجنة المتابعة في مواصلة اجتماعاتهم امرا يسهم في تنفيذ اتفاق الرياض وأليته ويعزز الأمن والاستقرار لدول المجلس وانهاء القضايا الواردة في آلية تنفيذ اتفاق الرياض، وتكون اللجنة دائمة الانعقاد للنظر في أي امر مستجد قد يعرض عليها وفقا لتوجيهات أصحاب السمو والمعالي وزراء الخارجية.
- طلب وفد دولة قطر تقديم ادلة عن توجيه اتهامات الى دول المجلس حول دعم تنظيم القاعدة حسب ما ورد في بيان مملكة البحرين المقدم الى وزراء الخارجية.
- ذكر وفد دولة قطر بان ما ادلى به وزير خارجية مملكة البحرين في لقاءه التلفزيوني مع قناة روتانا الخليجية بتاريخ ٢٠١٤/٧/١٢ م، بشأن التجنيس الطائفي والسياسي ، بانه غير واقعي ويفتقر الى الحقيقة ، فدولة قطر شأنها شأن باقي الدول تجنس وفق دستورها وقوانينها دون تمييز .

انتهى

unjustifiable due to the employee being well known to the UAE State Security. Any accusations can be considered baseless charges since people do not leave on a security mission using the car of a well-known security official and his son is in Abu Dhabi. He was accused of this dangerous charges as soon as the arrest was made at the boarder center before he entered the country.

- The State of Qatar believes that the continuation of the permanent follow-up team and the follow-up committee of their meetings will contribute to the implementation of the Riyadh Agreement and its mechanism as well as bolster the security and stability of GCC states. This is in addition end all issues stipulated in the mechanism to implement the Riyadh Agreement. It should be a committee that permanently holds meetings to look into any new issue that might be presented to it based on the directives of Their Highnesses and Excellencies the Ministers of Foreign Affairs.
- The State of Qatar delegation requested proof to be presented for the accusations by the GCC states on backing Al Qaeda organization, based on the statement by the Kingdom of Bahrain presented to the Ministers of Foreign Affairs.
- The State of Qatar delegation stated that the comments made by the Minister of Foreign Affairs of the Kingdom of Bahrain in a television interview with the Gulf channel Rotana on 12/7/2014 in regards to sectarian and political naturalization was unrealistic and lacks truth. The State of Qatar has a similar situation with the rest of the states that naturalize based on the constitution and laws, without discrimination.



## **Annex 65**

Summary of Discussions in the Sixth Meeting of their Highnesses  
and Excellencies the Ministers of Foreign Affairs, Jeddah,  
30 August 2014

(Arabic original, English translation)

Archives of the Kingdom of Bahrain Ministry of Foreign Affairs

**ملخص لمداولات الاجتماع السادس  
الخاص لأصحاب السمو والمعالي وزراء الخارجية  
٤ ذو القعدة ١٤٣٥هـ الموافق ٣٠ أغسطس ٢٠١٤م  
مدينة جدة - المملكة العربية السعودية**

عقد أصحاب السمو والمعالي وزراء خارجية دول مجلس التعاون اجتماعهم السادس الخاص ، يوم السبت ٤ ذو القعدة ١٤٣٥هـ الموافق ٣٠ أغسطس ٢٠١٤م ، لمناقشة التقرير السادس للجنة متابعة تنفيذ آلية اتفاق الرياض، في مدينة جدة بالمملكة العربية السعودية ، برئاسة معالي يوسف بن علوي بن عبدالله، الوزير المسئول عن الشؤون الخارجية في سلطنة عمان، وبحضور أصحاب السمو والمعالي:

وزير الخارجية في الإمارات العربية المتحدة	سمو الشيخ / عبدالله بن زايد آل نهيان
وزير الخارجية في مملكة البحرين	معالي الشيخ / خالد بن أحمد بن محمد آل خليفة
وزير الخارجية في المملكة العربية السعودية	صاحب السمو الملكي الأمير / سعود الفيصل
وزير الخارجية في دولة قطر	معالي الدكتور / خالد بن محمد العطية
النائب الأول لرئيس مجلس الوزراء ووزير الخارجية في دولة الكويت	معالي الشيخ / صباح خالد الحمد الصباح

وشارك في الاجتماع معالي الدكتور / عبداللطيف بن راشد الزياني، الأمين العام لمجلس التعاون.

أطلع صاحب السمو الملكي الأمير سعود الفيصل ، أصحاب السمو والمعالي وزراء خارجية دول المجلس على نتائج الزيارات التي كلفه بها خادم الحرمين الشريفين الملك عبدالله بن عبدالعزيز آل سعود ، إلى كل من دولة قطر ومملكة البحرين والإمارات العربية المتحدة .

أعرب أصحاب السمو والمعالي الوزراء المشاركون في هذا الاجتماع الخاص ، عن شكرهم وتقديرهم للجهود التي يبذلها خادم الحرمين الشريفين في كل ما من

**Summary of Discussions in the Sixth Meeting of Their Highnesses and  
Excellencies the Ministers of Foreign Affairs  
4 Dhu'l-Qa'dah 1435, 30 August 2014  
Jeddah – Kingdom of Saudi Arabia**

Their Highness and Excellencies the Ministers of Foreign Affairs of the GCC states held their sixth meeting on Saturday (4 Dhu'l-Qa'dah 1435, 30 August 2014) to discuss the sixth report of the committee in charge of following up the implementation of the mechanism of the Riyadh Agreement in Jeddah, Kingdom of Saudi Arabia, chaired by His Excellency Yousef bin Alawi bin Abdulla, the Minister Responsible for Foreign Affairs in the Sultanate of Oman and in the presence of Their Highnesses and Excellencies:

His Highness Shaikh Abdulla bin Zayid Al Nahyan	The Minister of Foreign Affairs of the United Arab Emirates
His Excellency Shaikh Khalid bin Ahmed bin Mohammed Al Khalifa	The Minister of Foreign Affairs of the Kingdom of Bahrain
His Royal Highness Prince Saud Al Faisal	The Minister of Foreign Affairs of the Kingdom of Saudi Arabia
His Excellency Dr Khalid bin Mohammed Al Attiya	The Minister of Foreign Affairs of the State of Qatar
His Excellency Shaikh Sabah Khalid Al Ahmad Al Sabah	The First Deputy Prime Minister and Minister of Foreign Affairs of the State of Kuwait

Participating in the meeting was His Excellency Dr Abdullatif bin Rashid Al Zayani, the Secretary General of the Gulf Cooperation Council.

His Royal Highness Prince Saud Al Faisal informed Their Highnesses and Their Excellencies the GCC Ministers of Foreign Affairs on the outcome of the visits that were tasked by the Custodian of Two Holy Mosques King Abdulla bin Abdulla Sal Saud, to the State of Qatar, the Kingdom of Bahrain and the United Arab Emirates.

Their Highnesses and Their Excellencies the Ministers of Foreign Affairs taking part in this special meeting expressed their thanks and appreciation to the efforts exerted by the

شأنه أن يؤدي إلى وحدة وتماسك منظومة مجلس التعاون ويعزز المسيرة المشتركة لدول المجلس .

وفيما يلي ما تم تداوله في هذا الاجتماع :

### معالي / يوسف بن علوي بن عبد الله :

بسم الله الرحمن الرحيم،،،

نحمد الله على أن جميع الجهود المخلصة التي بذلها ورعاها خادم الحرمين الشريفين، حفظه الله ، للسعي لترسيخ وحدة وترابط دول المجلس والحفاظ على مصالح الجميع قد كللت بالتوفيق، وبفضل من الله، توصلنا جميعا إلى قناعة بأنه من المصلحة أن نخدم أنفسنا ونحافظ على رابطتنا ومشاعر ومصالح شعوبنا، وأن يحرص الأخ على مشاعر ومصالحة أخيه.

وأعطي الكلمة الآن لصاحب السمو الملكي الأمير سعود الفيصل.

### صاحب السمو الملكي / الأمير سعود الفيصل :

شكرا سيدي الرئيس، أنقل شكري للأخوة الذين زرناهم، وهذه الجولة كانت تلبية لتوجيهات سيدي خادم الحرمين الشريفين، نظرا لأن المدة طالت، ولا بد من حسم الأمور نهائيا، بدلا من أن تكون معلقة، ونكون مرهونين ومعلقين بفترة أسبوع أو أسبوعين ، ولجنة المتابعة بذلت جهودا كبيرة ورفعت لنا تقارير، وقراراتها كانت "لا كذا ولا كذا" لأنها كانت متشعبة. فوجه حفظه الله ورعاها بالقيام بهذه الزيارة ، وبحثنا مع الإخوة في قطر بالتفصيل وتفصيل التفصيل، ونأمل إن شاء الله أن تتسع قلوبهم معنا ويكونوا راضين عنا.

عرضنا خلال لقائنا مع صاحب السمو الشيخ تميم بن حمد آل ثاني ، حفظه الله ، جميع النقاط الخلافية مثل دعم الإسلاميين، والإخوان المسلمين، والنهج السياسي، وليبيا، وموضوع الإعلام، والفئات التي تعمل ضد دول المجلس، والأخطار الناتجة عن ذلك علينا جميعا، وبحثنا ذلك بالتفصيل، ووجدنا من سموه قبولا، وأنه يبذل جهده في إنهاء هذه المشاكل ، خاصة أنه تولى مقاليد الحكم منذ سنة، وهو الأول والأخير المسؤول عن كل ما يحدث في قطر، وأعطى وعده لخادم الحرمين الشريفين وأنه ملتزم بهذا الوعد، وطلب سموه إيجاد الدليل القاطع للتنفيذ، وقال سموه أنا مستعد للتعاون في كل ما تريدون، وقال أنه ليس هناك مشكلة لا يوجد لها حل.

أبلغنا سموه بأننا نرغب أن يقف مع مصر وأن لا يقف مع الإخوان المسلمين أو يشجع المتطرفين، ووافق سموه على إيقاف التعامل إعلاميا ضدنا ، وكما تعلمون



Custodian of the Two Holy Mosques in all that leads to uniting and consolidating the GCC entity and bolstering joint work of the Council.

Following are the discussions that took place in this meeting:

**His Excellency Yousef bin Alawi bin Abdulla:**

In the name of Allah, Most gracious, Most merciful,

We thank God for all the sincere good efforts of the Custodian of the Two Holy Mosques to bolster the unity and consolidation of GCC states and maintain the interests of everyone, which resulted with success. We all reached the belief that it is in the interest to serve ourselves and safeguard our unity as well as the feelings and interests of our people, and for a brother to be considerate for the feelings and interest of his fellow brother.

He then offered the turn to speak to His Royal Highness Prince Saud Al Faisal.

**His Royal Highness Prince Saud Al Faisal:**

Thank you Mr Chairman, I convey my thanks to our brothers whom we have visited, which was in response to the directives of the Custodian of the Two Holy Mosques, in view of the fact that the period has been prolonged and issues must be resolved permanently, instead of remaining pending and we are obliged to a period of one or two weeks. The following-up committee has exerted great efforts and presented to us reports, which were “neither this nor that” because the matter was too complex. Therefore, His Royal Highness issued directives for these visits to be carried out. We had discussions with our brothers in Qatar in great detail, and we hope, God Willing, that their hearts open up to ours and they are satisfied with us.

We presented during our meeting with His Highness Shaikh Tamim bin Hamad Al Thani all the points of conflict, such as the support for Islamists, Muslim Brotherhood, political policy, Libya and the issue of the media as well as the groups that work against the GCC and the consequential dangers that affect us all. We discussed this in detail and we found an acceptance by His Highness and that he is exerting efforts in resolving this problem, particularly that he ascended to the throne a year ago and that he is the first and last person responsible for all that happens in Qatar. He gave his promise to the Custodian of the Two Holy Mosques and that he was committed to this promise. His Highness requested finding indisputable evidence for the implementation and said that he was prepared to cooperate in ‘all that you want’, adding that there is no problem without a solution.

We informed His Highness that we would like him to stand by Egypt and not with the Muslim Brotherhood or encourage extremists. His Highness agreed to stop the media treatment against us, and, as you know, the media is part of the political policy of any

أن الإعلام جزء من النهج السياسي لأي دولة، وقال سموه أن الإعلام سيلتزم ولن يسخر ضد مصر، بل للوقوف مع مصر ودعم جهودها وأنه لن يكون لقطر يد في دعم المتطرفين ولا تشجيعهم. وهذه هي السياسة التي نريدها.

الاتفاق الآن الذي التزم به سموه أن يكون نفس التوجه العام الذي يلتزم به مجلس التعاون.

وبعد زيارتنا لدولة قطر ذهبنا لمملكة البحرين وذكرنا لهم التزام الشيخ تميم بحل المشاكل ومنها مشكلة التجنيس، وأنه لم يكن لسموه أية تحفظات، وأنهم مستعدون لاتخاذ الإجراءات.

وبعد زيارتنا لمملكة البحرين، ذهبنا إلى الإمارات العربية المتحدة وتحدثنا عن الالتزام في الإعلام، والالتزام بالنهج الخليجي، وعن المشاكل الإعلامية بين البلدين، وتطرقتنا إلى جميع النقاط الواردة في بيان مكة.

العبارة الآن في التنفيذ، وهناك التزامات سابقة لم تنفذ ونحن نطالب بالتنفيذ. يقترح خادم الحرمين الشريفين تشكيل "غرفة عمليات" في المملكة لتابعة كل قضية إلى منتهاها ونحن نتثبت من كافة الأمور.. وطلبوا أن يكون هناك مساعدة من كل دول المجلس وأي شيء يأتي لهم سيسعون إلى تنفيذه. غرفة العمليات تعمل يوميا لتنفيذ المطلوب، وسيكون لها تقرير يومي يأتي إلينا ، وإذا أرادت أي دولة أن ترسل شخص أو ممثل لها في غرفة العمليات للاطلاع فأهلا وسهلا به.

الهدف من غرفة العمليات هو ضمان أن لا يحصل تجاوز وأن يكون العمل في إطار أهداف مجلس التعاون، وبذلك نضمن إزالة أية عقبة في التنفيذ، وإزالة أي تشكيك في استغلال الوقت، والمحاسبة والمتابعة ستكون يومية، والمعلومات التي تجمعها الأجهزة الأمنية. "غرفة العمليات" تكون واعية لمهامها وتقوم باللازم، وتتكون الغرفة من جميع الأجهزة الأمنية وتتخذ اللازم للتأكد من ما حصل ومن التنفيذ.

وقد أمر خادم الحرمين الشريفين بإنشاء هذه الغرفة ، بعد تقديمنا تقرير الزيارة لجلالته ، وأنا أسف أنني لم أزر مسقط والكويت، ولكن البركة فيكم لنقل ذلك .

country. His Highness said the media would be committed and will not taunt Egypt, but instead will stand by Egypt and support its efforts, adding that Qatar will not have a hand in supporting extremists or encouraging them, and that this is the policy that we want.

The agreement now that His Highness committed to will be the same general policy that the GCC is committed to.

Following our visit to the State of Qatar, we went to the Kingdom of Bahrain, and we conveyed to them the commitment of Shaikh Tamim to resolve the problems, including the naturalization problem, and that His Highness did not have any reservations, and that they were prepared to take measures.

Following our visit to the Kingdom of Bahrain, we went to the United Arab Emirates and discussed adherence of the media, commitment to Gulf policy and the media problems between the two countries. We discussed all points stipulated in the Mecca communique.

Proof is in implementation, and there are prior commitments that have not been implemented and we call for their implementation. The Custodian of the Two Holy Mosques proposed establishing an "Operations Room" in the Kingdom to follow up all cases until they are resolved and we confirm all matters ... they asked that there is assistance from all GCC states and have noted that they will seek to implement anything presented to them. The Operations Room will work daily to implement the necessary and will have a daily report presented to us. If any country wants to send someone or a representative to the Operations Room to view matters, they are welcome.

The objective of the Operations Room is to ensure there are no breaches and that work is carried out within the goals of the GCC. With this, we ensure removing any obstacles facing the implementation process, remove any doubts in utilizing time. Accountability and follow up will be daily as will the information gathered by security authorities. The "Operation Room" will be aware of its duties and take the necessary measures. It will comprise of all types of security authorities and take the necessary measures to ensure progress and the implementation process.

The Custodian of the Two Holy Mosques ordered the establishment of this 'room' after we presented a report of our visit to His Majesty. I am sorry I did not visit Muscat or Kuwait, but we hope you convey this.

**معالي / يوسف بن علوي بن عبد الله :**

نحن نشق في التزام سمو الشيخ تميم بما ذكرتموه، ولاشك أن أصحاب الجلالة والسمو سيكونون مسرورين لهذا الاتفاق ، وغرفة العمليات ستكون حامية لمصالح الجميع ، وأن تشكيلاها جاء كما قال سيدنا إبراهيم "ليطمئن قلبي" وهذه أزمة وإن شاء الله انتهت.

غرفة العمليات هي لإتمام ما تم .. وهي ستزيد من ثقة التعاون .. وتعطينا المزيد من الاهتمام ، نحن نريد الخير لمجلس التعاون ونسعى إلى إشاعة روح الوحدة الخليجية بين أبناء دولنا، وهذا أبلغ رد للناس الذين يتطاولون على مجلس التعاون، خادم الحرمين الشريفين، قام بدور كبير لمسألة مهمة، وكذلك صاحب سمو الشيخ تميم ، وهذا لاشك تطور يضيف ثقة فوق الثقة الموجودة قبل الأزمة.

**معالي الشيخ / خالد بن أحمد بن محمد آل خليفة :**

أتفق مع ما تفضل به سمو الأمير سعود ومعالي الأخ يوسف، وهذه مسألة بين الأهل والإخوان.

**معالي الشيخ / صباح خالد الحمد الصباح :**

كما عودتنا الشقيقة الكبرى وخادم الحرمين الشريفين، دائما، على الحرص والمبادرة في خطوات كبيرة، وخادم الحرمين الشريفين حريص على المحافظة على هذه المنظومة التي تجمعنا، وأشكر الشيخ تميم لما تم الاتفاق عليه و الالتزام به.

لنا تسعة أشهر ونحن في غاية الألم لهذه الأزمة، خصوصا في ظل تصدع البيت الخليجي والأوضاع والمشاكل التي تحيط بنا وتدور حولنا في المنطقة، نحن سعدنا لما حصل ومتفائلون بالخير، وعلى أتم الاستعداد لتقديم الدعم لمبادرة ومقترح خادم الحرمين الشريفين ، ونحن على يقين بأن الأمور ستكون بأيد أمينة ، وعلى استعداد للمتابعة في غرفة العمليات التي ستشكل ، وتسهيل العمل في ذلك، ونرغب في طي هذه الصفحة .

نحن سعداء بمقترح خادم الحرمين الشريفين ونؤيد العمل الفوري والجاد لإنهاء هذه القضايا .

**سمو الشيخ / عبد الله بن زايد آل نهيان :**

شكرا سيدي الرئيس، بودي أن أتبع نهجكم لتقديم الشكر لوالدنا خادم الحرمين الشريفين لما يبديه من عطف ورعاية تجاه دول المجلس بكل حكمة وحلم، ورغبته الحقيقية في تقوية مجلس التعاون وهذه المنطقة .

**His Excellency Yousef bin Alawi bin Abdulla:**

We trust the commitment of His Highness Shaikh Tamim over what you have stated. There is no doubt that Their Majesties and Highnesses will be happy with this agreement. The Operations Room will protect the interests of everyone. Its formation comes, as Prophet Ibrahim had said 'for my heart may be satisfied', and this is a crisis and God willing it will be over.

The Operations Room aims to finalize what has been agreed, it will increase trust in our cooperation and give us more care. We want the good for the GCC, seek to spread the spirit of Gulf unity among the citizens of our countries and this is the ideal response to people who want to harm the GCC. The Custodian of the Two Holy Mosques had a great role in a major role in the establishment as has Shaikh Tamim. This is, no doubt, progress that adds confidence to that existing prior to the crisis.

**His Excellency Shaikh Khalid bin Ahmed bin Mohammed Al Khalifa:**

I agree with His Highness Prince Saud and His Excellency Mr Yousef, and this is a matter between families and brothers.

**His Excellency Shaikh Sabah Khalid Al Ahmad Al Sabah:**

Our big brother as well as the Custodian of the Two Holy Mosques have made us accustomed to being keen and taking initiative through major steps. The Custodian of the Two Holy Mosques is keen to maintain this entity that unites us and I thank Shaikh Tamim for what has been agreed upon and committed to.

We spent nine month in great pain due to this crisis, particularly in view of the situations and problems surrounding us and around us in the region. We are happy with the outcome and optimistic. We are completely prepared to provide the support to the initiative and proposal of the Custodian of the Two Holy Mosques. We are confident that matters are in safe hands. We are prepared to follow up in the to-be-established Operations Room and facilitate work in this regard. We are keen to turn the page.

We are happy with the proposal by the Custodian of the Two Holy Mosques and support immediate and serious work to end these issues.

**His Highness Shaikh Abdulla bin Zayid Al Nahyan:**

Thank you Mr Chairman. I would like to also extend thanks to our father the Custodian of the Two Holy Mosques for his sentiments and care towards GCC states with great wisdom and patience as well as his true desire to strengthen the GCC and this region.

وكما قال الشيخ صباح، نحن نمر في ظروف صعبة، ولكننا ولله الحمد نعيش في منطقة فيها خير ومن الله عليها بقيادة محبين لها ويتمتعون بالحكمة .. وذلك يزيد من عزيمتنا وإصرارنا على مواجهة التحديات وعلى تنمية دول المجلس .  
أتمنى أن نخرج بعد هذه التسعة أشهر، أكثر قناعة وعزيمة على تقوية دول المجلس، وكما تفضل أخي الشيخ صباح، بأن المنطقة تمر في ظروف صعبة، ومن الضروري أن نعمل سوياً للحفاظ على مجلس التعاون، أتمنى أن نخرج من أزمة التسعة أشهر، بأننا تعلمنا ضرورة تقوية مجلس التعاون، ونحمد الله أنه راض علينا ليس فقط لوجود البترول بل لوجود قيادات حكيمة ومخلصة، نسأل الله أن يهدينا لما فيه الخير.  
أخي يوسف، استشهادك بما قاله سيدنا إبراهيم "ليطمئن قلبي" هو عين الصواب، وهذا يشمل جميع إخواني بما فيهم إخواننا في قطر.

#### معالي الدكتور/ خالد بن محمد العطية:

أشكر إخواني جميعاً، زيارة الأمير سعود أسعدتنا ونتمنى أن نكون قد أجبنا على تساؤلات سموه، لن نجد أحرص من خادم الحرمين الشريفين على تماسك دول المجلس .. وكما قال أخي الشيخ عبدالله أن نحرص على مجلس التعاون وهو الكتلة الوحيدة التي يجب أن نحافظ عليها، تسع أشهر والجميع يقول، يا جماعة مجلس التعاون .. مجلس التعاون، حافظوا على مجلس التعاون .  
أثناء قدومي من المطار كنت أتحدث مع سمو الأمير عبدالعزيز بن عبدالله، حول الإعلام والقضايا التي يتناولها، وكنت أتابع الإعلام الغربي الذي كان يتكلم عن إيران بأنها تتعاون وتدافع ضد الإرهاب، وأن دول المجلس تختلف فيما بينها، لذلك نؤكد بأن حكمة خادم الحرمين الشريفين بإنشاء هذه الغرفة لهو أمر به خير لنا جميعاً، وهو أمر يجعلنا نركز على العمل الذي نجتمع بسببه، وأنا متأكد بأن هذه الغرفة سيتم إقفالها خلال أيام لأنها أنهت مهمتها التي أنشأت من أجلها، ولأنه لم يعد لها عمل تؤديه. وشكراً

#### معالي الشيخ/ خالد بن أحمد بن محمد آل خليفة:

في الحقيقة أشكر خادم الحرمين الشريفين على هذه الحكمة التي تعودنا عليها في مجلس التعاون، إن شاء الله أننا متفائلون بأننا سنصل للهدف المراد وأن تكون مهمة الغرفة قصيرة، كما تفضل أخي الدكتور خالد، أن فترة عمل الغرفة ستكون قصيرة لأنها لن تجد عملاً لها ولن يكون عندها شغل .

As Shaikh Sabah had said, we are undergoing difficult conditions but, thank God, live in a region blessed with many blessings from God, with leaders who love it and have great wisdom. This inspires us and gives us further determination to face the challenges and develop GCC states. I hope that we come out after these nine months with further conviction and determination to strengthen the GCC states. As my brother Shaikh Sabah said, the region is undergoing difficult conditions and it is important to work together to safeguard the GCC. I hope that we come out from the nine-month crisis having learned the importance of strengthening the GCC and we thank God that he is pleased with us and blessed us, not only with the presence of oil, but also for the presence of wise and sincere leaderships. We ask God to guide us to what is good.

My Brother Yousef referencing the saying of our Prophet Ibrahim, 'for my heart may be satisfied', is very true, and this includes all my brothers, including our brothers in Qatar.

**His Excellency Dr Khalid bin Mohammed Al Attiya:**

I thank all my brothers. The visit of Prince Saud has delighted us and we hope that we answered all of his questions. We will not find anyone more keen than the Custodian of the Two Holy Mosques over the unity of GCC states. As my brother Shaikh Abdulla said, we are keen to maintain the GCC, which is the only entity that we must safeguard. Nine months and everyone is saying, people, this is the GCC ... it is the GCC, safeguard the GCC.

During my arrival at the airport, I was talking to His Highness Prince Abdulaziz bin Abdulla, about the media and the issues it covers. I was following the Western media, which was talking about Iran, that it is cooperating and fighting against terrorism and that the GCC states are in disagreement among themselves. In view of this, we affirm that the wisdom of the Custodian of the Two Holy Mosques to establish this 'Operations Room' is for the benefit of everyone. It makes us focus on the work that we are meeting about and I am confident that this 'Operations Room' will be shut down within days for completing its duties that it was established for and because there will no longer be any further work to be carried out. Thank you.

**His Excellency Shaikh Khalid bin Ahmed bin Mohammed Al Khalifa:**

I thank the Custodian of the Two Holy Mosques for this wisdom that we have been accustomed to in the GCC. God willing, we are optimistic that we will reach our goal and that the duties of the 'Operations Room' will be short lived. As my brother Dr Khalid has said the period of work of the 'Operations Room' will be short because it will not find any further duties to carry out.

سري للغاية

ونريد أن نعرف عن هذه الغرفة ونوعية الشخص الذي سترسله كل دولة للمشاركة في الغرفة، هل التمثيل سيكون لشخص دبلوماسي، كما أريد أن نعرف متى ستبدأ هذه الغرفة عملها ؟

### صاحب السمو الملكي / الأمير سعود الفيصل :

نحن استبقنا الأحداث وبدأنا عملنا في غرفة العمليات، هناك شخص من قطر موجود فيها، وسيبدؤون بجمع المعلومات .. وقد طلبوا منا المساعدة لإنهاء بعض القضايا .. بعض القضايا ستأخذ وقت ، وغرفة العمليات ستجتمع كل يوم لتهيأ أعمالها، إذا أنهت الغرفة أعمالها سيتم إبلاغكم بذلك، غرفة العمليات لن تكون متشعبة لتبت الأمور بسرعة وشفافية .

انتهى

سري للغاية



We would like to know about this 'Operations Room', its type and the person who will be sent from each county to take part. Will representation be by a diplomat? When will this 'Operations Room' begin its duties?

**His Royal Highness Prince Saud Al Faisal:**

We took the initiative and started work on the Operations Room. There is someone from Qatar present there and they will start gathering information. They requested from us assistance to finalize some of the issue, but some issues will take time. The Operations Room will meet every day to complete its work. Once the Operations Room completes its work, you will be notified. The Operations Room will not be too complex in order to be able to address matters in a rapid and transparent manner.



## **Annex 66**

Jeddah Communique, 11 September 2014

Website of the United States Department of State, Diplomacy in Action, available at  
<https://2009-2017.state.gov/r/pa/prs/ps/2014/09/231496.htm>

11/30/2018

Jeddah Communique

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## U.S. Department of State Diplomacy in Action

### Jeddah Communique

Media Note

Office of the Spokesperson

Washington, DC

September 11, 2014

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The following is the Jeddah Communique from the ministers representing states of the Gulf Cooperation Council, Egypt, Iraq, Jordan, Lebanon and the United States

#### *Begin text:*

The ministers representing states of the Gulf Cooperation Council, Egypt, Iraq, Jordan, Lebanon and the United States declared their shared commitment to stand united against the threat posed by all terrorism, including the so-called Islamic State in Iraq and the Levant (ISIL), to the region and the world.

The participants hailed the formation of the new, inclusive Iraqi Government and expressed their support for the immediate steps it has pledged to take to advance the interests of all Iraq's citizens, regardless of religion, sect or ethnicity.

The participants resolved to strengthen their support for the new Iraqi Government in its efforts to unite all Iraqis in combatting ISIL and discussed a strategy to destroy ISIL wherever it is, including in both Iraq and Syria.

The participants confirmed their commitment to implement UN Security Council Resolution 2170, and noted the Arab League Resolution 7804 of September 7, 2014, as well as the discussion of ISIL at the NATO Summit in Wales. The Ministers affirmed their strong commitment to continue the effort to eliminate global terrorism.

The participating states agreed to do their share in the comprehensive fight against ISIL, including: stopping the flow of foreign fighters through neighboring countries, countering financing of ISIL and other violent extremists, repudiating their hateful ideology, ending impunity and bringing perpetrators to justice, contributing to humanitarian relief efforts, assisting with the reconstruction and rehabilitation of communities brutalized by ISIL, supporting states that face the most acute ISIL threat, and, as appropriate, joining in the many aspects of a coordinated military campaign against ISIL.

Participants emphasized that the role played by regional states is central to this effort.

#### *End text*

## **Annex 67**

Press Release of the Arab League, “Consultative Meeting of the Council of the League at the level of Permanent Representatives on the condemnation of the barbaric terrorist act which killed twenty-one Egyptian citizens by ISIS in Libya”, 18 February 2015

(Arabic original, English translation)

Archives of the Arab Republic of Egypt Ministry of Foreign Affairs

بيان صحفي صادر عن  
الاجتماع التشاوري لمجلس جامعة الدول العربية على مستوى المندوبين الدائمين  
بشأن  
إدانة واستنكار العمل الإرهابي البربري الذي راح ضحيته واحد وعشرون من المواطنين  
المصريين على يد تنظيم داعش الإرهابي في ليبيا

عقد مجلس جامعة الدول العربية على مستوى السادة المندوبين الدائمين اجتماعاً تشاورياً في مقر الأمانة العامة بتاريخ 2015/2/18 لتدارس العمل الإرهابي البربري الذي راح ضحيته واحد وعشرون من المواطنين المصريين على يد تنظيم داعش الإرهابي في ليبيا، وبعد الاستماع لكلمة المندوب الدائم لجمهورية مصر العربية والمندوبين الدائمين ورؤساء الوفود ونائب الأمين العام، وبعد التداول خلص المجلس إلى:

- 1- الإعراب عن إدانته واستنكاره الشديد للجرمة الهجيمة البشعة التي ارتكبتها تنظيم "داعش" الإرهابي ضد واحد وعشرين من أبناء الشعب المصري الأبرياء العزل في ليبيا والتي تتعارض مع أبسط المبادئ الإنسانية وتآبها كل فطرة سوية فضلاً عن تعاليم كافة الأديان السماوية، يفتّم بخالص التعزية والمواساة لجمهورية مصر العربية، حكومة وشعباً، ويعبر عن تعاطفه التام مع أسر ضحايا هذا الإرهاب الأسود.
- 2- التأكيد مجدداً على ما تضمنته كافة البيانات والقرارات الصادرة عن مجلس جامعة الدول العربية على كافة المستويات بشأن وقوف الدول العربية بكل قوة إلى جانب جمهورية مصر العربية في حريها ضد أفة الإرهاب، وتأييدها الكامل لجميع الإجراءات والتدابير التي تتخذها لمحاصرة هذه الظاهرة الخطيرة والقضاء عليها نهائياً، فإنه يعرب عن تفهمه الكامل للضربة الجوية التي وجهتها القوات المسلحة المصرية ضد مواقع تابعة لتنظيم داعش الإرهابي في مدينة درنة الليبية، وذلك بتنسيق وتعاون كاملين مع السلطات الشرعية في ليبيا رداً على هذا العمل الإرهابي الخسيس والجبان.
- 3- التأكيد على حق مصر والدول الأعضاء في الدفاع الشرعي عن النفس وحماية مواطنيها ضد أي تهديد وفقاً لنصوص ميثاق جامعة الدول العربية وميثاق الأمم المتحدة التي تكفل هذا الحق الأصل الثابت للدول فرادى وجماعات مع احترام سيادة الدول ووحدتها واستقلالها.

The General Secretariat

The Arab League Council Affairs Secretariat

**A press release of the Arab League consultative meeting on permanent representative level  
Concerning:  
condemning and renouncing the barbaric terrorist act to which twenty one Egyptian citizens fell victim at the hands of ISIS in Libya**

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The Council of the League of Arab States held a consultative meeting on permanent representative level at the headquarters of general secretariat on 18th February, 2015 to discuss the barbaric terrorist act to which twenty one Egyptian citizens fell victim at the hands of "ISIS" in Libya. Having listened to the word of the permanent representative of the A.R.E, other permanent representatives, heads of the delegations, and the deputy general secretariat; and following all the talks, the council concluded that:

- 1- Expressing its stern condemnation and renunciation of the abhorrent savage crime committed by "ISIS" against twenty one innocent unarmed Egyptian citizens in Libya, which contradicts with the simplest human principles and is denied by the common sense and by all divine religions. Moreover, the council extends its sincere condolences and sympathy to the people and government of A.R.E and expresses its empathy with the families of the victims of evil terrorism.
- 2- Reemphasizing on the content of all statements and reports issued by the Council of the League of Arab States on all the levels concerning the Arab countries strong support of the A.R.E in its war against the plague of terrorism as well as the full assistance for all procedures and measures taken in order to besiege this critical phenomenon and eradicate it. In that regard, the council expresses its understanding in regard to the air strike carried out by the Egyptian armed forces against "ISIS" positions in Derna city, Libya by means of full cooperation and coordination with the legitimate authorities in Libya as a response to that mean coward terrorist act.
- 3- Emphasizing the right of A.R.E and member states in the legal defense for their own selves and people against any form of threats according to the stipulations of the Arab League and UN Charters, which entitle this constant fundamental right to all nations individually and collectively together, and by respecting every country's sovereignty, unity, and independence.

- 4- التأكيد على التزام كافة الدول العربية بالعمل على التعاون المشترك لتجفيف منابع التمويل عن التنظيمات الإرهابية، وتقديم كافة أشكال الدعم لمصر والتضامن معها في هذه الحرب التي تخوضها ضد الإرهاب، فإنه يدعو المجتمع الدولي بكافة مكوناته إلى تحمل مسؤولياته الإنسانية والأمنية بالتحرك الفوري الفعال ضد كافة التنظيمات الإرهابية التي ترتبط فيما بينها بروابط فكرية وأيدلوجية متطرفة لبلوغ ذات المآرب الحبيثة الهدامة، صوناً للسلام والأمن الدوليين، وليس في منطقة الشرق الأوسط فحسب.
- 5- التأكيد على قرارات مجلس الجامعة العربية بشأن الأزمة الليبية، والعمل على إيجاد حل سياسي لهذه الأزمة ورفع الحظر عن تسليح الجيش الليبي.

- تحتفظ دولة قطر على الفقرة الثانية من البيان، والفقرة الخامسة في عبارتها الأخيرة "ورفع الحظر عن تسليح الجيش الليبي".



- 4- Emphasizing the commitment of all Arab countries to work collaboratively on drying out the sources of funding the terrorist organizations, and to present all forms of support and solidarity to Egypt in its war against terrorism. The council is calling on the international community with its whole capacity to shoulder its human responsibilities and security duties by means of swift effective movement against all terrorist organizations, which are correlated via radical intellectual and ideological bonds aiding them to reach their vicious destructive purposes, in order to maintain peace and security globally not just on the Middle East level.
- 5- Emphasizing adoption of the resolutions of the of the Arab League Council concerning the Libyan crisis, in addition to the search for a political solution to this crisis and lifting the ban on the Libyan military armament.

- 
- Qatar is reserved against the second paragraph of the statement and the last phrase of the fifth paragraph "lifting the ban on the Libyan military armament"



## **Annex 68**

Note Verbale from the Embassy of the Arab Republic of Egypt  
in Doha to the Ministry of Foreign Affairs of the State of Qatar,  
Extradition Request concerning Yusuf Abdullah Aly Al-Qaradawi,  
21 February 2015

(Arabic original, English translation)

Archives of the Arab Republic of Egypt Ministry of Foreign Affairs

Embassy of the  
Arab Republic of Egypt  
Doha



١٥  
١١٢١

سفارة  
جمهورية مصر العربية  
الدوحة

Date: .....  
Ref: .....

التاريخ: ١٥/١١/٢٠١٨  
رقم التبليغ: ١١٢١

تهدي سفارة جمهورية مصر العربية أطيب تحياتها الى وزارة خارجية دولة قطر  
الشقيقة (إدارة الشؤون القنصلية).

وفي إطار متابعة السلطات المصرية المختصة للقرار الصادر من المنظمة الدولية  
للشرطة الجنائية "الإنتربول الدولي" بإصدار نشرات دولية حمراء لضبط قيادات  
بالتنظيم الدولي للإخوان لحصارهم في الدول المتواجدين بها.

تتشرف السفارة بالإحاطة بأن إحدى النشرات المشار اليها قد تضمنت  
باسم/ يوسف عيد الله على القرضاوي (مواليد ١٩٢٦/٩/٩).

هذا، وقد طلبت السلطات المصرية المختصة إبلاغ ما تقدم الى السلطات القطرية  
المعنية للتكرم باتخاذ ما يلزم نحو تسليم المذكور الى سلطات جمهورية مصر العربية  
بناء على النشرة الحمراء الصادرة بحقه.

وتنتهز سفارة جمهورية مصر العربية هذه المناسبة لتعرب لوزارة خارجية دولة  
قطر الشقيقة عن فائق تقديرها واحترامها.

- وزارة خارجية دولة قطر الشقيقة.

- إدارة الشؤون القنصلية.



**Embassy of the Arab Republic of Egypt,****Doha**

Date: 21/2/2015

Ref: 62

The Embassy the Arab Republic of Egypt presents its compliments to the Ministry of Foreign Affairs of the brotherly State of Qatar (Department of Consular Affairs).

In the framework of the Egyptian competent authorities to follow-up the decision of the International Criminal Police Organization on issuing red notices to arrest leaders of the International Brotherhood Organization and to besiege them in the states in which they are located.

The Embassy has the honor to notify that one of the abovementioned red notices contained the name, Yusuf Abdullah Aly Al-Qaradawi (DOB 9/9/1926).

The Egyptian competent authorities requested us to report the above-mentioned to the Qatari competent authorities to take what is deemed necessary to extradite the mentioned person to the Egyptian authorities pursuant to the red notice issued against him.

The Embassy of the Arab Republic of Egypt avails itself of this opportunity to renew its highest consideration to the Ministry of Foreign Affairs of the brotherly State of Qatar.

- Ministry of Foreign Affairs of the brotherly State of Qatar.
- Department of Consular Affairs



## **Annex 69**

Letter of 10 March 2015 from the Arab League General-Secretariat,  
attaching letter of 10 March 2015 from the State of Qatar to  
the Arab League

(Arabic original, English translation)

Archives of the Arab Republic of Egypt Ministry of Foreign Affairs



الأمانة العامة  
أمانة شؤون مجلس الجامعة

الرقم : 5/1319

التاريخ : 10 MAR 2015

تهدى الأمانة العامة لجامعة الدول العربية (أمانة شؤون مجلس الجامعة)  
أطيب تحياتها إلى المندوبية الدائمة الموقرة (جميع المندوبيات)،

وبالإشارة إلى اجتماع مجلس جامعة الدول العربية على المستوى الوزاري في دورته  
السادسة (143) الذي عقد بمقر الأمانة العامة بالقاهرة بتاريخ 2015/3/9، وبشأن مشروع القرار  
الخاص بتطورات الوضع في ليبيا،

نود-الإفادة بأنها تلقت مذكرة من مندوبية دولة قطر الموقرة رقم 2015/0016575/5  
بتاريخ 2015/3/10 تفيد بتعديل تحفظ دولة قطر على القرار الصادر عن الاجتماع المشار إليه  
وتسجل تحفظات دولة قطر على كامل القرار.

وتغتم الأمانة العامة لجامعة الدول العربية هذه المناسبة لتعرب للمندوبية الموقرة عن  
فائق تقديرها واحترامها.

ف.ع

٥١٤  
٧/١١ 83

الأمانة العامة - القاهرة - ميدان التحرير - الرقم البريدي (١١٤٢) بالإنجليزية رقم 8366 وتاريخ 2015/3/11 15:49 م - صفحة رقم 2 من إجمالي 3 - البريد الإلكتروني: central@mail/ase.int



**The General Secretariat**

Number: 1319/5

**The Arab League Council Affairs Secretariat**

Date: 10<sup>th</sup>/March/2015

The Arab League General Secretariat (the Arab League Council Affairs Secretariat) presents its best regards to the respected permanent representative (all the representatives),

In reference to the Council of the League of Arab States ministerial meeting in its ordinary session n. (143) held at the Arab League general secretariat headquarters on 9<sup>th</sup> March, 2015 on the developments in Libya,

The Secretariat would like to inform you that it has received from the respected Qatari representative the note number: 5/0016575/2015 on 10<sup>th</sup> of March, 2015, notifying the Secretariat of and amendment of Qatar's reservation against the resolution issued at the aforementioned meeting in order to record Qatar's reservation on the entirety of the resolution.

The Arab League General Secretariat is seizing this opportunity to declare its high respect and appreciation to the esteemed permanent representatives.

The Permanent Representative  
of the STATE OF QATAR  
to the Arab League  
Cairo



المنندوبية الدائمة لدولة قطر  
لدى جامعة الدول العربية  
القاهرة



201500165755

المنندوبية الدائمة لدولة قطر لدى جامعة  
الدول العربية

التاريخ: ٢٠١٥/٣/١٠

فاكس عاجل جدا

تهدي المنندوبية الدائمة لدولة قطر لدى جامعة الدول العربية  
أطيب تياتها إلى الأمانة العامة لجامعة الدول العربية الموقرة  
(مكتب الأمين العام - إدارة الشؤون العربية - أمانة شؤون مجلس  
الجامعة).

وبالإشارة إلى إجتماع مجلس جامعة الدول العربية على المستوى  
الوطني في دورته العادية (١٤٣) الذي عقد بمقر الأمانة العامة بالقاهرة  
بتاريخ ٢٠١٥/٣/٩.

وبالإشارة إلى مشروع القرار الخاص بتطورات الوضع في ليبيا.

تود المنندوبية تعديل تحفظ دولة قطر على القرار الصادر عن المجلس  
بهذا الشأن وتسجيل (تحفظ دولة قطر على كامل القرار).

تنتهز المنندوبية الدائمة لدولة قطر لدى جامعة الدول العربية  
هذه المناسبة لتعرب للأمانة العامة لجامعة الدول العربية الموقرة  
(مكتب الأمين العام - إدارة الشؤون العربية - أمانة شؤون مجلس  
الجامعة) عن وافر احترامها وتقديرها.



2688

10 MAR 2015

ع/

10, EL Thamar st., Mohandessine  
Tel.: 37604693/4 Fax: 37603418

١٠ شارع التمار - الهنديسين

ت : ٣٧٦٠٤٦٩٣ / ٤ فاكس : ٣٧٦٠٣٦١٨  
٣٨٤ رقم عادي رقم ٣٨٤ بتاريخ 2015/3/11 - صفحة رقم 3 من إجمالي 3

**The permanent representative  
of the STATE OF QATAR  
to the Arab League,  
Cairo**

Date: 10<sup>th</sup>/March/2015

**A very urgent Fax**

The permanent representative of the state of Qatar to the Arab League is presenting best wishes to the respected General Secretariat of the Arab League (Office of General Secretary - Arab Affairs Department - The Arab League Council Affairs Secretariat).

In reference to the Council of the League of Arab States ministerial meeting in its ordinary session n. (143) held at the Arab League General Secretariat headquarters on 9<sup>th</sup> March, 2015,

And in reference to the draft resolution concerning the developments in Libya,

The representative would like to amend the Qatari reservation on the resolution issued by the council in this regard and to record (the Qatari reservation on the entire resolution).

The permanent representative of the state of Qatar to the Arab League is seizing this opportunity to declare its high respect and appreciation to the esteemed General Secretariat of the Arab League (Office of General Secretary - Arab Affairs Department - The Arab League Council Affairs Secretariat).



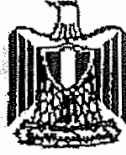
## **Annex 70**

Note Verbale of 13 July 2015 from the Embassy of the Arab  
Republic of Egypt in Doha to the State of Qatar

(Arabic original, English translation)

Archives of the Arab Republic of Egypt Ministry of Foreign Affairs

Embassy of the  
Arab Republic of Egypt  
Doha



سفارة  
جمهورية مصر العربية  
الدوحة

١٩  
١١٣١

Date:

التاريخ: ١٣ يوليو ٢٠١٥

Ref.:

رقم القيد: ٣٧٤

تهدى سفارة جمهورية مصر العربية بالدوحة أطيب تحياتها إلى وزارة خارجية دولة قطر الشقيقة (إدارة المراسم)؛

وتتشرف بالإفادة بأن السيد السفير/ محمد مرسى عوض قد أنهى مهمته كسفير لجمهورية مصر العربية لدى دولة قطر الشقيقة إعتباراً من الأسبوع الماضي.

ويظل السيد الوزير المفوض/ وليد حجاج القائم بأعمال السفارة المصرية بالإفادة.

وتنتهز سفارة جمهورية مصر العربية بالدوحة هذه المناسبة لتعرب لوزارة خارجية دولة قطر الشقيقة (إدارة المراسم) عن فائق التقدير والإحترام.

١٣ يوليو ٢٠١٥



إلى: وزارة خارجية دولة قطر الشقيقة (إدارة المراسم).

**Embassy of the  
Arab Republic of Egypt,  
Doha**

[emblem]

19/1131

Date 13 July 2015  
Ref: 374

The Embassy of the Arab Republic of Egypt in Doha presents its compliments to the Ministry of Foreign Affairs of the State of Qatar (Protocol Department).

It has the honor to report that Ambassador / Mohamed Morsi Awad has completed his mission as Ambassador of the Arab Republic of Egypt to the State of Qatar as of last week.

The Minister plenipotentiary / Walid Hajaj shall be the Acting Ambassador of the Egyptian Embassy.

The Embassy of the Arab Republic of Egypt in Doha takes this opportunity to convey to the Ministry of Foreign Affairs of the State of Qatar, the Protocol Department, its highest esteem and respect.

13 July 2015

**[stamp:]  
Embassy of the Arab Republic  
of Egypt  
Qatar**

To: Ministry of Foreign Affairs of the State of Qatar (Protocol Department)





## **Annex 71**

Official Statement of the Ministry of Interior of the Arab  
Republic of Egypt, 12 December 2016  
(Arabic original, English translation)  
Archives of the Arab Republic of Egypt Ministry of Foreign Affairs

الصفحة الرسمية لوزارة الداخلية

· December 2016 ١٢

( بيان وزارة الداخلية )

- فى إطار جهود الوزارة المبذولة بمجال تتبع وملاحقة منفذى الحادث الإرهابى بكنيسة القديسين بولس وبطرس الملحقة بالكاتدرائية المرقسية بالعباسية والمخططين له والذي راح ضحيته العديد من المواطنين الأبرياء وأوقع إصابات بأخرين.

- فقد تم فور وقوع الحادث تشكيل فريق بحث متخصص من مختلف أجهزة الوزارة ووضع تصور للأبعاد المختلفة للحادث وطبيعة مسرح الجريمة ونتائج الفحص التقنى توصلًا للجناة إعتد على تطوير إجراءات البحث عن العناصر الإرهابية الهاربة ومعاونتهم من المتشددين فكرياً وفقاً لقواعد المعلومات المتوفرة وبإستخدام الوسائل الفنية الحديثة لتحقيق الإشتباهاات.

- أثمرت النتائج عن توصل قطاع الأمن الوطنى لمعلومات حول إعتناق المدعو/ مهاب مصطفى السيد قاسم " حركى / الدكتور " ( مواليد ١٩٨٦/١١/٢ القاهرة ويقيم ٧ شارع محمد زهران بالزيتون - طيبب ) بالأفكار التكفيرية للإخوانى المعدم/ سيد قطب وإرتباطه فى مرحلة لاحقه ببعض معتنقى مفاهيم ما يسمى بتنظيم أنصار بيت المقدس.. وأضافت المعلومات ما يلى:-

- سفره إلى دولة قطر خلال عام ٢٠١٥ وإرتباطه الوطيد هناك ببعض قيادات جماعة الإخوان الإرهابية الهاربة الذين تمكنوا من إحتوائه وإقناعه بالعمل بمخططاتهم الإرهابية وإعادة دفعه للبلاد لتنفيذ عمليات إرهابية بدعم مالى ولوجيستى كامل من الجماعة فى إطار زعزعة إستقرار البلاد وإثارة الفتنة وشق الصف الوطنى.
- عقب عودته للبلاد إضطلع وفق التكاليف الصادرة إليه بالتردد على محافظة شمال سيناء وتواصله مع بعض الكوادر الإرهابية الهاربة هناك حيث قاموا بتنظيم دورات تدريبية له على إستخدام السلاح وتصنيع العبوات التفجيرية لفترة أعقبها عودته لمحل إقامته.



Official page of the Ministry of Interior

12 December 2016

Statement of the Ministry of the Interior

- within the framework of the Ministry's efforts in tracking and prosecuting the perpetrators of the terrorist incident in the Church of Saints Paul and Peter, attached to saint Mark cathedral in Abbaseya, which killed many innocent citizens and inflicted injuries to others,

- Immediately after the incident, a specialized research team was formed from various ministry departments, the different aspects of the incident, the nature of the crime scene and the results of the technical examination had been studied in order to identify The perpetrators, this study relied on the advanced procedures and techniques for finding fugitives and terrorist elements and their assistants according to the available information.

- The national security sector found out that the perpetrator Mohaab Mustafa al-Sayyid Qasim known as the "Dr." (born on 2/11/1986 and residing in Cairo at 7 Mohamed Zahran Street Zeitoun – doctor) was embracing the ideas of the Takfiri Muslim brotherhood / Sayed Qutb and had connection at a later stage with some who embraced the ideology of the so-called "organization Ansar bit al Maqdis", the national security discovered that:

- he visited the State of Qatar during the year of 2015 where he had close connection with some of the Muslim brotherhood's leaders who managed to contain him and convince him to work with their terrorist schemes and pushed him back to Egypt to carry out terrorist operations with full financial and logistical support from the MB in order to destabilize the country and stir up strife and divide the national ranks.
- After his return to Egypt, and accordingly to his assignments he traveled several times to North Sinai to meet terrorist cadres fleeing there, where they organized training sessions on the use of weapons and manufacturing explosive devices.

• إستمرار تواصله مع قيادات الجماعة الإرهابية بقطر وتكليفه عقب مقتل القيادى الإخواني/ محمد محمد كمال - بالبدء فى الإعداد والتخطيط لعمليات إرهابية تستهدف الأقباط بهدف إثارة أزمة طائفية واسعة خلال الفترة المقبلة دون الإعلان عن صلة الجماعة بها.. حيث رصدت المعلومات إصدار ما يطلق عليه (المجلس الثورى المصرى - أحد الأذرع السياسية للجماعة الإرهابية بالخارج بيان بتاريخ ٥ الجارى يتوعد قيادة الكنيسة الأرثوذكسية بسبب دعمها للدولة) حيث إضطلع المذكور بتشكيل مجموعة من عناصره المتوافقة معه فكرياً "تم تحديدهم" وأعد لهم دورات تدريبية بأحد الأوكار بمنطقة الزيتون بمحافظة القاهرة إستعداداً لتنفيذ بعض العمليات الإرهابية.

- تم التعامل مع حسيلا تحليل تلك المعلومات وتطابقها مع نتائج فحص المعمل الجنائى لمسرح الجريمة وأشلاء جثث الضحايا وأسفرت عن الإشتباه فى أحدها وهو المتهم الهارب/محمود شفيق محمد مصطفى "حركى / أبو دجانة الكنانى" بالتورط فى تنفيذ حادث الكنيسة من خلال عمل إنتحارى بإستخدامه حزام ناسف (سبق إرتباطه بإحدى الأسر الإخوانية بمحل إقامته وتلقيه تدريبات على تأمين المسيرات للجماعة الإرهابية بإستخدام الأسلحة النارية وضبطه أثناء قيامه بذلك وبحوزته سلاح آلى موضوع القضية رقم ٢٠١٤/٢٥٩٠ إدارى قسم الفيوم - بتاريخ ٢٠١٤/٣/١٤ - وتم إخلاء سبيله بقرار من المحكمة فى ٢٠١٤/٥/٨ .. حيث تم ربطه بإحدى البؤر التكفيرية لإعداداه لإعتناق الأفكار التكفيرية المنبثقة من فكر الإخوانى المعدم/ سيد قطب ومطلوب ضبطه فى القضيتين رقمى ٢٠١٥/٢٤٢٨ إدارى العجوزة ٢٠١٦/١٣١٧ إدارى الواسطى " نشاط تنظيمى للعناصر التكفيرية .

- أسفرت نتائج المضاهاة للبصمة الوراثية لأسرة المذكور " DNA " مع الأشلاء المشتبه فيها والمعثور عليها بمكان الحادث عن تطابقها.

- تم إستهداف الوكر المشار إليه وأسفرت النتائج عن ضبط عدد ٢ حزام ناسف معد للتفجير وكمية من الأدوات والمواد المستخدمة فى تصنيع العبوات المتفجرة.. كما تم ضبط عناصر من تلك البؤرة وهم :

• رامى محمد عبدالحميد عبدالغنى " مواليد ١٩٨٣/١٠/٢٠ القاهرة ويقوم بها ٢٧ شارع على الجندى / مدينة نصر - حاصل على بكالوريوس تجارة " ويعد المسئول عن إيواء إنتحارى العملية وتجهيزه وإخفاء المواد المتفجرة والأحزمة الناسفة.



- he was maintaining contact with the leaders of the MB leaders in Qatar and he was given the task following the killing of the Brotherhood leader Mohammed Mohamed Kamal - to start preparing and planning terrorist operations targeting the Copts with the aim of provoking a large sectarian crisis during the coming period without announcing the group's links to it. (had been reported that a statement has been issued by The Egyptian Revolutionary Council – one of the political branches of the MB terrorist group abroad – on 5 February vows the leadership of the Orthodox Church because of its support to state). The perpetrator was given the task to form a group of likeminded terrorists with the similar ideology and to train them in Cairo in preparation for the implementation of some terrorist operations.

- The results of the analysis of this information were dealt with and matched with the results of the examination of the criminal laboratory of the crime scene and the bodies of the victims. One of them was the fugitive suspect Mahmoud Shafiq Mohammed Mustafa, (who was previously associated with one of the MB groups in his place of residence and received training in securing the marches of the terrorist group using firearms and he was arrested while he was doing so, in possession of an armed weapon.

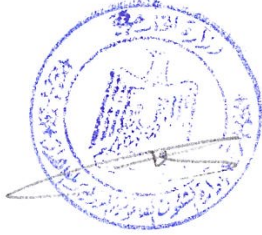
- The comparison of DNA of the suspect's family with his fragments found at the site of the accident confirmed their matching.

- The terrorist plot had been targeted and 2 explosive belt intended for detonation and the amount of tools and materials used in the manufacture of explosive devices had been seizure. Other terrorists had been arrested:

- Rami Mohamed Abdel Hameed Abdelghani "Born on 20/10/1983 Cairo and resides in 27 Ali El Gendy Street / Nasr City - holds a Bachelor of Commerce" and is responsible for hosting the suicide of the process and equipment and concealment of explosive materials and explosive belts.

- محمد حمدى عبدالحميد عبدالغنى " مواليد ١٩٧٩/٦/٢٢ - القاهرة ومقيم بها ٥ شارع محمد زهران الزيتون - حلاق " وتمثل دوره فى الدعم اللوجيستى وتوفير أماكن اللقاءات التنظيمية لعناصر التحرك.
- محسن مصطفى السيد قاسم " مواليد ١٩٨١/١٢ القاهرة ويقوم بها ٣٦٥ شارع ترعة الجبل / الزيتون والمذكور شقيق قيادى التحرك الهارب / مهاب ويضطلع بدور بارز فى نقل التكاليفات التنظيمية بين شقيقه وعناصر التنظيم والمشاركة فى التخطيط لتنفيذ عملياتهم العدائية.
- علا حسين محمد على (مواليد ١٩٨٥/٧/٢٢ القاهرة وتقيم بها ٢٧ شارع على الجندى - مدينة نصر - زوجة الأول) وبرز نشاطها فى الترويج للأفكار التكفيرية من خلال وسائل التواصل الإجتماعى ومساعدة زوجها فى تغطية تواصلاته على شبكة المعلومات الدولية.

- جارى إتخاذ الإجراءات القانونية حيال العناصر المضبوطة وتقديمهم لنيابة أمن الدولة .. كذا مواصلة تتبع وملاحقة العناصر المرتبطة بتلك البؤرة.



- Mohamed Hamdy Abdelhamid Abdelghani "born on 22/6/1979 – Cairo and resident of 5 Mohamed Zahran Zeitoun Street – barber" and represents his role in logistical support and provide venues for organizational meetings of the elements of the move.
- Mohsen Mustafa Kassem "born in 12/1981 Cairo and resident of 365 street Teraat mountain / olive and the brother of the leader of the fugitive move / Mehab and plays a prominent role in the transfer of organizational assignments between his brother and elements of the organization and participate in planning the implementation of their hostilities.
- Ola Hussein Mohamed Ali (born 22/7/1985 Cairo and resident of 27 street on El-Gendy – Nasr City – the first wife) and has emerged in the promotion of Takfiri ideas through social media and help her husband to cover his connections on the international information network.

- We are taking legal action against the seized elements in order to send them to the State Security Prosecution, as well as continuing to track and prosecute the elements associated with that plot.





## **Annex 72**

Letter of 19 February 2017 from the Minister of Foreign Affairs  
of the State of Qatar to the Secretary-General of the GCC

(Arabic original, English translation of pp. 2-3)

Archives of the Kingdom of Bahrain Ministry of Foreign Affairs



17

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

مَجْلِسُ التَّعَاوُنِ لِلدَّوَلِ الْمَخِيَجِ الْعَرَبِيَّةِ - الأمانة العامة



مكتب الأمين العام

سري

حفظه الله

معالي الشيخ / خالد بن أحمد بن محمد آل خليفة  
وزير الخارجية، رئيس الدورة الحالية للمجلس الوزاري  
المنامة - مملكة البحرين

السلام عليكم ورحمة الله وبركاته،،،

يطيب لي أن أبعث لمعاليتكم الكريم بخالص تحياتي الأخوية مقرونة بتمنياتني  
لكم بموفور الصحة والعافية.

ويسرني أن أرفق لمعاليتكم الرسالة التي تلقيتها من أخيتكم معالي الشيخ/ محمد  
بن عبدالرحمن بن جاسم آل ثاني، وزير الخارجية بدولة قطر برقم ١٣٢-٥ وتاريخ  
٢٠١٧/٢/١٩م، الشارحة لذاتها.

نتفضل معاليتكم الكريم بالاطلاع.

وتفضلوا معاليتكم بقبول وافر التقدير والاحترام،،،

المخلص لمعاليتكم

د. عبداللطيف بن راشد الزياني

الأمين العام

الرقم: أ.ت.١/١٧/٤/٢/١ التاريخ: ٢٥ / ٥ / ١٤٣٨ هـ الموافق ٢٩ / ٩ / ٢٠١٧ م

المملكة العربية السعودية - ص ب ٧١٥٣ الرياض ١١٤٦٢ - هاتف: ٤٨٢٦٨٠٨ فاكس: ٤٨٢٨٠٠٨

MINISTRE DES AFFAIRES ÉTRANGÈRES



مجلس التعاون الخليجي



2017-88-00132-5

مكتب وزير الخارجية - سري

التاريخ: ٢٢/٠٥/١٤٣٨هـ

الموافق: ١٩/٠٢/٢٠١٧م

سري

معالي الأخت الدكتورة / عبداللطيف بن راشد الزياني  
الأمين العام لمجلس التعاون الخليجي  
الأمانة العامة  
الرياض

السلام عليكم ورحمة الله وبركاته،،،

يطيب لي أن أبعث لمعاليتكم بخالص التحية والتقدير متمنياً لكم التوفيق ودوام الصحة والعافية.

يسرني أن أشير إلى التزام دولة قطر الثابت الذي لا يتبدل ولا يتزعزع بجميع ما يتم الاتفاق عليه في إطار مجلس التعاون الخليجي، وفي هذا السياق أشير إلى اتفاق الرياض الموقع من قبل أصحاب السمو قادة دول مجلس التعاون لدول الخليج العربية بتاريخ ١٩/٠١/١٤٣٥هـ الموافق ٢٣/١١/٢٠١٣م، بهدف تعزيز وحدة دول المجلس ومصالحها ومستقبل شعوبها، والذي عقد في ظروف دولية وإقليمية تتطلب إبرام هذا الاتفاق خدمةً للمصالح العليا لدول المجلس. وحيث أن دول المجلس لم تألوا جهداً في تنفيذ اتفاق الرياض وآلية تنفيذه ومن ثم فقد تم استنفاد موضوع هذا الاتفاق، الأمر الذي يتعين معه وفقاً للقواعد المستقرة بشأن الاتفاقيات الدولية إنهاء هذا الاتفاق لانتهاء الغرض الذي من أجله تم إبرامه.

ولما كان النظام الأساسي لمجلس التعاون والآليات الأخرى يشكل الأساس الحاكم للعلاقات بين دول المجلس، فإن الاستناد إلى اتفاق الرياض وترك النظام الأساسي وآلياته الأخرى لا يحقق مصالح وأهداف مجلس التعاون الخليجي.

عليه، فإن دول المجلس مدعوة للاتفاق على إنهاء العمل باتفاق الرياض، الذي تجاوزته الأحداث على الصعيدين الدولي والإقليمي واستنفاد موضوعه، وبالمقابل قد يكون من الضروري أن تعمل الدول الأعضاء في المجلس على اتخاذ اللازم نحو تعديل النظام الأساسي للمجلس على

Number: 2017-88-00132-5

Date: 19 February 2017

**Confidential**

**HE.Dr.Abdullatif Bin Rashid AlZayani**  
**GCC Secretary General**  
**General Secretariat**  
**Riyadh**

I would like to express to your Excellency my sincere greetings and best wishes for your health.

I would like to refer to the State of Qatar's sincere commitment which is "unchangeable and unshakeable" towards all that has been agreed upon within the framework of the GCC. In this context, I refer to the Riyadh Agreement signed by the GCC leaders on 23 November 2013 that aimed to strengthen the unity of the GCC State members and its interests and the future of their people, and it was held in international and regional circumstances that required the conclusion of this agreement to serve the higher interests of the GCC States.

As the GCC countries have made no effort to implement the Riyadh Agreement and the mechanism of its implementation. Therefore, the subject of this agreement has been exhausted. In accordance with the established rules on international agreements, this agreement must be terminated since the purpose of it has been completed.

Since the GCC Charter and other mechanisms constitutes the basis for relations between the GCC states, the reliance on the Riyadh Agreement and the abandonment of the Charter and its other mechanisms do not serve the interests and objectives of the GCC.

Therefore, the GCC countries are called upon to agree to terminate the Riyadh agreement which has been overtaken by events at the international and regional levels, and in turn, it may be necessary for the member states of the Council to take the necessary steps to

MINISTER OF FOREIGN AFFAIRS



الجمهورية الفلسطينية  
وزارة الخارجية

نحو يتماشى مع طموحاتها، لمواجهة مستجدات العمل الخليجي المشترك، والتطورات الإقليمية والدولية الراهنة في شتى المجالات.  
وختاماً، نتطلع من معاليكم تعميم ما تضمنته هذه الرسالة على الأشقاء في دول مجلس التعاون لدول الخليج العربية، واعتبارها وثيقة رسمية من وثائق الأمانة العامة للمجلس.  
**وتفضلوا معاليكم بقبول خالص تحياتي وتقديري،،،**

  
محمد بن عبدالرحمن آل ثاني  
وزير الخارجية

amend the Charter in line with their aspirations, to be prepared to face any issues that may arise regarding joint gulf cooperation, and regional and international developments in various fields

In conclusion, we would kindly ask your Excellency to circulate this letter to our brothers in the GCC countries and consider it as an official document.

**Mohammed Bin Abdulrahman Al-Thani**  
**Minister of foreign Affairs in the state of Qatar**





### **Annex 73**

Kingdom of Bahrain Ministry Foreign Affairs News Details,  
“Statement of the Kingdom of Bahrain on the severance of  
diplomatic relations with the State of Qatar”, 5 June 2017

Website of the Kingdom of Bahrain Ministry Foreign Affairs, available at  
<https://www.mofa.gov.bh/Default.aspx?tabid=7824&ItemId=7474&language=en-US>

**Statement of the Kingdom of Bahrain on the severance of diplomatic relations with the State of Qatar**

Based on the insistence of the State of Qatar on continuing to destabilize the security and stability of the Kingdom of Bahrain, to intervene in its affairs, to continue the escalation and incitement of the media, to support armed terrorist activities, to finance groups associated with Iran and to subvert and spread chaos in Bahrain in flagrant violation of all agreements and principles of international law without regard to values, law, morals, consideration of the principles of good neighborliness, or commitment to the constants of Gulf relations, shunning all previous pledges.

The Kingdom of Bahrain announces the severance of diplomatic relations with the State of Qatar to preserve its national security as well as the withdrawal of the Bahraini diplomatic mission from Doha, to provide all members of the Qatari diplomatic mission 48 hours to leave the country with the completion of the necessary procedures and the closure of airspace, ports and the territorial waters for shipping to and from Qatar within 24 hours of this statement.

As the Government of the Kingdom of Bahrain prohibits citizens from traveling to or residing in Qatar, it regrets that Qatari nationals will not be allowed to enter or pass through its territory. It also grants Qatari residents and visitors 14 days to leave the Kingdom to avoid any hostile attempts and activities that exploit the situation despite the pride and high trust in our brothers the Qatari people and their care for their second country.

These dangerous Qatari practices have not only been limited to the Kingdom of Bahrain but have reached sister countries that have been aware of these practices, which embody a very dangerous pattern that can not be met with silence or accepted, but which must be vigorously and resolutely addressed.

While the Kingdom of Bahrain regrets this decision to maintain its security and stability, it affirms its keenness for the brotherly Qatari people who are aware of our suffering and witness with each terrorist operation, the toll on victims of their brothers and family in Bahrain as a result of their government's continued support of terrorism at all levels and to overthrow the legitimate regime in the Kingdom of Bahrain.

## **Annex 74**

Kingdom of Bahrain Ministry Foreign Affairs News Details,  
“Statement by the Kingdom of Saudi Arabia, the Arab Republic  
of Egypt, the United Arab Emirates, and the Kingdom of Bahrain”,  
9 June 2017

Website of the Kingdom of Bahrain Ministry Foreign Affairs, available at  
<https://www.mofa.gov.bh/Default.aspx?tabid=7824&language=en-US&ItemId=7497>

## Statement by the Kingdom of Saudi Arabia, the Arab Republic of Egypt, the United Arab Emirates, and the Kingdom of Bahrain

The Kingdom of Saudi Arabia, the Arab Republic of Egypt, the United Arab Emirates and the Kingdom of Bahrain have listed 59 individuals and 12 entities as banned terrorists.

The list will be updated, the four countries said in a joint statement to announce the names and to stress their commitment to fighting terrorism.

The list was drawn up in light of the shared commitment of the four countries to the fight against terrorism and its funding sources and to the combat against extremist ideology and means of promoting it as well as to their joint action to eliminate the two phenomena and to shield societies from them, the statement added.

The list is also the result of “the continued violation by the authorities in Doha of its signed commitments and agreements that included a pledge not to support or harbour elements or organisations that threatened the security of states.”

Qatar ignored the repeated contacts that called it to honour the Riyadh Agreement and its executive mechanism it signed in 2013 and its 2014 complementary agreement, the statement added.

Such attitudes put the national security of the four countries at risk as targets for acts of sabotage and chaos by members of terrorist organisations that Qatar either hosts or supports them.

This list is linked to Qatar and serves suspicious agendas in an indication of Qatar’s double standard policy that announces it is fighting terrorism while at the same time it is financing, supporting and harbouring various terrorist organisations.

The four countries reaffirmed in the statement their commitment to consolidating all efforts to combat terrorism and to strengthen the pillars of security and stability in the region.

They also reaffirmed that they will be relentless in pursuing the individuals and groups on the list, will resort to all means in this context at the regional and international levels and will continue to combat terrorist activities and to target the financing of terrorism regardless of its source.

The four countries aid they would continue to work with partners around the world to effectively reduce the activities of terrorist and extremist organizations and groups that should not be tolerated by any state. “The states that have issued this statement reiterate their thanks to the countries that support them in their actions in the fight against terrorism, extremism and violence and upon which they rely to continue their efforts and cooperation to eradicate this phenomenon which has affected the world and harmed humanity.”

The list:

Individuals:

1. Khalifa Mohammed Turki Al Subai - Qatar
2. Abdulmalik Mohammed Yousuf Abdulsalam - Jordan
3. Ashraf Mohammed Yousuf Othman Abdulsalam - Jordan
4. Ibrahim IsaAl Hajji Mohammed Al Baker - Qatar
5. Abdulaziz bin Khalifa Al Attiya - Qatar
6. Salem Hasan Khalifa Rashid Al Kawari - Qatar
7. Abdullah Ghanim Musallam Al Khawar - Qatar
8. Saeed bin Saad Mohammed Al Kaabi - Qatar
9. Abdullateef bin Abdullah Al Kawari - Qatar
10. Mohammed Saeed bin Halwan Al Saqtari - Qatar

## طباعة الخير

11. Abdulrahman bin Omair Al Nuaimi - Qatar
12. Abdulwahab Mohammed Abdulrahman Al Humaiqani - Yemen
13. Khalifa bin Mohammed Al Rabban - Qatar
14. Abdullah bin Khalid Al Thani - Qatar
15. Abdulraheem Ahmed Al Haram - Qatar
16. Hajjaj bin Fahad Hajjaj Mohammed Al Ajmi - Kuwait
17. Mubarak Mohammed Al Aji - Qatar
18. Jaber bin Nasser Al Merri - Qatar
19. Yousuf Abdullah Al Qaradawi - Egypt
20. Mohammed Jassem Al Sulaiti - Qatar
21. Ali bin Abdullah Al Suwaidi - Qatar
22. Hashem Saleh Abdullah Al Awadhi - Qatar
23. Ali Mohammed Mohammed Al Salabi - Libya
24. Abdulhakim Belhaj - Libya
25. Al Mahdi Harati - Libya
26. Ismail Mohammed Mohammed Al Salabi - Libya
27. Al Sadiq Abdulrahman Ali Al Gharyani - Libya
28. Hamad Abdullaj Al Fatees Al Merri - Qatar
29. Mohammed Ahmed Shawqi Al Islambouli - Egypt
30. Tariq Abdulmawjood Ibrahim Al Zembr - Egypt
31. Mohammed Abdulmaqsood Mohammed Afifi - Egypt
32. Mohammed Al Sagheer Abdulraheem Mohammed - Egypt
33. Wajdi Abdulhameed Mohammed Ghaim - Egypt
34. Hassan Ahmed Hassan Mohammed Al Daqi Al Hooti - UAE
35. Hakem Abaisan Al Humaidi Al Mutairi - Saudi / Kuwaiti
36. Abdullah Mohammed Sulaiman Al Muhaisni - Saudi
37. Hamed Abdullaj Ahmed Al Ali - Kuwait
38. Ayman Ahmed Abdulghani Husainain - Egypt
39. Asem Abdulmajed Mohammed Madhi - Egypt
40. Yahya Aqeel Saalman Aqeel - Egypt
41. Mohammed Hamada Al Sayyed Ibrahim - Egypt
42. Abdulrahman Mohammed Shokri Abdulrahman - Egypt
43. Hussain Mohammed Ridha Ibrhim Yousuf - Egypt
44. Ahmed Abdulhafedh Mahmood Abdulhadi - Egypt
45. Muslim Fuad Tarfan - Egypt
46. Ayman Mahmood Sadiq Riffat - Egypt
47. Mohammed Saad Abdulnaim Ahmed - Egypt
48. Mohammed Saad Abdulmuttalib Abdah Al Razqi - Egypt
49. Ahmed Fuad Ahmed Jad Baltaji - Egypt
50. Ahmed Rajab Rajab Sulaiman - Egypt
51. Kareem Mohammed Mohammed Abdulaziz - Egypt
52. Ali Zaki Mohammed Ali - Egypt
53. Naji Ibrahim Al Azooli - Egypt
54. Shahata Fathi Hafedh Mohammed Sulaiman - Egypt
55. Mohammed Muharram Fahmi Abuzaid - Egypt
56. Amr Abdalnasser Abdulhaq Abdulbari - Egypt
57. Ali Hassan Ibrahim Abdul DHaher - Egypt
58. Murtadha Majeed Al Sindi - Bahrain
59. Ahmed Al Hassan Al Daaski - Bahrain

## Entities:

1. Qatar Centre for Volunteer Work – Qatar
2. Doha Apple Company (Internet and IT support) – Qatar
3. Qatar Charity – Qatar
4. Shaikh Eid Al Thani Charity Foundation - Qatar
5. Shaikh Thani bin Abdullah Foundation for Humanitarian Services - Qatar
6. Benghazi Defence Brigade - Libya
7. Saraya Al Ashtar - Bahrain
8. February 14 Coalition - Bahrain
9. The Resistance Brigades - Bahrain
10. Hezbollah Bahrain - Bahrain
11. Al Mukhtar Brigade- Bahrain
12. Bahrain Freedom Movement - Bahrain



## **Annex 75**

“Report: General Details on the Individuals and the Bodies related  
to Al-Qaida on the List of Terrorist Organizations”,

*Emirates News Agency*, 9 June 2017

(Arabic original, English translation)

Website of the Emirates News Agency, available at  
<http://wam.ae/ar/details/1395302618255>

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

## تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

الجمعة، ٩ يونيو ٢٠١٧ - ٥:٢٨ ص

أبوظبي في 8 يونيو / وام / أصدرت كل من المملكة العربية السعودية وجمهورية مصر العربية ودولة الإمارات العربية المتحدة ومملكة البحرين قوائم الجزاءات المتعلقة بالأفراد والمنظمات الإرهابية في إطار جهودها المستمرة لمكافحة الإرهاب.

وتمت تسمية تسعة وخمسين فردا وإثنتي عشرة هيئة من قبل الدول الأربع وذلك لمواجهة التهديد طويل الأمد والمستمر من أنشطة دعم وتمويل الإرهاب من قبل قطر ودعمها الجوهرى للمنظمات الإرهابية.

شملت هذه القائمة تسمية سبعة وثلاثين فردا وست هيئات قامت بتمويل ومساعدة و/ أو تقديم دعم جوهرى للقاعدة بشكل خاص والمنظمات التابعة لها ولشبكاتها.

وتتضمن قائمة الجزاءات هيئات خيرية وممولين في قطر ممن عملوا لمصلحة القاعدة لأكثر من عقد كامل.

و تشير هذه الأسماء إلى حقيقة كون دولة قطر تشكل مجالا خصبا في تمويل الإرهاب بالرغم من النداءات المتكررة من دول مجلس التعاون الخليجي والمجتمع الدولي.

و يشكل إدراج هذه الأسماء ردا مباشرا على رفض حكومة قطر المستمر لاتخاذ إجراءات جديدة لقمع أنشطة شبكات دعم الإرهاب العاملة فيها..

وفي الحقيقة فإن العديد من هؤلاء الأفراد والهيئات المدرجة أسماؤهم مرتبطون بشكل مباشر مع حكومة قطر.

وفيما يلي تفاصيل الأفراد والهيئات المرتبطة بالقاعدة ..

\*شبكات دعم القاعدة المتواجدة في قطر..

- خليفة محمد تركي السبيعي..

وتم إدراج " خليفة محمد تركي السبيعي - قطري الجنسية- على لوائح العقوبات الصادرة عن الولايات المتحدة الأمريكية والأمم المتحدة منذ عام 2008 وذلك لتفديمه الدعم المالي للقاعدة بما في ذلك إلى خالد شيخ محمد العقل المدبر لهجمات الحادي عشر من سبتمبر ضد



**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Friday, June 9, 2017 – 5:28 AM

ABU DHABI / June 8<sup>th</sup> / WAM: The Kingdom of Saudi Arabia, Arab Republic of Egypt, the United Arab Emirates, and the Kingdom of Bahrain, as part of their ongoing commitment to combating terrorism, on Thursday acted to update their respective lists of designated terrorist organizations and individuals.

As a result, fifty-nine (59) individuals and twelve (12) entities were designated by each of the four countries to address the long-term and continuing threat of terrorist financing emanating from Qatar, and associated material support for terrorist organizations.

Included in these designations are thirty-seven (37) individuals and six (6) entities that have specifically financed, aided and/or provided material support to Al-Qaida and its associated organizations and networks.

Among the sanctioned parties are charities and fundraisers in Qatar that have acted for the benefit of Al-Qaida for more than a decade.

The designations point to the fact that, despite repeated calls from the countries of the Gulf Cooperation Council (GCC) and the international community, Qatar remains a permissive jurisdiction for terrorism financing.

The designations are a direct response to the Government of Qatar’s consistent refusal to take meaningful steps to disrupt the activities of terrorist support networks operating within its borders.

In fact, several of the entities and individuals identified are directly affiliated to the Government of Qatar.

The details of these Al-Qaida specific designations are as follows:

\*Al-Qaida Support and Facilitation Networks based in Qatar

- Khalifa Muhammad Turki Al-Subaie

“Khalifa Muhammad Turki al-Subaie” – Qatari national - has been sanctioned by the US and the UN since 2008 for providing financial support to Al- Qaida, including to Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

الولايات المتحدة الأمريكية.

واستمر السبيعي - من خلال وجوده في قطر - في أنشطته في دعم القاعدة بالرغم من ايقاع العقوبات عليه منذ 2008.. فعلى سبيل المثال قام السبيعي في منتصف عام 2012 بإرسال مئات الآلاف من الدولارات واليورو إلى القاعدة في باكستان وفقا لوزارة الخزانة الأمريكية.

و في عام 2013 قام خليفة السبيعي بالمساعدة في جمع التبرعات والتي تمت بإدارة الممولين القطريين لجبهة النصرة سعد بن سعد الكعبي وعبد اللطيف بن عبدالله الكواري.. وظهر السبيعي في فيديو لجمع التبرعات للمجموعات الجهادية في سوريا في مايو 2013.

وقام السبيعي خلال عامي 2013-2014 بتسهيل الدعم لحملة جمع التبرعات بقيادة عضو القاعدة عبدالله محمد بن سليمان المحيبي الوارد على لوائح العقوبات الصادرة من قبل الأمم المتحدة والولايات المتحدة.

و عمل السباعي سابقا، حسب تقارير صحفية في مصرف قطر المركزي.

المعرفات " السيرة الذاتية " ..

الإسم: خليفة محمد تركي السبيعي.

الإسم بالإنجليزي: Khalifa Mohd Turki Alsubaie.

Khalifa Mohd Turki al-Subaie.

Khalifa Al-Subayi.

Khalifa Turki bin Muhammad bin al-Suayi.

الكنية: خليفة السبيعي.

الجنسية: القطرية.

تاريخ الميلاد : 1 يناير 1965.

رقم جواز السفر: 00685868.

رقم الهوية الوطنية القطرية: 26563400140.

تويتر: @KHALIFASUBAEY.

انستجرام: @khalifa\_alsubaey.

.....

- عبد الملك محمد يوسف عبدالسلام.

تم إدراج عبد الملك محمد يوسف عبدالسلام " المعروف بعمر القطري " على لوائح العقوبات الأمريكية والأمم المتحدة وذلك لتوفيره الدعم المالي والمادي للقاعدة في باكستان وسوريا.

عمل عمر القطري مع خليفة محمد تركي السبيعي وإبراهيم عيسى الباكر وهما قطريا الجنسية " المدرجة أسماؤهما في هذه الوثيقة" وذلك لجمع تبرعات وتأمين ونقل أسلحة إلى القاعدة.

تم اعتقال عمر القطري في مايو 2012 من قبل السلطات اللبنانية في طريقه إلى قطر حاملا مبالغ مالية لتمويل القاعدة وذلك وفقا لوزارة الخزانة الأمريكية .

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

against the United States.

Based in Qatar, Al-Subaie continued his activities in support of Al-Qaida despite his 2008 designation. For example, in mid-2012 Al-Subaie sent hundreds of thousands of dollars and Euros to Al-Qaida in Pakistan, according to the US Department of the Treasury.

In 2013, Khalifa Al-Subaie aided fundraising initiatives led by Qatari financiers of Nusra Front Saad bin Saad Al-Kabi and Abd Al-Latif bin Abdullah Al-Kawari. Al-Subaie appeared in a May 2013 fundraising video that solicited donations for Syrian jihadist groups.

In 2013 and 2014, Khalifa Al-Subaie solicited support for fundraising initiatives for Syrian militants led by UN- and US-sanctioned Al-Qaida member Abdallah Mohammad bin Sulayman Al-Muhaysini.

Al-Subaie previously worked in Qatar's Central Bank, according to media reports.

Identifiers: (CV)

Name [in Arabic]: خليفة محمد تركي السبيعي

Name in English: Khalifa Mohd Turki Alsubaie

AKA: Khalifa Mohd Turki al-Subaie

AKA: Khalifa Al-Subayi

AKA: Khalifa Turki bin Muhammad bin al-Subaiy

Nickname: Khalifa Al-Subayi

Citizenship: Qatari

DOB: January 1<sup>st</sup>, 1965

Qatar Passport No.: 00685868

Qatar Identity Card: 26563400140

Twitter: @KHALIFASUBAEY

Instagram: @khalifa\_alsubaey

.....

- Abd al-Malik Muhammad Yusuf Abd al-Salam

Abd al-Malik Muhammad Yusuf Abd al-Salam (AKA Umar al-Qatari) was sanctioned by the US and the UN for providing financial and material support to Al-Qaida in Pakistan and Syria.

Umar Al-Qatari worked with Qatari nationals Khalifa Muhammad Turki al-Subaie and Ibrahim Issa Al-Bakr (both designated herein) to raise funds, and procure and transport weapons for Al-Qaida.

In May 2012, Umar Al-Qatari was arrested by Lebanese authorities while enroute to Qatar carrying funds for Al-Qaida, according to the US Department of the Treasury.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

كان عمر القطري في ذلك الوقت يحول الأموال إلى جبهة النصرة ويعمل مع عبدالعزيز بن خليفة العطية – قطري الجنسية الذي منحته الحكومة القطرية الحصانة الدبلوماسية " والمدرج اسمه هنا كذلك".

وقد وجد والد عمر القطري محمد يوسف عبد السلام " المعروف بأبو عبدالعزيز القطري" مؤسس سلف داعش المعروفة سابقا بالقاعدة في العراق ملاذاً آمناً ودعماً مالياً في قطر بعد هربه من قوات التحالف في العراق عام 2004.. وقد منحته الحكومة القطرية ميزات للإقامة.

المعرفات..

الإسم: عبدالملك محمد يوسف عبدالسلام.

‘Abd-al-Malik Muhammad Yusif ‘Abd-al-Salam‘.

الكنية: عمر القطري.

عمر الطيار.

الجنسية: أردني.

تاريخ الميلاد : 13 يوليو 1989.

رقم جواز السفر الأردني: K475336.

/تاريخ الإصدار 31 أغسطس 2009/.

/تاريخ الإنتهاء 30 أغسطس 2014/.

رقم الهوية الوطنية القطرية: 28940000602.

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.....

- أشرف محمد يوسف عثمان عبدالسلام.

تم إدراج أشرف محمد يوسف عثمان عبدالسلام على لوائح العقوبات التابعة للأمم المتحدة وحكومة الولايات المتحدة الأمريكية لتقديمه الدعم في العراق وسوريا وباكستان .

ولدى أشرف عبدالسلام تصريح إقامة قطرية وعمل مع خليفة السبيعي – قطري الجنسية- على تحويل أموال إلى القاعدة في باكستان في عام 2012 وذلك وفقاً لوزارة الخزانة الأمريكية.

وفي منتصف الألفية الثانية قام أشرف عبدالسلام بتسهيل الاتصالات والدعم المالي للقاعدة في العراق سلف داعش ويعتبر والد أشرف عبدالسلام أبو عبدالعزيز القطري أحد مؤسسي القاعدة في العراق.

المعرفات..

الإسم: أشرف محمد يوسف عثمان عبدالسلام.

Ashraf Mohammad Yusif ‘Uthman ‘Ab-al-Salam

Ashraf Mohammad Yusif ‘Uthman ‘Ab-al-Salam

الكنية: خطاب .

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

At the time, Umar Al-Qatari was channeling funds to Al-Nusra Front, working with Qatari official Abdulaziz bin Khalifa al-Attiyah (also sanctioned herein).

Umar al-Qatari's father, Muhammad Yusuf Abd al-Salam (AKA Abu Abdulaziz Al-Qatari) — a founder of the Daesh predecessor al-Qaida in Iraq — found safe harbor and funding in Qatar after fleeing Coalition forces in Iraq in 2004. The government of Qatar provided Umar Al-Qatari with residence privileges.

Identifiers:

Name [in Arabic]: عبدالملك محمد يوسف عبدالسلام

Name [in English]: Abd al-Malik Muhammad Yusif 'Abd-al-Salam

Nickname: Umar al-Qatari

AKA: Umar al-Tayyar

Nationality: Jordanian

DOB: July 13<sup>th</sup>, 1989

Jordanian Passport Number: K475336

Date of Issue: August 31<sup>st</sup>, 2009

Date of Expiration: August 30, 2014

Qatari ID Number: 28940000602

\*\*\*\*\* \_\_\_\_\_ \*\*\*\*\* .....

- Ashraf Muhammad Yusuf Uthman Abd al-Salam

Ashraf Muhammad Yusuf Uthman Abd al-Salam was sanctioned by the UN and the US government for providing support to al-Qaida in Iraq, Syria and Pakistan.

Ashraf Abd al-Salam held Qatari residence and worked with Qatari national Khalifa al-Subaiy to transfer funds to al-Qaida in Pakistan in 2012, according to the US Department of the Treasury.

In the mid-2000's, Ashraf Abd al-Salam provided communications and financial support to al-Qaida in Iraq, the predecessor organization to Daesh. Ashraf Abd al-Salam's father Abu Abdulaziz al-Qatari was a founder of al-Qaida in Iraq.

Identifiers

Name [in Arabic]: أشرف محمد يوسف عثمان عبدالسلام

Name [in English]: Ashraf Muhammad Yusif Uthman Abd-al-Salam

Nickname: Khattab

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

ابن الخطاب.

الجنسية: أردني.

تاريخ الميلاد : 1984.

مكان الولادة:العراق.

الموقع: سوريا.

رقم جواز السفر الأردني: K048787.

رقم جواز السفر الإضافي /أردني/: 486298.

رقم الهوية الوطنية القطرية: 28440000526.

.....

- إبراهيم عيسى الحجي محمد الباكر.

تم إدراج اسم إبراهيم عيسى الحجي محمد الباكر القطري الجنسية على لوائح العقوبات الأمريكية في سبتمبر 2014 والأمم المتحدة في يناير 2015 وذلك لتقديمه الدعم المالي للقاعدة.

ولدى إبراهيم الباكر تاريخ طويل في جمع الأموال لدعم الإرهاب والجهاد، وفقا لوزارة الخزانة الأمريكية وذلك منذ أوائل الألفية الثانية حين تم اعتقاله وإطلاق سراحه من قبل السلطات القطرية بعد الاتفاق عن امتناعه عن القيام بأي نشاط إرهابي داخل قطر.

وقد عمل إبراهيم عيسى الباكر منذ نوفمبر 2011 في هيئة الأشغال العامة القطرية.

?المعرفات..

- الإسم: إبراهيم عيسى الحجي محمد الباكر.

.Ibrahim 'Issa Haji Muhammad al-Bakar

.Ibrahim 'Isa Haji al-Bakr

.Ibrahim Issa Hijji Mohd Albaker

.Ibrahim Issa Hijji Muhammad al-Baker

.Ibrahim 'Issa al-Bakar

.Ibrahim al-Bakr

الكنية: أبو خليل.

الجنسية: قطري.

تاريخ الميلاد : 12 يوليو 1977.

مكان الولادة:قطر.

رقم جواز السفر القطري: 01016646.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

AKA: Ibn al-Khattab  
 Nationality: Jordanian  
 DOB: 1984  
 POB: Iraq  
 Location: Syria  
 Jordanian Passport Number: K048787  
 Alt. Jordanian Passport Number: 486298  
 Qatari ID number: 28440000526

.....

- Ibrahim Isa Hajji Muhammad al-Bakr

Qatari national Ibrahim Isa Hajji Muhammad al-Bakr was sanctioned by the US in September 2014 and the UN in January 2015 for providing financial support to al-Qaida.

Ibrahim al-Bakr has a long history of raising money to support terrorism and jihad, according to the US Department of the Treasury, dating back to the early 2000's when he was arrested and released by Qatari authorities on the agreement he refrain from conducting terrorist activity inside Qatar.

As of November 2011, Ibrahim Isa al-Bakr worked for Qatar's Public Works Authority.

Identifiers:

Name [in Arabic]: إبراهيم عيسى الحجى محمد البكر  
 AKA: Ibrahim 'Issa Haji Muhammad al-Bakar  
 AKA: Ibrahim 'Isa Haji al-Bakr  
 AKA: Ibrahim Issa Hijji Mohd Albaker  
 AKA: Ibrahim Issa Hijji Muhammad al-Baker  
 AKA: Ibrahim 'Issa al-Bakar  
 AKA: Ibrahim al-Bakr  
 Nickname: Abu-Khalil  
 Nationality: Qatari  
 DOB: July 12<sup>th</sup>, 1977  
 POB: Qatar  
 Qatari Passport Number: 01016646

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

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- عبدالعزيز بن خليفة العطية.

في عام 2012 تم اعتقال عبدالعزيز بن خليفة العطية في لبنان وذلك لتوفيره الدعم المالي لمقاتلي القاعدة في سوريا.. و وفقا لتقارير صحفية تم إعلام السلطات اللبنانية بأنشطة العطية الداعمة للإرهاب من قبل مسؤولين أمريكيين.. وتم اطلاق سراحه من الحجز بضغط من الحكومة القطرية التي منحتة حصانة دبلوماسية.

يعد عبدالعزيز بن خليفة العطية ابن العم الأول لخالد بن محمد العطية وزير الخارجية القطري آنذاك ووزير الدفاع الحالي.

في عام 2013 قام عبدالعزيز العطية بطلب تبرعات لمبادرات جمع أموال والتي قادها المتعاونون مع القاعدة سعد بن سعد الكعبي وعبد اللطيف بن عبدالله الكواري وبدعم من قبل خليفة السبيعي والمدرجين على لوائح العقوبات الأمريكية والخاصة بالأمم المتحدة.

استخدم عبدالعزيز بن خليفة العطية وسائل التواصل الإجتماعي للتعبير عن دعمه لأسامة بن لادن والقاعدة وتأييد هجمات جبهة النصرة في سوريا.

وعمل عبدالعزيز العطية سابقا في اتحاد البلباردو والسنوكر القطري وكان عضوا في اللجنة الأولمبية القطرية وتم تعيينه من قبل أمير قطر تميم بن حمد آل ثاني.

المعرفات..

الإسم: عبدالعزيز بن خليفة العطية.

.Abdulaziz al-Attiyah

الجنسية: قطري.

تويتر: @KalefhAbo.

.....

?- سالم حسن خليفة راشد الكواري.

تم إدراج اسم سالم حسن خليفة راشد الكواري القطري الجنسية على لوائح العقوبات الأمريكية الأمريكية في يوليو 2011 وذلك لتقديمه الدعم المالي واللوجستي للقاعدة من خلال معاوني القاعدة في إيران.

قدم الكواري مئات الآلاف من الدولارات كدعم مادي للقاعدة وقدم دعما لعمليات القاعدة وذلك وفقا لوزارة الخزانة الأمريكية.

وعمل الكواري على تأمين إطلاق سراح قياديي القاعدة في إيران وغيرها، وسهل سفر مجندي القاعدة بالنيابة عن مسؤولي القاعدة في إيران.

وفقا للتقارير عمل الكواري في وزارة الداخلية القطرية في عام 2011 قبل إدراج اسمه على لوائح العقوبات الأمريكية.

المعرفات..

الإسم: سالم حسن خليفة راشد الكواري.

.Salim Hassan Khalifa Al Kuwari

.Salim Hasan Khalifa Al Kawari

.Salim Al-Kowari



**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

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- Abdulaziz bin Khalifa al-Attayah

In 2012, Abdulaziz bin Khalifa al-Attayah was arrested in Lebanon for providing financial support to al-Qaida militants in Syria. As per media reports, Lebanese authorities were alerted to al-Attayah's terrorist support activities by concerned US officials. Abdulaziz al-Attayah was released from custody under pressure from Qatar government, who asserted diplomatic immunity privileges on behalf of al-Attayah.

Abdulaziz bin Khalifa al-Attayah is a first cousin of Khalid bin Mohammed al-Attayah, Qatar's then-Foreign Minister and current Minister of State for Defense Affairs.

In 2013, Abdulaziz al-Attayah solicited donations for fundraising initiatives led by US and UN sanctioned al-Qaida facilitators Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah al-Kawari, and supported by Khalifa al-Subaiy.

Abdulaziz al-Attayah has used social media to express support for Usama bin Laden and al-Qaida, and endorse al-Nusra Front attacks in Syria.

Abdulaziz al-Attayah previously served as the head of the Qatar Billiards and Snooker Federation and a member of the Qatar Olympic Committee, a position he was appointed to by Qatar's Emir Tamim bin Hamad Al Thani.

Identifiers:

Name [in Arabic]: عبدالعزيز بن خليفة العطية

Name [in English]: Abdulaziz bin Khalifa al-Attayah

Nickname: Abdulaziz al-Attayah

Nationality: Qatar

Twitter: @KalefhAbo

.....

- Salim Hasan Khalifa Rashid al-Kuwari

Qatari national Salim Hasan Khalifa Rashid al-Kuwari was sanctioned by the US government in July 2011 for providing financial and logistical support to al-Qaida through al-Qaida facilitators based in Iran.

Kuwari provided hundreds of thousands of US dollars in financial support to al-Qaida and provided funding for al-Qaida operations, according to the US Department of the Treasury.

Kuwari also worked to secure the release of al-Qaida leaders in Iran and elsewhere, and facilitated the travel of al-Qaida recruits on behalf of senior al-Qaida officials in Iran.

According to media reports, Kuwari worked for the Qatari Ministry of Interior in 2011 before he was placed on the US sanctions list.

Identifiers:

Name [in Arabic]: سالم حسن خليفة راشد الكواري

Name [in English]: Salim Hassan Khalifa Rashid Al Kuwari

AKA: Salim Hasan Khalifa Al Kawari

AKA: Salim Al-Kowari

<http://wam.ae/ar/details/1395302618255>

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تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

.Salem Al-Kuwari

تاريخ الميلاد : تقريبا 1977 أو 1978.

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- عبدالله غانم مسلم الخوار .

تم إدراج اسم عبدالله غانم مسلم الخوار على لوائح العقوبات الأمريكية في يوليو 2011 وذلك لعمله مع سالم حسن الكواري وذلك لتوفيره الدعم والاتصالات وخدمات أخرى لعناصر القاعدة في إيران .

خلال تواجده في قطر عمل عبدالله الخوار مع الموظف في وزارة الداخلية القطرية سالم الكواري وساعد بتسهيل سفر أعضاء القاعدة إلى أفغانستان.

المعرفات ..

الإسم: عبدالله غانم مسلم الخوار.

.Abdullah Ghalib Mahfuz Muslim al-Khawar

.Abdullah Khowar

.Abdullah Al-Khowar

.Abdullah Ghanem Mahfouz Muslim Khawar

تاريخ الميلاد : 17 أغسطس 1981.

رقم جواز السفر: 28163402296.

.....

- سعد بن سعد محمد الكعبي.

تم إدراج اسم سعد بن سعد محمد الكعبي - القطري الجنسية على لوائح العقوبات الأمريكية في أغسطس 2015 والأمم المتحدة في سبتمبر 2015 لجمع الأموال والقديات بالنيابة عن القاعدة في سوريا.

نظم سعد الكعبي فعاليات جمع الأموال في قطر لمصلحة القاعدة طالبا من المتبرعين إرسال الأموال إلى حساب في البنك الإسلامي القطري باسم ابنه القاصر.

تم مساعدة الكعبي في حملات جمع الأموال للقاعدة من قبل عدة أشخاص قطريين بما في ذلك إحدى قريباته الإناث التي تعمل أيضا لجميع تبرعات لجهة خيرية قائمة في المملكة المتحدة والتي تم إنشاؤها من قبل فرد آخر من العائلة.

المعرفات ..

الإسم: سعد بن سعد محمد الكعبي.

.AL-Ka'bi, Sa'd al-Sharyan

.AL-Ka'bi, Sa'd Sa'd Muhammad Shiryan

.Abu Haza

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

AKA: Salem Al-Kuwari

DOB: 1977 or 1978

\*\*\*\*\* \_\_\_\_\_ \*\*\*\*\* .....

- Abdallah Ghanim Muslim Khawar

Abdallah Ghanim Mahfuz Muslim Khawar was sanctioned by the US government in July 2011 for working with Salim Hasan al-Kuwari to deliver funding, communication, and other support to al-Qaida elements in Iran.

While based in Qatar, Abdallah Khawar worked with Qatari Ministry of Interior employee Salim al-Kuwari and helped facilitate the travel of al-Qaida members traveling to Afghanistan.

Identifiers:

Name [in Arabic]: عبدالله غانم محفوظ مسلم الخوار

Name [in English]: Abdullah Ghanim Mahfuz Muslim al-Khawar

AKA: Abdullah Khowar

AKA: Abdullah Al-Khowar

AKA: Abdullah Ghanem Mahfouz Muslim Khawar

DOB: August 17, 1981

Passport: 28163402296

.....

- Saad bin Saad Muhammad al-Kabi

Qatari national Saad bin Saad Muhammad al-Kabi was sanctioned by the US in August 2015 and the UN in September 2015 for raising funds and collecting ransoms on behalf of Al-Qaida in Syria.

Saad al-Kabi organized fundraising events in Qatar for the benefit of al-Qaida, instructing donors to send funds to an account at Qatar Islamic Bank held in the name of his son, who was a minor.

Saad al-Kabi was aided in his al-Qaida fundraising initiatives by several Qatar-based associates, including a female relative, who also served as a fundraiser for a UK-based charity that was established by another family member.

Identifiers:

Name [in Arabic]: سعد بن سعد محمد الكعبي

Name [in English]: Saad bin Saad Muhammad al-Kabi

AKA: AL-KA'BI, Sa'd al-Sharyan

AKA: AL-KA'BI, Sa'd Muhammad Shiryan

AKA: Abu Haza

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.Abu Hazza

.Abu Sa'd

.Abu Suad

الكنية: عمر الأفغاني.

تاريخ الميلاد : 15 فبراير 1972.

الجنسية: قطري.

رقم جواز السفر: 00966737.

الحساب البنكي: /Hazza Saad Sad Al-Kaabi, Account # 200072076, Qatar Islamic Bank /QISBQAQA

.....

- عبداللطيف بن عبدالله الكواري.

تم إدراج اسم عبداللطيف بن عبدالله الكواري القطري الجنسية على لوائح العقوبات الأمريكية في أغسطس 2015 ومن قبل الأمم المتحدة في سبتمبر 2015 وذلك لجمعه الأموال للقاعدة وخدمته كضابط أمن للقاعدة.

يرجع تاريخ تعامل عبداللطيف الكواري مع القاعدة إلى بدايات الألفية الثانية عندما قام بتسهيل سفر قياديي القاعدة إلى قطر.

تعاون عبداللطيف الكواري مع سعد بن سعد الكعبي في الإشراف على حملات جمع التبرعات في قطر وذلك لمصلحة القاعدة في سوريا، طالبا من المتبرعين إرسال الأموال إلى حساب تحت السيطرة لدى بنك قطر الإسلامي في الدوحة.

المعرفات..

الإسم: عبداللطيف عبدالله الكواري.

.AL-KAWARI, 'Abd-al-Latif 'Abdallah

.AL-KAWARI, 'Abd-al-Latif 'Abdallah Salih

.AL-KAWWARI, 'Abd-al-Latif 'Abdallah

.AL-KUWARI, 'Abd-al-Latif 'Abdallah Salih

الكنية: أبو علي الكواري.

تاريخ الميلاد : 28 سبتمبر 1973.

مكان الميلاد: اللقطة - قطر .

الجنسية: قطري.

رقم جواز السفر: 01020802.

رقم جواز سفر إضافي /قطري/ 00754833 .

صادر بتاريخ 20 مايو 2007.

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AKA: Abu Hazza  
 AKA: Abu Sa'd  
 AKA: Abu Suad  
 Nickname: 'Umar al-Afghani  
 DOB: February 15, 1972  
 Nationality: Qatar  
 Passport Number: 00966737  
 Bank Account: Hazza Saad Al-Kabi, Account # 200072076, Qatar Islamic Bank / QISBQAQA

.....

- Abd al-Latif bin Abdullah Al-Kawari

Qatari national Abd al-Latif bin Abdullah al-Kawari was sanctioned by the US in August 2015 and the UN in September 2015 for collecting funds for Al-Qaida and serving as an al-Qaida security official.

Abd al-Latif al-Kawari's role with Al-Qaida dates back to the 2000's when he facilitated travel for al-Qaida leaders to Qatar.

Abd al-Latif Al-Kawari cooperated with Saad bin Saad al-Kabi in the supervision of Qatar-based fundraising campaigns for the benefit of al-Qaida in Syria, instructing donors to send funds to a controlled account at Qatar Islamic Bank in Doha..

**Identifiers:**

Name [in Arabic]: عبداللطيف الكواري  
 Name [in English]: Abd al-Latif bin Abdullah Al-Kawari  
 AKA: AL-KAWARI, 'Abd-al-Latif 'Abdallah  
 AKA: AL-KAWARI, 'Abd-al-Latif 'Abdallah Salih  
 AKA: AL-KAWWARI, 'Abd-al-Latif 'Abdallah  
 AKA: AL-KUWARI, 'Abd-al-Latif 'Abdallah Salih  
 Nickname: Abu Ali al-Kawari  
 DOB: September 28, 1973  
 POB: Al-Laqtah, Qatar  
 Nationality: Qatar  
 Passport Number : 01020802  
 Alt. Qatari Passport No.: 00754833 (Qatar)  
 Issued: May 20, 2007

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رقم جواز سفر إضافي /قطري/ 00490327.

صادر بتاريخ 28 يوليو 2001.

رقم الهوية الوطنية /قطري/: 27363400684.

\*\*\*\*\*\_\*\*\*\*\*\_\*\*\*\*\*

\*مركز قطر للعمل التطوعي.

قام كل من مركز قطر للعمل التطوعي وأمينه العام يوسف علي الكاظم بتقديم دعم وإشراف حكومي رسمي قطري على حملات جمع الأموال بقيادة سعد بن سعد الكعبي وعبد اللطيف بن عبدالله الكواري الداعمين للقاعدة والمدرجة أسماؤهم على لوائح العقوبات الأمريكية وتلك الصادرة عن الأمم المتحدة.

ويعتبر مركز قطر للعمل التطوعي هيئة حكومية تعمل تحت مظلة وزارة الثقافة والرياضة القطرية.

تم إنشاء المركز من قبل سعود بن خالد آل ثاني- شقيق وزير الداخلية القطري الأسبق عبدالله بن خالد آل ثاني والذي تم تسميته هنا كأحد داعمي القاعدة.. وقد أعلن المركز أنه سيدرب المتطوعين لدعم فعاليات كأس العالم في قطر عام 2022.

المعرفات..

الإسم: مركز قطر للعمل التطوعي.

مركز قطر التطوعي.

.Qatar Centre for Volunteer Activities

العنوان الدوحة - قطر.

الهاتف: 44674888 974

44675999 974

650777 55 974

674449 44 974

تويتر @Qvoluntary.

ايميل info@qvoluntary.qa Voluntary@moys.gov.qa

الموقع الإلكتروني www.qvoluntary.qa

.....

- محمد سعيد بن حلوان السقطري.

قام محمد سعيد بن حلوان السقطري المقيم في قطر بتقديم الدعم التكنولوجي والاتصالات لحملات جمع الأموال بقيادة سعد بن سعد الكعبي وعبد اللطيف بن عبدالله الكواري المدرجة أسماؤهما في لوائح العقوبات الأمريكية وتلك الصادرة عن الأمم المتحدة.

قام محمد السقطري كذلك بتقديم الدعم للمقاتلين الجهاديين المسافرين إلى سوريا.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Alt. Qatari Passport No.: 00490327  
 Issued: July 28, 2001  
 National ID No. 27363400684 (Qatar)

\*\*\*\*\* \_\_\_\_\_ \*\*\*\*\* .....

- Qatar Centre for Volunteer Activities

Qatar Centre for Volunteer Activities and its Secretary-General Yousuf Ali Al-Kadhim provided official Qatari government support and supervision to fund-raising campaigns led by Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah Al-Kawari, supporters of al-Qaeda, listed on the United States and United Nations sanctions lists.

Qatar Centre for Volunteer Activities is a governmental body operating under the umbrella of the Ministry of Culture and Sports.

The Centre was established by Saud Bin Khalid Al Thani, the brother of former Qatari Interior Minister Abdullah Bin Khalid Al Thani, who was named here as a supporter of Al Qaeda. The Center announced that it will train volunteers to support the World Cup in Qatar in 2022.

Identifiers:

Name [in Arabic]: مركز قطر للعمل التطوعي  
 Name [in English]: Qatar Centre for Volunteer Activities  
 Address: Doha – Qatar  
 Tel.: +974 44675999  
 +974 650777 55  
 +974 674449 44  
 Twitter: @Qvoluntary  
 Email: info@qvoluntary.qa [Voluntary@moys.gov.qa](mailto:Voluntary@moys.gov.qa)  
 Website: [www.qvoluntary.qa](http://www.qvoluntary.qa)

.....

- Mohammad Saeed bin Helwan al-Seqatri

Qatar-based Mohammad Saeed bin Helwan al-Seqatri provided technology and communications support to fundraising initiatives led by US and UN sanctioned Al-Qaida supporters Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah Al-Kawari.

Mohammad al-Seqatri also provided support to jihadist fighters traveling to Syria.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

كان محمد السقطري مهندسا لدى شركة الاتصالات الوطنية " كيو تل سابقا" ومؤسس لـ الدوحة أبل وهي شركة انترنت لتقديم الدعم التكنولوجي ومتواجدة في الدوحة قطر.

المعرفات..

الإسم: محمد سعيد بن حلوان السقطري.

.Mohammad Saeed al-Seqatri

تويتر @alseqatri.

.....

- دوحة أبل.

شركة خدمات اتصالات وتكنولوجيا ومعلومات موجودة في قطر وتدار من قبل محمد السقطري.. قامت دوحة أبل بنشر صور ترويجية على وسائل التواصل الاجتماعي لإيضاح قدراتها على تقديم تكنولوجيا أجهزة الاتصال بمواد القاعدة وجبهة النصرة.

قدمت دوحة أبل المساعدة في حملات جمع الأموال والتي قادها أنصار القاعدة سعد بن سعد الكعبي وعبد اللطيف بن عبدالله الكواري وكلاهما مدرج على لوائح عقوبات الولايات المتحدة والأمم المتحدة.

المعرفات..

الإسم: دوحة أبل.

مبادرة تكنو إيجابي.

.Positive Technology

.Techno Ejabi

العنوان قطر .

.dohaapple@

تويتر @DohaApple.

.TechnoEjabi@

الموقع الإلكتروني www.doha-apple.com.

.....

- عبدالرحمن بن عمير النعيمي.

تم إدراج اسم عبدالرحمن بن عمير النعيمي على لوائح العقوبات الأمريكية في ديسمبر 2013 والأمم المتحدة في سبتمبر 2014 وذلك لتقديمه الدعم المالي لمنظمات إرهابية.

وصفت وزارة الخزانة الأمريكية " النعيمي " بأنه شخص قدم ملايين الدولارات لأعضاء القاعدة في سوريا وأعضاء الشباب في الصومال والقاعدة في شبه الجزيرة العربية عن طريق هيئة خيرية في اليمن.



**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Mohammad al-Seqatri was an Engineer at Qatar's national telecommunications provider Ooredoo (formerly Qtel) and is also the founder of Doha Apple, an Internet based tech support company based in Doha, Qatar.

Identifiers:

Name [in Arabic]: محمد سعيد بن حلوان السقطري

Name [in English]: Mohammad Saeed Helwan al-Seqatri

Twitter: @alseqatri

.....

- Doha Apple

Doha Apple is an information technology services company based in Qatar led by Mohammad al-Seqatri. On social media, Doha Apple posts promotional images demonstrating its ability to customize technology devices with Al-Qaida and Al-Nusra Front material.

Doha Apple aided fundraising initiatives led by US and UN sanctioned al-Qaida supporters Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah al-Kawari.

Identifiers:

Name [in Arabic]: دوحة أبل

Name [in English]: Doha Apple

AKA [in Arabic]: مبادرة تكنو إيجابي

AKA[in English]: Positive Technology

AKA: Techno Ejabi

Address: Qatar

[Instagram:] @dohaapple

Twitter: @DohaApple

Twitter: @TechnoEjabi

Website: [www.doha-apple.com](http://www.doha-apple.com)

.....

- Abd al-Rahman bin Umayr al-Nuaimi

Abd al-Rahman bin Umayr al-Nuaimi was designated by the US government in December 2013 and the UN in September 2014 for providing financial support to terrorist organizations.

The US Department of the Treasury described al-Nuaimi as providing millions of dollars to al-Qaida members in Syria, al-Shabaab members from Somalia, and to Al-Qaida in the Arabian Peninsula via a charity in Yemen.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

استمر النعيمي منذ إدراجه على لوائح العقوبات بالسفر لمقابلة داعمين للمقاتلين الجهاديين في سوريا.. و في ديسمبر 2016 نشر نداء عاما لتقديم الدعم على شكل أسلحة ورجال وأموال للجهاديين في سوريا والعراق واليمن.

خدم النعيمي سابقا كرئيس للاتحاد القطري لكرة القدم وكان مؤسسا وعضوا في مجلس إدارة لمؤسسة عيد الخيرية " المدرجة هنا" ومستشارا رئيسيا للحكومة القطرية في مجال التبرعات الخيرية.

وخلال فترة نشاطه في دعم القاعدة، أسس " النعيمي " وقاد مؤسسة الكرامة المتواجدة في جنيف والتي استخدمت للضغط على الحكومات الخليجية لإطلاق سراح أعضاء من القاعدة المعتقلين بما فيهم عدة شركاء قطريين مدرجة أسماؤهم ههنا.

منذ أن تم إدراج اسم النعيمي على لوائح عقوبات الولايات المتحدة والأمم المتحدة، استمرت الكرامة بعلاقتها مع النعيمي وتقدير مكانته كعضو مؤسس لهذه المنظمة.

المعرفات..

الإسم: عبدالرحمن بن عمير النعيمي.

.Abd al-Rahman bin Umayr al-Nu'aymi

.Abd al-Rahman bin 'Amir al-Nai'mi

.Abd al-Rahman al-Nu'aimi'

.Abd al-Rahman bin 'Amir al-Nu'imi'

.Abd al-Rahman bin 'Amir al-Nu'aymi'

.Abdallah Muhammad al-Nu'aymi'

.Abd al-Rahman al-Nuay'mi'

.A.Rahman al-Nua'yumi

.Abdulrahman Imer al Jaber al Naimeh

.A.Rahman Omair J Alnaimi

.Abdulrahman Omair al Neaimi

تاريخ الميلاد 1954.

رقم جواز السفر /قطري/ 00868774.

تاريخ الانتهاء 27 إبريل 2014.

رقم الهوية الوطنية /القطرية/ 25463401784.

تاريخ الانتهاء 6 ديسمبر 2019.

.....

- عبدالوهاب محمد عبدالرحمن الحميقاني.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Since his designation, al- Nuaimi has continued to travel overseas to meet with supporters of jihadist militias in Syria. In December 2016, he issued a public call for support in the form of weapons, men, and money for jihadist militants in Syria, Iraq and Yemen.

Al-Nuaimi formerly served as the head of the Qatar Football Association, was a founder and board member of Eid Charity in Qatar (designated herein), and served as a top advisor to the government of Qatar on charitable donations.

During his activities in support of al-Qaida, al-Nuaimi co-founded and led the Geneva-based front organization Alkarama Foundation, which served to pressure Gulf governments to release detained al-Qaida members, including several Qatari accomplices designated herein.

Since al-Nuaimi's designation by the US and UN, Alkarama continues to maintain its relationship with al-Nuaimi and to recognize him as a founding member of the organization.

**Identifiers:**

Name [in Arabic]: عبدالرحمن بن عمير النعيمي

Name [in English]: Abd al-Rahman bin Umayr al-Nu'aymi

AKA: Abd al-Rahman bin 'Amir al-Na'imi

AKA: 'Abd al-Rahman al-Nu'aimi

AKA: 'Abd al-Rahman bin 'Amir al-Nu'imi

AKA: 'Abd al-Rahman bin 'Amir al-Nu'aymi

AKA: 'Abdallah Muhammad al-Nu'aymi

AKA: 'Abd al-Rahman al-Nua'yimi

AKA: A. Rahman al-Naimi

AKA: Abdelrahman Imer al Jaber al Naimeh

AKA: A. Rahman Omair J Alnaimi

AKA: Abdulrahman Omair al Neaimi

DOB: 1954

Qatari Passport No.: 00868774

Expiration Date: April 27, 2014

Qatari Identification Number: 25463401784

Expiration Date: December 6, 2019

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- Abd al-Wahhab Muhammad Abd al-Rahman al-Humayqani

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

تم إدراج اسم عبدالوهاب محمد الحميقاني على لوائح العقوبات الأمريكية في ديسمبر 2013 وذلك لتقديم الدعم المالي للقاعدة في شبه الجزيرة العربية. وقد قام " الحميقاني " بتحويل الأموال إلى القاعدة في شبه الجزيرة العربية من خلال هيئة خيرية تابعة له في اليمن وذلك وفقا لوزارة الخزانة الأمريكية. وساعد " الحميقاني " في تنظيم هجمات القاعدة في شبه الجزيرة العربية في اليمن وهو على علاقة وطيدة مع قياديي القاعدة في شبه الجزيرة العربية كما قام بتنسيق أنشطة مع عبدالمجيد الزنداني أحد داعمي القاعدة المدرج اسمه على لوائح العقوبات الأمريكية ولوائح العقوبات التابعة للأمم المتحدة.

وقد استلم الحميقاني وهيئاته المرتبطة بالقاعدة في شبه الجزيرة العربية في اليمن دعما ماليا من مؤسسة عبد القطرية "المدرجة هنا" .. وكان الحميقاني قد عمل سابقا مفتيا وباحثا في الشريعة في وزارة الأوقاف القطرية.

عمل الحميقاني عضوا في مجلس أمناء الكرامة مع عبدالرحمن النعيمي الممول المالي للقاعدة .. كما عمل ممثلا للكرامة في اليمن.

المعرفات ..

الإسم: عبدالوهاب محمد عبدالرحمن الحميقاني.

.Abd al-Wahab Muhammad ‘Abd al-Rahman al-Humayqani‘

.Abd al-Wahab Muhammad ‘Abd al-Rahman al-Hamiqani‘

.Abd al-Wahab Muhammad ‘Abd al-Rahman al-Hamayqani‘

.Abdul - Wahab Mohammad Andul Rahman al-Humaikani

.Abdul- Wahab Mohammed Abdul-Rahman al-Humayqani‘

.Abdul- Wahab Mohammed Abdul-Rahman al-Humaiqani‘

.Abdul- Wahab Mohammed Abdul-Rahman al-Hamiqani‘

.Abdul Wahab al-Humayqani

.Abdul Wahab al-Humayqani‘

.Abdul Wahab al-Hamiqani‘

.Abdul Wahab al-Hamayqani‘

.Abdul Wahab al-Humiqani‘

.Abdulwahhab Mohammed Abdulrahman al-Humaikani

.Abd al-Wahab al-Qawi al-Hamiqani‘

.Abd al-Wahab al-Qawi al-Humayqani‘

.Abd al-Wahab Muhammed ‘Abd al-Rahim al-Humayqani‘

الكنية: أبو عايد.

.Abu Ayed

.Abu Ayid

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Abd al-Wahhab Muhammad al-Humayqani was designated by the US government in December 2013 for providing financial support to Al-Qaeda in the Arabian Peninsula (AQAP). Al-Humayqani channeled funds to AQAP through his charity in Yemen, according to the US Department of the Treasury. Al-Humayqani has helped to orchestrate AQAP attacks in Yemen, is close to AQAP leaders, and has coordinated activities with US and UN designated al-Qaida supporter Abd al-Majid al-Zindani.

Al-Humayqani and his AQAP-affiliated entities in Yemen receive financial support from Qatar's Eid Charity (designated herein). Humayqani previously worked as a Mufti and Sharia researcher at Qatar's Ministry of Endowments (Awqaf).

Al-Humayqani served as member of the Board of Trustees of Alkarama alongside al-Qaida financier Abd al-Rahman al-Nuaimi, as well as Alkarama's representative in Yemen.

**Identifiers:**

Name [in Arabic]: عبدالوهاب محمد عبدالرحمن الحميقاني

Name [in English]: Abd al-Wahhab Muhammad Abd al-Rahman al-Humayqani

AKA: `Abd al-Wahab Muhammad `Abd al-Rahman al-Humayqani

AKA: `Abd al-Wahab Muhammad `Abd al-Rahman al-Hamiqani

AKA: `Abd al-Wahab Muhammad `Abd al-Rahman al-Hamayqani

AKA: Abdul-Wahab Mohammed Abdul Rahman al-Humaikani

AKA: 'Abdul-Wahab Mohammed Abdul-Rahman al-Humayqani

AKA: 'Abdul-Wahab Mohammed Abdul-Rahman al-Humaiqani

AKA: 'Abdul-Wahab Mohammed Abdul-Rahman al-Hamiqani

AKA: Abdul Wahab al-Humayqani

AKA: `Abd al-Wahab al-Humayqani

AKA: `Abd al-Wahab al-Hamiqani

AKA: `Abd al-Wahab al-Hamayqani

AKA: `Abd al-Wahab al-Humiqani

AKA: Abdulwahhab Mohammed Abdulrahman al-Humaikani

AKA: `Abd al-Wahab al-Qawi al-Hamiqani

AKA: `Abd al-Wahab al-Qawi al-Humayqani

AKA: `Abd al-Wahhab Muhammad `Abd al-Rahim al-Humayqani

Nickname: Abu Ayed

AKA: Abu Ayid

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

تاريخ الميلاد: 4 أغسطس 1972.

مكان الميلاد: الزاهر - البيضاء - اليمن.

رقم جواز السفر /يمني/: 03902409.

تاريخ الإصدار 13 يونيو 2010، تاريخ الانتهاء 13 يونيو 2016.

رقم جواز السفر /يمني/: 01772281.

رقم الهوية الوطنية /اليمن/: 1987853.

البريد الإلكتروني: Ab1972y@maktoob.com الهاتف: 711742787.

\*\*\*\*\*-----\*\*\*\*\*

- خليفة بن محمد الريان.

في عام 2003 شارك خليفة بن محمد الريان مع رفيق دربه عبد الرحمن النعيمي بتأسيس الحملة العالمية لمقاومة العدوان المرتبطة بالقاعدة.

يحتل خليفة الريان منصب رئيس مجلس أمناء الكرامة - المؤسسة أيضا من قبل النعيمي.

في منتصف 2014 تم تصوير الريان خلال اجتماعه مع الأمير تميم بن حمد آل ثاني في إحدى الفعاليات في قطر.. والريان هو المدير العام للريان للتجارة والاستثمار ومستثمر في شركة مزايا قطر للتطوير العقاري والمدير العام لمدارس الفرقان التعليمية في قطر.

المعرفات..

الإسم: خليفة محمد الريان.

.....

- عبدالله بن خالد آل ثاني.

يعتبر عبدالله بن خالد آل ثاني أحد كبار أعضاء مجلس العائلة المالكة القطرية ووزير داخلية سابق ووزير الأوقاف في الحكومة القطرية وهو الذي قدم المساعدة والملاذ الأمن لقياديي القاعدة منذ أوائل التسعينيات.

خلال التسعينيات استضاف عبدالله بن خالد آل ثاني العقل المدبر لأحداث الحادي عشر من سبتمبر خالد الشيخ محمد في مسكنه في قطر.

قدم عبدالله بن خالد آل ثاني عملا لقياديي القاعدة الإرهابي في المؤسسة العامة القطرية للكهرباء والماء.. وخلال إقامته في قطر وعمله في الحكومة القطرية بين عامي 1992 و1996 قام خالد الشيخ محمد بتحويل أموال إلى نشطاء من القاعدة للتخطيط لهجمات ضد الولايات المتحدة بما في ذلك المتآمر في هجمات مركز التجارة العالمي 1993 رمزي يوسف.

في عام 1996 قامت السلطات الأمريكية بتتبع خالد الشيخ محمد إلى مجمع سكني خارج الدوحة - قطر مملوك من قبل عبدالله بن خالد آل ثاني. ويعتقد بقيام الحكومة القطرية بإبلاغ خالد الشيخ محمد بأن الحكومة الأمريكية على وشك إلقاء القبض عليه مساعدة بذلك خالد الشيخ محمد على الهرب مستعملا جواز سفر من الحكومة القطرية.

بعد استضافة خالد الشيخ محمد وإرهابيين آخرين من القاعدة، استمر عبدالله بن خالد في تبوء مراكز مرموقة في حكومة قطر، بما في ذلك وزير دولة للشؤون الداخلية ووزير داخلية.

بالرغم من التقارير الكاذبة حول فرض الإقامة الجبرية على عبدالله بن خالد آل ثاني ما زال المذكور مستمرا في عمله الخاص والعام بحرية في قطر.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Date of Birth: 4 August 1972  
 Place of Birth: Az Zahir - Al Bayda – Yemen  
 Passport Number/Yemeni/: 03902409  
 Date of issuance: 13 June 2010, Expiry Date: 13 June 2016  
 Passport Number/Yemeni/: 01772281  
 National ID No./Yemen/: 1987853  
 Email: Ab1972y@maktoob.com Telephone: 711742787

.....\*\*\*\*\*.....\*\*\*\*\*

- Khalifa bin Mohamed Al Rubban

In 2003, Khalifa bin Mohamed Al Rubban participated with his close friend Abdul Rahman AlNaeimy to launch the world campaign to resist the aggression related to Al-Qaeda.

Khalifa Al Rubban occupies the position of the Chairman of the Board of Trustees also incorporated by AlNaeimy.

In the mid 2014, Al Rubban was photographed during his meeting with Prince Tamim bin Hamad

Al-Thani in an event in Qatar. Al Rubban is the General Manager of Al Rubban Trading and Investment, and an investor in Mazaya Qatar Real Estate Development and the General Manager of Al-Furqan Schools in Qatar.

Particulars:

Name: Khalifa Mohamed Al Rubban

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- Abdullah bin Khalid Al Thani

Abdullah bin Khalid Al-Thani is the second senior member of the Royal Family Council of Qatar and an ex-Minister of interior, and the Minister of Endowments (Awqaf) in the Government of Qatar. He is the one who provided the assistance and safe haven to the leaders of Al-Qaeda since early 1990s.

In the nineties, Abdullah bin Khalid Al-Thani hosted to the master mind of the 11th of September events Khalid AlSheikh Mohamed in his residence in Qatar.

Abdullah bin Khalid Al-Thani provided work to the terrorist leader of Al-Qaeda in the Qatar General Electricity and Water Corporation. During his stay in Qatar and work in Qatar, and his work in the Qatari Government between 1992-1996, Khalid AlSheikh transferred the money to activists of Al-Qaeda to plan for raids against the United States including the conspirator World Trade Center attacks 1993, Ramzi Yousef.

In 1996, the American authorities tracked Khaled AlSheikh to a housing complex outside Doha, Qatar owned by Abdullah bin Khalid Al Thani. It is believed that the Qatari government informed Khaled AlSheikh that the US government was about to arrest him and provided assistance for him to escape using a passport issued by the Qatari government.

After hosting Khaled AlSheikh Mohamed and other terrorists from Al-Qaeda, Abdullah bin Khaled kept occupying prestigious positions in the Government of Qatar including the State Minister of the Internal Affairs and the Minister of Interior.

Despite the false reports on imposing house arrest on Aly Abdullah bin Khaled Al Thani, he is still freely performing his private and public work in Qatar.

<http://wam.ae/ar/details/1395302618255>

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تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

يسافر عبدالله بن خالد آل ثاني كثيرا خارج البلاد باستخدام طائرة خاصة مزودة من قبل الحكومة القطرية.

في أكتوبر 2014 تم نشر صور لعبدالله بن خالد آل ثاني مع أمير قطر السابق حمد بن خليفة آل ثاني في باريس- فرنسا.

المعرفات..

الإسم: عبدالله بن خالد حمد بن عبدالله آل ثاني.

Abdullah bin Khalid bin Hamad bin Abdullah al-Thani. مكان الولادة: الريان - قطر.

تاريخ الولادة: 1955.

الجنسية: قطري.

انستجرام: @abdullah.bin.khalid.

.....

- عبدالرحيم أحمد الحرام.

يعتبر عبدالرحيم أحمد الحرام شخصا مقربا ومساعدة شخصيا لعبدالله بن خالد آل ثاني منذ عام 2013 قام الحرام بالسفر مع عبدالله بن خالد آل ثاني بشكل منتظم خارج البلاد.

ما زال الحرام على اتصال مع كبار المسؤولين في الحكومة القطرية بالنيابة عن عبدالله بن خالد آل ثاني.

فعلى سبيل المثال قابل عبدالرحمن الحرام في نوفمبر 2015 الفريق الركن غانم بن شاهين رئيس أركان القوات المسلحة القطرية.

المعرفات..

الإسم: عبدالرحيم أحمد الحرام.

الكنية: بو عبدالله.

Abu Abdallah

انستجرام: @63qatar.

.....

- مبارك محمد العجي.

قام مبارك محمد العجي - القطري الجنسية بالمساهمة في رعاية حملات جمع الأموال في قطر مع حجاج بن فهد حجاج العجمي - والمدرج على لوائح عقوبات الامم المتحدة والحكومة الأمريكية لتقديم الدعم للقاعدة في سوريا.

في عام 2013 قاد حجاج العجمي ومبارك محمد العجي حملة تعبئة لشعب قطر تحت عنوان /فزة أهل قطر للشام/ وهي حملة قطرية لجمع التبرعات لشراء أسلحة للمقاتلين في سوريا .

وقد خدم كل من مبارك العجي وجابر المري المدرجين هنا كمنسقين وضابطي اتصال في قطر لأنشطة جمع التبرعات الخاصة لحجاج العجمي.

و قام مبارك العجي باستخدام وسائل التواصل الاجتماعي لتشجيع الدعم لأسامة بن لادن والقاعدة ومباركة هجمات الحادي عشر من سبتمبر ضد الولايات المتحدة الأمريكية.



**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Abdullah bin Khalid Al-Thani travels so often abroad using a private airplane provided by the Qatari Government.

In October 2014, photos of Abdullah bin Khaled Al-Thani with the ex-Prince of Qatar Hamad bin Khalif Al-Thani in Paris, France.

**Particulars:**

Name: Abdullah bin Khalid bin Hamad bin Abdullah Al-Thani, Place of Birth: Al Rayyan-Qatar.

Date of birth: 1955

Nationality: Qatari

Instagram: Abdullah.bin.khalid@

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AbdulRahim Ahmed AlHaram

Abdul Rahim is a close person and a personal assistant to Abdullah bin Khalid Al-Thani since 2013 and he is used to travelling with Abdullah bin Khalid Al-Thani regularly abroad.

Al Haram is still in contact with the senior officials in the Qatari government in behalf of Abdullah bin Khalid Al-Thani.

For example, AlHaram met in November 2015 Ghanem bin Shaheen, Chief of Staff of the Qatari Armed Forces.

**Particulars:**

Name: AbdulRahim Ahmed AlHaram

Nickname: Abu Abdallah

Instagram: 63qatar@

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- Mubarak Mohamed Al-Ajji

Mubarak Mohamed Al-Ajji

Mubarak Mohamed Al-Ajji, Qatari national, participated in the campaigns of raising funds in Qatar with Hajjaj bin Fahd AlAjmi who is listed on the United Nations and the United States Sanctions Lists for providing support to Al-Qaeda in Syria.

In 2013, Hajjaj AlAjmi and Mubarak Mohamed AlAjji led a campaign to mobilize the Qatari people under the title "Rescue Mission of the People of Qatar to Sham", which is a Qatari campaign to raise donations to buy weapons to the fighters in Syria.

Mubarak AlAjji and Jaber AlMerri, enlisted as coordinators and liaison officers in Qatar for the activities of raising the donations of Hajjaj AlAjmi.

Mubarak AlAjji used the social media to support Osama bin Laden and Al-Qaeda and the 11th of September attacks against the United States of America.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

في أغسطس 2013 قام مبارك العجي بنشر بيان لأحد قادة القاعدة في سوريا يشكر فيه المتبرعين القطريين الذين قدموا التبرعات من خلال حجاج العجمي وذلك لتمويلهم الجهاديين في سوريا.

في سبتمبر 2013 سافر مبارك العجي مع ممول القاعدة حجاج العجمي والمدرج على قوائم العقوبات الأمريكية والأمم المتحدة.. وفور عودته إلى قطر التحق مبارك العجي ببرنامج الخدمة الوطنية للقوات المسلحة القطرية.

وفي عام 2012، قام حجاج العجمي بدعوة من أحد مسؤولي وزارة الاوقاف والشؤون الاسلامية القطرية بالسفر الى قطر والمشاركة في ندوة دعا فيها الى الجهاد في سوريا.

نظم مبارك العجي اجتماعات لحجاج العجمي مع متبرعين قطريين بما في ذلك المسؤول الحكومي مشعل بن علي محمد العطية قريب وزير الخارجية القطري السابق والذي يشغل حاليا منصب وزير الدولة لشؤون الدفاع.

منذ 2015 تم تحديد مبارك العجي كمسؤول في مركز الرواد التعليمي للأطفال في الدوحة والذي استضاف محاضرات من قبل متشددين متعاونين مع القاعدة، بمن فيهم حجاج العجمي ووجدي غنيم.

المعرفات..

الإسم: مبارك بن محمد العجي.

.Mubarak Alajji

الجنسية: قطري.

رقم الهاتف: +97455566946.

+97477797330.

تويتر: @MubarakAlajji.

انستجرام: @mubarakalajji.

سناپ شات: @m.alajji.

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\*\*\*\*\*-----\*\*\*\*\* جابر بن ناصر المري .

كان جابر بن ناصر المري - القطري الجنسية منسقا لحملات جمع التبرعات في قطر التي قادها حجاج بن فهد العجمي والمدرج على قوائم عقوبات الولايات المتحدة والأمم المتحدة.

قام جابر المري بجمع التبرعات بالنيابة عن حجاج العجمي ونشر إيصالات المبالغ النقدية والذهب والعقارات من مواطنين قطريين.

يحتل جابر المري حاليا منصب رئيس تحرير جريدة العرب المتواجدة في قطر.

المعرفات..

الإسم: جابر بن ناصر المري.

.Jabir al-Marri

الجنسية: قطري.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

In August 2013, Mubarak AlAjji published a communiqué of a commander in Al-Qaeda in Syria thanking the Qatari donors who gave their donations through Hajjaj AlAjmi to finance the jihadists in Syria.

In September 2013, Mubarak AlAjji travelled with the financier of Al-Qaeda Hajjaj AlAjmi listed on the penalties of the UN and USA lists. Once he returned to Qatar, he joined Mubarak AlAjji in the National Armed Forces Service Program.

In 2012, Hajjaj AlAjmi invited an officer in the Ministry of Awqaf and Islamic Affairs of Qatar to travel to Qatar and participate in a Seminar in which he called for Jihad in Syria.

Mubarak AlAjji organized meetings to Hajjaj AlAjji with Qatari donors including the governmental official Mashaal bin Ali Mohammed Attiyah, relative of the ex-Qatari Foreign Affairs who currently occupies the position of the Minister of State for Defense Affairs.

As of 2015, Mubarak al-Ajji was identified as an official in the Doha-based Rowad Educational Center for children, which has hosted lectures by sanctioned al-Qaida facilitators and extremists, including Hajjaj al-Ajmi and Wagdy Ghoneim.

**Identifiers:**

Name [in Arabic]: مبارك بن محمد العجي

Name [in English]: Mubarak bin Mohamed Al-Ajji

AKA: Mubarak Alajji

Nationality: Qatar

Phone: +974 55566946

Phone: +974 77797330

Twitter: @MubarakAlajji

Instagram: @mubarakalajji

Snapchat: @m.alajji

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- Jabir bin Nassir al-Marri

Qatari national Jabir bin Nassir al-Marri was a coordinator for Qatar-based fundraising campaigns led by UN and US sanctioned al-Qaida facilitator Hajjaj bin Fahd al-Ajmi.

Jabir al-Marri solicited donations on behalf of Hajjaj al-Ajmi and publicized the receipt of cash, gold and property donations from Qatari citizens. Jabir al-Marri currently serves as the Editor-in-Chief for the Qatar-based *Al Arab* newspaper.

**Identifiers:**

Name [in Arabic]: جابر بن ناصر المري

Name [in English]: Jabir bin Nassir al-Marri

AKA: Jabir al-Marri

Nationality: Qatar

<http://wam.ae/ar/details/1395302618255>

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تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

تاريخ الميلاد: 30 يوليو 1981.

تويتر: @jnalmarri.

رقم الهاتف: +97455006800.

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- يوسف عبدالله القرضاوي.

إن للداعية المصري الأصل يوسف عبدالله القرضاوي تاريخا طويلا من التحريض على العنف الجهادي ضد الحكومات المعتدلة في الشرق الأوسط وحلفائها الغربيين.

وقد أصدر القرضاوي فتاوى دينية تحرض المسلمين على الانضمام إلى المجموعات الجهادية الإرهابية وشن هجمات ضد الولايات المتحدة والقوات الدولية وذلك كرد فعل للحملات الدولية في أفغانستان ضد القاعدة وطالبان وضد صدام حسين في العراق.

قامت الإمارات العربية المتحدة بنشر قوات في أفغانستان لدعم التحالف الدولي بقيادة الولايات المتحدة.. وتحسبا لمضيفه الحكومة القطرية امتنع القرضاوي عن الدعوة إلى شن هجمات ضد القوات الأمريكية المتواجدة في قطر.

وقد أصدر القرضاوي فتاوى دينية تبرر التفجيرات الانتحارية.. ودعا المسلمين في عام 2013 إلى الجهاد في سوريا.

ظهر يوسف القرضاوي كضيف في برنامج على قناة الجزيرة القطرية، كما ظهر في عدة مناسبات بجانب العائلة الحاكمة آل ثاني، ومنها في يونيو 2013 خلال مراسم حفل التنازل عن السلطة إلى الأمير تميم بن حمد آل ثاني، ومناسبات زواج كبار أعضاء العائلة الملكية آل ثاني.

وقد عمل القرضاوي في عدة مجالس شريعة في قطر كمنصب رئيس مجلس الرقابة الشرعية لبنك قطر الإسلامي بين 2006 و2010.

المعرفات: - الاسم: يوسف عبدالله القرضاوي.

مكان الميلاد: مصر.

تاريخ الميلاد: 9 سبتمبر 1926.

فيسبوك: @alqaradawy.

الموقع الإلكتروني: www.qaradawi.net تويتر: @alqaradawy.

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- قطر الخيرية.

منذ منتصف 2015 قدمت قطر الخيرية شحنات من المساعدات للمجلس المحلي اليمني في المكلا الذي كان تحت سيطرة قياديي القاعدة في شبه الجزيرة العربية قبل تحرير المكلا من قبل قوات التحالف اليمنية والسعودية.

بعد وصول المساعدات إلى المكلا استمرت قطر الخيرية بعملياتها في المناطق التابعة للقاعدة في شبه الجزيرة العربية في حضرموت، بما في ذلك حملة يناير 2016 التي تمت الموافقة عليها من قبل القيادي اليمني المحلي في شبه الجزيرة العربية.

قام محمد جاسم السليطي " المدرج هنا" قبل توليه منصب منسق مساعدات لسوريا في قطر الخيرية بتوزيع مؤن لميليشيا المجاهدين في سوريا بالتنسيق مع سعد بن سعد الكعبي وعبد اللطيف بن عبدالله الكواري الداعمين للقاعدة والمدرجة أسماؤهما من على قائمة الجزاءات الأمريكية وتلك الصادرة عن الأمم المتحدة.

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DOB: 30 July 1981

Twitter: @jnalmarri Phone: +974 55006800

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- Yusuf Abdullah al-Qaradawi

Qatar-based Egyptian cleric Yusuf Abdullah al-Qaradawi has a long history of inciting violent jihad in the Middle East. In response to international campaigns in Afghanistan against al-Qaida and the Taliban, and in Iraq against Saddam Hussein, Qaradawi issued religious rulings inciting Muslims to join jihadist groups and conduct attacks against US and international forces.

The UAE deployed forces to Afghanistan in support of the international coalition. In deference to his host, the government of Qatar, Qaradawi has refrained from calling for attacks against US forces stationed in Qatar. Qaradawi has issued religious rulings justifying the use of suicide bombings. In 2013, Yusef al-Qaradawi called for Muslims to wage jihad in Syria.

Yusef al-Qaradawi has served as a host of a program on Qatar's Al-Jazeera TV and has appeared at events alongside the ruling Al Thani family, including the June 2013 abdication of power ceremony to Emir Tamim bin Hamad Al Thani and the weddings of senior Al Thani royal family members.

Qaradawi has also served on a number of Sharia boards in Qatar, including serving as the head of the Sharia Supervisory Board of Qatar Islamic Bank between 2006 and 2010.

Identifiers:

Name [in Arabic]: يوسف عبدالله القرضاوي

Name [in English]: Yusuf Abdullah al-Qaradawi

POB: Egypt

DOB: September 9, 1926

Facebook: @alqaradawy

Website: [www.qaradawi.net](http://www.qaradawi.net)

Twitter: @alqaradawy

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- Qatar Charity

As of mid-2015, Qatar Charity provided shipments of aid to a local Yemeni council in Mukalla that was under the control of al-Qaida in the Arabian Peninsula (AQAP) leaders prior to the liberation of Mukalla by Yemeni and Saudi coalition forces.

Following the aid delivery to Mukalla, Qatar Charity continued operations in AQAP held areas of Hadhramout, including a January 2016 campaign endorsed by a local Yemeni AQAP leader.

Prior to joining Qatar Charity as a relief coordinator for Syria, Mohammed Jassim al-Sulaiti (designated herein) distributed supplies to jihadist militants in Syria in coordination with US and UN sanctioned al-Qaida supporters Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah al-Kawari.

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تبقى قطر الخيرية حسابات بنكية في عدد من المراكز المالية القطرية تشمل بنك قطر الإسلامي، وبنك قطر الإسلامي الدولي، وبنك بروة، ومصرف الريان.

المعرفات..

الإسم: قطر الخيرية.

+97444667711.

العنوان: الدوحة - قطر.

رقم الحساب المصرفي: 50100024995, 50100024640, 50100024571, 50100006010, 10100152344, Account# 50200000051 and 50200000126.

لدى بنك قطر الإسلامي.

حساب رقم 070-17044-1111 لدى بنك قطر الإسلامي الدولي.

تويتر: @qcharity.

فيسبوك: @QCharity.

انستجرام: @qcharity.

يوتيوب: @QCharity.

سناپ شات: @qcharity.

الموقع الإلكتروني: www.qcharity.org.

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\*\*\*\*\*\_\*\*\*\*\* - محمد جاسم السليطي.

قام محمد جاسم السليطي القطري الجنسية بتوزيع مؤن لميليشيا المجاهدين في سوريا بالتعاون مع مؤيدي القاعدة سعد بن سعد الكعبي وعبداللطيف بن عبدالله الكواري الواردة أسماؤهما في قائمة الجزاءات الأمريكية وتلك الصادرة عن الأمم المتحدة.

منذ يونيو 2017 تم التعريف بمحمد السليطي كمسؤول خيري قطري ومنسق المساعدات للمشاريع الخيرية في سوريا.

ويعتبر محمد السليطي معاونا للخبير المالي في القاعدة خليفة بن تركي السبيعي المدرج اسمه في لوائح العقوبات الصادرة عن الأمم المتحدة والولايات المتحدة.

في سبتمبر 2014 قام خليفة السبيعي بترويج حملة إمداد للإنقاذ والدعوة لأجل سوريا المتواجدة في قطر التي كانت تحت إشراف محمد جاسم السليطي والتي قدمت مؤنات لجهاديين القاعدة في سوريا.

المعرفات..

الإسم: محمد جاسم السليطي.

أبو جاسم السليطي.

.Abu Jassim al-Sulaiti

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Qatar Charity maintains bank accounts at a number of Qatari financial institutions, including Qatar Islamic Bank, Qatar International Islamic Bank, Barwa Bank, and Masraf Al-Rayan.

Identifiers:

Name [in Arabic]: قطر الخيرية

Name [in English]: Qatar Charity

Telephone: +974 44667711

Address: Doha, Qatar

Bank accounts: 10100152344, 50100006010, 50100024571, 50100024640, 50100024995, 50200000121, 50200000126, and 50200000051 at Qatar Islamic Bank .

Account # 1111-170444-070 at Qatar International Islamic Bank.

Twitter: @qcharity

Facebook: @QCharity

Instagram: @qcharity

YouTube: @QCharity

Snapchat: @qcharity

Website: www.qcharity.org

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- Mohammed Jassim al-Sulaiti

Qatari national Mohammed Jassim al-Sulaiti distributed supplies to jihadist militants in Syria in coordination with US- and UN-sanctioned Al-Qaida supporters Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah al-Kawari.

As of June 2017, Mohammed Al-Sulaiti was identified as a Qatar charity official and relief coordinator for the charity's projects in Syria.

Mohammed Al-Sulaiti is an associate of UN- and US-sanctioned Al-Qaida financier Khalifa bin Turki al-Subaie.

In September 2014, Khalifa al-Subaie promoted the Qatar-based Imdad for Relief and Dawa Campaign for Syria, which was supervised by Mohammed Jassim al-Sulaiti and provided supplies to al-Qaida-aligned jihadists in Syria.

Identifiers:

Name [in Arabic]: محمد جاسم السليطي

Name [in English]: Mohammed Jassim al-Sulaiti

AKA [in Arabic]: أبو جاسم السليطي

AKA [in English]: Abu Jassim al-Sulaiti

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رقم الواتس أب: +97455966500.

ثويتر: @mbjalsulaiti.

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مؤسسة الشيخ عيد آل ثاني الخيرية.

لمؤسسة الشيخ عيد آل ثاني الخيرية القطرية " عيد الخيرية" تاريخ من العمل مع الهيئات والأفراد المرتبطين بالقاعدة وتقديم الدعم لهم.

شارك عبدالرحمن بن عمير النعيمي، المدرج اسمه على لوائح العقوبات التابعة للأمم المتحدة والحكومة الأمريكية لدعمه للقاعدة، في تأسيس عيد الخيرية وإدارتها.

تقع عيد الخيرية تحت إشراف وزارة العمل والشؤون الاجتماعية القطرية وتظهر على قائمة المنظمات الخيرية الرسمية المعتمدة وذلك على البوابة الإلكترونية الرسمية للحكومة القطرية.

قامت عيد الخيرية بالعمل مع منظمات ومشاريع وأفراد في اليمن وتوفير الدعم لهم والتي صنفتهم الحكومة الأمريكية كمرتبطين مع القاعدة.

بين عامي 2010 و 2014 قامت عيد الخيرية بتمويل والمشاركة في رعاية مشاريع مع أحد معاوني القاعدة في شبه الجزيرة العربية عبدالوهاب الحميقاني ومؤسسته الخيرية الرشد الموجودة في اليمن.

في ديسمبر 2013 صنفت وزارة الخزانة الأمريكي عبدالوهاب الحميقاني كداعم للقاعدة الذي استخدم مؤسسته الخيرية في اليمن كغطاء لتمرير الدعم المادي للقاعدة في شبه الجزيرة العربية.

قامت عيد الخيرية بمشاركة وزارة الأوقاف والشؤون الإسلامية القطرية بتنفيذ مشاريع في اليمن.

في عام 2010، نظمت عيد الخيرية حدثاً في اليمن بقيادة عبدالمجيد الزندانى المدرج اسمه على لوائح العقوبات الصادرة من الأمم المتحدة والولايات المتحدة لدعم أسامة بن لادن والقاعدة.

وحضر الحدث مسؤولون من الحكومة القطرية، بمن فيهم ممثلون عن السفارة القطرية في صنعاء ووزارة الأوقاف والشؤون الإسلامية القطرية.

في عام 2014 قامت عيد الخيرية برعاية مبادرات لجمع الأموال بقيادة الداعمين سعد بن سعد الكعبي وعبدالله الكواري المساندين للقاعدة والمدرجة أسماؤهما في لوائح العقوبات الصادرة من الأمم المتحدة والولايات المتحدة.

لمؤسسة عيد الخيرية حسابات بنكية في عدد من المؤسسات المالية القطرية بما فيها البنك الإسلامي القطري، البنك الإسلامي القطري الدولي، مصرف الريان، وبنك قطر الوطني وبنك الدوحة.

المعرفات..

الإسم: مؤسسة الشيخ عيد الخيرية.

عيد الخيرية.

العنوان: الدوحة – قطر.

الحساب المصرفي: 100111106, 100232551, 100308711, 200000237, 200000238, 200000245, 200000247, 200000252, 200064123, 200064124, 200064125, 200064126, 200064803, 200164991 and لدى بنك قطر الإسلامي.



**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

WhatsApp: 974 55966500

Twitter: @mbjalsulaiti

.....

- Sheikh Eid Al Thani Charity

The Qatar-based Sheikh Eid al Thani Charity ("Eid Charity") has a history of working with and supporting organizations and individuals associated with al-Qaida.

Eid Charity was co-founded and managed by Abd al-Rahman bin Umayr al-Nuaimi, who is sanctioned by the UN and US government for supporting al-Qaida.

Eid Charity falls under the oversight of the Ministry of Labor and Social Affairs. Eid Charity appears on a list of official charitable organizations endorsed by Qatar on the government's official electronic portal.

Eid Charity supported and worked with organizations, projects and individuals in Yemen that the US government identified as associated with al-Qaida.

Between 2010 and 2014, Eid Charity financed and co-sponsored projects with sanctioned AQAP supporter Abd al-Wahhab al-Humayqani and his Yemen-based Al-Rachd Charitable Foundation.

In December 2013, the US Department of the Treasury designated Abd al-Wahhab al-Humayqani as an al-Qaida supporter who used "his Yemen-based charity as a cover for funneling financial support to AQAP."

For projects in Yemen, Eid Charity partnered with Qatar's Ministry of Endowments and Islamic Affairs.

In 2010, Eid Charity held an event in Yemen that was led by Abd al-Majid al-Zindani, who was sanctioned by the UN and US for supporting Usama bin Laden and al-Qaida.

The event was attended by Qatari government officials, including representatives from the Qatari embassy in Sanaa and the Qatari Ministry of Endowments and Islamic Affairs.

In 2014, Eid Charity sponsored fundraising initiatives led by UN and US sanctioned al-Qaida facilitators Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah al-Kawari.

Eid Charity maintains bank accounts at a number of Qatari financial institutions, including Qatar Islamic Bank, Qatar International Islamic Bank, Masraf al-Rayan, Qatar National Bank, and Doha Bank.

Identifiers:

Name [in Arabic]: مؤسسة الشيخ عيد الخيرية

Name [in English]: Sheikh Eid Al Thani Charity

AKA[in Arabic]: عيد الخيرية

AKA[in English]: Eid Charity

Address: Doha, Qatar

Bank accounts: 100111106, 100232551, 100308711, 200000237, 200000238, 200000245, 200000247, 200000252, 200064123, 200064124, 200064125, 200064126, 200064803, and 200164991 at Qatar Islamic Bank.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

408408276 ,408408280 ,408408282 ,408408279 ,408408070 ,408408076 ,408408080 ,408408084  
408408272 ,408408284 ,408408285 ,408408279 ,408408288 لدى البنك قطر الإسلامي الدولي.

.3111104001

لدى مصرف الريان.

.100000070464

لدى بنك بروة.

.850013335001

لدى بنك قطر الوطني.

40102620880010017000 لدى بنك الدوحة.

الهاتف: +97440405555.

تويتر: @Eidcharityqatar.

فيسبوك: @Eidcharityqatar.

انستجرام: @eidcharityqatar.

ايميل: ad.media@eidcharity.net الموقع الإلكتروني: www.eidcharity.net.

.....

\*\*\*\*\*-----\*\*\*\*\* - علي بن عبدالله السويدي.

يحتل علي بن عبدالله السويدي القطري الجنسية منصب المدير العام لعهد الخيرية الذي يقوم من خلاله بإدارة الميزانية وتحديد نشاطات عهد الخيرية بما في ذلك عملها مع هيئات لها علاقة مع القاعدة.

ووفقا لتقارير صحفية عمل علي السويدي مع الخبير المالي للقاعدة عبدالرحمن النعيمي لنقل الأموال الى ميليشيا الجهاديين في سوريا.  
المعرفات..

الإسم: علي بن عبدالله السويدي.

.Ali Al-Suwaidi

العنوان: قطر.

تويتر: @2AliSuwaidi.

مؤسسة الشيخ ثاني بن عبدالله للخدمات الإنسانية.

إن مؤسسة الشيخ ثاني بن عبدالله للخدمات الإنسانية " مؤسسة راف" هي مؤسسة قطرية شاركت واستضافت مؤيدين للقاعدة.

وتم تحديد محمد جاسم السليطي المعاون لجبهة النصره كعضو في وفد مؤسسة راف بقيادة المدير العام للمؤسسة.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Account #s 408408-084, 408408-080, 408408-076, 408408- 070, 408408279, 408408282, 408408280, 408408276, 408408272, 408408284, 408408285, 408408279, 359369201, 408408288 at Qatar International Islamic Bank.

Account # 3111104001 at Masraf al-Rayan.

Account # 100000070464 at Barwa Bank.

Account # 850013335001 at Qatar National Bank.

Account # 40102620880010017000 at Doha Bank.

Phone: +974 4040 5555

Twitter: @Eidcharityqatar

Facebook: @Eidcharityqatar

Instagram: @eidcharityqatar

E-mail: [ad.media@eidcharity.net](mailto:ad.media@eidcharity.net) Website: [www.eidcharity.net](http://www.eidcharity.net)

.....  
 \*\*\*\*\* \_\_\_\_\_ \*\*\*\*\* .....

- Ali bin Abdallah al-Suwaidi

Qatari national Ali bin Abdallah al-Suwaidi is the general manager of Eid Charity. In this role, Ali al-Suwaidi manages the budget and directs the activities of Eid Charity, including its work with organizations that have been tied to al-Qaida.

According to media reports, Ali al-Suwaidi worked with US sanctioned al-Qaida financier Abd al-Rahman al-Nuaimi to transfer funds to jihadist militants in Syria.

Identifiers:

Name [in Arabic]: علي بن عبد الله السويدي

Name [in English]: Ali bin Abdallah al-Suwaidi

AKA: Ali Al-Suwaidi

Address: Qatar

Twitter: @2AliSuwaidi

- Sheikh Thani Bin Abdullah Foundation for Humanitarian Services

The Sheikh Thani Bin Abdullah Foundation for Humanitarian Services ("RAF Foundation") is a Qatar-based organization that has partnered with and hosted supporters of al-Qaida.

Nusra Front facilitator Mohammed Jassim al-Sulaiti was identified as a member of a RAF Foundation delegation led by RAF's General Manager.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

و قام نبيل العوضي، وهو شريك في جمع الأموال مع شافي بن سلطان العجمي المدرج على قائمة الجرائم الأمريكية و قائمة الجرائم الصادرة عن الأمم المتحدة، بالدعم والإشراف على حملات مؤسسة راف بالإضافة إلى مشاركته في العديد من المناسبات المنظمة من قبل راف.

كان وجدي غنيم، المعاون في جمع التبرعات لسعد بن سعد الكعبي وعبدالله الكواري المدرجين على قائمة الجرائم الأمريكية وتلك التابعة للأمم المتحدة محاضرا متميزا في عدد من المناسبات التي عقدتها مؤسسة راف في قطر لجمع الأموال لدعم نشاطات راف في سوريا.

لمؤسسة راف حسابات بنكية في بنك قطر الإسلامي الدولي وبنك قطر الإسلامي ومصرف الريان وبنك بروة.

المعرفات..

الإسم: Raf al-Thani Foundation .

.Sheikh Thani Bin Abdullah Foundation for Humanitarian Services

مؤسسة راف الخيرية.

مؤسسة الشيخ ثاني بن عبدالله للخدمات الإنسانية.

العنوان: الدوحة - قطر.

الحسابات البنكية: 200129997, 100198164, 100198195, 100198198, 100198217, 100198223, 100198224, 100198223.

لدى بنك قطر الإسلامي 1111-031889-270, 1111-031889-075, 1111-031889-076, 1111-031889-077, 1111-031889-078, 1111-031889-079, 1111-031889-080, 1111-031889-220.

لدى بنك قطر الإسلامي الدولي 109284200, 003-109284-002, 003-109284-003, 004-109284-003, 003-109284-003, 007-109284-003, 006-109284-003, 005.

لدى مصرف الريان 200000086934, 10000014462.

لدى بنك بروة الموقع الإلكتروني: www.raf-thani.com.

+97455341818.

تويتر: @raffoundation.

فيسبوك: @raf.foundation.

يوتيوب: @RAFfoundation.

انستجرام: @raffoundation.

العنوان: الدوحة - قطر.

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- هاشم صالح عبدالله العوضي.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Nabil al-Awadhy, a fundraising partner of US and UN sanctioned al-Qaida financier Shafi bin Sultan al-Ajmi, has sponsored and supervised RAF Foundation campaigns and participated in multiple events organized by RAF.

Wagdy Ghoneim, a fundraising associate of UN- and US-sanctioned Al-Qaida facilitators Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah al-Kawari, was a featured lecturer at a number of RAF Foundation events in Qatar to raise funds in support of RAF's activities in Syria.

RAF Foundation holds bank accounts at Qatar International Islamic Bank, Qatar Islamic Bank, Masraf Al-Rayan, and Barwa Bank.

**Identifiers:**

Name [in Arabic]: مؤسسة الشيخ ثاني بن عبدالله للخدمات الإنسانية

Name [in English]: Sheikh Thani Bin Abdullah Foundation for Humanitarian Services

AKA [in Arabic]: مؤسسة راف الخيرية

AKA [in English]: Raf Foundation for Humanitarian Services

Address: Doha, Qata

Bank accounts: 200129997, 100198164, 100198195, 100198198, 100198217, 100198223, 100198224, and 100198223 at Qatar Islamic Bank.

Account #s 1111-031889-270, 1111-031889-075, 1111-031889-076, 1111-031889-077, 1111-031889-078, 1111- 031889-079, 1111-031889-080, 22011070 at Qatar International Islamic Bank .

Account #s 109284200, 003-109284-002, 003-109284- 003, 003-109284-004, 003-109284-005, 003-109284-006, 003-109284-007 at Masraf al-Rayan.

Account #s 200000086934 and 10000014462 a Barwa Bank

Website: [www.raf-thani.com](http://www.raf-thani.com)

Telephone: +974 55341818

Twitter: @raffoundation

Facebook: @raf.foundation

YouTube: @RAFfoundation

Instagram: @raffoundation

Address: Doha, Qatar

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- Hashim Saleh Abdullah Al-Awadhy

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

احتل هاشم العوضي منذ مايو 2015 منصبا رسميا في عيد الخيرية في قطر ، وكان معاونا لعمول القاعدة المدرج على قائمة الجزاءات ومؤسس عيد الخيرية عبدالرحمن النعيمي.

انضم نجل هاشم العوضي - محمد - لداعش وقتل عام 2015 في الهجمات الجوية للتحالف بقيادة الولايات المتحدة في سوريا.. وقيل وفاته شارك نجل هاشم العوضي في قيادة حملات جمع التبرعات لداعش في قطر بمشاركة مقاتلين آخرين قطريين من اتباع داعش، وهما سالم فرج المري ومطلق بن محمد الهاجري الذين تم قتلهما.

منذ مايو 2016، عمل هاشم العوضي كرئيس تنفيذي للشركة القطرية ريتاج لإدارة المشاريع والتسويق.. تملك كل من وزارة الأوقاف والشؤون الإسلامية القطرية وعيد الخيرية " المدرجة هنا " 20% من ريتاج.

ويشغل رئيس مجموعة ريتاج - أحمد بن عبد آل ثاني - كذلك رئيس وحدة المعلومات المالية القطرية وذلك منذ منتصف 2017- وهي الجهة الرقابية الرئيسية في البنك المركزي القطري المسؤولة عن مكافحة تمويل الإرهاب وغسيل الأموال.

المعرفات..

الإسم: هاشم محمد صالح العوضي.

العنوان: 236، شارع محمد بن ثاني، بن عمران.

الدوحة - قطر.

تويتر: Hashem\_Alwadi@.

@abumoha25853380/غير فاعل/.

الدعم القطري لأفراد وجماعات مرتبطة بالقاعدة.

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\*\*\*\*\*-----\*\*\*\*\* علي محمد محمد الصلابي.

يعتبر علي محمد محمد الصلابي أحد مؤيدي الميليشيات الليبية المتواجدة في قطر ، بما في ذلك تلك الميليشيات المرتبطة بالقاعدة في ليبيا والمدرجة ضمن لوائح العقوبات.

منذ الثورة الليبية عام 2011 قامت قطر بتوريد معظم شحنات الأسلحة والدعم للميليشيات الليبية من خلال علي الصلابي وأخيه إسماعيل محمد الصلابي القيادي في سرايا الدفاع عن بنغازي المرتبطة بأنصار الشريعة في ليبيا.

في عام 2011 قام الصلابي بتسهيل اجتماع للمجموعات الإسلامية الليبية بما في ذلك أعضاء من الجماعة الإسلامية المقاتلة بليبيا لتنسيق جهودهم في تأسيس المجلس الوطني الانتقالي الليبي .. إن الجماعة الإسلامية المقاتلة بليبيا مدرجة ضمن قائمة الجزاءات الصادرة عن لجنة الأمم المتحدة الخاصة بداعش والقاعدة، حيث كانت الجماعة الإسلامية المقاتلة في ليبيا تعرف سابقا بفرع القاعدة في ليبيا.

علي الصلابي عضو في مجلس أمناء الاتحاد العالمي لعلماء المسلمين برئاسة يوسف القرضاوي "مدرج هنا".

المعرفات..

الإسم : علي محمد محمد الصلابي.

Ali Sllabi.

العنوان: ص. ب. 20005، الدوحة، قطر، 20005.

تاريخ الميلاد: يناير 1963.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

As of May 2015, Hashim Al-Awadhy was an official in Qatar's Eid Charity and an associate of sanctioned al-Qaida financier and Eid Charity co-founder Abd al-Rahman al-Nuaimi.

Hashim al-Awadhy's son Mohammed joined Daesh and was killed in a 2015 US-led coalition airstrike in Syria. Prior to his death, Hashim al-Awadhy's son co-led a Daesh fundraising campaign in Qatar alongside two other now deceased Qatari Daesh fighters Salim Faraj al-Marri and Mutlaq bin Mohammed Al-Hajri.

As of May 2016, Hashim al-Awadhy was the Chief Executive Officer (CEO) of the Qatar-based Retaj Marketing and Project Management company. Retaj is owned 20% each by Qatar's Ministry of Endowments and Islamic Affairs (Awqaf) and Eid Charity (sanctioned herein).

Retaj group Chairman Ahmed bin Eid Al Thani also serves as head of Qatar's Financial Information Unit as of mid-2017 -- the primary regulatory body within the Central Bank of Qatar responsible for the prevention of terrorist financing and money laundering.

**Identifiers:**

Name [in Arabic]: هاشم صالح عبدالله العوضي

Name [in English]: Hashim Saleh Abdullah Al-Awadhy

Address: 236 Mohammed bin Thani Street, bin Omran, Doha, Qatar

Twitter: @Hashem\_Alawadi

Twitter: @abumoha25853380 (inactive)

Qatar Support of Libyan individuals and groups associated with Al-Qaida

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\*\*\*\*\* \_\_\_\_\_ \*\*\*\*\* .....

- Ali Mohammed al-Sallabi

Ali Mohammed al-Sallabi is a Qatar-based supporter of Libyan militias, including those aligned with al-Qaida's sanctioned affiliates in Libya.

Since the Libyan uprisings in 2011, Qatar funneled much of its arms shipments and support to Libyan militias through Ali al-Sallabi and his brother Ismail Mohammed al-Sallabi, a leader of the Benghazi Defense Brigades which has been aligned with Ansar al-Sharia in Libya.

In 2011, Ali al-Sallabi facilitated a meeting of Libyan Islamist groups, including members of the Libyan Islamic Fighting Group (LIFG), to coordinate their efforts in the establishment of Libya's National Transitional Council. LIFG, sanctioned by the UN ISIL and al-Qaida Sanctions Committee, was the original Libyan branch of al-Qaida.

Ali al-Sallabi is a member of the Board of Trustees of the Qatar-based International Union of Muslim Scholars, an organization led by Yusuf Qaradawi (sanctioned herein).

**Identifiers:**

Name [in Arabic]: علي محمد الصلابي

Name [in English]: Ali Mohammed al-Sallabi

AKA: Ali Sllabi

Address: P.O. Box 20005, Doha, Qatar, 20005

DOB: January 1963

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

مكان الميلاد: بنغازي، ليبيا.

فيسبوك: .ali.alsllabi@

الموقع البريد الإلكتروني: http://ali-sallabi.com.

.....

- عبدالحكيم بلحاج.

كان " عبدالحكيم بلحاج " قائدا عسكريا وقائدا للجماعة الإسلامية المقاتلة بليبيا وهي جهة مدرجة ضمن قائمة الجزاءات الصادرة من قبل لجنة الأمم المتحدة الخاصة بداعش والقاعدة.

في عام 2007 قام أيمن الظواهري الرجل الثاني في القاعدة آنذاك بتسمية بلحاج بأمرير المجاهدين وذلك في إعلان دمج الجماعة الإسلامية المقاتلة بليبيا مع القاعدة.

في عام 2010 سمحت قطر بلحاج للانتقال إلى قطر بعد إطلاق سراحه من سجن في ليبيا.. وخلال الانتفاضة الليبية عام 2011، تولى أمر عبد الحكيم بلحاج قيادة كتيبة ثوار طرابلس إحدى الميليشيات الليبية المسلحة والمدربة من قبل وحدات القوات الخاصة القطرية في غرب ليبيا.

وفقا للتقارير الصحفية، قاتل كل من سلمان عابدي " الانتحاري الذي قام بتفجير نفسه في أحداث مانشستر مايو 2017 " مع أبيه رمضان العابدي في كتيبة ثوار طرابلس التابعة لعبدالحكيم بلحاج وذلك خلال عام 2011.

تلقى كل من عبدالحكيم بلحاج وكتيبة ثوار طرابلس دعما من ضابط القوات الخاصة القطرية حمد عبدالله الفطيس المري "مدرج هنا".

في العام 1998، سافر بلحاج إلى أفغانستان حيث قاتل مع قوات طالبان وعمل مع قياديي القاعدة في أفغانستان.. وفي عام 2004، اتهم بلحاج من قبل سلطات الأمن الإسبانية بالتواطؤ في انفجارات مدريد 2004 والتي قتل فيها 192 شخصا وأصيب حوالي 2000 حيث قامت السلطات الإسبانية بالكشف عن اتصاله بأعضاء الخلية قبل الهجوم.

المعرفات..

الإسم: عبدالحكيم بلحاج.

الكنية: أبو عبدالله الصادق.

.Abu Abdullah al-Sadiq

.Abdul Hakeem Belhadj

مكان الميلاد: ليبيا.

الجنسية: ليبي.

تويتر: 4belhaj@.

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-المهدي الحراتي.

كان مهدي الحراتي الليبي الجنسية قائدا عسكريا في كتيبة ثوار طرابلس مع عبدالحكيم بلحاج وهو قائد سابق للجماعة الإسلامية المقاتلة بليبيا..



**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

POB: Benghazi, Libya  
 Facebook: @ali.alsllabi  
 Website: <http://ali-sallabi.com>

.....

- Abd Al-Hakim Belhaj

Abd Al-Hakim Belhaj was a military commander and a leader of al-Qaida's Libyan Islamic Fighting Group (LIFG), an organization sanctioned by the UN ISIL and al-Qaida Sanctions Committee.

In 2007, Ayman al-Zawahiri, al-Qaida's then number two commander, called Belhaj the Emir of the Mujahideen in an announcement of the merger of the LIFG with al-Qaida.

In 2010, Qatar permitted Belhaj to move to Doha after his release from a Libyan prison. During the Libyan uprisings in 2011, Abd al-Hakim Belhaj commanded the Tripoli Revolutionaries Brigade, a Libyan militia armed and trained by Qatari Special Forces units in western Libya.

According to media reports, Salman Abedi -- the May 2017 Manchester suicide bomber -- and his father Ramadan Abedi fought with Abd al-Hakim Belhaj's Tripoli Revolutionaries Brigade in 2011.

Abd al-Hakim Belhaj and the Tripoli Revolutionaries Brigade received support from Qatari Special Forces officer Hamad Abdullah al-Fatees al-Marri (designated herein).

In 1998, Belhaj traveled to Afghanistan where he fought with Taliban forces and worked with leaders of al-Qaida in Afghanistan. In 2004, Belhaj was accused by Spanish security authorities of complicity in the 2004 Madrid bombings, which killed 192 people and injured around 2,000, and was reported by Spanish authorities to have been in contact with members of the cell prior to the attack.

Identifiers:

Name [in Arabic]: عبد الحكيم بلحاج  
 Name [in English]: Abd Al-Hakim Belhaj  
 AKA [in Arabic]: أبو عبدالله الصادق  
 AKA [in English]: Abu Abdullah al-Sadiq  
 AKA: Abdul Hakeem Belhadj  
 POB: Libya  
 Nationality: Libyan  
 Twitter: @4belhaj

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- Mahdi al-Harati

Libyan national Mahdi Al-Harati was a military commander of the Tripoli Revolutionaries Brigade along with Abd al-Hakim Belhaj, a former leader of the Libyan Islamic Fighting Group.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

وفي عام 2011، تلقت كتيبة ثوار طرابلس تدريبا ودعما من القوات الخاصة القطرية في الجبال الغربية لليبيا.

في عام 2012، أسس المهدي الحراتي "الميليشيا الجهادية لواء الأمة" في سوريا وقام بتنسيق الدعم المالي للمجموعة مع ممول القاعدة حجاج بن فهد العجمي المدرج في لوائح العقوبات الصادرة عن الأمم المتحدة وحكومة الولايات المتحدة الأمريكية.

المعرفات..

الإسم: مهدي الحراتي.

المهدي الحراتي.

.Al-Mahdi al-Harati

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- سرايا الدفاع عن بنغازي.

في يونيو 2016، تم تأسيس سرايا الدفاع عن بنغازي وهي ميليشيا ليبية انحازت إلى مجلس شورى ثوار بنغازي ومليشيا أنصار الشريعة المدرجة على قائمة قائمة الجزاءات الأمريكية.

يعتبر إسماعيل محمد محمد الصلابي أحد المتلقين الرئيسيين للدعم المالي والعسكري القطري أثناء الثورة الليبية وأحد المؤسسين القياديين في سرايا الدفاع عن بنغازي.

في يوليو 2016، أعلنت سرايا الدفاع عن بنغازي مسؤوليتها عن إسقاط طائرة هليكوبتر عسكرية خارج بنغازي تحمل أفرادا وقوات عسكرية فرنسية مؤيدة للجنرال خليفة حفتر رئيس الجيش الوطني الليبي وأصدرت القاعدة في المغرب الإسلامي بعد الهجوم بيانا تعبر فيه عن دعمها لمجاهدي سرايا الدفاع عن بنغازي الذين قتلوا ثلاثة ضباط فرنسيين.

المعرفات..

الإسم: سرايا الدفاع عن بنغازي.

.Saraya Defend Benghazi

.Saraya al-Difa An Benghazi

العنوان: بنغازي - ليبيا.

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\*\*\*\*\*-----\*\*\*\*\* - إسماعيل محمد محمد الصلابي.

يعتبر إسماعيل محمد محمد الصلابي قائدا مؤسسا لسرايا الدفاع عن بنغازي وهي ميليشيا ليبية منحازة لأنصار الشريعة والتي أعلنت مسؤوليتها عن مقتل الجنود الفرنسيين في ليبيا في يوليو 2016.

خدم إسماعيل صلابي كذلك كقائد لمجلس شورى ثوار بنغازي وهي هيئة تضم في عضويتها أنصار الشريعة في بنغازي والمدرجة على قوائم العقوبات الأمريكية.

وكان إسماعيل الصلابي أحد المتلقين الرئيسيين للدعم المالي والعسكري القطري خلال الثورة الليبية في 2011.. وفي فيلم صدر في أغسطس 2013، قام إسماعيل صلابي بمدح قطر لدعمها للمقاتلين الإسلاميين ضد نظام القذافي.

المعرفات..

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

In 2011, The Tripoli Revolutionaries Brigade received training and support from Qatari Special Forces in the western mountains of Libya.

In 2012, al-Mahdi al-Harati established the Liwa al-Ummah jihadist militia in Syria and coordinated financial support for the group with UN and US government sanctioned al-Qaida financier Hajjaj bin Fahd al-Ajmi.

## Identifiers:

Name: Mahdi al-Harati

AKA: Al-Mahdi al-Harati

Al-Mahdi al-Harati

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**-Benghazi Defense Brigades**

The Benghazi Defense Brigades is a Libyan militia established in June 2016 and aligned with the Benghazi Revolutionary Shura Council and the US sanctioned Ansar al-Sharia militia.

Ismail Mohammed al-Sallabi, a key recipient of Qatari financial and military support during the Libyan Revolution, is a founding leader of the Benghazi Defense Brigades.

In July 2016, the Benghazi Defense Brigades claimed responsibility for shooting down a military helicopter outside of Benghazi carrying French military personnel and forces aligned with General Khalifa Hiftar, the Commander of the Libyan National Army. Following the attack, al-Qaida in the Islamic Maghreb (AQIM) issued a statement expressing its support for the "mujahideen of the Benghazi Defense Brigades, [who] killed three French officers."

## Identifiers:

Name: Saraya Defend Benghazi

AKA: Saraya al-Difa An Benghazi

Address: Benghazi, Libya

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**\*\*\*\*\*-----\*\*\*\*\*-Ismail Mohammed Al-Sallabi**

Ismail Mohammed Al-Sallabi is a founding leader of Benghazi Defense Brigades, a Libyan militia aligned with Ansar al-Sharia that claimed responsibility for the July 2016 death of French soldiers in Libya.

Ismail Sallabi also has served as a commander in the Benghazi Revolutionaries Shura Council, an organization whose membership included the US designated Ansar al- Sharia Benghazi.

Ismail al-Sallabi was a key recipient of Qatari financial and military support during the 2011 Libyan uprisings. In an August 2013 video, Ismail al-Sallabi delivered a statement praising Qatar for its support of Islamist fighters against the Qaddafi regime.

## Identifiers:

<http://wam.ae/ar/details/1395302618255>

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تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

الإسم: إسماعيل محمد محمد الصلابي.

تويتر: @IsmailEISallabi.

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- صادق عبدالرحمن علي الغرياني.

يعتبر الصادق عبدالرحمن علي الغرياني القائد الديني لسرايا الدفاع عن بنغازي " المدرجة ههنا".

في يوليو 2016، أصدرت القاعدة في المغرب الإسلامي بيانا تعبر فيه عن دعمها لصادق الغرياني.

في أكتوبر 2014، تم منع الصادق الغرياني من دخول المملكة المتحدة وذلك لتقديمه دعما مباشرا للجماعات الإسلامية المسؤولة عن الاستيلاء المسلح على طرابلس.

في عام 2011، ترك الغرياني ليبيا وسعى للجوء المؤقت في قطر.. و في منتصف 2012 تم توزيع صور على وسائل التواصل الاجتماعي أظهرت اجتماعا بين ولي العهد القطري آنذاك تميم بن حمد آل ثاني وصادق الغرياني.

المعرفات..

الإسم: الصادق عبدالرحمن علي الغرياني.

.Al-Sadiq Abd al-Rahman Ali al-Ghriany

تاريخ الميلاد: 1942.

فيسبوك: @ghriany.official.

رقم الهاتف: 218213691242.

الموقع الإلكتروني: www.tanasuh.com.

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- حمد بن عبدالله الفطيس المري.

تم ابتعاث ضابط القوات القطرية الخاصة حمد عبدالله الفطيس المري إلى ليبيا عام 2011 لتنسيق دعم الحكومة القطرية للمليشيات الليبية خلال الثورة الليبية ضد النظام السابق لمعمر القذافي.

في عام 2011 تم ابتعاث العقيد حمد المري مع زعيم الجماعة الإسلامية المقاتلة بليبيا عبدالحكيم بلحاج ومهدي الحراتي إلى غرب ليبيا.

في أغسطس 2011، تم تصوير العقيد حمد عبدالله المري مع عبدالحكيم بلحاج خلال مقابلة حية على قناة الجزيرة داخل مجمع القذافي باب العزيزية بعد أن تم الإستيلاء عليه من قبل بلحاج.

في عام 2011 تم تصوير حمد المري يقود مقاتلين قرب طرابلس وإعادة فتح السفارة القطرية في العاصمة الليبية.. ومنذ مارس 2017، يحتل حمد عبدالله المري منصب عميد في القوات المسلحة القطرية وقائد القوات الخاصة القطرية.

المعرفات..

الإسم: حمد بن عبدالله الفطيس المري.

. Hamad bin Abdullah al-Fatees al-Marri

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Name: Ismail Mohammed Al-Sallabi

Twitter: @IsmailElSallabi

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-Sadiq Abd al-Rahman Ali al-Ghariyani

Sadiq Abd al-Rahman Ali al-Ghariyani is the religious leader of the Benghazi Defense Brigades (sanctioned herein).

In July 2016, Al-Qaida in the Islamic Maghreb (AQIM) issued a statement expressing its support for Sadiq al-Ghariyani.

In October 2014, Sadiq Al-Ghariyani was banned from entering the UK for providing direct support to Islamist groups responsible for the armed takeover of Tripoli.

In 2011, Sadiq al-Ghariyani left Libya and temporarily sought refuge in Qatar. In mid-2012, images distributed on social media showed a meeting between then Qatari Crown Prince Tamim bin Hamad Al Thani and Sadiq al- Ghariyani.

Identifiers:

Name: Al-Sadiq Abd al-Rahman Ali al-Ghriany

DOB: 1942

Facebook: @ghriany.official

Telephone: 218213691242

Website: [www.tanasuh.com](http://www.tanasuh.com)

.....

-Hamad Abdullah al-Fatees Al-Marri

Qatari Special Forces officer Hamad Abdullah Al-Fatees Al-Marri was deployed to Libya in 2011 to coordinate the Qatari government's support of Libyan militias in the uprisings against the former regime of Muammar Qaddafi.

In 2011, then-Colonel Hamad Al-Marri was deployed alongside Libyan Islamic Fighting Group leader Abd Al-Hakim Belhaj and Mahdi Al-Harati in western Libya.

In August 2011, Colonel Hamad Abdullah Al-Marri was pictured with Abd Al-Hakim Belhaj during a live interview on Al- Jazeera TV from inside Qaddafi's Bab Al-Aziziya compound after it had been overtaken by Belhaj's forces.

In 2011, Hamad al- Marri was filmed leading fighters near Tripoli and reopening Qatar's embassy in the Libyan capital. As of March 2017, Hamad Abdullah Al-Marri serves as a Brigadier General in the Qatari Armed Forces and the Commander of the Qatari Joint Special Forces.

Identifiers:

Name: Hamad Bin Abdullah Al-Fatees al-Marri

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<http://wam.ae/ar/details/1395302618255>

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تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

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#### - قيادات الجماعة الإسلامية .

قامت الجماعة الإسلامية المصرية وهي منظمة إرهابية حليفة للقاعدة مدرجة على قائمة الجزاءات الصادرة عن الإمارات العربية المتحدة والحكومة الأمريكية، بشن هجمات ضد الحكومة المصرية ومواطنين وسياح في مصر وذلك منذ نهايات سبعينيات القرن الماضي.

وكانت المنظمة مسؤولة عن هجوم عام 1997 ضد السياح الأجانب في الأقصر والتي حصدت أرواح أكثر من 60 فردا.. و منذ 2013 حصل قياديو الجماعة الإسلامية على ملاذ آمن في قطر حيث أقاموا فعاليات عامة وشوهوا على شبكات الإعلام المدعومة من الحكومة بما فيها قناة الجزيرة.

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\*\*\*\*\*-----\*\*\*\*\* - محمد أحمد شوقي الإسلامبولي.

يعتبر محمد أحمد شوقي الإسلامبولي أحد قياديي الجماعة الإسلامية خارج مصر، وأحد المقربين من قياديي القاعدة أسامة بن لادن وأيمن الظواهري.

في فبراير 2017، كان الإسلامبولي متحدئا مميزا في فعالية للجماعة الإسلامية للحداد على موت الإرهابي المدان عمر عبدالرحمن "والمكنى بالشيخ الأعمى" مع قياديي الجماعة الإسلامية في قطر، تمت إذاعة كلمة الإسلامبولي تكريما لعمر عبدالرحمن حيا على قناة الجزيرة.

في منتصف التسعينيات، تم اتهام محمد شوقي الإسلامبولي في تورطه جنبا إلى جنب مع قائد القاعدة المركزية آنذاك خالد شيخ محمد، وذلك في مؤامرة لاختطاف طائرات مدنية للمساومة عليها من أجل تأمين الإفراج عن الشيخ الأعمى من السجون الأمريكية ونشطاء آخرين من القاعدة.

كان محمد أحمد شوقي الإسلامبولي معاوننا مقربا لقائد القاعدة رفاعي أحمد طه موسى الذي قتل في هجوم جوي أمريكي في إبريل 2016 في سوريا خلال تولده في مهمة للقاعدة .. وفي أواخر 2014 تم تحديد محمد الإسلامبولي كمشارك في جماعة خراسان التابعة للقاعدة.

تم الحكم على محمد أحمد شوقي الإسلامبولي من قبل الحكومة الأمريكية في أكتوبر 2005 لتقديم الدعم المادي للقاعدة وللتأمر لإرتكاب أعمال إرهابية.

المعرفات..

الإسم: محمد أحمد شوقي الإسلامبولي.

تاريخ الميلاد: 21 يناير 1952.

مكان الميلاد: مصر.

الجنسية: مصري.

ثويتر: @MohamedAIEslamb.

.....

- طارق عبدالموجود إبراهيم الزمر.

يعتبر طارق عبدالموجود إبراهيم الزمر أحد قياديي الجماعة الإسلامية المتواجدة في قطر وأحد أعضاء مجلس شورى الجماعة منذ يونيو 2017. وقد تم إدانة الزمر سابقا في مصر لدوره في اغتيال الرئيس السابق السادات عام 1981.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations****-Gamaa Islamiyya Leaders**

The Egyptian Gamaa Islamiyya, an Al-Qaida aligned terrorist organization sanctioned by the UAE and US government, has conducted attacks against the Egyptian government, civilians, and tourists in Egypt since the late 1970s.

The organization was responsible for the 1997 attack against foreign tourists in Luxor that claimed the lives of more than 60 individuals. Since 2013, leaders of Gamaa Islamiyya have sought safe haven in Qatar where they have held public events and been featured on Qatari government-backed media networks, including Al-Jazeera TV.

\*\*\*\*\*-----\*\*\*\*\*-Mohammed Ahmed Shawqi Islambouli

Mohammed Ahmed Shawqi Islambouli is a leader of Gamaa Islamiyya outside of Egypt and a long time associate of Al-Qaida leaders Osama bin Laden and Ayman Al-Zawahiri.

In February 2017, Islambouli was a featured speaker at a Gamaa Islamiyya event mourning the death of convicted terrorist Omar Abdel Rahman (AKA "the Blind Sheikh") alongside Qatar-based Gamaa Islamiyya leaders. Islambouli's statement in honor of Omar Abdel Rahman was broadcast live on Qatar's Al-Jazeera TV.

In the mid-1990s, Mohammed Shawqi Islambouli was suspected of involvement alongside then Qatar-based al-Qaida leader Khalid Sheikh Mohammed (KSM) in a plot to hijack civilian airliners in order to secure the release from US prison of the Blind Sheikh and other al-Qaida operatives. Mohammed Shawqi Islambouli was a close associate of al-Qaida leader Rifa Ahmed Taha Musa, who was killed in an April 2016 US airstrike in Syria while on an al-Qaida mission. In late 2014, Mohammad Islambouli was identified as participating in al-Qaida's Khorasan Group.

Mohammed Shawqi Islambouli was sanctioned by the US government in October 2005 for providing material support to al-Qaida and conspiring to commit terrorist acts.

**Identifiers:**

Name: Mohammed Ahmed Shawqi Islambouli

DOB: 21 January 1952

POB: Minya, Egypt

Nationality: Egyptian

Twitter: @MohamedAlEslamb

.....

**-Tarek Abd al-Mawgoud Ibrahim Al-Zomor**

Tarek Abd al-Mawgoud Ibrahim Al-Zomor is a Qatar-based leader of the Egyptian Gamaa Islamiyya and a member of the group's Shura Council as of June 2017. Al-Zomor was previously convicted in Egypt for his role in the 1981 assassination of former President Sadat.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

منذ يوليو 2013 عاش الزمر في قطر والذي ظهر في كثير من الأحيان على وسائل الإعلام المدعومة من الحكومة القطرية بما فيها قناة الجزيرة. في فبراير عام 2017 كان ضيفا متميزا في فعالية للجماعة الإسلامية في الدوحة لتقديم العزاء في موت قائد الجماعة الإسلامية الإرهابي المدان عمر عبدالرحمن.

المعرفات..

الإسم: طارق عبدالوجود إبراهيم الزمر.

.Tareq al-Zumar

تاريخ الميلاد: 15 مايو 1959.

مكان الميلاد: بنها، مصر.

الجنسية: مصري.

تويتر: @drtarkelzomor.

فيسبوك: @DrTarekAlZomor.

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\*\*\*\*\*-----\*\*\*\*\* - محمد عبدالمقصود محمد عفيفي يعتبر محمد عبدالمقصود محمد عفيفي أحد قياديي الجماعة الإسلامية الذي يتم استضافته بشكل منظم في قطر.. فمنذ عام 2014، دعا محمد عبدالمقصود إلى شن هجمات ضد المدنيين في مصر.

في عامي 2014 و 2015 ظهر عبدالمقصود كضيف متميز في مراكز تابعة لوزارة الأوقاف والشؤون الإسلامية القطرية و عيد آل ثاني الخيرية القطرية /المدرجة هنا/.

في فبراير 2017، كان عبدالمقصود ضيفا متميزا في فعالية للجماعة الإسلامية في الدوحة لتقديم عزاء في موت قائد الجماعة الإسلامية الإرهابي المدان عمر عبدالرحمن.

المعرفات..

الإسم: محمد عبدالمقصود محمد عفيفي.

.Mohammed Abd al-Maqsoud

تاريخ الميلاد: 14 يوليو 1947.

مكان الميلاد: المنوفية، مصر.

الجنسية: مصري.

فيسبوك: @Sh.Maksoud.

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- محمد الصغير يعتبر محمد الصغير أحد كبار مسؤولي الجماعة الإسلامية الذي يتم استضافته بشكل منتظم في قطر.. ويعتبر محمد الصغير معاونا لقياديي القاعدة محمد شوقي الإسلامبولي ورفاعي أحمد طه المدرجين على لوائح العقوبات الأمريكية.



**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Since July 2013, Al-Zomor has lived in Qatar where he frequently appears on Qatari-government-backed media outlets, including Al- Jazeera TV. In February 2017, Al-Zomor was a featured guest at a Gamaa Islamiyya event in Doha mourning the death of Gamaa Islamiyya leader and convicted terrorist Omar Abdel Rahman.

## Identifiers:

Name: Tarek Abd al-Mawgoud Ibrahim Al-Zomor

AKA: Tareq al-Zumar

DOB: 15 May 1959

POB: Banha, Egypt

Nationality: Egyptian

Twitter: @drtarekelzomor

Facebook: @DrTarekAlZomor

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\*\*\*\*\*-----\*\*\*\*\*-Mohammed Abd al-Maqsoud Mohammed Afifi

Mohammed Abd al-Maqsoud Mohammed Afifi is a Gamaa Islamiyya leader who is regularly hosted in Qatar. Since 2014, Mohammed Abd al-Maqsoud has called for attacks against civilians in Egypt.

In 2014 and 2015, Abd al-Maqsoud was a featured speaker at institutions under Qatar's Ministry of Endowments (Awqaf) and at Qatar's Eid Al Thani Charity (sanctioned herein).

In February 2017, Abd al-Maqsoud was a featured guest at a Gamaa Islamiyya event in Doha mourning the death of Gamaa Islamiyya leader and convicted terrorist Omar Abdel Rahman.

## Identifiers:

Name: Mohammed Abd al-Maqsoud Mohammed Afifi

AKA: Mohammed Abd al-Maqsoud

DOB: 14 July 1947

POB: Munofiya, Egypt

Nationality: Egyptian

Facebook: @Sh.Maksoud

.....

-Mohammed al-Sagheer

Mohammad al-Sagheer is a senior Gamaa Islamiyya official who is regularly hosted in Qatar.

Mohammad al- Sagheer is an associate of US sanctioned al-Qaida leaders Mohammed Shawqi Islambouli and Rifai Ahmed Taha.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

في فبراير 2017، ظهر محمد الصغير كضيف متميز في فعالية للجماعة الإسلامية في الدوحة لتقديم عزاء في موت قائد الجماعة الإسلامية عمر عبدالرحمن .

خلال تواجده في قطر ظهر محمد الصغير متحدثا في فعاليات تم استضافتها من قبل عيد الخيرية ومؤسسة راف المدرجتين هنا.

المعرفات..

الإسم: محمد الصغير.

محمد الصغير عبدالرحيم محمد.

.Mohammed Elsagheer Abd al-Rahim Mohammed

.Mohamed Elsagheer

مكان الميلاد: مصر.

الجنسية: مصري.

رقم الهاتف: +201155666670.

تويتر: @drassaghaeer.

فيسبوك: @mohamed.elsagheer.

الموقع الإلكتروني: Elsagher.com.

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- داعمون آخرون للقاعدة وميليشيا الجهاديين.

- وجدي عبدالحميد محمد غنيم .

يعتبر وجدي غنيم أحد رجال الدين المصريين المتطرفين المرتبطين بالقاعدة والجماعة الإسلامية وكبار قياداتها في المنفى بما فيهم محمد شوقي الإسلامبولي ورفاعي طه موسى ومحمد الصغير .

في إبريل 2016، قدم وجدي خطابا في مراسم عزاء عقده الجماعة الإسلامية لأحد قياديي القاعدة رفاعي طه حيث ذكر غنيم مآثر المتوفي ووصفه بالشهيد.

في عام 2004، أمرت حكومة الولايات المتحدة بحجز وجدي غنيم دون حق الخروج بكفالة وذلك بناء على مخاوف من تصريحاته وأعمال جمع التبرعات في دعم منظمات إرهابية محددة.

في عام 2009، تم إدراج وجدي غنيم على قائمة من ستة عشر فردا منعوا من قبل الحكومة البريطانية من دخول المملكة المتحدة لسعيهم إلى إثارة أو تبرير أو تمجيد العنف الإرهابي في تعزيز معتقدات معينة و استفزاز الآخرين لارتكاب أعمال إرهابية.

في كلمة لوجدي غنيم في فبراير 2010، حث أتباعه على الجهاد بالقتل ضد غير المسلمين.

ترك وجدي غنيم الولايات المتحدة من أجل تجنب الترحيل واستقر في قطر حتى سبتمبر 2014 خلال إقامته في قطر ظهر غنيم في فعاليات مدعومة من قبل هيئات خيرية قطرية، بما فيها عيد الخيرية وقطر الخيرية وراف الخيرية المدرجة هنا.

وفي قطر ساعد غنيم في جهود جمع أموال لمقاتلين جهاديين في سوريا بقيادة معاوني القاعدة سعد الكعبي وعبداللطيف بن عبدالله الكواري المدرجين في لوائح عقوبات الأمم المتحدة والولايات المتحدة الأمريكية.

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

In February 2017, Mohammed al-Sagheer was a featured guest at a Gamaa Islamiyya event in Doha mourning the death of Gamaa Islamiyya leader Omar Abel Rahman.

While in Qatar, Mohammad al-Sagheer has been a featured speaker at events hosted by Eid Charity and RAF Foundation (sanctioned herein).

## Identifiers:

Name: Mohammed al-Sagheer  
 AKA: Mohammad Elsagheer Abd al-Rahim Mohammed  
 AKA: Mohamed Elsagheer  
 POB: Egypt  
 Nationality: Egyptian  
 Phone: +20 115 566 6670  
 Twitter: @drassagheer  
 Facebook: @mohamed.elsagheer  
 Website: elsagher.com

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-Other Supporters of al-Qaida and Jihadist Militias

-Wagdy Abdel Hamid Mohammed Ghoneim

Wagdy Ghoneim is an Egyptian extremist cleric associated with al-Qaida, Gamaa Islamiyya and its senior leaders in exile, including Mohammed Shawqi Islambouli, Rifai Taha Musa, and Mohammed al-Sagheer.

In April 2016, Wagdy Ghoneim delivered a eulogy at a mourning ceremony held by Gamaa Islamiyya in honor of al-Qaida leader Rifai Taha where Ghoneim praised the deceased al-Qaida figure as a "martyr."

In 2004, Wagdy Ghoneim was ordered by the US government to be held without bond based on concerns that his statements and fundraising activities were in support of designated terrorist organizations.

In 2009, Wagdy Ghoneim was included on a list of sixteen individuals banned by the British government from entering the UK for seeking to foment, justify, or glorify terrorist violence in furtherance of particular beliefs and to provoke others to commit terrorist acts.

In a February 2010 speech, Wagdi Ghoneim called on his followers to wage jihad by death against non-Muslims.

Wagdy Ghoneim left the United States in order to avoid deportation and settled in Qatar until September 2014. While living in Qatar, Ghoneim was featured at events sponsored by Qatari charities, including Eid Charity, Qatar Charity, and RAF Charity (sanctioned herein).

In Qatar, Ghoneim aided fundraising efforts for jihadist militants in Syria led by UN and US sanctioned al-Qaida facilitators Saad bin Saad al-Kabi and Abd al-Latif bin Abdullah al-Kawari.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

المعرفات..

الإسم: وجدي عبدالحميد محمد غنيم.

.Wagdy Ghoneim

تاريخ الميلاد: 8 فبراير 1951.

مكان الميلاد: الإسكندرية – مصر.

رقم الهاتف: +974 55394342.

البريد الإلكتروني: wagdighoneim@wagdighoneim.net Gwagdy@gmail.com تويتر: @WagdiGhoneim.

فيسبوك: @WagdyGhoneim1.

يوتيوب: @wagdighoneim.

الموقع الإلكتروني: Wagdighneim.net.

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\*\*\*\*\*-----\*\*\*\*\* - حامد بن عبدالله أحمد العلي.

تم إدراج حامد بن عبدالله العلي على قائمة الجزاءات الصادرة عن الأمم المتحدة عام 2008 وعلى لائحة عقوبات الولايات المتحدة عام 2006 وذلك لقيامه بتقديم الدعم للقاعدة وتسهيل شن هجمات إرهابية في الكويت والعراق وأماكن أخرى.

في عام 2008، أبدت الأمم المتحدة أن العلي كان قائدا وممولا لخلية إرهابية مركزها الكويت والتي تأمرت على شن هجمات على أهداف في الولايات المتحدة الأمريكية والكويت.

بالإضافة إلى تقديمه الدعم المادي للإرهاب، أصدر العلي فتاوى دينية تجيز العمليات الانتحارية، بما في ذلك توجيه طائرات على أهداف في عمليات إرهابية.

سافر حامد العلي في عدة مناسبات إلى قطر تلبية لدعوات لإلقاء محاضرات في معاهد مداراة من قبل الدولة. فعلى سبيل المثال، ألقى العلي في عام 2012 خطبة في مسجد قطر الكبير في الدوحة بناء على دعوة من وزارة الأوقاف والشؤون الإسلامية القطرية.

منذ عام 2012، دعا حامد العلي لدعم القاعدة وجبهة النصرة في سوريا فعلى سبيل المثال وأصدر في ديسمبر 2012 بيانا لدعم جبهة النصرة بعد أن تم إدراج الجماعة كمنظمة إرهابية من قبل حكومة الولايات المتحدة الأمريكية.

حامد العلي هو عضو مؤسس لـ "الحملة العالمية لمقاومة العدوان" جنبا إلى جنب مع ممول القاعدة القطري عبدالرحمن بن عمير النعيمي " المدرج هنا" كما أنه مدرج على لوائح العقوبات الخاصة بالأمم المتحدة والولايات المتحدة الأمريكية.

المعرفات..

الإسم: حامد بن عبدالله أحمد العلي.

.Hamid Al-Ali

.Dr. Hamed Abdullah Al-Ali

.Hamed Al-‘Ali

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## Identifiers:

Name: Wagdy Abdel Hamid Mohammed Ghoneim  
 AKA: Wagdy Ghoneim  
 DOB: 8 February 1951  
 POB: Alexandria, Egypt  
 Phone: +974 55394342  
 E-mail: gwagdy@gmail.com  
 E-mail: wagdighoneim@wagdighoneim.net  
 Twitter: @WagdiGhoneim  
 Facebook: @WagdyGhoneim1  
 YouTube: @wagdighoneim  
 Website: wagdighoneim.net

\*\*\*\*\*-----\*\*\*\*\*-Hamid bin Abdullah Ahmed al-Ali

Hamid bin Abdullah al-Ali was sanctioned by the UN in 2008 and the US in 2006 for providing support to al-Qaida and facilitating terrorist attacks in Kuwait, Iraq and elsewhere.

In 2008, the UN noted that al-Ali was a leader and financier of a Kuwait-based terrorist cell that plotted to attack US and Kuwaiti targets.

In addition to his provision of material support to terrorism, al-Ali issued religious rulings legitimizing suicide operations, to include by flying aircraft into targets in terrorist operations.

Hamid Al-Ali has traveled on numerous occasions to Qatar, where he was invited to deliver lectures at state-run institutions. For example, in 2012, al-Ali delivered a sermon at the Qatar Grand Mosque in Doha at the invitation of the Qatari Ministry of Endowments (Awqaf).

Since 2012, Hamid al-Ali has called for support to al-Qaida and al-Nusra Front in Syria. For example, in December 2012, Hamid al-Ali published a statement in support of al-Nusra Front after the group was sanctioned by the US government as a terrorist organization.

Hamid al-Ali is a founding member of the Global Anti-Aggression Campaign alongside UN and US sanctioned Qatari al-Qaida financier Abd al-Rahman bin Umayr al-Nuaimi (sanctioned herein).

## Identifiers:

Name: Hamid bin Abdullah Ahmed al-Ali  
 AKA: Hamid Al-Ali  
 AKA: Dr. Hamed Abdullah Al-Ali  
 AKA: Hamed Al-`Ali

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

.Hamed bin 'Abdallah Al-'Ali

.Hamid bin 'Abdallah Ahmed Al-Ali

.Hamid 'Abdallah Ahmad Al-'Ali

.Hamid 'Abdallah Ali-'Ali

الكنية: أبو سالم.

.Abu Salim

تاريخ الميلاد: 20 يناير 1960.

الجنسية: كويتي.

تويتر: Hamed-Alali@.

الموقع الإلكتروني: www.h-alali.net .

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حجاج بن فهد حجاج محمد العجمي.

تم إدراج حجاج بن فهد حجاج محمد العجمي على لوائح عقوبات الأمم المتحدة والحكومة الأمريكية في عام 2014 لتقديم الدعم للقاعدة في سوريا.

سافر العجمي إلى سوريا بشكل منتظم لتقديم الدعم المالي للقاعدة.

وفي عدة مناسبات قام العجمي بالسفر إلى سوريا من قطر حيث قاد حملات جمع الأموال لمصلحة القاعدة في سوريا.. وفي عام 2013 قاد حجاج العجمي حملة تعبئة شعبي قطر "فزع أهله قطر للشام" وهي حملة قطرية لجمع التبرعات لشراء أسلحة للمقاتلين في سوريا.. وفي عام 2012 قام حجاج العجمي بدعوة من أحد مسؤولي وزارة الأوقاف والشؤون الإسلامية القطرية بالسفر إلى قطر والمشاركة في ندوة دعى فيها إلى الجهاد في سوريا.

وقد خدم مبارك العجمي وجابر المري - قطري الجنسية المدرجان ههنا كمنسقين وضابطي اتصال في قطر لأنشطة جمع التبرعات الخاصة بحجاج العجمي.

المعرفات..

الإسم: حجاج بن فهد حجاج محمد العجمي.

.Hajjaj bin-Fahad al-Ajmi

.Sheikh Hajjaj al-Ajami

.Hajaj al-Ajami

.Ajaj Ajami

تاريخ الميلاد: 10 أغسطس 1987.

مكان الميلاد: الكويت.

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AKA: Hamed bin `Abdallah Al-`Ali  
 AKA: Hamid bin Abdallah Ahmed Al-Ali  
 AKA: Hamid `Abdallah Ahmad Al-`Ali  
 AKA: Abu Salim  
 DOB: 20 January 1960

Nationality: Kuwait

Twitter: @Hamed\_Alali

Website: [www.h-alali.net](http://www.h-alali.net)

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-Hajjaj bin Fahd Hajjaj Muhammad al-Ajmi

Hajjaj bin Fahd Hajjaj Muhammad al-Ajmi was sanctioned by the UN and the US government in 2014 for providing support to al- Qaida in Syria.

Al-Ajmi traveled regularly to Syria to provide financial support to al-Qaida.

On multiple occasions, al-Ajmi traveled to Syria from Qatar where he led fundraising campaigns for the benefit of al-Qaida in Syria. In 2013, Hajjaj al-Ajmi led the "Mobilization of the People of Qatar Campaign," a Qatar-based fundraising campaign that provided funds for the procurement of weapons for militants in Syria. In 2012, at the invitation of an official in the Qatari Ministry of Endowments (Awqaf), Hajjaj al-Ajmi traveled to Qatar to speak at a symposium, where he called for jihad in Syria.

Qatari nationals Mubarak al-Ajji and Jabir al-Mari (sanctioned herein) served as coordinators and points of contact in Qatar for the fundraising activities of Hajjaj al-Ajmi.

Identifiers:

Name: Hajjaj bin Fahd Hajjaj Muhammad al-Ajmi

AKA: Hajjaj bin-Fahad al-Ajmi

AKA: Sheikh Hajaj al-Ajami

AKA: Hajaj al-Ajami

AKA: Ajaj Ajami

DOB: 10 August 1987

POB: Kuwait

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

الجنسية: كويتي.

رقم الهاتف: +96566066414.

تويتر: .hajajbinfahad@

انستجرام: .hajajalajmi@

سناب شات: .hajajalajmi87@

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عبدالله محمد بن سليمان المحيبي.

تم إدراج عبدالله محمد بن سليمان المحيبي على لائحة جزاءات الحكومة الأمريكية في نوفمبر 2016 وذلك لتقديمه الدعم والخدمات لجبهة النصره التابعة للقاعدة في سوريا.

تم اختيار المحيبي كعضو في دائرة القيادة الداخلية لجبهة النصره، وقد جمع ملايين الدولارات لدعم أنشطة المنظمات الإرهابية في سوريا، وذلك وفقا لوزارة الخزانة الأمريكية.

ما بين عامي 2013 – 2015 قاد المحيبي حملات جمع الأموال من قطر طالبا تبرعات لتأمين وتطوير المدفعية والأسلحة المتقدمة لمليشيا الجهاديين في سوريا.

ودعا المحيبي مؤيديه في قطر للتبرع بأموال لدعم مليشيا الجهاديين في سوريا. في يناير 2014 أبلغ المحيبي مؤيديه بأن تبرعاتهم قد ساعدت عمليات جبهة النصره في سوريا.

وفي العديد من المناسبات بين ديسمبر 2013 ويناير 2015، طلب خليفة بن تركي السبيعي- القطري الجنسية- وأحد معاوني القاعدة والمدرج على قائمة الجزاءات الخاصة بالأمم المتحدة والولايات المتحدة الأمريكية دعما لحملات عبدالله المحيبي الموجودة في قطر.

المعرفات..

الإسم: عبدالله محمد بن سليمان المحيبي.

.Abdullah, al-Muhaysini

تاريخ الميلاد: 30 أكتوبر 1987.

مكان الميلاد: القاسم، المملكة العربية السعودية.

الجنسية: سعودي.

جواز السفر /سعودي/: K163255.

صادر بتاريخ 11 يونيو 2011 صالح لغاية 16 إبريل 2016.

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حاكم عيسىان الحميدي المطيري.

قدم حاكم المطيري الأموال والدعم لمليشيا الجهاديين في سوريا بما في ذلك جبهة النصره وجند الأقصى ولواء الأمة. منذ عام 2012، عمل المطيري مع معاون القاعدة حجاج بن فهد العجمي المدرج على لائحة عقوبات الأمم المتحدة ولائحة عقوبات الولايات المتحدة، ومع قائد القاعدة الذي وافته المنية محمد يوسف عبدالسلام /أبو عبدالعزيز القطري/ في توجيه الدعم إلى القاعدة في سوريا.



**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

Nationality: Kuwait  
 Phone: +965 66066414  
 Twitter: @hajajbinfahad  
 Instagram: @hajajalajmi  
 Snapchat: @hajajalajmi87

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**Abdallah Muhammad Bin-Sulayman al-Muhaysini**

Abdallah Muhammad Bin-Sulayman Al-Muhaysini was sanctioned by the US government in November 2016 for providing support and services to al-Qaida's al-Nusra Front in Syria.

Muhaysini was selected as a member of al-Nusra Front's inner leadership circle and raised millions of dollars to support the terrorist organization's activities in Syria, according to the US Department of the Treasury.

Between 2013 and 2015, Abdallah Al-Muhaysini led Qatar-based fundraising campaigns soliciting donations for the procurement and development of artillery and advanced weapons for jihadist militants in Syria.

Muhaysini called on his supporters in Qatar to donate funds in support of jihadist militias in Syria. In January 2014, al-Muhaysini informed his supporters that their donations had aided al-Nusra Front operations in Syria.

On numerous occasions between December 2013 and January 2015, UN and US sanctioned Qatari al-Qaida facilitator Khalifa bin Turki Al-Subaie solicited support for the Qatar-based campaigns of Abdallah al-Muhaysini.

**Identifiers:**

Name: Abdallah Muhammad Bin-Sulayman al-Muhaysini

AKA: Abdullah, al-Muhaysini

DOB: 30 October 1987

POB: Al Qasim, Saudi Arabia

Nationality: Saudi Arabia

Passport: K163255 (Saudi Arabia) issued 11 June 2011, expired 16 April 2016

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**Hakem Obaysan Al-Hamidi Al-Mutairi**

Hakem al-Mutairi has provided funding and support to jihadist militias in Syria, including Jabhat al Nusra, Jund al Aqsa and Liwa al-Ummah. Since 2012, al-Mutairi worked with UN and US sanctioned al-Qaida facilitators Hajjaj bin Fahd al-Ajmi and now deceased al-Qaida leader Muhammad Yusuf Abd al-Salam (AKA Abu Abdulaziz al-Qatari) in channeling support to al-Qaida in Syria.

<http://wam.ae/ar/details/1395302618255>

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تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمنها قائمة المنظمات الارهابية

يعد المطيري معاوناً مقرباً من ممول القاعدة عبدالرحمن بن عمير النعيمي المدرج على لائحة عقوبات الأمم المتحدة والولايات المتحدة الأمريكية.

في عام 2004، كان حاكم المطيري أحد الأعضاء المؤسسين مع عبدالرحمن النعيمي لمؤسسة الكرامة وهي منظمة تأخذ من جنيف واجهة لها.

في الأعوام 2014 و 2016 تم تصوير المطيري في اجتماع مع النعيمي بعد أن تم إدراج النعيمي على قائمة الجزاءات كممول للقاعدة. منذ عام 2006، خدم المطيري كعضو مجلس أمناء للحملة العالمية لمقاومة العدوان التي يرأسها النعيمي.

ويعد المطيري المؤسس لمؤتمر الأمة وأحد كبار قادته.

في عام 2011 وبعد موت أسامة بن لادن، نشر المطيري بياناً يهنئ فيه زعيم القاعدة لجهاده ضد الغرب.

المعرفات..

الإسم: حاكم عبيسان الحميدي المطيري.

.Hakim al-Mutairi

تاريخ الميلاد: 7 نوفمبر 1964.

مكان الميلاد: الكويت.

تويتر: @DrHakem

فيسبوك: @Dr.Hakem.Almutairi

.....

- حسن أحمد الدقي.

يعمل حسن الدقي مع ممول القاعدة القطري عبدالرحمن بن عمير النعيمي المدرج على لوائح عقوبات الأمم المتحدة والولايات المتحدة الأمريكية " المدرج هنا" لدعم ميليشيا الجهاديين في سوريا.

إن الدقي عضو في الحملة العالمية لمقاومة العدوان التي يرأسها النعيمي وعضو أيضاً لجبهة حقوق الإنسان التي تأخذ من جنيف مركزاً لها والمؤسسة من قبل النعيمي.

في عام 2016، قابل الدقي .. محمد شوقي الإسلامبولي أحد قادة القاعدة المدرج على لائحة عقوبات الأمم المتحدة والولايات المتحدة الأمريكية /المدرج هنا/ مع رفاعي أحمد طه " متوفى".

حضر الدقي مراسم عزاء قائد القاعدة رفاعي طه في إبريل 2016 بعد قتل رفاعي طه في هجوم جوي أمريكي أثناء حملة تم شنّها على القاعدة في سوريا.

في عام 2013، سافر حسن الدقي إلى سوريا حيث افتتح مخيم لتدريب المقاتلين الجهاديين لميليشيا لواء الأمة تحت رئاسة مهدي الحراتي /المدرج هنا/.

تم تسمية مخيم التدريب باسم المساعد الخاص لحسن الدقي الذي قتل مقاتلاً مع الميليشيا المعاونة لسوريا.. منذ منتصف عام 2011 على الأقل كان الدقي مساعداً لممول القاعدة حجاج بن فهد العجمي المدرج على لائحة عقوبات الأمم المتحدة والولايات المتحدة الأمريكية وقائد القاعدة المتوفى محمد يوسف عبدالسلام " عبدالعزيز القطري" في توجيه الدعم للجهاديين في سوريا.

في عام 2002، نشر الدقي كتاباً قام بتأليفه يحث فيه على الجهاد ضد كل من هو غير مسلم.. كما أنه – حسن أحمد الدقي مؤسساً وأحد كبار قياديي مؤتمر الأمة.

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Al-Mutairi is a close associate of UN and US sanctioned Qatari al-Qaida financier Abd al-Rahman bin Umayr al-Nuaimi.

In 2004, Hakem al-Mutairi was a founding member of the Geneva-based front organization Alkarama Foundation along with Abd al-Rahman al-Nuaimi.

In 2014 and 2016, al-Mutairi was pictured meeting with al-Nuaimi after al-Nuaimi had been sanctioned as an al Qaida financier. Since 2006, al-Mutairi has served as a member of the board of trustees of the Global Anti-Aggression Campaign, which is led by al-Nuaimi.

Al-Mutairi is the founder and a senior leader of the Ummah Conference.

In 2011 following the death of Usama bin Laden, al-Mutairi published a statement celebrating the al-Qaida leader for his jihad against the west.

Identifiers: AKA: Hakem Obaysan Al-Hamidi Al-Mutairi

AKA: Hakim al-Mutairi

DOB: 7 November 1964

POB: Kuwait Twitter: @DrHAKEM

Facebook: @Dr.Hakem.Almutairi

-Hassan Ahmed al-Diqqi

Hassan al-Diqqi works with UN- and US-sanctioned Qatari al-Qaida facilitator Abdal-Rahman bin Umayr al-Nuaimi (sanctioned herein) in support of jihadist militias in Syria.

Al-Diqqi is a member of the Global Anti Aggression Campaign which is led by al-Nuaimi, as well as the Geneva-based human rights front established by al-Nuaimi.

In 2016, Al-Diqqi met with UN and US sanctioned al-Qaida leaders Mohammed Shawqi Islambouli (sanctioned herein) and Rifai Ahmed Taha (deceased).

Al-Diqqi attended an April 2016 mourning ceremony for deceased al-Qaida leader Rifai Taha after Rifai Taha was killed in a US airstrike while on an al-Qaida mission in Syria.

In 2013, Hassan Al-Diqqi traveled to Syria where he inaugurated a jihadist training camp for militants of the Liwa al-Ummah militia led by Mahdi al-Harati (sanctioned herein).

The training camp was dedicated to a deceased associate of Hassan al-Diqqi who was killed fighting with al-Qaida aligned militias in Syria. Since at least mid-2011, al-Diqqi has been an associate of UN and US sanctioned al-Qaida facilitators Hajjaj bin Fahd al-Ajmi and deceased al-Qaida leader Muhammad Yusuf Abd al-Salam (AKA Abu Abdulaziz al-Qatari) in channeling support to jihadists in Syria.

In 2002, Al-Diqqi published a book he authored endorsing jihad against non-Muslims. Hassan Ahmed al-Diqqi is a founder and senior leader of the Ummah Conference.

تقرير : تفاصيل عامة عن الأفراد والهيئات المرتبطة بالقاعدة التي ضمتها قائمة المنظمات الارهابية

المعرفات..

الإسم: حسن أحمد الدقي.

حسن أحمد حسن محمد الدقي الهوتي.

.Hassan Ahmed Hassan Mohammed al-Diqqi al-Houti

.Hassan al-Dokki

تاريخ الميلاد: 1957.

مكان الميلاد: رأس الخيمة، الإمارات العربية المتحدة.

الجنسية: إماراتي.

تويتر: hassan\_aldiqqi@

فيسبوك: HassanAldiqqi@

تيليجرام: HasanAldiqqi@

البريد الإلكتروني: aldiqqi@hotmail.com.

- مل -

**Report: General Details on Al-Qaida Associated Individuals and Organizations Designated on the List of Terrorist Organizations**

## Identifiers:

Name: Hassan Ahmed al-Diqqi

AKA: Hassan Ahmed Hassan Mohammed al-Diqqi al-Houti

AKA: Hassan Ahmed Hassan Mohammed al-Diqqi al-Houti

AKA: Hassan al-Dokki

DOB: 1957

POB: Ras al-Khaimah, UAE

Nationality: UAE

Twitter: @hassan\_aldiqqi

Facebook: @HassanAldiqqi

Telegram: @HasanAldiqqi

E-mail: aldiqqi@hotmail.com



## **Annex 76**

Saudi Arabia Fact Sheet, “Qatar’s History of Funding Terrorism and Extremism”, 27 June 2017

The Embassy of the Kingdom of Saudi Arabia, Washington DC, available at <https://www.saudiembassy.net/fact-sheets/qatar%E2%80%99s-history-funding-terrorism-and-extremism>



SAUDI ARABIA

and

REGIONAL SECURITY

## Qatar's History of Funding Terrorism and Extremism

Qatar has long shown negligence in combatting terrorism within its borders. Despite assurances from Qatari leadership that the country was fighting the flow of funds from within its country to extremist groups, the country has done little to show progress or proof of these efforts.

### Turning a Blind Eye to Terrorism and Terror Financing

The U.S. has been critical of Qatar's lack of dedication and carelessness in stopping terror financing. Despite international efforts to impose sanctions on private terrorism supporters within the country, the Qatari government has made no progress in stopping the flow of finances to extremists.

Acting Under Secretary for Terrorism and Financial Intelligence Adam Szubin reiterated this lack of progress in October 2016. According to Szubin, Qatar "still lacks the necessary political will and capacity to effectively enforce their CFT [Counter the Financing of Terrorism] laws against all terrorist financing threats regardless of organization or affiliation."

### Support for ISIS, Al-Qaeda and Al-Nusra

Dangerous groups such as AQAP, Daesh (ISIS) and the Taliban have targeted Qatar as a source for fundraising. Additionally, funds originating in Qatar are still being sent to groups that much of the world designates as terrorist organizations, including Al-Nusra, Hamas and the Muslim Brotherhood.

In 2015, the U.S. State Department's Country Report on Terrorism for Qatar confirmed this, arguing that, "Entities and individuals within Qatar continue to serve as a source of financial support for terrorist and violent extremist groups, particularly regional al-Qa'ida (Al-Qaeda) affiliates such as the Nusrah Front."

According to David Andrew Weinberg of the Foundation for Defense of Democracies, being able to secure illicit funding from Qatari financiers was an important factor in Al-Nusra's decision to rebrand itself. Weinberg writes:

*"It is particularly vital to evaluate Qatar's record on terror finance in light of the Nusrah Front's July 2016 decision to rebrand itself as Jabhat Fateh al-Sham (JFS), which purports to have 'no relationship with any foreign party.'"*

Qatar's support for terrorist organizations has caused chaos in countries throughout the region. Elizabeth Dickinson of Foreign Policy wrote in September 2014 that Qatar, "played a major role in destabilizing nearly every trouble spot in the region and in accelerating the growth of radical and jihadi factions."

"The results have ranged from bad to catastrophic in the countries that are the beneficiaries of Qatari aid: Libya is mired in a war between proxy-funded militias, Syria's opposition has been overwhelmed by infighting and overtaken by extremists, and Hamas's intransigence has arguably helped prolong the Gaza





Strip’s humanitarian plight,” wrote Dickinson. “For years, U.S. officials have been willing to shrug off Doha’s proxy network — or even take advantage of it from time to time. Qatar’s neighbors, however, have not.”

## Support for Hamas

Qatar has established itself as an indispensable ally to Hamas, a U.S.-designated terrorist organization that has controlled the Gaza Strip since 2007. Despite the U.S. designation, Qatari Foreign Minister Mohammed bin Abdulrahman Al-Thani stated in June 2017 that Hamas is “a legitimate resistance movement.”

According to the U.S. Treasury’s Office of Terrorism and Financial Intelligence, “Qatar, a longtime U.S. ally, has for many years openly financed Hamas.”

In a June 2017 hearing for the Middle East and North Africa Subcommittee, Chairwoman Ileana Ros-Lehtinen (R-FL) expressed support for Saudi Arabia’s actions to hold Qatar responsible for its support of Hamas.

“Many of us on this subcommittee have been calling attention to Qatar’s history of financing terror – including its support for Hamas and its unwillingness to support existing sanctions against individuals within its borders,” Ros-Lehtinen said. “Qatar has long been a permissive terrorist financing environment, and if nothing else, this Saudi-led response will at least get the conversation started. This is the same Qatar which was entrusted to monitor the Taliban 5 - even though we knew it continued to fund ISIS, Hamas, the Taliban, the Muslim Brotherhood and countless other extremist groups. This is a conversation we need to be having.”

## Support for the Muslim Brotherhood

Qatar is a known ally and supporter of the Muslim Brotherhood. Qatar has been conducting a destabilizing campaign through its support of the Muslim Brotherhood in Jordan, Egypt, Saudi Arabia and Bahrain.

Qatar promotes the Muslim Brotherhood’s agenda through its Al Jazeera Network. One of the major connections between the extremism organization and the news network has been the broadcast of Sheikh Yusuf al-Qaradawi, who openly lives in Qatar.

Qatar has been accused of supporting a Muslim Brotherhood terrorist cell discovered in the UAE in 2012 and has financed Muslim Brother activities in Europe

## Congressional Concern

Members of Congress have expressed concern over Qatari funding of terrorism. Examples include:

**Letter to the Under Secretary for Terrorism and Financial Intelligence, Department of the Treasury David S. Cohen from Rep. Ros-Lehtinen (R-FL), Rep. Ted Deutch (D-FL), Rep. Ted Poe (R-TX) and Rep. Brad Sherman (D-CA) and cosigned by 20 additional Members of Congress, December 2016:** *“Qatar’s \$400 million donation for Gaza reconstruction in 2012 bolstered Hamas’ credibility in Gaza and may have directly supported Hamas-backed entities. Qatar also allows Hamas’*



*top leader, politburo chief Khalid Mishaal, to operate out of its territory knowingly and with impunity. It was even widely reported in the press that Qatar threatened to deport Mishaal if Hamas had accepted an Egypt-backed ceasefire agreement to end this summer's conflict in Gaza."*

*"We are concerned about the ties between Qatar and Hamas, and we commend you on your speech before the Center for a New American Security, where you stated that, 'Qatar, a longtime U.S. ally, has for many years openly financed Hamas,' and that press reports indicate that the Qatari government is also 'supporting extremist groups operating in Syria,' further adding to the instability of the region. As you noted in your speech, there are private fundraising networks in Qatar that solicit donations for terrorists. Qatar, in your words, is 'a permissive terrorist financing environment.'"*

**Letter to Secretary of the Treasury Jacob Lew from Sen. Mark Kirk (R-IL), May 2016:** *"Amid recent news reports that blacklisted foreign terrorist financiers remain active on social media, I write to express grave concern about Qatar's permissive environment for terrorist financing. For over a decade, the Qatari government has displayed leniency and negligence toward individuals who support and finance ISIS, its predecessor Al-Qaeda in Iraq (AQI), and other terrorist groups...To this day, terrorist financiers—including those designated by the United States and the United Nations—continue to enjoy such impunity in Qatar."*

**Letter to Secretary of Defense Ash Carter from Rep. Doug Lamborn (R-CO), February 2015:** *"The Qatari government turns a blind eye to terrorist fundraising for Al Qaeda and the Islamic State by U.S.-designated persons within its borders...Qatar is now known as the world's safe haven for terrorist groups and militia leaders...Qatar's efforts to curb terror finance are woefully inadequate."*

**Letter to Secretary of the Treasury Jack Lew from Reps. Peter J. Roskam (R-IL) and Brad Sherman (D-CA), December 2014:** *"Members of Qatar's ruling family, as well as its citizens and charity organizations, have long supported radical Islamist groups, including U.S.-designated terrorist organizations Hamas, al-Qaeda, and the al-Nusra Front."*

**Letter to Secretary of State John Kerry and Secretary of the Treasury Jack Lew from Rep. Peter Roskam (R-IL), July 2014:** *"I am deeply concerned that your close work with Qatar in pursuit of a Gaza ceasefire rewards, bolsters, and legitimizes Qatar's longstanding sponsorship of the terrorist organization Hamas. The severity of the current conflict and possibility for even greater escalation underscores how we must hold Qatar and all those who sponsor terrorism accountable for these reprehensible crimes rather than look the other way as Doha enables terrorism against Israel."*

**Letter to Ambassador Mohamed bin Abdulla Al-Rumaihi from 24 Member of Congress, August 2013:** *"We write to express concern over the expanding diplomatic and economic ties between your government and Hamas, a U.S.-designated Foreign Terrorist Organization (FTO)...We are disturbed by reports that Qatar pledged over \$400 million in funds to Hamas in October 2012."*

### Shielding Known Terrorists

Qatar has done little to assist the U.S. and international counterterrorism efforts. Several individuals in Qatar are on sanctions lists for supporting terrorist activities, but continue to operate within the country's borders.



In February 2016, former Treasury Assistant Secretary for Terrorist Financing Daniel Glaser, now a board member of the Foundation for Defense of Democracies Center on Sanctions and Illicit Finance, criticized the pace and determination of Qatar's counterterrorism efforts. "There continue(s) to be designated terrorist financiers operating openly and notoriously," argued Glaser.

Some of the known terrorists linked to Qatar include:

- **Sa'd bin Sa'd Muhammad Shariyan Al-Ka'bi:** Qatari financier of Al-Qaeda affiliate Al-Nusrah in Syria.
  - Established donation campaigns in Qatar to aid a fundraising request from Al-Nusrah in order to purchase weapons and food.
  - Worked to facilitate a ransom payment to Al-Nusrah in exchange for a hostage being held by the terror organization.
  - Named Specially Designated Global Terrorist and sanctioned by the U.S. Treasury Department on August 5, 2015.
  - Listed on UN Security Council Sanction List on September 21, 2015.
- **Abdallah Salih Muhammad Al-Kawari:** Qatar-based Al-Qaeda financier and security official.
  - Coordinated the delivery of Qatari-financing to support Al-Qaeda and facilitated international travel for an Al-Qaeda foreign donor carrying tens of thousands of dollars earmarked for Al-Qaeda.
  - Named Specially Designated Global Terrorist and sanctioned by the U.S. Treasury Department on August 5, 2015.
  - Listed on UN Security Council Sanction List on September 21, 2015.
- **Ashraf Muhammad Yusuf 'Uthman 'Abd al-Salam:** Jordanian national, with Qatari ID card, financier and operative for Al-Nusrah and Al-Qaeda.
  - Facilitated the travel of military trainers to Syria to train Al-Nusrah in 2012.
  - Facilitated the transfer of hundreds of thousands of dollars from U.S.- and UN-designated financier and Qatar-based Khalifa Muhammad Turki al-Subaiy intended for Al-Qaeda in Pakistan.
  - Named Specially Designated Global Terrorist and sanctions by the U.S. Treasury Department on September 24, 2014.
- **'Abd al-Malik Muhammad Yusuf 'Uthman 'Abd al-Salam (AKA Umar al-Qatari):** Jordanian national, with Qatari ID card, financier, recruiter and operative for Al-Nusrah.
  - Gave thousands of dollars and materials to support Al-Qaeda in Syria in 2012.
  - Coordinated the transfer of thousands of dollars from UN and U.S.-designated Qatari Al-Qaeda financier Khalifa Muhammad Turki al-Subaiy to AQ senior leadership.
  - Named Specially Designated Global Terrorist and sanctioned by the U.S. Treasury Department on September 24, 2014.
  - Listed on UN Security Council Sanction List on January 23, 2015.

- **Ibrahim ‘Isa Hajji Muhammad al-Bakr: Qatar-based financier and logical supporter of Al-Qaeda and the Taliban in Pakistan and Afghanistan.**
  - Served as a link between Gulf-based terrorist financiers and Al-Qaeda and the Taliban in Afghanistan.
  - Played a key role in a terrorist cell plotting a 2006 attack on U.S. military bases in Qatar.
  - Named Specially Designated Global Terrorist and sanctioned by the U.S. Treasury Department on September 24, 2014.
  - Released by Qatari authorities after promising not to conduct terror activity in Qatar, according to a September 2014 U.S. Treasury Department terror designation.
  
- **Abd al Rahman bin Umayr al Nu’aymi: Qatar-based terrorist financier and facilitator.**
  - Provided money and material support to Al-Qaeda affiliates in Syria, Iraq, Somalia and Yemen for more than 10 years.
  - Considered among the most prominent Qatar-based supporters of extremists.
  - Oversaw the transfer of more than \$2 million per month to Al-Qaeda in Iraq.
  - Named Specially Designated Global Terrorist and sanctioned by the UN on September 23, 2014 and U.S. Treasury Department on December 18, 2013.
  
- **Khalifa Muhammad Turki al-Subaiy: Known Al-Qaeda associate and financier.**
  - Participated in financing, planning, facilitating, preparing or perpetrating of acts or activities of Al-Qaeda.
  - Listed on the UN Security Council Sanctions list on October 10, 2008.

## **Annex 77**

Kingdom of Bahrain Ministry of Foreign Affairs News Details,  
“Minister of Foreign Affairs: Our next decisions regarding Qatar  
will be timely and thoroughly studied from all aspects”,  
5 July 2017

Website of the Kingdom of Bahrain Ministry Foreign Affairs, available at  
<https://www.mofa.gov.bh/Default.aspx?tabid=7824&language=en-US&ItemId=7612>

2018-11-23

طباعة الخبر

### **Minister of Foreign Affairs: Our next decisions regarding Qatar will be timely and thoroughly studied from all aspects**



The Minister of Foreign Affairs, Shaikh Khalid bin Ahmed bin Mohammed Al Khalifah stressed the importance of the meeting that was hosted by the Republic of Egypt today for the Ministers of Foreign Affairs of the four countries calling for combatting terrorism “the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the United Arab Emirates, and the Republic of Egypt.” The Minister noted that this meeting highlights the importance of joint action between the four countries regarding combating terrorism and all other important issues.

During a joint press conference of the foreign ministers of the four countries, the Minister expressed thanks to his Egyptian counterpart, Sameh Shoukry, for his efforts in hosting the important meeting of the foreign ministers of countries that are calling for combatting terrorism.

In response to a question during the press conference on "whether there is evidence of Muslim Brotherhood's activities that may be an act of sabotage in the Kingdom of Bahrain?" Shaikh Khalid bin Ahmed bin Mohammed Al Khalifa said that Sameh Shoukry mentioned the six principles underlying the position of the four countries, which are clear principles that are agreed upon not only by the four countries but by the whole world, adding that these principles are the foundations of the four countries' stance to confront the terrorism of Daesh or the "terrorism" of Iran.

Regarding the Muslim Brotherhood, the Minister of Foreign Affairs said that as a group, the Muslim Brotherhood have clearly harmed Egypt and our countries, and conspired against all of our countries. On this basis, they are considered a terrorist organization, and are regarded as a terrorist group. He added that anyone who sympathises with them or claims to be a part of them will be judged on this basis, and this will be a terrorist charge.

In response to another question regarding the membership of Qatar in the Gulf Cooperation Council, the Minister said that the council will discuss this issue in its upcoming meeting. He noted that today's meeting is a coordination meeting that came after the negative response of Qatar to the demands presented to His Highness the Emir of Kuwait, stressing that the decisions to be taken, as the Egyptian Minister of Foreign Affairs said, require exceptional thoroughness, due to their high importance in affecting the situation and clarifying the four countries' stance. He added that “all our decisions will be timely and studied thoroughly from all aspects”

Answering a question on the expected international support to the measures taken against Qatar, the Minister said “we need to be clear, there are various sources that support terrorism in the region, and there is a difference between countries like us that fight terrorists, and countries that harbour and support terrorist officially or secretly. This is what we want to shed light on and attract the attention of the international community to.”

## **Annex 78**

Statement of Reply of Mohamed El Shinawy, the Minister  
Plenipotentiary of the Permanent Mission of Egypt to the  
General Assembly, 22 September 2017

Website of the General Assembly of the United Nations, General Debate,  
available at <https://gadebate.un.org/en/72/egypt>

## Egypt

### H.E. Mr. Abdel Fattah Al Sisi, President

19 September 2017 (72th Session)



UN Photo/ Download

#### Statement Summary:

ABDEL FATTAH AL SISI, President of [Egypt](#), said his country's long-standing involvement with the United Nations – as a founding member having served six times on the Security Council and the seventh-largest contributor to peacekeeping operations – bore witness to its constant effort to build a world based on freedom, dignity, security and prosperity. However, that world was far from reality, with the Arab region having become an epicentre of civil conflicts. Egypt was navigating such unprecedented dangers while relying on an ambitious development strategy that included reform efforts targeting youth.

Egypt's foreign policy rested on the principle that the only solution to crises afflicting the Arab region was upholding the notion of the modern nation-State based on citizenship, equality, rule of law and human rights. Political solutions were the only way forward in several ongoing crises, he said, adding that a consensual political solution in Syria would succeed through United Nations-led negotiations. Likewise, only a political solution could settle the crisis in Libya, he said, emphasizing that Egypt would not allow the continuation of attempts to tamper with the unity and integrity of the Libyan State. Similarly, political settlements must overcome the crises in Iraq and Yemen.

He went on to underline that the question of Palestine must be addressed promptly, as the time had come for a comprehensive and final settlement of the longest outstanding crisis in the Arab region. "The closure of this chapter through a just settlement is a necessary precondition for the entire region to transit into a new phase of stability and development," he said, adding that peace would eliminate one of the main pretexts used by terrorists. "It is time to permanently overcome the barrier of hatred forever," he declared. A comprehensive approach was needed throughout the region to eradicate terrorism and eliminate its root causes, he said. Emphasizing that double standards should not be supported, he said "we in the Muslim world need to face our reality and work together to rectify misconstrued notions which have become an ideological pretext for terrorism."



Equally important was eliminating the root causes of international crises and sources of threats to global stability, he said. Common but differentiated responsibilities must guide international efforts to narrow the economic and social gaps between developed and developing countries. Such approaches could include involving developing nations in global economic governance structures and facilitating their access to financing, markets and technology transfers.

With the General Assembly session presenting an opportunity for self-reflection, he said, it was time to admit the deficiencies hindering the international system from delivering on the noble objectives it had been created to realize and to renew commitments to establish a more equitable global order, since attaining justice remained a necessary condition for confronting today's immense challenges. The tragedy facing Myanmar's Rohingya community was yet another reason why the international community must meet its moral obligations and legal responsibilities, as outlined in the United Nations Charter, he emphasized. "Let us be true to ourselves and dispel the mentality of polarizing policies," he said. "It is incumbent upon all States to strive to further relations with all partners, with malice to none."

Source

#### Right of Reply (22 September 2017)

*First Declaration:*

The representative of [Egypt](#), speaking in exercise of the right of reply, said his country and others had decided to take legal action to prevent Qatar from interfering in the affairs of regional States. The Qatari regime was financing terrorism, most recently in Iraq, where they had payed ransom to terrorists. Qatar was providing terrorists with a safe haven. It refused to prosecute them and continued to instigate terrorist attacks. That had been going on for years. "The insistence of the regime to support terrorism was something that we all reject," he said. The countries that had decided to take action against Qatar did so in accordance with international law. He reminded the Qatari regime that fighting terrorism was an obligation under international law.

Source: GA/11951

#### Statement

 [Read the statement in English](#)

#### Right of Reply (in all available languages)

Audio files



Videos





## **Annex 79**

United Nations, Statement by His Highness Sheikh Abdullah Bin Zayed Al Nahyan, Minister of Foreign Affairs and International Cooperation of the United Arab Emirates before the General Assembly, 72nd Session, 18th Plenary Meeting, document A/72/PV.18, 22 September 2017

Website of the General Assembly of the United Nations, General Debate, available at [https://gadebate.un.org/sites/default/files/gastatements/72/ae\\_en.pdf](https://gadebate.un.org/sites/default/files/gastatements/72/ae_en.pdf)

United Nations

A/72/PV.18



# General Assembly

Seventy-second session

Official Records

**18**<sup>th</sup> plenary meeting  
Friday, 22 September 2017, 6.05 p.m.  
New York

*President:* Mr. Lajčák ..... (Slovakia)

*The meeting was called to order at 6.05 p.m.*

## Agenda item 8 (continued)

### General debate

**The President:** I now call on His Excellency Mr. Wilfred Elrington, Attorney General and Minister for Foreign Affairs and Foreign Trade of Belize.

**Mr. Elrington (Belize):** On behalf of the Government and the people of Belize, I extend our heartfelt condolences to the populations of our sister countries in the Caribbean for the destruction and loss of life and property caused by Hurricanes Irma and Maria. Belize stands united with other friendly countries of the world to assist and to render our full support to our sister countries and friends in the Caribbean Community (CARICOM). I also extend Belize's warmest feelings of solidarity and sympathy to the people of Mexico, our immediate neighbours to the north, as they commence a difficult recovery process following the death and destruction caused by the two recent earthquakes.

As you observed in your opening statement (see A/72/PV.3), Mr. President, you have assumed the presidency of the General Assembly at a most challenging time for multilateralism. Be assured nonetheless that my Government and people have every confidence in your leadership, and I pledge to you our full and active support as you embark on the task of addressing the agenda of the seventy-second session of the Assembly, focusing on people and striving for peace and a decent life for all on a sustainable planet.

With regard to the Belizean experience, Belize celebrated its thirty-sixth year of independence on 21 September. In the 36 years since independence, we have matured into a unified nation, embracing all peoples in the fabric of our society and enjoying a peaceful existence. We have worked assiduously to uplift every Belizean, especially those who have been victims of anachronistic prejudices, and we have done so with an eye to ensuring that successive generations can benefit from the fruits of our labours and our natural resources. Our development has been modest in relative terms, but progressive and steady.

We have readily embraced the 2030 Agenda for Sustainable Development and launched our Growth and Sustainable Development Strategy for Belize 2016-2019, which incorporates the global Sustainable Development Goals (SDGs). Our nationally determined contributions under the Paris Agreement further complement the SDGs. We are already seeing the dividends of that early investment in policy and action. Belize has met several goals on road safety, marine protection and sustainable fisheries.

These early accomplishments are mere benchmarks. We know that for our sustainable development, we must go above and beyond such accomplishments, so my Government is setting even more ambitious targets. At the Ocean Conference, we announced our commitment to further strengthening the legislative and regulatory framework on fisheries, increasing our marine reserves from 3 per cent to 10 per cent of our territorial waters and implementing legislation to curb the use of plastics. Among our ambitious climate-action

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22/09/2017

contributions, Belize is committed to zero-emissions growth in its forestry sector and aims to achieve 85 per cent renewables in electricity production by 2027.

In addition to our actions at the national level, we are also undertaking regional action by leveraging the strength of the Caribbean Community to optimize results for all our peoples by uniting our efforts aimed at fighting disease and security threats. Belize proudly hosted the launch of the CARICOM First Ladies and Spouses of Prime Ministers Network in support of the Implementation of SDG 5 and the Every Caribbean Woman, Every Caribbean Child initiative. Our leaders are also renewing and deepening efforts to tackle non-communicable diseases through targeted approaches aimed at promoting healthy lifestyles, starting with the youngest members of our communities.

For our region, security and climate change are equally fundamental threats to our survival. The region has risen to meet these challenges by adopting its own counter-terrorism strategy and pioneering innovative approaches to building resilience and facilitating its transition to low- and no-carbon economies across the region.

I will now address the challenges and opportunities of financing people-centred development. The cost of implementation is by no means negligible. At the national level, conservative estimates put the cost of implementation of our Growth and Sustainable Development Strategy at a quarter of Belize's gross domestic product. Belize's development finance strategy mirrors the Addis Ababa Agenda for Action. We are tapping into a mix of domestic and international resources through various channels, keeping in mind the inhospitable international policy environment. Domestically, my Government is strengthening its capacity to improve revenue collection.

Incentivizing business investment in Belize is also a critical action point for my Government. Like other vulnerable small island developing States (SIDS), Belize saw a sharp decline in foreign direct investment over the period from 2015 to 2016. As of 2016, foreign direct investment flows to SIDS represented only 0.2 per cent of overall global flows. To buck this downward trend, we have reformed the incentives for doing business in Belize to comport with the policy space permitted by our World Trade Organization obligations.

We have also reformed key institutions to ensure the integrity of our financial services industry. The

Government has strengthened the institutional capacity, legislative framework and supervisory mandate of its financial intelligence unit. The Caribbean Financial Action Task Force has determined that Belize is in compliance with international standards. The Organization for Economic Cooperation and Development's Global Forum on Transparency and Exchange of Information for Tax Purposes, which at present sets international standards on tax cooperation, has listed Belize as a largely compliant tax jurisdiction, following Belize successful completion of the Global Forum peer review of its legislative, regulatory and administrative framework.

In 2013, Belize adopted the multilateral Convention on Mutual Administrative Assistance in Tax Matters, the purpose of which is to facilitate cooperation among jurisdictions with a view to combating tax avoidance and evasion internationally. Additionally, Belize is committed to the Automatic Exchange of Information standard and has entered into 31 bilateral Exchange of Information agreements.

Nevertheless, Belize's reputation, financial industry and economy remain vulnerable as a result of unilateral declarations that have labelled our jurisdiction as uncooperative or non-compliant. Such unilateral declarations cause undue damage to Belize's reputation and the integrity of its financial services industry. They also dissuade investors and undermine the significant legislative and administrative measures undertaken by our Government to ensure Belize's compliance with international standards and legal obligations. But even worse, they undermine the very legitimacy of the institutions that promulgate the global standards by which we are all supposed to be measured.

In Belize's view, the United Nations must enforce the necessary checks and balances that are part of the international financial architecture. We see a role for the United Nations in acting as a central multilateral forum where efforts are consolidated and coherence and international cooperation promoted on issues that support domestic resource mobilization. Because of its universal nature, the United Nations is in the best position to foster a more inclusive, transparent and consultative process for addressing such issues as international cooperation on tax matters and the broader question of financing for sustainable development.

Notwithstanding our best efforts, we cannot meet the costs of implementation with our domestic

22/09/2017

A/72/PV.18

resources alone. We rely on our bilateral partners from the North and the South. We have also developed strong working relationships with multilateral development banks. But with our current status as a middle-income country, our access to grant and concessional financing is severely constrained. Belize is in the unenviable position of being a heavily indebted middle-income country. Our external public debt stands at 70 per cent of our gross domestic product, or \$2.3 billion, and the domestic debt at 22 per cent of gross domestic product, or \$750 million. The cost of interest for these debt obligations is \$109 million for the current fiscal year alone. Without viable alternatives, my Government has to finance its development by contracting loans at market rates.

My Government has endeavoured to appeal to our private creditors to renegotiate the onerous bonds that threaten to upend the sustainability of our debt. However, the world of international private finance does not place a high priority on public policy, much less the public policy of a foreign Government. With the ongoing crises resulting from the withdrawal of correspondent banking services from relationships with our indigenous financial institutions, the entire Caribbean is experiencing this reality. To the likes of Bank of America or JPMorgan Chase it matters not that ending correspondent banking relations with a national bank or a central bank effectively excludes that nation from the global financial system, and, in response, the country where those banks are located offers nothing more than sympathy. That is a major concern, not just for the Caribbean but for all developing countries, given the universal pivot towards the private sector financing the development agenda.

It would behoove the United Nations to develop a participatory framework for the private sector in order to keep account of their commitments made and actions taken to advance global goals. The High-level Political Forum offers a useful platform for integrating such a framework. The United Nations should also develop appropriate capacities to track the alignment of private financial flows with the 2030 Agenda for Sustainable Development. It is also incumbent on the United Nations to accelerate progress in redefining development metrics to respond to the anomaly of heavily indebted middle-income countries, particularly those with unique challenges, such as small island developing States.

Belize welcomes the Secretary-General's commitment to SIDS. I would like to take this opportunity to commend him and you, Mr. President, for holding a special session on Hurricane Irma. I wish to extend my own Government's pledge of solidarity to the members of our Caribbean family that were devastated by that unprecedented storm and, more recently, by Hurricane Maria. Hurricanes Irma and Maria have exposed the acute humanitarian challenge and the equally acute development challenge that SIDS face. That challenge is, without question, a global one, as the Secretary-General has rightly stated. We look forward to engaging in action-oriented discussions in order to facilitate piloting such financing-for-sustainable-development initiatives across SIDS as debt swaps for climate action and the expansion of climate risk insurance, and to support adaptation measures at individual to national levels.

The United Nations can serve as a global incubator for genuine and durable multi-stakeholder partnerships that can foster innovation and entrepreneurship in SIDS. At the national level, we are ready to engage in discussions on how to ensure that the United Nations is fit for our country's purposes on the ground as we aim to implement the ambitious 2030 Agenda and develop country-specific solutions for sustainable financing.

Belize fully agrees with the Secretary-General that the United Nations has a crucial role to play as a catalyst, an innovator, a convenor and a champion of what works. Since its inception, the United Nations has been orchestrating a rules-based framework for helping countries to cooperate and take collective action. As we embrace a new era of openness, transparency and accountability, United Nations operations must also reflect the openness, transparency and accountability of all who engage and benefit from international cooperation.

We depend on the United Nations to champion and protect the rule of law, ensure the universality of core agreements and develop new treaties in order to address gaps where they exist. That is why Belize looks to the United Nations as a firewall between democracy and tyranny, between social justice and oppression, and between the global good and self-interest. Its ultimate role is to protect the interests of humankind as a whole. In this spirit, we expect the United Nations to act, and we therefore insist that the overdue reforms of the peace and security architecture of the United Nations,

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especially the Security Council, be completed forthwith so that there can be no obstacle to action.

Belize has long supported the United Nations in fulfilling its role. We have supported its endeavours to forge new partnerships for development, advance global health policies, bring justice to victims of crimes against humanity, protect the most vulnerable and control the spread of weapons of mass destruction, including small arms and light weapons. We have been at the forefront of the global fight to protect and preserve our shared natural environment against environmental degradation and climate change and to ensure the sustainable use of the planet, especially of our oceans, which sustain life on earth. Through the Caribbean Community, we are also leading the charge to deliver reparations to the victims of slavery and their descendants.

For Belize, as a State Member of the United Nations, advocating for peaceful cooperation among States, the right to self-determination for all peoples and the promotion and protection of human rights is a non-derogable duty. We therefore cannot remain silent wherever injustice persists. We see injustice perpetrated against the people of Taiwan, who uphold the core purposes and principles of the United Nations, while, in contrast, the United Nations fails to uphold those purposes and principles with respect to them.

For more than half a century, the people of Cuba have been the victims of the injustice of an egregious and illegal unilateral embargo. We also see injustice continuing to cast a shadow over the peoples of Palestine, Syria, Yemen, Western Sahara and South Sudan, among others.

The situation in Venezuela is one that continues to challenge all of us in our region and hemisphere. Belize fully subscribes to the position of CARICOM, which underscores respect for international law and international principles and urges resolution through dialogue. To that end, CARICOM has offered its own good offices.

In our region, we continue to witness the suffering of our Haitian brothers and sisters. Belize cannot remain silent in the face of such intolerable injustice, nor should the rest of the world. We support United Nations efforts aimed at bringing justice to all who have been alienated, oppressed, victimized or silenced. When we fail to uphold our duty to the norms and values of the United Nations, humankind itself suffers. But when we defend those norms and values, there is no

greater redemption. The Haitian people know this fact all too well, and, with good reason, they look hopefully towards the new United Nations approach to cholera in Haiti and the establishment of the United Nations Mission for Justice Support in Haiti.

Similarly, when Belize's territorial integrity was at issue, Belize turned to the United Nations to defend the country's sovereignty over its land, and, for as long as we have been a dutiful Member State, we have had peace. We want that peace to endure, so we have taken every possible step to bring Guatemala to the table of justice in order to resolve that country's unfounded claim on our territory.

In 2008, Belize and Guatemala agreed to refer the Guatemalan claim to Belizean territory to the International Court of Justice, the Organization's judicial arm, subject to the will of each of our peoples. Both Belize and Guatemala are poised to hold the requisite referendums to obtain our peoples' consent. In the meantime, with the full support of the Organization of American States, we continue to take a constructive approach to our bilateral relations and to maintaining peace along the borders. Belize remains committed to working with Guatemala to finalize a cooperation mechanism for the Sarstoon River in order to minimize the potential for tensions or incidents along Belize's southern border.

In conclusion, for the past 36 years, we Belizeans have lived in harmony with one another and with nature. Together with our leaders and with the support of other friendly nations, we have built a strong nation by the sweat of our brows. We have honoured our Constitution, which enshrines the principle of social, economic and environmental justice for all. We will persevere in our efforts to achieve our just objectives and look to the United Nations for its continued support. In turn, the United Nations and every Member State can rest assured that Belize will defend our community of nations and its purposes and principles. Our national motto is "*Sub umbra floreo*" — "In the shade I flourish". In the shade of the United Nations, we shall all flourish.

**The President:** I now call on His Excellency Mr. Nicola Renzi, Minister for Foreign and Political Affairs and Justice of the Republic of San Marino.

**Mr. Renzi** (San Marino) (*spoke in Italian; English text provided by the delegation*): On behalf of the Government of the Republic of San Marino, I would like to congratulate you, Sir, on your election



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as President of the General Assembly at its seventy-second session and to wish you a successful term. Your experience as Minister for Foreign Affairs of Slovakia and your deep knowledge of international affairs are invaluable resources for the United Nations. The San Marino delegation assures you of its utmost willingness to work with you in the course of this session of the General Assembly.

My country would also like to offer its heartfelt congratulations to His Excellency Mr. António Guterres as he embarks on fulfilling his new mandate as Secretary-General. We thank him for the energy and determination he has already shown in his first months of activity at the helm of the Organization.

I am grateful for the theme chosen for this session — “Focusing on people: Striving for peace and a decent life for all on a sustainable planet” — where issues that the Republic of San Marino holds dear, such as human rights, peace and sustainable development, are at the heart of the agenda. It is a cross-cutting theme, since upholding human rights is reflected in every action the United Nations takes in the service of peace, security, justice and sustainable development. In the coming years, the international community will have to do all it can to achieve these objectives.

To our dismay, in every situation of armed conflict we are witnessing the systematic violation of human rights. Refugees and migrants are subject to discrimination, various forms of abuse and trafficking. Racial and religious discrimination and intolerance persist in many parts of the world. Inequality and social exclusion are at the root of the numerous and increasingly complex challenges that the United Nations is called upon to address. Unfortunately, in recent years we have seen an increase in inequality and marginalization, not only in developing countries but even in the richest ones, where increasingly large sections of the population struggle against growing poverty. This is a threat to global stability, as it leads to an erosion of confidence in national and multilateral institutions and fuels nationalist and populist movements. Collective commitment to human rights is therefore essential.

The relationship between peace, security and respect for human rights is undeniable. Measures for the protection and promotion of human rights are essential to preventing conflicts and ensuring peace. Moreover, peace and sustainable development are complementary concepts. More inclusive and peaceful societies provide

better conditions for sustainable development, and vice versa.

The complexity of the challenges that the United Nations must tackle today is unparalleled in the history of the Organization. Their interconnected nature reminds us that countries must act together to be more effective in the fight against climate change, global terrorism and poverty and to build more inclusive, safe and just societies for all. As the Secretary-General stated in his report on the work of the Organization (A/72/1), it is important to rekindle faith in multilateralism and, in particular, in the United Nations. Our country has always believed in the power of dialogue and respect for others, which are values that underpin the peaceful coexistence among peoples.

The profoundly egalitarian nature and unquestioned legitimacy of the United Nations, together with the universal character of participation in it, unequivocally reaffirm its value and central role as a forum for solving global problems. The various religious and cultural traditions present in the Organization should be not an obstacle but rather a valuable resource for achieving global solutions through mediating and synthesizing diversities.

The United Nations must adapt quickly to new global challenges and to the new opportunities offered by an increasingly interconnected world so that it can be effective in carrying out its mandate. Reform is therefore crucial to future stability in the world and to the maintenance of international peace and security, which must remain at the centre of our actions. We reject any diminution of the role of the United Nations just because a universal agreement on the reforms needed to improve its functioning cannot be found.

The Republic of San Marino is attentively following the revitalization process of the General Assembly, which must continue to be a meeting point and forum for the exchange of ideas and discussion, leading to solutions rooted in a strong consensus. Similarly, Security Council reform should be an objective of all Member States. As we have stated on previous occasions, we believe that intergovernmental negotiations contribute to agreements that reflect a broad and strong political consensus representing the interests of all negotiating groups.

San Marino calls for reform that can make the Security Council more democratic, transparent, efficient and accountable. This goal can be achieved

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only through continuous dialogue among States, with the understanding that it is essential to go beyond initial positions if the broadest agreements possible are to be achieved. The Republic of San Marino supports the Secretary-General's reform agenda, which features streamlining procedures, decentralizing decision-making processes and achieving greater transparency and accountability.

Human rights are the *raison d'être* of the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals. The Agenda defines our future and a vision of a peaceful, inclusive and safe society where the burden of poverty has been eradicated, prosperity is shared and decent work is available to all. Together with the Paris Agreement on Climate Change, it also reflects the ambition and commitment of Member States to reducing carbon dioxide emissions by 2020, giving our planet and its inhabitants the chance to live longer and in better conditions. The 2030 Agenda is ambitious because it is universal: it integrates the three dimensions of sustainable development — social, economic and environmental — and is applicable to all States.

A year after the adoption of the Sustainable Development Goals, their effective implementation is the real challenge of today. In many areas covered by the 2030 Agenda, progress has unfortunately not been in line with hopes. For example, much more needs to be done for the 700 million people living in extreme poverty and experiencing malnutrition. More targeted actions should be implemented to reduce maternal mortality and gender inequality, ensure inclusive and equitable educational systems, invest in sustainable energy and provide health care to wider segments of the population. The implementation of the 2030 Agenda is the responsibility of individual States, which should keep their promises by incorporating the Sustainable Development Goals into their development legislation and policies.

A cultural revolution must be part of our policies in the coming years. In the Republic of San Marino, for instance, we have promoted education initiatives on sustainable development in various sectors, including education, construction, waste disposal and public transport. As a complement to national Governments, civil society and the private sector also play important roles in mobilizing the resources needed for the implementation of the Agenda. In this regard, San Marino recalls the important results achieved following

the adoption of the Addis Ababa Action Agenda, which identified various concrete measures that could be taken to finance development and laid the foundation for the global programme contained in the 2030 Agenda.

The 2030 Agenda states that the rights of the most vulnerable people must be promoted and protected. The Republic of San Marino has always paid special attention to the most vulnerable groups — women, children, the elderly and the disabled. San Marino, which was among the first countries to become signatories to the Convention on the Rights of Persons with Disabilities, intends to fully implement that Convention by adopting legislative frameworks and policies that favour the inclusion and full participation of people with disabilities in the employment, social and cultural contexts of the country.

Gender equality must be a goal of the international community. Unfortunately, women are still victims of discrimination and violence in many parts of the world, including in the most developed countries. In support of the initiatives promoted by the Secretary-General, San Marino has signed the voluntary compact on preventing sexual exploitation and abuse in United Nations peacekeeping missions. We believe that the rights and dignity of the victims of sexual abuse should be at the heart of our collective efforts.

Children are sadly the most vulnerable group of all and can be victims of violence, abuse and exploitation. Protecting their rights must be at the heart of our actions. San Marino supports the Ministerial Declaration made at this year's High-Level Political Forum on Sustainable Development, which reaffirms the commitment of the international community to children, focusing in particular on eradicating poverty, promoting their participation and eliminating all forms of violence and discrimination.

Refugees and migrants continue to be subject to violent discrimination. The enormous humanitarian challenge posed by large movements of refugees and migrants can be addressed only through greater cooperation and better sharing of responsibilities and costs among all States. The movement-of-peoples phenomenon has reached a level unprecedented in the history of the United Nations. The Republic of San Marino supports the New York Declaration for Refugees and Migrants, adopted in September 2016. It contains a series of bold commitments to addressing the challenges posed by the large flows of migrants and

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refugees, but it also provides for developing a plan for the implementation of these commitments.

In addition to dealing with large movements of refugees and migrants, the United Nations has also been called on to address grave and complex humanitarian crises. As the Secretary-General mentioned in his report on the activity of the Organization, approximately 96 million people, in more than 40 countries, more than half of whom were women and children, received humanitarian assistance in 2017. The report shows that in 2016, natural disasters caused the displacement of approximately 31 million people, three times more than those forced to flee because of armed conflicts. An unprecedented food crisis has affected more than 20 million people on the African continent.

The Republic of San Marino has always supported cooperation projects and emergency interventions under the auspices of numerous international organizations, in particular entities within the United Nations family. Our country is grateful to the Secretary-General for the rapid and crucial action he has undertaken for populations facing humanitarian emergencies, as well as to the Office for the Coordination of Humanitarian Affairs and the Central Emergency Response Fund for their rapid response and substantial contribution.

Today, the United Nations is engaged in the widest deployment of peacekeeping operations and special political missions in its history. Recent and ongoing wars have caused great suffering for civilians, unprecedented global humanitarian crises, tragic, massive movements of migrants and refugees, and an increase in terrorism, violent extremism, populism and intolerance.

Despite the negotiations for a political solution in Syria, which resumed in January under the auspices of the United Nations, facilitated by the Special Envoy of the Secretary-General, to whom the Republic of San Marino gives its full support, the situation remains highly volatile, has led to a massive displacement of civilians and, at the same time, poses a threat to the stability of the entire region.

The Republic of San Marino supports the Secretary-General in his initiative aimed at strengthening prevention activities and conflict mediation. In this regard, my country will participate in the Italian initiative for the creation of a network of women mediators in the Mediterranean area, the purpose of which is to contribute to peace processes through prevention and mediation. By establishing relations

with the various national or regional stakeholders and working to achieve sustainable peace, the United Nations should be able to anticipate the causes of a possible conflict.

More and more frequently, terrorism and violent extremism are generated and fuelled by armed conflicts, exacerbating ethnic, religious, political and economic tensions. Violations of human rights by such terrorist groups as the Islamic State in Iraq and the Levant, Al-Qaida and Boko Haram are very serious and include murder, kidnapping, forced conversion, human trafficking, slavery, sexual abuse, and the destruction of places of religious or cultural significance for ethnic and religious minorities.

The self-proclaimed Islamic State and its associated forces have also been responsible for numerous deadly terrorist attacks in Europe, Asia and Africa. The international community and the United Nations must act so that those responsible for those heinous crimes are brought to justice. San Marino supports the activities and initiatives of the United Nations in promoting justice and the rule of law, which form an integral part of the agenda to promote and protect human rights.

My country welcomes the actions taken by the Secretary-General, with the support of the General Assembly, to establish the Office of Counter-Terrorism, headed by an Under-Secretary-General, with a view to enhancing coherence in United Nations action and provide better assistance to Member States in their own fight against terrorism.

Disarmament activity plays a crucial role in maintaining international peace and security. The recent tests carried out by the Democratic People's Republic of Korea in the context of a nuclear-weapons programme threaten security globally as well as regionally and underline the need for robust disarmament and non-proliferation policies. San Marino strongly condemns the launching of missiles by the Democratic People's Republic of Korea and demands that it cease such activity. We also call for the sanctions set forth in recent Security Council resolutions to be fully implemented by all States.

The Republic of San Marino took part in the negotiations that led to the adoption of the Treaty on the Prohibition of Nuclear Weapons last July. The Treaty is an important step in efforts aimed at achieving the shared goal of a world without nuclear weapons.

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In order to address today's many and complex challenges, the United Nations must be more effective and flexible. Member States must assume their responsibilities in that regard, including that of helping our Organization live up to its mandate, which is to protect the citizens of the world.

Thanks to its centuries-long history of peace and freedom, San Marino is a State with a strong identity. Although our State is small, it is proud to make its contribution to the United Nations community. Everything we do is aimed at restoring the capacity and authority of the United Nations, so that it can continue to be the indispensable reference point of the international community.

**The President:** I now call on Her Excellency Ms. Aurelia Frick, Minister for Foreign Affairs, Minister for Education and Minister for Cultural Affairs of the Principality of Liechtenstein.

**Ms. Frick (Liechtenstein):** Mr. President, it is good to see you presiding over this session of the General Assembly. We know that we are in very able hands, and I look forward to working closely with you. We also salute the Secretary-General, Mr. António Guterres, for his leadership. I am confident that he will chart an intelligent course for us to make the changes we wish to see in the United Nations.

Mr. President, you have proposed for this session the theme "Focusing on people: Striving for peace and a decent life for all on a sustainable planet", which takes us back to the very beginning of the Charter of the United Nations, written on behalf of the peoples of the world. To this day, the United Nations symbolizes great hope around the globe — hope for peace, hope for justice and hope for a life of dignity and decency, which represent the basic ambition of every human being. Yet fulfilling these hopes remains elusive for millions, and for millions of others those hopes have been shattered.

Intolerance and nationalism were the drivers of the Second World War, and the Organization was founded in response to them. It is a place where we seek solutions together, instead of pursuing nationalist agendas. Only by embracing this understanding will we be able to achieve the best results at the United Nations. The horrors of armed conflict — the tragedy of the Second World War in particular — led the founding nations to pledge to save succeeding generations from the scourge of war. We have made a collective commitment to removing threats to peace and to suppressing acts of

aggression. But today we often manage and contain armed conflict rather than preventing it in the first place. We must do better.

This year we have the opportunity to take a historic step forward. For the first time since the creation of the United Nations, we can give an international tribunal jurisdiction over the crime of aggression. The most serious forms of the illegal use of force will be punishable. The tribunal in charge — and the centrepiece of our common fight for accountability — will be the International Criminal Court (ICC). I appeal to those assembled here today to live up to the commitment we made when we signed onto the United Nations Charter. Let us enforce the prohibition of the illegal use of force by making it punishable in the highest court of criminal law we have.

Next year, we will celebrate the twentieth anniversary of the ICC. With jurisdiction over the most serious violations of international law, the establishment of the Court was an enormous achievement, but, today, it still lacks universality. There remains therefore a significant impunity gap. A very large number of people in the world do not benefit from its legal protection.

These people must not be left without hope. They too deserve real prospects for justice. The people of Syria, for example, have suffered unspeakable violence. The crimes committed against them have been atrocious. And the silence with which we met those atrocities for so long puts us all to shame. But finally, late last year, we came together to create a real possibility for justice — the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of those Responsible for the Most Serious Crimes under International Law committed in the Syrian Arab Republic since March 2011, the accountability mechanism established by the General Assembly in resolution 71/248. The Mechanism itself will not conduct criminal proceedings against perpetrators. But it could be critically important in the preparation of case files for prosecution in courts with jurisdiction. This is a decisive step forward. A key to the Mechanism's success will be strong support from us, the States Members of the United Nations — politically, by insisting on the importance of justice as part of political solutions; financially, by providing sustainable funding; and substantively, by sharing information and evidence of crimes that are in our possession.

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Accountability for the worst crimes imaginable, whether committed in Syria or elsewhere, is essential. But the truth is that there is no remedy and no compensation for these crimes. Prevention is the only effective form of protection. We look in particular to the Security Council for leadership. I thank the 113 States that have joined us in supporting the code of conduct regarding Security Council action against genocide, crimes against humanity and war crimes. Together, we represent a strong majority of States expecting effective action from the Council aimed at ending and preventing such crimes. This pledge could not come at a better moment. The Secretary-General has made prevention a key priority in his agenda, and applying the Code of Conduct works best when there is productive interplay between him and the Security Council.

Never before have the needs for humanitarian assistance been as great as they are today. And never before have we seen such a significant shortfall in our response. The so-called forgotten crises are those that may need our attention the most. Yet our collective attention span barely does justice to even the most visible of emergencies.

Armed conflict remains a key driver of displacement, human suffering and instability. But there are numerous other factors that make people leave their homes. Today, unprecedented numbers of people are on the move across the globe. Across the backdrop of history, there have been various periods of mass migration and there is ample evidence that migration has been a positive and enriching factor for receiving societies. But mass movements of people and irregular migration in particular also tend to create anxiety and fear. Taking these reactions seriously is crucial to overcoming them.

My son, Leonard, entered kindergarten last year. Two children in his group are refugees from Syria. As a mother, I reflected on how this might influence him and his development. What happened was that he quickly learned a few words in Arabic and he knows what a Syrian birthday cake tastes like. He also understands now that there are kids who spend every single night thinking that their house might be bombed.

We place high hopes in the global compact for safe, orderly and regular migration that we will adopt together next year. I echo the call of the Secretary-General: migration must be an option, not a necessity. Irregular migrants are particularly vulnerable to exploitation and abuse. Human trafficking and modern

slavery are perhaps the greatest human rights scandal of our time. They are also a global phenomenon and they particularly thrive in circumstances that create high levels of vulnerability. As is the case so often, women and girls are disproportionately affected. Many decades ago, we agreed on the abolition of slavery in all its forms. The relevant legal norm requires universal application. And yet the reality is that there is a disturbing level of impunity for the commission of these acts.

We must no longer accept this paradox. Human trafficking and modern slavery are not just crimes, they are also a profitable form of organized crime. We therefore see great potential here in applying the tools developed to combat other forms of organized crime. Following the money can lead us to the perpetrators of these crimes. In this regard, Liechtenstein is prepared to share the expertise it has acquired as a financial centre committed to international standards of transparency and accountability.

The people whom we serve look to us to reduce risks and defuse tensions. Yet the world is spiralling towards a new arms race. We are facing increased risks of self-destruction, including the unspeakable horror of the use of nuclear weapons. Most of us remember the shocking pictures of Hiroshima and Nagasaki in August 1945 from our history books. The United Nations was built on the ashes of Hiroshima and Nagasaki and on the promise of “never again”, but, owing to collective complacency, we have not delivered on that promise.

This week we have changed course for the better with the signing of the Treaty on the Prohibition of Nuclear Weapons. Without any doubt, it will take time to see the Treaty’s effects on nuclear stockpiles. Nevertheless, setting a number of important legal benchmarks that will become binding norms is great progress. Nuclear weapons are prohibited and should be eliminated. Their use can never be justified. The suffering that they cause runs counter to fundamental principles of humanity, the basic tenets of international humanitarian law and the dictates of public conscience. On Wednesday, I signed the Treaty on behalf of Liechtenstein as one of 50 signatory States. Together we extend a hand to those who so far have chosen to stand apart. We need their commitment to succeed in finally ridding the world of nuclear weapons.

I have had the privilege to address the General Assembly eight times. On each of those occasions,

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I have talked about a particular aspect of the work of the United Nations that is of special significance to me — full gender equality. The progress made in the past few decades has significantly slowed, both internationally and back home. That is a disturbing trend. Commitments have gone unfulfilled and strategies have turned out to be little more than empty promises. The achievements that nobody questioned 20 years ago are now under attack. The level of political participation has decreased, and the statistics on gender pay gaps are still shocking. Yet I remain not only committed but optimistic, simply because I strongly believe that many of our common goals will become achievable only if we indeed achieve gender equality. In the Sustainable Development Goals, the domestic and the international come together. If there is one area in which the United Nations must show the way, this is certainly it.

The work of the United Nations can seem abstract. Explaining its relevance to our citizens at home and to our children can be a challenge. There are topics that make that task much easier, however; for example, climate change. Everyone understands what is at stake in that discussion. If we cannot live on our planet, no one will prosper, irrespective of nationality, gender or economic wealth. And no country, large or small, can tackle the problem on its own. The Paris Agreement on Climate Change does not end the threat of climate change, but it is our only realistic hope for addressing the issue together. I therefore experienced great satisfaction when I deposited Liechtenstein's instrument of ratification earlier this week. Indeed, it is something I will be proud to share with my children.

**The President:** I now call on His Excellency Mr. Nikos Kotzias, Minister for Foreign Affairs of the Hellenic Republic.

**Mr. Kotzias** (Greece) (*spoke in Greek; English text provided by the delegation*): First of all, I would like to wish every success to the new Secretary-General, Mr. Guterres, and reaffirm our full support for his work.

Allow me also to congratulate you, Sir, on both your election to the office of President of the General Assembly at its seventy-second session and on the choice of this year's main theme.

Our world is changing rapidly today. We are going through a second era of machines — an era in which machines are no longer an extension of physical strength but provide spiritual wealth and knowledge. Although

today they are faster and smaller, they have an immense impact on our daily lives, affecting the way we work, produce, communicate and interact. This new trend could be described as the fourth Industrial Revolution. It brings with it innovations and advantages, as well as challenges, especially for States. These challenges must be addressed in an effective manner if we are to survive in the complex international reality of today.

States have to show resilience and meet the needs of their peoples in terms of human rights, communication, growth and innovation. They have to evolve, but this evolution must be linked to that of the Organization. Will the United Nations be able to keep pace with these developments and adapt to new, emerging realities? In the light of this double adaptation, this is an extremely critical time. It will require reforms that can enable the United Nations to remain relevant in an ever-changing world that is very different from the one that existed in 1945. If the United Nations is to retain its ability to fulfil its mandate, it must evolve to meet the challenges before us.

As insecurity and instability abound over large swathes of the globe, Greece is formulating a multidimensional foreign policy with a view to actively contributing to the attainment of peace through concrete proposals in international forums and regional organizations and the promotion of stability through political initiatives. More specifically, we favour the prospect of broadening the agenda that the institutionalized dialogue and cooperation between the European Union and the United Nations is addressing on an already wide array of issues of global concern.

In line with our shared vision, we all want to see a world free of weapons of mass destruction. In that context, we firmly condemn North Korea's ongoing illegal nuclear-weapon and ballistic-missile programmes, including its most recent test, which seriously endanger regional and international peace and security. Considering the developments in disarmament and non-proliferation that we have seen over the past year, I believe that it is now more imperative than ever to seek avenues of dialogue with the participation of nuclear-weapon States. That could be a way to bridge the gap between the step-by-step approach to nuclear disarmament and a non-verifiable immediate and total ban.

While it is situated close to regions that are extremely turbulent, such as the Middle East and parts



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of North Africa, Greece continues to be a pillar of stability. In that context, we have recently undertaken many initiatives, such as the Rhodes Conference for Security and Stability and the International Conference on Religious and Cultural Pluralism and Peaceful Coexistence in the Middle East, held in Athens, as well as the recently established Ancient Civilizations Forum, whose latest meeting took place here in New York only yesterday. The Rhodes Conference focuses on a positive agenda of cooperation among 20 European and Arab countries in the Eastern Mediterranean, with the aim of fostering stability and security in the region.

I would also like to mention that, together with Cyprus, in a context of promoting peace and stability in the Eastern Mediterranean, we have established a number of trilateral forms of cooperation that include Egypt, Israel, Jordan, Lebanon and Palestine. Our main objective is to develop a positive and multidimensional agenda for cooperation in international affairs, with a focus on synergies and joint activities, especially through culture, as one of the main drivers of soft power in international relations, and in other areas of cooperation such as trade, education and research.

Enhancing regional cooperation in the Balkans is also the basic principle behind the Greek initiative of quadrilateral meetings launched in Thessaloniki in April 2016 between the Foreign Ministers of Greece, Albania, Bulgaria and the former Yugoslav Republic of Macedonia. At their forthcoming meeting in October, with a view to developing an effective response to the refugee crisis that is in line with European democratic values and principles, the four countries will focus on identifying ways for improving their interaction on issues such as return operations, the exchange of information and tackling smuggling, human trafficking, terrorism and organized crime and energy networks.

The Syrian war has taken a terrible toll in human lives and has displaced millions. A cessation of hostilities is essential to ensuring progress in the political negotiations. Greece sees no alternative to a political solution to the crisis, and we fully support an inclusive political dialogue in Geneva under United Nations auspices.

The Israeli-Palestinian conflict remains a constant threat to regional stability and security, and the current situation on the ground is not sustainable. We support a two-State solution, meaning the establishment of a sovereign and independent State of Palestine living in

peace and security alongside the State of Israel, while at the same time ensuring that Israel's long-standing quest for security is satisfied.

With regard to Libya, Greece considers the international efforts to stabilize the country to be crucial. We firmly believe that there can be no military solution to the crisis in that country and support every effort to achieve peace and security there.

Terrorism remains one of the major global challenges we face, and the significant progress we have seen recently in the fight against Da'esh deserves special mention. Strengthening international cooperation among all the relevant actors and improving the exchange of information constitute key elements in tackling the flows of foreign fighters. At the same time, we must address the root causes of violent extremism. Greece is actively involved in our shared fight against terrorism. In the context of the work of preventing terrorists from exploiting resources for their activities, we particularly support international efforts aimed at promoting concerted international action against the illegal trade in antiquities and cultural artefacts.

We consistently pursue friendly relations and enhanced cooperation with all our neighbours with a view to promoting stability and prosperity for all. In the Western Balkans, Greece remains a firm supporter of the European Union's enlargement policy. The rise of nationalistic rhetoric in the region is very worrying, however. We want to underline that actions and statements that undermine good-neighbourly relations should be avoided at all costs.

We should also emphasize that we maintain a friendly approach to the former Yugoslav Republic of Macedonia. Greece's initiative aimed at designing and implementing bilateral confidence-building measures has strengthened relations between us and facilitated efforts to address more sensitive matters, such as the ongoing issue of our neighbour's name. In that respect, Greece will continue its systematic efforts to reach a mutually acceptable solution to the issue of the former Yugoslav Republic of Macedonia's name. Our position is clear — the name must be mutually acceptable.

Where Greek-Turkish relations are concerned, we believe they can be built only on a basis of full respect for international law, including the international law of the sea. We have repeatedly pointed out that good-neighbourly relations are not served by a neighbour

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that persistently challenges Greece's sovereignty and sovereign rights.

With regard to the Cyprus issue, our objective is summed up in the concept outlined by the Secretary-General at the international Conference on Cyprus — which is to make Cyprus a so-called normal State, one that is sovereign, independent and free of foreign-occupation troops, external guarantees and rights to intervention. Unfortunately, the July Conference on Cyprus in Switzerland ended without an agreement being reached, because the Turkish and Turkish-Cypriot sides were the only parties at the Conference that did not share the goal of the normal-State concept. Greece is prepared to continue discussing the key international issue of security and guarantees as soon as Turkey demonstrates clear willingness to resume negotiations on the basis of the relevant Security Council resolutions, as well as within the framework of the parameters outlined by the Secretary-General in Crans-Montana.

In the area of civil and political rights, we actively support the fight against racism and all forms of discrimination, whether on religious, gender, sexual or any other grounds. In that regard, Greece, with the aim of prioritizing the safety of journalists and media workers, especially in conflict areas, will submit a relevant thematic draft resolution in the Third Committee at the current session. In the framework of the Human Rights Council, my country has also spearheaded an initiative with its successful submission of a draft for Human Rights Council resolution 35/28, on the convening of the Social Forum in 2018 in order to focus on the promotion of human rights through sport and the Olympic ideal.

*Mrs. Pobee (Ghana), Vice-President, took the Chair.*

My country remains committed to the protection of human rights in all policies that address large movements of migrants, with particular attention to the needs of migrants, including children, in vulnerable situations. We also believe that implementing that framework correctly is more important than ever if we are to protect those who need it, combat human trafficking and migrant smuggling and return those not entitled to international protection to their homes, while at the same time tackling the root causes of migration through effective cooperation with countries of origin and transit. Finally, the issue of ensuring the social and economic inclusion of legal migrants is equally important and deserves our full attention. Greece has

reaffirmed its commitment to ensuring the full and effective implementation of the New York Declaration for Refugees and Migrants and its annexes, adopted by the Assembly at its seventy-first session. We also emphasize our commitment to working in the context of the global compact for safe, orderly and regular migration to be concluded by 2018.

I would like to assure the Assembly that, as a founding Member of the Organization, Greece will lend it its unfailing support as the United Nations works to rise to the task of creating a more peaceful and prosperous future, with justice and solidarity for all, especially for generations to come.

**The Acting President:** I now call on Her Excellency Ms. Maxine Pamela Ometa McClean, Minister for Foreign Affairs and Foreign Trade of Barbados.

**Ms. McClean (Barbados):** On behalf of my delegation, I would like to congratulate the President on his election to lead the General Assembly at its seventy-second session and to assure him that he has the full support and cooperation of the Barbados delegation as he undertakes his important duties. I would also like to take this opportunity to commend his predecessor in the presidency, Mr. Peter Thomson, for his able leadership of the Assembly during the seventy-first session. He has been a worthy exemplar of the valuable contribution that small island developing States (SIDS) can make to international organizations, and we are pleased that he will continue to serve the international community.

The theme of this year's general debate, "Focusing on people: Striving for peace and a decent life for all on a sustainable planet", is a reminder of the purposes and principles that the Organization has embraced from its inception and that are enshrined in the Charter of the United Nations. It brings into sharp focus our responsibility to pursue the best interests of the people who occupy planet Earth. For if we fail to advance the causes of security, sustainable development and human rights together, none of them will succeed.

I stand before this organ for the eighth time. On each occasion that I have addressed the nations gathered here, I have issued a caution about the ramifications of unchecked climate change and highlighted the existential threat facing vulnerable small island developing States such as Barbados. In his first address to the General Assembly, in 2008 (see A/63/PV.12), the then Prime Minister of Barbados, the late David Thompson, described the Caribbean as a region at the epicentre

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of the global climate crisis. Citing scientific evidence and the devastating effects of climate change that were already evident in the region, he told the Assembly that failure to take urgent, ambitious and decisive action would be nothing short of reckless indifference.

Seven years later, the current Prime Minister of Barbados, Mr. Freundel Stuart, reminded the world that

“none of the nations represented in this Assembly will enjoy sustainable prosperity if we continue to abuse the environment that we hold in sacred trust for future generations. [...] The very existence of small island States like those in the Caribbean and the Pacific could be imperilled if current trends are not halted or reversed.” (*A/66/PV.22, p. 45*)

Many leaders from small island developing States have also consistently warned of the inherent danger of inaction, or insufficient action, to reduce global emissions. Such failures to act imperil lives, livelihoods and the very existence of sovereign States. Year after year, our leaders have warned of the escalating costs of responding to the effects of climate change and of the fact that decades of development gains could easily be washed away in a few hours by an extreme weather event. We have also endured the persistent and frustrating challenge of gaining access to the resources we need to strengthen our resilience and protect our peoples from the ravages of climate change. That is of course owing to a narrow focus on per capita income on the part of donors and international development banks and agencies.

The clarion call from the Caribbean has been ignored, and today we are witnessing the results of that reckless indifference. I regret the fact that I must today report not merely the potential threat that climate change poses to the globe, but rather its destructive impact. I am referring in particular to the utter devastation that we are seeing in several small island developing States in the Caribbean that have been overwhelmed by an unprecedented wave of hurricanes. On Saturday, 16 September, when I arrived in New York, the people of Antigua and Barbuda and of the Caribbean were working feverishly to restore some semblance of order to the islands shattered by Irma, the ninth named hurricane of the 2017 season. A mere two days later, in the early hours of Monday, I read with horror the pleas of the Prime Minister of Dominica when he reached out to the world to share the trauma he was experiencing as his small island was ravaged by the brutal force of

nature from the eleventh hurricane in a season that has not yet ended. By the grace of God, Barbados has so far been spared, but we in the Caribbean are one family. We are brothers and sisters, and when one of us is hurting we all feel the pain.

For much of the Caribbean, tourism is the major economic sector, and it has been built on the premise of providing the world with a zone of peace and health. The threat of disease must be avoided. One possible consequence of the recent floods and serious infrastructural damage in the region is the outbreak of disease. Our ability to detect and respond to such biological threats must be strengthened. There must be bilateral and multilateral cooperation in order to minimize and eliminate such threats, and a focus on biosecurity must be part of our response. There must be attention paid to a global health security agenda. For Barbados, as an island State, the ocean is a priority. Ocean governance and the promotion and conservation of marine resources therefore represent one of our primary concerns.

The road to recovery and reconstruction for Antigua and Barbuda, Dominica and the other islands affected by this devastating hurricane season will be long and difficult. I take comfort in the spirit, will and determination of the Caribbean people. We are down but not defeated. Our neighbours in the Caribbean affected by the recent hurricanes can be assured of the full and unconditional support and solidarity of the Government and the people of Barbados. However, our friends in the international community must support the Caribbean region on its journey to rebuild the affected islands. We are all morally obligated to do so. In that regard, I call on the President of the World Bank and on the Secretary-General to convene an international pledging conference on the recovery and reconstruction of the Caribbean islands affected by Hurricanes Irma and Maria. I urge all Member States to support the recovery and rebuilding of the Caribbean.

For Barbados and other SIDS, whether in the Caribbean, the Pacific, Asia or Africa, climate change is a matter of life and death. It is not an issue for sterile debates and endless meetings. For our people, it is about the loss of life and livelihood. For our economies, heavily dependent on tourism, it is about a cycle of constant recovery and rebuilding, which is a serious impediment to sustainable development. Barbados remains committed to ambitious action on climate change. We continue to support the implementation of

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the Paris Agreement on Climate Change, and we view the Secretary-General's proposal for a climate summit in 2019 as an important opportunity to take stock and give additional impetus where necessary. Barbados's support for global action on climate change is one part of its overall policy of promoting and protecting the environment. We have taken concrete steps towards building a resource-efficient green economy that is integrated into our national framework for sustainable development.

Barbados would like to take this opportunity to convey its solidarity with the Government and the people of Mexico, who are suffering the painful effects of two deadly earthquakes in quick succession.

A key element of this year's theme is striving for peace. Barbados is a democratic, peace-loving nation. Last year my country celebrated the fiftieth anniversary of its independence, which was gained through negotiation and mutual agreement. We cherish and nurture our political and social stability, based on our history of more than 375 years of unbroken parliamentary Government. We believe that peace is an indispensable prerequisite for sustainable human, social and economic development. For us, it is an essential pillar that supports the national mission of the Government of Barbados, which is based on achieving sustainable economic and social development for the nation, protecting the environment, maintaining good governance and strengthening our citizens' security. We are committed to inclusive development as a means of achieving lasting peace and stability at the national and international levels.

We regret that there can be no peace of mind for the people of the Caribbean who must rebuild their lives and livelihoods. But the mission of the United Nations is to secure global peace. We were reminded by the Secretary-General at the very start of our deliberations that "[w]e are a world in pieces. We need to be a world at peace" (see A/72/PV.3). Each and every member of the international community has an obligation to support efforts and take action to create an environment in which peace can flourish. The countries of Latin America and the Caribbean have declared the Caribbean as a zone of peace. I take this opportunity to express Barbados's unwavering support to the protection and preservation of the territorial integrity of our Caribbean Community sister countries Guyana and Belize.

Barbados joins other States Members of the United Nations in the effort to collectively address the many other diverse challenges to which the international community must find and implement solutions. In the past few years, the countries represented here have made historic international commitments, including the SIDS Accelerated Modalities of Action (SAMOA) Pathway, the 2030 Agenda for Sustainable Development and the Paris Climate Change Agreement. As an international community, we must now take action to implement those commitments if the destruction I discussed earlier in my statement is to be addressed.

In recognition of the fact that our citizens are our most precious resource, we have been resolute in taking a path of development that is people-centred. Our national policy framework aligns naturally with the philosophy guiding the 2030 Agenda for Sustainable Development, and that has facilitated our implementation efforts. The Prime Minister of Barbados has clearly emphasized the priority that Barbados accords the implementation of the Sustainable Development Goals (SDGs), including by appointing a permanent secretary in his office with a mandate and special responsibility to lead the implementation of the 2030 Agenda at the national level.

Barbados has been a consistent and vocal advocate for the treatment of SIDS as a special case for sustainable development because of their inherent natural vulnerabilities. There is a pressing need for the international community to address the specific needs and interests of SIDS in a holistic manner. They will also need effective multisectoral partnerships to assist them in implementing the SDGs.

Barbados welcomes the ongoing efforts of the United Nations to focus international attention on challenges to our oceans and on encouraging the international community to take meaningful steps to protect the marine environment. I was pleased to head the Barbados delegation to the Ocean Conference in June, and I am committed to ensuring our continued active participation on the issue. Barbados is interested in working with United Nations agencies and other international partners to develop an ocean economy trade strategy, as well as effective systems for managing our fish stocks.

Barbados has built an enviable record on the basis of its promotion of social development. Since our independence, successive Administrations have committed to targeted social policies focused on the

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people of Barbados. Substantial investment has been made in sectors such as education and health in order to develop a skilled, healthy and productive population. The result of that investment has been a significant improvement in Barbadians' quality of life over the years, borne out in the United Nations Development Programme's Human Development Index and other indices that focus on transparency, corruption, gender balance and human rights, among other things.

Promoting and protecting the human rights of all Barbadians are primary concerns for the Government of Barbados. That is in keeping with our commitment to a human rights-based approach to development and our adherence to the principles of good governance and the rule of law, as well as to ensuring that our people have the highest levels of civil, political, economic, social and cultural rights. We pay special attention to the rights of the vulnerable, including children, women and persons with disabilities. With regard to the rights of persons with disabilities, my Government, together with civil society, continues to make progress in promoting their full integration into mainstream society. Barbados wishes to participate more fully in the activities of the international community on issues of inclusiveness, and are therefore pleased to present Ms. Kerryann Ifill as a candidate for membership of the Committee on the Rights of Persons with Disabilities for the 2019-2022 term. Senator Ifill is the youngest President of the Senate ever appointed in Barbados, the first female and the first person with a disability ever to hold that office, and her candidature has been endorsed by the Caribbean Community.

The Caribbean Community has been at the forefront of United Nations initiatives to address the problem of non-communicable diseases. During this session, Barbados will work with regional and other partners to bring a greater focus to the growing challenge of childhood obesity, a serious problem that could become the next major development challenge. Barbados looks forward to the convening of the General Assembly's third high-level meeting on non-communicable diseases, scheduled for next year. I encourage Member States to participate actively in it, as it will be an invaluable opportunity to strengthen our action on this important issue and move closer to our goal of improved health for our peoples.

Barbados would like to take this opportunity to once again express its deep concern about the possibility of its being penalized for any success that it may

achieve in its development efforts. Our categorization as a middle-income country, with the concomitant restrictions on our access to international development assistance and concessional financing, is unfair and does nothing to advance the cause of sustainable development. We reiterate our call to the international community to create an enabling global environment and partnership for development. Countries such as mine require assistance in building economic resilience; we do not need challenges such as those presented by de-risking, blacklisting and indebtedness.

Transnational crime is a major threat to international peace and security. It can take many forms — trafficking in illegal drugs, trafficking in persons, the illegal transfer of small arms and light weapons, and money-laundering. All present significant threats to our security, and Barbados reiterates its commitment to protecting the security of its people. We will remain actively engaged in cooperative mechanisms aimed at confronting and addressing such challenges.

Barbados welcomes the convening of the third Conference of States Parties to the Arms Trade Treaty (ATT). We encourage all States parties to take action to implement the Treaty and we further acknowledge the nexus between the ATT and the Sustainable Development Goals, and their contribution to the promotion of peaceful and inclusive societies.

The long-standing economic embargo on Cuba continues to be a cause for serious concern on Barbados's part. We join the overwhelming majority of States Members of the United Nations in opposing that unilateral action and encourage constructive engagement between the two sides.

In conclusion, I would like to emphasize Barbados's unwavering commitment to the United Nations and the principle of multilateralism. If we are truly committed to a decent life for all, people everywhere must be heard, including those in small States such as Barbados. We agree that there is need for reform in the United Nations system. However, even as the United Nations is working to reform, and thereby better equip itself to respond to today's global challenges, due care must be taken to ensure that the process is inclusive and transparent. No Member State, particularly the most vulnerable, should be excluded in the restructuring process. Barbados supports the view that a spirit of cooperation and dialogue should be the foundation for our interaction at the multilateral level. Cooperation

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and dialogue represent the best means of achieving our international goals and objectives.

**The Acting President:** I now call on His Highness Sheikh Abdullah Bin Zayed Al Nahyan, Minister for Foreign Affairs and International Cooperation of the United Arab Emirates.

**Sheikh Al Nahyan** (United Arab Emirates) (*spoke in Arabic*): I would like to begin by congratulating the President on his leadership of the General Assembly at its seventy-second session. We are confident that his deep experience in international affairs will contribute to the Assembly's success, and we stand ready to provide him with all the support and cooperation he may need. I would also like to thank his predecessor, Mr. Peter Thomson, for his stewardship of the previous session.

I would also like to take this opportunity to express my country's appreciation for the tireless efforts of the Secretary-General to reform the work of the United Nations in conflict prevention and the achievement of peace and security. We fully support his vision, which requires the international community to cooperate more closely on existing and emerging global challenges.

The foreign policy of the United Arab Emirates is guided by principles consistent with the Charter of the United Nations and the provisions of international law — a spirit of partnership, support for the rule of law, good neighbourliness and non-interference in the internal affairs of other States. They lead us to support a stronger role for the United Nations, along with reform of its entities and systems, so that it can fulfil its mandate to maintain international peace and security and help countries achieve development and prosperity.

The United Arab Emirates works hard and responsibly within its region and beyond to promote the stability and development of Arab countries and tackle the destruction wrought in our region by wars that have left total devastation in their wake. We see security and stability as key to the advancement of nations and peoples, a promising future for younger generations and a decent life for all. Our collective priority must be to promote peace and stability.

Despite serious regional and international efforts, our region continues to suffer from crises whose causes include extremism and terrorism, persistent interference by States in one another's internal affairs, aggressive and expansionist policies driven by hegemonic ambitions, and regimes that seek influence

by providing support to extremist and terrorist groups, with the goal of undermining Governments' legitimacy. We must protect that legitimacy and prevent the spread of chaos and conflict throughout the region and the world. These crises have had enormous costs in terms of human life, the displacement of millions and the destruction of infrastructure. If the situation persists, it will generate only more violence and devastation and deplete economic and cultural resources, not just in our region but all over the world. There is no doubt that we as an international community have achieved great progress in confronting security and humanitarian threats, but more can be done to restore stability in the Arab world. The United Arab Emirates therefore believes that we should take the following initial steps in the region.

First, we should safeguard the progress that has already been made on development and counter any hindrances to our collective peacebuilding efforts, or we will be reduced solely to managing conflicts. That applies particularly to Libya, Syria, Yemen and Somalia, countries where comprehensive political solutions are possible and stability can be restored. But that can be achieved only if we end external interference in Arab affairs and suppress all forms of support to extremist and terrorist groups. In that regard, we support United Nations efforts to bring the parties to those conflicts to the negotiating table and to achieve comprehensive political solutions to the crises in our region.

Secondly, we must unite in firm and wholehearted rejection of extremism and terrorism in all their manifestations. That is the only way to confront and eradicate those scourges. We believe that the Arab-Islamic-American summit in Riyadh was historic by any standard. It attracted an unprecedented level of attendance at the highest levels, including the important participation of the President of the United States. Its outcome demonstrated that the Arab and Islamic world has taken a firm stand against the ideological roots of terrorism. We believe that, while eliminating this threat from our Arab region is a difficult task, the campaigns to liberate such ancient and storied Arab cities as Mosul in Iraq and Mukalla in Yemen from the grip of terrorist organizations have shown that we can achieve a great deal if we work together in combating extremism and terrorism.

Thirdly, we must take collective action to identify countries that support and finance terrorism and hold them accountable. That is why the United Arab

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Emirates, together with its close allies the Kingdom of Saudi Arabia, the Kingdom of Bahrain and the Arab Republic of Egypt, has taken measures aimed at stopping Qatar's support for extremism and terrorism and forcing it to abandon policies that have destabilized the region. We are committed to protecting our national interests, the security of the Arabian Gulf and the stability of our region. The alliances between certain parties in our region with organizations or entities whose goal is to undermine peace and security in the Arab region and the world are unacceptable. That is a gamble in which we will all be losers. Let us stand united against those who finance, promote and justify extremism and terrorism. We have a clear choice, and there is no alternative to combating terrorism in all its manifestations and facing down all its perpetrators, without exception. We must have zero tolerance for those who spread violence, fear and destruction among innocent people or provide support and safe havens to terrorist groups. Together with its friends in the region, my country has therefore taken sovereign measures, in line with international law, with a view to protecting Arab security and standing against Qatar's support to terrorism.

Fourthly, we must promote compassion, tolerance and inclusion, because today more than ever the Arab region needs those values in order to counter the misleading messages and ideologies spread by extremists and terrorist groups, especially through social media. My country is working with regional and international partners to establish mechanisms that can remind our young people of our shared human values and counter the rhetoric of terrorism. Specifically, the United Arab Emirates has established and hosts specialized institutions such as the Sawab Centre, the Hedayah International Centre of Excellence for Countering Violent Extremism and the Muslim Council of Elders, whose purpose is to demonstrate the peaceful nature of our Islamic religion and constitute a forum for promoting peace in Muslim societies. We have learned from experience that we must expose extremism and terrorism and the rhetoric surrounding them in order to defeat them intellectually and provide an alternative narrative based on the principle of peaceful coexistence and tolerance. At the same time, such institutions promote a culture of peaceful coexistence and tolerance. It is regrettable, however, that some countries are funding media platforms that encourage violence, incite hatred and sectarianism and provide a forum for the murderous ideologies of terrorism. History has

repeatedly shown that catastrophic consequences await those who follow such paths.

Our international efforts to achieve peace in our region will not be successful if we fail to end the Israeli occupation of Palestinian and Arab territory, which has continued for seven decades. The situation makes young people vulnerable to exploitation by terrorist groups that claim that they are fighting only for liberation and to realize their aspirations.

Iran's hostile and expansionist policies continue to be the common factor in all the crises that our region has experienced, and a real obstacle to any concrete progress in resolving them. Iran interferes in the internal affairs of other States and arms and supports terrorist groups such as the Houthis and Hizbullah, as well as groups and cells in Iraq, Syria, Yemen, Lebanon, Saudi Arabia, Bahrain and Kuwait. Iran has not only blatantly violated the principle of sovereignty but has continued to exploit the crises in the Arab world in order to undermine regional security and incite and fuel conflict. It must realize that only peaceful coexistence, based on mutual respect for sovereignty, is a viable basis for harmonious relations in the region.

From this rostrum, we reaffirm our firm position on the issue of and our legitimate right to sovereignty over the three islands of Greater Tunbs, Lesser Tunbs and Abu Musa, which Iran has occupied in violation of international law and the Charter of the United Nations. We will not abandon our demand that Iran return the occupied islands to their rightful owners, through voluntary or other peaceful means and in accordance with the resolutions that have been adopted in that regard, together with the rulings of the International Court of Justice.

Two years have passed since the signing of the nuclear agreement with Iran, with no sign of change in its hostile behaviour. It continues to develop its nuclear programme and violates the letter and spirit of the agreement. We therefore support enhanced controls on Iran's nuclear programme and continued assessment of the agreement and its provisions. We view North Korea's similarly provocative behaviour, through its continued development of its nuclear programme and ballistic missiles, as having only one purpose — acquiring further destructive power with which to threaten peace and stability in its region and the rest of the world. Iran and North Korea's aggressive policies are not consistent with their membership in an

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international organization whose primary concern is the maintenance of international peace and security.

If we are to restore security in our region and protect our peoples from conflicts and extremism, we must make development, in both its human and strategic dimensions, our top priority. We must create opportunities and hope for younger generations so that they can look forward to a better tomorrow with optimism and confidence. My country is committed to achieving economic and human progress and has contributed to rehabilitation and reconstruction projects in conflict-affected countries in order to enable them to restore security and stability.

We continue our humanitarian approach to alleviating the suffering of refugees. We support refugees internationally and regionally, with a view to protecting them and improving their living conditions by providing humanitarian and development assistance. However, we would like to stress that managing crises by providing such assistance alone is not a sustainable solution if we fail to address their root causes. In that regard, we would like to reiterate the importance of ensuring that the United Nations can arrive at solutions to humanitarian and political crises and address their grave implications, with a particular focus on recent acts of violence and ethnic cleansing such as have been committed in Myanmar against the Rohingya. The United Arab Emirates condemns the violence, displacement and collective punishment that have been visited on the Rohingya and will continue to provide them with assistance in order to reduce their suffering.

In that context, I should also mention the Houthi rebels' obstinate rejection of a political settlement to the crisis and the humanitarian initiatives in Yemen, which is preventing progress from being made on resolving the issue. We will nonetheless continue to work diligently and with determination on the political and humanitarian processes in Yemen, alongside our friends and brothers and under Saudi Arabia's wise leadership, with the goal of addressing the humanitarian and development needs of the Yemeni people, especially women and children, and with a view to restoring stability there.

The United Arab Emirates believes that by looking to the future, promoting human values, working to achieve human development and responding to the aspirations of young people, we can create the foundations for further development and prosperity. My country has moved beyond the stage of establishing its

infrastructure and fulfilling basic needs, including by providing health, nutrition and education services, and has adopted a model based on the principles of good governance and values of tolerance and on its vision for building a contented society. We have also created a safe environment that can enable women and young people to fulfil their dreams and ambitions while engaging in their country's development. As a result, we have been able to pioneer innovations and other groundbreaking achievements and have become a beacon of hope for younger generations throughout the region. We are cognizant that our greatest challenge is to make our development sustainable and prepare ourselves for the post-oil era. That will be vital to our survival.

The United Arab Emirates considers its values and principles to be a human and historic legacy celebrated and passed on by one generation to another. We have therefore declared 2018 the year of Zayed, in memory and recognition of the achievements of the founding father of the United Arab Emirates and with the aim of enshrining his values as we continue his journey to build and advance our nation.

We stand at a historic juncture. On the one hand, we have those who pursue peace, development, modernity and the future, while on the other we have those who have chosen darkness, destruction, sabotage and chaos. In that essential and just confrontation, we must stand united. Our goal must be the eradication of extremism and terrorism and the elimination of the forces that are tearing our region apart. We will then have a clear path towards a brighter future that is full of hope.

**The Acting President:** I now call on His Excellency Mr. Tsend Munkh-Orgil, Minister for Foreign Affairs of Mongolia.

**Mr. Munkh-Orgil (Mongolia):** At the outset, I join previous speakers in expressing our solidarity and sympathy with the Government of Mexico and its people and with the Caribbean countries and the United States, which have all been hit by devastating natural disasters in the past few days. Natural disasters across the globe have become more frequent, and their consequences even more catastrophic. By some calculations, their numbers have quadrupled worldwide since 1970. The need for better national and local readiness, and for stronger regional and international cooperation, is growing. As part of those efforts, Mongolia will host an Asian ministerial conference in July 2018 aimed at



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implementing the Sendai Framework for Disaster Risk Reduction more effectively.

Mongolia has been exposed to multiple environmental challenges as a result of climate change, including desertification, drought, land degradation and wild forest fires. The main goals of the Government action plan for the period 2016 to 2020 are therefore preserving a balanced ecosystem, protecting natural resources and ensuring their appropriate use and rehabilitation, and promoting green economic growth. All of us, developed and developing nations alike, are committed to working together to address newly emerging issues induced by climate change. For its part, Mongolia has developed its intended nationally determined contribution and will work to implement its target of reducing greenhouse-gas emissions by 14 per cent by 2030.

The theme of this year's general debate, "Focusing on people: Striving for peace and a decent life for all on a sustainable planet", captures the main thrust of the 2030 Agenda for Sustainable Development. If the Sustainable Development Goals (SDGs) are implemented, they will transform our world. But as important as the SDGs are, we should not overlook the compelling need to fine-tune the overall structure for their implementation at the national, regional and global levels. An important step in that direction was taken at the July meeting of the High-level Political Forum on Sustainable Development. Mongolia fully supports the Forum's declaration, which emphasizes the importance of fostering peaceful, just and inclusive societies as well as empowering vulnerable people through collective action.

My country was one of the first to adopt the SDGs. In February 2016, our Parliament approved Mongolia's sustainable development agenda for 2030. It envisages Mongolia becoming an upper-middle-income country by 2030, eradicating poverty in all its forms while preserving an ecological balance and strengthening democratic governance. In parallel with the 17 SDGs, Mongolia's Vision 2030 integrates the three pillars of development — economic, social and environmental. We have mainstreamed its goals into our Government action plan for 2016 to 2020 and other relevant programmes.

Among global development priorities, the special needs of landlocked developing countries are a top priority for Mongolia. According to World Trade

Organization (WTO) estimates, landlocked developing countries' trade costs amount to applying a 260 per cent tariff to international trade, and the Office of the High Representative has concluded that on average, such countries' development is 20 per cent lower than it would be if they were not landlocked. Mongolia is committed to the effective implementation of the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014-2024, along with other landlocked developing countries. It is gratifying to note that, with 10 required ratifications already in place, the multilateral agreement establishing an international think tank for countries such as ours will enter into force on 6 October. The Ulaanbaatar-based international think tank has already begun its research activities, thanks to the financial contributions of the Mongolian Government and other partners. Once fully operational, it will further support landlocked developing countries in their implementation of both the Vienna Programme of Action and the 2030 Agenda for Sustainable Development.

Enhancing connectivity is an urgent priority that all landlocked developing economies share. Mongolia acceded to the WTO's Trade Facilitation Agreement in 2016. We value the potential of its article 11, on freedom of transit for reducing trade costs and boosting trade for landlocked developing countries, which can help us integrate into global value chains and make the transition from landlocked to land-linked status. In order to further improve market access to its main trading partners, Mongolia is studying the feasibility of free trade agreements with the Eurasian Economic Union, the People's Republic of China and the Republic of Korea. An economic partnership agreement is already in place with Japan.

In order to enhance regional integration in our immediate region of North-East Asia, Mongolia is actively engaged with its neighbours on transit, transportation and infrastructure development. In July 2015, the Presidents of Mongolia, China and Russia signed an agreement to develop a programme on the China-Mongolia-Russia economic corridor. It will focus on the implementation of joint projects to increase trade turnover, ensure competitiveness in goods supply, facilitate cross-border transportation and develop infrastructure. In August, we agreed on our priority projects, and we are in the process of setting up mechanisms to coordinate the actual implementation of the economic corridor.

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In December 2016, China, Mongolia and the Russian Federation signed an intergovernmental agreement on international road transport along the Asian highway network, marking another major step in trilateral cooperation. Mongolia is keen to work together with our two neighbours and other partners to improve rail, road, air and energy networks and pipeline infrastructure, and to increase access to the sea.

Mongolia's State energy policy, adopted in 2015, set the ambitious goal of producing 30 per cent of its energy demands through renewable resources by 2030. Our solar and wind resources are estimated at 7,000 and 5,000 terawatts, respectively. With those resources, Mongolia has basically an unlimited potential for exporting clean energy to countries in our region. We are working with our partners to implement the Gobi Tech and Asian Super Grid projects to supply renewable energy to North-East Asia. They offer countries in the region a wide range of economic, social and environmental benefits, including energy security, job creation and the reduction of carbon-dioxide emissions. We look forward to working with bilateral and multilateral partners on those important projects.

When the global community set out on the collective journey towards the 2030 Agenda for Sustainable Development, it pledged to leave no one behind. The SDGs have made the reduction of inequalities among people — including the disadvantaged, vulnerable and marginalized — a clear priority for the international community. Sustainable social development is a prominent part of Mongolia's Vision 2030 for the SDGs. It sets out goals aimed at ensuring gender equality, improving the quality of health-care services and access to them, creating safe, healthy living conditions for its citizens, providing everyone with a high-quality education, ending all forms of poverty and enlarging the middle-income class. But while we cannot achieve the timely and effective implementation of the sustainable development agenda without peace and security, peace is being threatened on a number of fronts.

Mongolia is deeply concerned about the escalating tension in North-East Asia. We strongly oppose the Democratic People's Republic of Korea's destabilization of regional security by conducting repeated nuclear tests and launching ballistic missiles in defiance of the international community's will and in violation of the relevant Security Council resolutions. As a country that has had nuclear-weapon-free-zone status for the past 25 years, Mongolia reiterates its principled

position that the Korean peninsula should be free of nuclear weapons, and we urge the parties concerned to refrain from any action that could heighten tensions in North-East Asia and to work to resolve the issue through peaceful means. In our view, the only way to do so is through dialogue. One possible avenue for that could be the Ulaanbaatar Dialogue on Northeast Asian Security, which we initiated in 2013. We held its fourth International Conference in Ulaanbaatar in June. The Dialogue discusses not only security issues in North-East Asia but also potential energy and environmental projects, and as such is an open mechanism that can embrace the participation of every country in North-East Asia.

The current tensions have only deepened the concerns we all have about nuclear weapons. Mongolia welcomed the Assembly's adoption, on 7 July, of the Treaty on the Prohibition of Nuclear Weapons. So long as nuclear weapons exist, the risk of their use will persist. The only guarantee of the non-use of nuclear weapons is their total elimination. Pending the achievement of that ultimate goal, it will be critical to ensure the entry into force of the Comprehensive Nuclear-Test-Ban Treaty as soon as possible, as well as vigorous implementation of the Action Plan agreed in the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. We must also put an end to the protracted stalemate in the Conference on Disarmament.

Terrorism continues to pose a grave threat to international peace and security, and terrorist activities around the globe remain unabated. We commend the Secretary-General's establishment of a new United Nations Office of Counter-Terrorism to provide strategic leadership for global counter-terrorism efforts.

In the twenty-first century, it is disheartening to see the world facing the largest refugee crisis since the Second World War. An unprecedented number of people, including the Rohingya Muslims, have been forced to flee their homes. The horror of the human tragedy that has unfolded during such forced displacements must stop. The current humanitarian emergencies require comprehensive responses that should include three elements — ensuring dignity for refugees, supporting host countries and addressing the root causes of the problem. It is the shared responsibility of all of us to promote the safe movement of persons and to respect international refugee law, human rights law and humanitarian law. Similarly, large movements

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of migrants require equally close attention. We look forward to the adoption of a global compact for safe, orderly and regular migration in 2018. We hope it will be a critical tool for protecting the safety and human rights of all migrants, regardless of their migratory status, and for strengthening global governance on international migration.

Today the role of United Nations peacekeeping is growing tremendously. Mongolia is proud to be contributing to its support for the purposes and principles of the Charter of the United Nations. In the past decade, Mongolia has dispatched more than 15,000 Blue Helmets to a number of hotspots and is currently one of the 30 largest troop- and police-contributing countries in the world. Mongolian peacekeepers are known for their dedication, skills and community-friendly behaviour in peacekeeping and reconstruction efforts. We intend to further enhance our contribution by providing engineering and special units to United Nations peacekeeping operations.

As a member of the Human Rights Council, we reaffirm our firm commitment to eradicating the death penalty, torture and other kinds of inhumane and degrading treatment. Four days ago, together with Argentina and the European Union, we hosted a high-level event to launch the Alliance for Torture-Free Trade, a global alliance to end trade in products used to carry out torture and capital punishment.

Strengthening democratic and open societies governed by the rule of law is a long-standing priority for Mongolia. Accountable institutions, access to justice for everyone and the significant reduction of corruption are all key ingredients of sustainable development as envisaged in SDG 16.

At a time when the world is facing myriad global challenges, it is unsettling to have multilateralism questioned. In our globalized world, no State can tackle today's challenges alone. Global issues require global solutions. As a guarantor of security for all nations, large and small, the United Nations is a centre of multilateralism, but we must enhance its role as a centre of effective multilateralism. We commend the Secretary-General's vision of the United Nations as an instrument for a surge in diplomacy for peace, and his recent establishment of the High-Level Advisory Board on Mediation could not be more timely. Its 18 eminent members bring to it an unparalleled spectrum of skills

and, most important, the credibility that is essential for mediation.

In conclusion, I want to reaffirm once again that Mongolia fully supports the Secretary-General's vision for reform that can make the United Nations less bureaucratic and more efficient, productive and field-oriented. After all, that is the only way that the United Nations can become stronger and more responsive to the people it serves.

**The Acting President:** I now call on His Excellency Mr. Aurélien Agbenonci, Minister for Foreign Affairs and Cooperation of the Republic of Benin.

**Mr. Agbenonci (Benin)** (*spoke in French*): I would like to deliver the following message on behalf of Mr. Patrice Talon, President, Head of State and Head of Government of the Republic of Benin.

"At the outset, I would like to reiterate my warm congratulations to the President on his election to lead the General Assembly at its seventy-second session and to assure him of my country's support in the fulfilment of his mandate. I would also like to take this opportunity to thank his predecessor, Mr. Peter Thomson, for his efforts. I would like to once again warmly congratulate Secretary-General António Guterres and assure him of our full support and, lastly, to pay tribute to his predecessor, Mr. Ban Ki-moon.

"I extend my condolences and my sympathies to the Governments and the peoples of the United States, France, Mexico and Sierra Leone and all the countries in the Caribbean that have been victims of recent natural disasters.

"As we move into the active phase of concrete implementation of the Sustainable Development Goals, Benin welcomes the theme of this session of the Assembly, entitled 'Focusing on people: Striving for peace and a decent life for all on a sustainable planet'. This theme corresponds closely to the guidelines in our Government's programme of action, which places humankind and the planet at the centre of its concerns. Benin, as members know, is continuing its efforts to achieve the Sustainable Development Goals through courageous and necessary reforms.

"On 22 September 2016, from this rostrum (see A/71/PV.14), I affirmed that mass poverty is a major threat to humankind, and on that occasion I

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expressed the hope that the determination that led the world to adopt the Paris Agreement on Climate Change could lead us to set up a comprehensive programme for the eradication of mass poverty. A year later, that appeal is more relevant than ever, as the situation in our countries continues to deteriorate. Thousands of people are forced to emigrate, in most cases at risk to their lives, with, as a corollary, many security and economic challenges for host countries, as well as significant environmental consequences. That is why I find this theme useful for the sharing of efforts to ensure sustainable human development and the promotion of a world that respects the environment.

“Benin has committed to addressing youth unemployment as a means of eradicating poverty. In accordance with the road map of the African Union adopted by the Heads of State and Government in January 2016, the Government of Benin, in liaison with the United Nations, has drawn up a national road map to take into account the demographic dividend in Benin. The Government’s programme of action outlines a number of projects that, when realized, will strengthen sustainable human development.

“The programme, known as Insurance for Strengthening Human Capital, fits into that dynamic. Its operationalization will make health insurance compulsory for all who live in Benin and will make it possible to establish a social protection system for the poorest and most vulnerable. Our programme of action also attaches great importance to the preservation of the environment, and important environmental protection measures are included.

“I believe it is important to take this opportunity to recall Benin’s proposal on 15 November 2016 — during the solemn high-level session of the twenty-second meeting of the Conference of the Parties to the United Nations Framework Convention on Climate Change, in Marrakech, Morocco — to establish an international research centre to respond effectively to the effects of climate change on agriculture in Africa, in conjunction with the International Institute of Tropical Agriculture, based in Nigeria. Our hope is that the appropriate United Nations bodies will consider the implications of that proposal, which would make it possible to ensure the sustainable development of agriculture in Africa.

“We are deeply committed to efforts to combat climate change, and we believe that the Paris Agreement is an indispensable tool for achieving that. In that regard, my country supports the various initiatives, particularly those of France, aimed at getting the United Nations to put in place a third generation of fundamental rights that would be embodied in a global pact for the environment.

“Our session opens at a time when the world is facing a multitude of complex challenges. For decades the world has also seemed prone to crisis and in search of meaning. In many parts of the world, peace is seriously threatened and the values of freedom and the rule of law are compromised. Violent extremism and radicalism weigh heavily on international security and stability.

“The assault on multilateralism, and therefore on the United Nations, is part of that pernicious trend that we must reject. That is why, in order to ensure the well-being of African populations and to address those problems effectively, the African Union needs reform more than ever. Benin strongly supports the ongoing reform process and very much wants it to be finalized as soon as possible.

“Reform of the United Nations, particularly the Security Council, must also proceed so as to increase the effectiveness of the Organization, particularly in the area of peace and security. The composition of the Security Council must be revised in order to take into account the changes that have taken place on the international scene in recent decades. We cannot call for respect for democracy in all countries and, paradoxically, not want it to be applied in reforming the Security Council. That reform, we hope, will make it possible to redress the injustice done to Africa, the only continent not represented in the category of permanent members of the Council. Benin’s position on this issue is consistent with that of Africa, as set out in the Ezulwini Consensus. The United Nations, and more specifically the Security Council, also needs a fresh start.

“The important challenges to be met include the settlement of the Palestinian question. The creation of a Palestinian State as a full Member of the United Nations living in harmony with Israel will undoubtedly result in a dynamic that can reduce tensions in that region. We therefore support the

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efforts of the United Nations to achieve that goal, as well as the initiatives to meet the conditions likely to promote an international conference on the establishment in the Middle East of a zone free of nuclear weapons.

“I would like to reiterate our commitment to strengthening our contribution to the work of the United Nations and to further working towards the effectiveness of peacekeeping operations. The signing in Cotonou on 8 February of the agreement on the status of the United Nations Multidimensional Integrated Stabilization Mission in Mali fits into that dynamic.

“I do not wish to end my statement without once again affirming the deep attachment of my country, Benin, to the United Nations, which remains a unique framework for expression, dialogue and action, enabling us to cope in a unified manner with the immense and complex challenges of our globalized world. Multilateralism is an ethical and political imperative for peace. Benin will continue to work alongside all other peoples to build a more just, inclusive and fraternal world order.”

**The Acting President:** I now call on His Excellency Mr. Pehin Lim Jock Seng, Minister at the Prime Minister’s Office and Second Minister for Foreign Affairs and Trade of Brunei Darussalam.

**Mr. Seng** (Brunei Darussalam): I have the great honour to convey the warm greetings of His Majesty the Sultan and Yang Di Pertuan of Negara Brunei Darussalam to the General Assembly.

We congratulate Mr. Miroslav Lajčák on his assumption of the presidency of the Assembly at this session. We also thank His Excellency Mr. Peter Thomson, who presided over the Assembly with such dedication during the past year. I also wish to send my warm wishes to our Secretary-General, His Excellency Mr. António Guterres, and to praise him for his vision for strengthening our Organization.

Two years ago, Brunei Darussalam proudly joined everyone in embarking on an extended journey to achieve a global set of ambitious goals for sustainable development. For us, that moment was meaningful. It signified our Organization’s relentless efforts to bring development and prosperity to all countries, regardless of their size and status in the world. It also showed us what unity can accomplish.

Our theme sums up who it is we are acting for — it is our people. It is therefore important to ensure that we fulfil our promise to them. It is a promise of a future where their hopes and dreams for better livelihoods can be realized. That will require our long-term commitment and significant investment.

In Brunei Darussalam, this means more than just building infrastructure or providing for basic needs. It also means raising decent people, people who care for their society and are committed to their country’s development and future. That calls for an inclusive approach, with a priority of focusing on youth development. In today’s increasingly competitive environment, Brunei Darussalam firmly believes that quality education is the key to building a new generation of highly skilled, innovative and confident young people.

According to the International Labour Organization, more than 291 million people around the world are estimated to be unemployed this year. Creating job opportunities, especially for our young people, will therefore be crucial to raising their standard of living. In Brunei Darussalam, we are continuing our efforts to diversify our economy and advocate free trade bilaterally and regionally, with the aim of achieving a dynamic and sustainable economy.

While pursuing economic progress, we should be mindful of the correlation between human activities and climate change. That is where the Paris Agreement on Climate Change can galvanize our collective actions to bequeath a cleaner, healthier, safer and more sustainable planet to our future generations. Brunei Darussalam will continue to do what it can to contribute positively towards that end. To reduce greenhouse gas emissions, we are promoting efficiency in energy consumption and gradually deploying renewable energies. At the same time, conserving our forests is a high priority, and that complements our multilateral efforts, including the Heart of Borneo initiative and, recently, the Queen’s Commonwealth Canopy. All in all, it is about educating our people to care for and protect our planet. And strengthening global efforts in that area is also important.

For human and economic development to thrive, regional and international peace and security are crucial. That is the basic foundation of the success of Association of Southeast Asian Nations (ASEAN) as it celebrates its fiftieth anniversary this year. So, for the

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continued progress of South-East Asia and the region at large, it is the responsibility of all concerned to ensure a stable, safe and secure environment, one that is free of conflict, war or the threat of war. We also strive for stronger engagement through confidence-building, preventive diplomacy and conflict resolution through peaceful means. It is through such efforts and close cooperation among ourselves and with our external partners that ASEAN hopes to further contribute to global peace and development.

ASEAN's achievements over the past 50 years in ensuring regional peace and security have enabled Brunei Darussalam to pursue its development objectives in a peaceful and harmonious environment. We are pleased that our country has consistently achieved very high ranking in the Human Development Index of the United Nations Development Programme.

As the well-being of our people continues to be central to the nation, we are mindful of the negative impact of security threats, particularly with regard to our work to ensure a sustainable world. Like many others, we are concerned about the constant threats of terrorism and violent extremism. Sadly, in various parts of the world, the casualties resulting from terrorist attacks continue to shock us all. We condemn such horrendous acts and convey our deepest sympathy and condolences to the families of the victims. We wish to reiterate that terrorism should not be linked to any particular race, religion, nationality or ethnicity.

In order to address those threats, it is important to comprehensively examine the root causes of terrorism, such as poverty, marginalization and alienation, notably among youth. It is our hope that focusing on education and youth development, creating job opportunities, advocating the responsible use of social media and promoting dialogue among different faiths and civilizations will greatly help in our efforts to bring about positive change.

It is equally important to instil in our people's hearts and minds the values of peace, harmony, moderation and mutual respect. It is through those values that we may be able to create societies that are resilient to destructive ideologies. Working closely with youth, religious leaders and local communities will be essential to help to realize that. We therefore welcome all efforts of the international community to prevent and eradicate terrorism and violent extremism, in all their forms and manifestations.

Also of great concern are pandemic diseases and natural disasters. On that note, I would like to join others in expressing our condolences and sympathies to the families of the victims of the recent natural disasters that have affected Mexico, Sierra Leone, the United States and countries in the Caribbean and South Asia. Given the destructive effects of natural disasters on any country's development and well-being, Brunei Darussalam values the work of all relevant agencies, including those of the United Nations, the World Health Organization and ASEAN. They provide us with means to gain expertise and knowledge on how to deal with the challenges posed by such threats.

As we seek to ensure that no one is left behind, we should not forget the plight of those suffering from war, conflict and occupation. Like everyone else, Palestinians have hopes and dreams of being educators, doctors, engineers, artists, athletes and innovators, which are all for the good of humankind. However, for half a century, foreign occupation has prevented many of them from achieving their full human potential for making a greater contribution to global development. Peace, freedom, justice and self-determination are Palestinians' fundamental rights. As the legitimate and truly representative Organization of the globe, the United Nations has a moral and legal obligation to enforce those rights and ensure accountability for actions that contravene international law.

We continue to count on the United Nations, as well as all relevant parties, to find comprehensive and lasting peace and stability in the region. We must press on with all efforts to translate the growing international recognition of the State of Palestine into positive changes on the ground, so that Palestinians can pursue sustainable development in their own homeland.

Brunei Darussalam looks to the United Nations to address pressing issues around the world. It is important for the United Nations to enhance its working relationship with its network of partners, including regional organizations such as the Organization of Islamic Cooperation, the Commonwealth and ASEAN.

In order to better reflect the needs and realities of the twenty-first century, the world needs a stronger, more effective and more efficient United Nations. To that end, we support our Secretary-General's ideas for reforming the United Nations and repositioning our Organization to focus more on measures for preventing conflicts, including mediation. We believe

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such endeavours will greatly help the United Nations optimize its work and resources and, above all, save lives, safeguard people's dignity and promote peace and security around the world.

We want a United Nations that is fit for its purposes and principles, as enshrined in the Charter of the United Nations. Ultimately, it is the responsibility of all Member States to ensure that the United Nations truly lives up to its name. As we strive for a better future together, we hope for a successful United Nations. A successful United Nations benefits humankind. When humankind benefits, we all win.

**The Acting President:** I now call on His Excellency Dato' Sri Anifah Aman, Minister for Foreign Affairs of Malaysia.

**Mr. Aman (Malaysia):** I congratulate Mr. Miroslav Lajčák on his election to the presidency of the General Assembly at its seventy-second session. I am confident that under his able stewardship, the General Assembly — the main deliberative and policy-making organ of the United Nations — will see substantial development and advancement in addressing the many challenges that our Organization faces today.

I also congratulate His Excellency Mr. António Guterres on his appointment as the ninth Secretary-General. I assure him that his endeavour to make the United Nations an effective, relevant and august Organization has Malaysia's fullest support and cooperation.

The theme of the Assembly's seventy-second session, "Focusing on people: Striving for peace and a decent life for all on a sustainable planet", is most relevant and timely as we work collectively and individually to achieve all 17 Sustainable Development Goals (SDGs) by 2030. That journey will not be easy. Some have even proposed that it should be the only focus for the entire international community — to strive towards ensuring our future survival in an inclusive manner. We must strengthen our resolve and fulfil our promise to each and every citizen of the world that no one will be left behind.

On that basis, Malaysia has always oriented its development agenda to accomplish that very promise. Sustainable development has been at the heart of Malaysia's development approach since the 1970s. In 2009, the Malaysian Government launched its new economic model, which features three new goals:

high income, inclusivity and sustainability. Those pursuits continue to resonate well with the three components of the 2030 Agenda for Sustainable Development — economic growth, social needs and environmental protection.

We have also adopted forward-looking development policies through the Eleventh Malaysia Plan, which spans the five years from 2016 to 2020, under the theme "Anchoring growth on people". That development plan reaffirms the Malaysian Government's commitment to a vision of growth anchored in the prosperity and well-being of its people, while protecting the environment and strengthening peace.

In July, Malaysia presented its voluntary national review at the High-level Political Forum on SDGs. The review, which reports the actions and measures taken by Malaysia to advance the implementation of the SDGs, is testimony to Malaysia's continued commitment to achieving the 2030 Agenda. The Government of Malaysia strives to ensure that each and every Malaysian has an equitable share in the prosperity and wealth of the country and that no one is left behind.

Earlier this week, Malaysia joined other Member States in signing the Treaty on the Prohibition of Nuclear Weapons. We are convinced that the political and legal impact of the Treaty will steer the international community collectively towards the elimination of nuclear weapons and the maintenance of a world free of nuclear weapons. We were guided by the commitment of States to an instrument that is legally sound and feasible to implement, one that sends a powerful political message that nuclear weapons are categorically unacceptable.

Malaysia strongly believes in continuing to strengthen and enhance legislative and collective enforcement capabilities in confronting international security threats, particularly the proliferation of weapons of mass destruction and specifically to non-State actors. We remain steadfastly committed to our international obligations in the fields of disarmament and international security through various national, regional and international approaches.

In that connection, Malaysia reiterates its strong condemnation of the nuclear tests and missile launches of the Democratic People's Republic of Korea, which seriously undermined the global disarmament and non-proliferation regime. Malaysia calls on the Democratic People's Republic of Korea to refrain from

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conducting further nuclear tests and missile launches, to halt its nuclear and ballistic-missile programmes and to comply fully with its international obligations in the interests of the maintenance of international peace and security. Malaysia joins other nations in stressing the need for an immediate resumption of peaceful dialogue and negotiations among the relevant parties with a view to finding a durable solution to the long-standing conflict.

We are also seeing a convergence of new security threats emerging from irregular migration and transnational crime activities, which include terrorism, trafficking in persons, illicit drug trafficking, money-laundering and cybercrimes. The threats that we face today have an increasingly regional and international impact, affecting our economies and lives in ways that we have never experienced before. For that reason, Malaysia has made significant efforts to improve its legislation and enforcement capabilities by adopting a holistic approach to preventing and combating those heinous crimes.

Sadly, as we devote our attention to peace, a decent life and a sustainable planet, there are people in the world who are suffering from horrifying crimes against humanity. In the past few weeks, we have seen a recurrence of violence instigated by a delusional and desperate militant group of Rohingya in Rakhine state. However, the subsequent clearance operations by Myanmar have claimed countless innocent civilian lives and caused more than 400,000 Rohingya to flee their homes. The indiscriminate violence perpetrated against the Rohingya during those operations is of grave concern to Malaysia and others. Such atrocities have unleashed a full-scale humanitarian crisis that the world simply cannot ignore and must be compelled to act on.

If the current situation is not addressed judiciously, the desperate people of Rakhine state will become easy prey to recruitment by extremists, for which prolonged frustration, anger and deprivation provide a fertile breeding ground. Although the Myanmar Government has given its repeated assurances that it will implement measures to resolve the issue, the recent incidents of violence have not assuaged our concerns or assured us that effective safeguards are being put in place on the ground. I therefore call on the Government of Myanmar to end the violence, stop the destruction of life and property and allow immediate, unimpeded access for the delivery of humanitarian aid.

I would also like to take this opportunity to commend the Government of Bangladesh for all it has done in receiving almost half a million Rohingya refugees over the past three weeks. Sheltering such a huge number of refugees puts a strain on any country. Malaysia dispatched humanitarian aid to Bangladesh on 9 September and will do more. In the spirit of compassion and humanity, I call on the international community to support the humanitarian efforts in Bangladesh.

Our collective failure to find a solution to the Palestinian question is totally unacceptable. The situation in Palestine remains daunting and appalling as Israel continues to violate international law with its heavy-handed approach to the defenceless Palestinians. As Israel's occupation of Palestinian territory marks its fiftieth year, we must continue to intensify our efforts to find a just and durable solution to the Palestinian question.

Malaysia reiterates that any action by Israel aimed at imposing its laws, jurisdiction and administration on the holy city of Jerusalem is illegal and totally unacceptable. We remain extremely concerned about the lack of accountability for the Israeli occupying forces and the ongoing blockade of Gaza and the resulting humanitarian crisis. We are extremely dismayed at the diminishing prospect of peaceful coexistence as Israel's illegal settlement activities continue unabated.

The implementation of Security Council resolution 2334 (2016), adopted on 23 December 2016, remains a challenge. In that regard, Malaysia reiterates its support for the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and its proactive approach regarding the need for a written quarterly report by the Secretary-General on the resolution's implementation. We urge the international community, especially Member States, to continue to firmly support that vital call. If we continue to enable the resolution to be deliberately weakened in a shameless manner, rendering it unimplementable, we will be guilty of deconstructing any two-State solution.

Malaysia will continue to support the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The plight of some 5 million registered Palestine refugees must not be ignored. In view of the Agency's weakening financial situation, we urge the international community to strengthen its



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commitment to providing it with financial and other relevant assistance.

In our fight against the scourge of violent extremism, Malaysia would like to reiterate the ongoing urgency of taking a moderate approach to countering the propagation of extremism and radicalization. To that end, Malaysia reiterates the call for a global movement of moderates that Prime Minister Najib Razak made in 2010, with the aim of dousing the flames of hatred and halting the influence of extreme and myopic ideas of intolerance, xenophobia and racial hatred, among others.

It is imperative that communities of different races, religions and cultures band together in seeking common peaceful aspirations and celebrating their diversity, rather than being influenced by and enticed into extremist traps. Malaysia therefore looks forward to bringing the initiative for a global movement of moderates to the United Nations through a draft resolution at this session. It is imperative that the voices of reason, tolerance and understanding drown out those that glorify the extremism that sows seeds of hatred among our communities.

If it is to carry out its arduous tasks, the United Nations cannot afford to stand still and remain idle. Since taking over the helm of the Organization, the Secretary-General, together with the Secretariat, has initiated various efforts to make it more efficient, effective, agile and fit for purpose. Malaysia commends the dynamic leadership of the Secretary-General through his various reform initiatives, which include reviewing the peace and security architecture and enhancing the overall development system and United Nations management reform, among others.

Malaysia is of the view that any major reform initiative that might include cost-cutting measures should not hamper or disrupt the Organization's existing development efforts to achieve peace and a decent life for all. That includes peacekeeping operations, peacebuilding, and development programmes in developing countries, especially in countries in areas of conflict. I wish to express my delegation's full cooperation, support and commitment to working closely with the Secretary-General, all Member States and various stakeholders towards implementing the reform initiatives.

Let us strengthen our resolve in fulfilling our collective responsibilities. I assure the Assembly of

Malaysia's continued support and commitment to the agenda of the United Nations and the work of the General Assembly.

**The Acting President:** I now call on His Excellency Mr. Samura M.W. Kamara, Minister for Foreign Affairs and International Cooperation of the Republic of Sierra Leone.

**Mr. Kamara (Sierra Leone):** I bring the Assembly fraternal greetings and very best wishes from His Excellency Mr. Ernest Bai Koroma, President of the Republic of Sierra Leone. President Koroma deeply regrets that he is unable to participate in the seventy-second session of the General Assembly, due to unavoidable circumstances. He has, however, instructed me to deliver the following message.

"I congratulate the President on his assumption of the responsibility for directing the work of the General Assembly at its seventy-second session. I would like to assure him of my personal support and that of my country throughout his tenure. Let me also congratulate and warmly welcome our new Secretary-General, Mr. António Guterres. I commend and thank their predecessors, Mr. Peter Thomson and Mr. Ban Ki-moon, for their leadership and outstanding commitment to advancing our collective aspirations and energy, maintaining global peace and security and achieving sustainable development for all, as well as for their concern regarding climate change.

"In March of 2018, the people of Sierra Leone will go to the polls to elect their new leaders in local Government, parliamentary and judicial elections. A few months from now, my second term in office will come to an end, and I will be graciously handing over power to Sierra Leone's next democratically elected President. We have had 10 years of working together, 10 years of building and consolidating peace and democracy, of enjoying the atmosphere of a peaceful transfer of power, political party pluralism, a vibrant civil society and a critical media landscape. We are not yet where we want to be as a country, but with the sustained support of the international community, Sierra Leone is not where it was 10 years ago.

"Today, a country that was once regarded as a fragile State is ranked the most peaceful in West Africa and about the fourth most peaceful in Africa. We have raised our economy to become one of the

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fastest growing in Africa. Even when we were halted and derailed by the Ebola virus outbreak, with the international community's support, we fought hard, and once again we are registering a positive economic outlook.

"As I look back on those 10 years, as I look back on that long and challenging path we have travelled together, as I prepare to step aside, I do so with a sense of pride, a sense of fulfilment and a sense of satisfaction that we have played our parts in the rebuilding of our nation, in transforming lives and in giving hope to millions of people.

"Let me particularly commend the United Nations for its significant contribution to restoring peace, security, stability and economic reconstruction in my country. I am happy to note that today Sierra Leone is described by the United Nations, through the Peacebuilding Commission, as a proud storehouse of lessons for a seamless transition from war to peace, democracy and stability. Those lessons have provided us with valuable and cost-effective tools for the peaceful settlement of disputes and conflict prevention.

"We have always been more than ready and willing to share those lessons with other countries in a similar plight, especially countries within our small g7+ group of post-conflict countries, which are striving to leave fragility behind and promote resilience. We have already held three highly successful and widely acclaimed peaceful, free and fair democratic elections following the end of the civil conflicts. Those are milestones that significantly demonstrate our exemplary performance in the consolidation of peace and security. The elections to be held will be no different in terms of transparency, fairness or credibility.

"The choice of the theme for this session, 'Focusing on people: Striving for peace and a decent life for all on a sustainable planet', is apt and timely in an era of global uncertainties and challenges, including the emergence of new threats that tend to undermine our efforts in the promotion of economic and social advancement of all peoples. For 72 years, through this Organization, we have combined our efforts to prevent a major war and to promote human rights, fundamental freedoms, justice and equal rights for men and women of all races. Yet we are faced with unprecedented global challenges

of enormous proportions. The seemingly unending cycles of conflict and violence, the destructive and devastating impacts of climate change, the spread of terrorism and the largest refugee, migration and humanitarian crises in recent history continue to call into question the effectiveness of our present international machinery, as well as our ability to promote sustainable peace and a decent life for all.

"We should therefore generate innovative ideas and credible mechanisms that will bring all conflicts to a peaceful end. We should promote social progress, peace and security, human rights and fundamental freedoms. We must secure better standards of life for humankind. We must remain steadfast in our commitment to building a sustainable planet for present and succeeding generations. This Assembly should, in that regard, reflect on reforms that will reinforce our collective obligation to upholding the purposes and principles on which our Organization was founded.

"The General Assembly has consistently reaffirmed our collective commitment to strengthening the role of mediation in the peaceful settlement of disputes and in conflict prevention and resolution. It is a valuable and cost-effective tool. It is Sierra Leone's firm belief that we must continue to build on the gains made in our preventive diplomacy efforts, including heightened collaboration with each other and among our regional organizations and actors, making use of experiences that have helped us achieve relative international peace and security.

"In that regard, I am heartened by the powerful impetus of the preferential use of preventive diplomacy and mediation efforts in the maintenance of international peace and security by the United Nations system. The good offices of the Secretary-General, including the early-warning system and the international contact groups, are important instruments in preventing conflicts and must be further strengthened to effectively respond to any crisis situation. The effective utilization of Chapter VI of the Charter therefore remains the best option for the Organization in the prevention and peaceful settlement of disputes.

"Obviously, mediation remains a powerful instrument for the prevention and settlement of armed conflicts and must be utilized to the fullest extent

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possible. My country has indeed benefited from mediation efforts under the auspices of the United Nations and the Economic Community of West African States. We have learned from experience that for mediation efforts to be fruitful, they must embrace such measures as the timely cessation of hostilities, credible ceasefire agreements and the timely deployment of peacekeeping and observer missions to be able to undertake and supervise the disarmament, demobilization and reintegration of ex-combatants and displaced persons.

“Furthermore, the role of regional organizations in partnership with the United Nations must be further strengthened to ensure a greater response at the regional level in implementing preventive measures such as early-warning mechanisms. Regional organizations are usually better positioned to generate the necessary political will for conflict prevention within their regions.

“The role of the Peacebuilding Commission has been exemplary, and its experience, expertise and knowledge in preventing conflicts from escalating into violence or war, as well as in supporting post-conflict endeavours, should be tapped into. In that regard, we encourage the sharing of the experiences gained and lessons learned through the engagement of the Peacebuilding Commission.

“As I have already stated, since I assumed the leadership of Sierra Leone almost 10 years ago, the country continues to make steady progress, particularly in the priority sectors of infrastructure, human development, agriculture and food security, democracy, international relations, justice, human rights and inclusive governance, as outlined in my medium-term development plan, the Agenda for Change, followed by the Agenda for Prosperity. Those transformative strategies have gone a long way to more visibly repairing and healing the damage and scars resulting from a brutal war, while also charting a path for achieving sustainable socioeconomic development and shared prosperity and, more particularly, for transforming Sierra Leone into a middle-income country by the year 2025.

“Three years ago, in 2014, the unexpected and unprecedented outbreak of the Ebola virus substantially wiped out the social and economic fabric and the gains that Sierra Leone had

painstakingly achieved over 10 years of progressive post-conflict reconstruction efforts. Shortly after being recognized as one of the countries with the highest growth rate in the world, our economy plunged very sharply, from record high gross domestic product growth rates of 15.2 per cent and 20.1 per cent, in 2012 and 2013, respectively, to record low rates of 4.6 per cent and -21.7 per cent, in 2014 and 2015, respectively. The epidemic revealed fundamental systemic weaknesses that still remained to be addressed in post-conflict Sierra Leone, especially in the health-care system. The fight to end, eradicate and prevent the recurrence of the Ebola virus was largely won through strong leadership, community ownership and national resilience.

“While we were on the verge of turning the corner in our post-Ebola recovery strides, Sierra Leone was severely hit by torrential rainfall in the early hours of 14 August, leading to flash flooding in several areas of the capital city, as well as the collapse of the hillside of Mount Sugarloaf, overlooking Freetown and its environs, causing widespread devastation. The impact has been penetrating and far-reaching, especially for women and children, who were most affected. More than 500 lives were lost, several people were severely injured and traumatized, more than 600 remain missing, around 7,000 were rendered homeless and physical property and assets worth an estimated \$30 million were lost.

“This year’s rainfall is the third in a series of heavy torrential rains with devastating impact, mostly on vulnerable groups in our cities. Such rains displace hundreds of people, destroy farmland, businesses and properties and cost lives.

“While I once again take this opportunity to thank the international community for its support during these moments of grief and need, let me state that such disasters are a stark reminder that climate change is real. They also demonstrate the level of Sierra Leone’s vulnerability to climate change. I therefore reiterate Sierra Leone’s support for the Paris Agreement on Climate Change and urge concerted global efforts in dealing with this immediate, real threat to humankind.

“Under my leadership, Sierra Leone has enhanced political stability by strengthening

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institutions and laying a basis for good governance by allowing those institutions sufficient leverage and latitude to deliver on their respective statutory mandates. My Government has recorded significant milestones in the areas of gender equality and women's empowerment, as well as in promoting youth employment and empowerment. We have established a more stable and regulatory environment for investment and wealth generation, which in the medium- and long-term will create employment opportunities for the inclusive socioeconomic development of young people, the disabled and women.

"My Government's programmes for local Government and decentralization have provided greater space for wider and deeper community participation in our development trajectory. Furthermore, the launch of the Open Government initiative in 2008, followed by our membership of the Open Government Partnership in 2014, has together created an effective platform for transparent governance and citizens' empowerment, thereby building trust and confidence between my Government and the people. With those developments, Sierra Leone is now on a solid path and will continue to consolidate its transition from war to peace and shore up democratic credentials, inclusive growth and a decent life for all.

"Learning from the Ebola virus outbreak, my Government has responded to the task of building a resilient health system to prevent, detect and respond to any public health threats of similar nature. We have established public-health laboratories nationwide that have full capabilities to test for viral hemorrhagic fevers, including Ebola. The floods and mudslides are pointing us to a greater emphasis on the environment, particularly regarding land management, reforestation, affordable housing, urbanization and upgrading slums.

"While we remain determined to accelerate the positive transformation of Sierra Leone, ensuring that Sierra Leoneans benefit from the dividends of our well-earned peace and democracy, we look forward to more strategic engagement with our partners in effectively implementing the Sustainable Development Goals in Sierra Leone, especially in diversifying our economy, with a focus on agriculture, fisheries, tourism and manufacturing industries, as well as on investment

in education and health. Evidence abounds that in those resource-full sectors there is enormous economic potential for public-private sector partnerships and for North-South, South-South and triangular cooperation. We urge our partners to join with us in tapping those potentials.

"As coordinator of the African Union Committee of Ten Heads of State and Government on the United Nations Security Council Reforms, I would like to end my remarks by reiterating Africa's concern about the slow pace of the reform process. We have heard that concern expressed by the current Chair of the African Union, His Excellency Professor Alpha Condé, President of the Republic of Guinea, as well as by several other Heads of State and Heads of Government.

"Beyond the compelling urge to correct the historical injustice done to Africa, we must thoroughly reflect on the current geopolitical realities that generally compel the reform and modernization of the United Nations system, particularly the Security Council. We must also reflect on the continent's numerical strength, its growing economic power, its population dynamics and its increasing role in the multilateral system. Against that background, Africa's demand, as articulated in the Ezulwini Consensus and the Sirte Declaration, is therefore even more legitimate and ought to be redressed and treated on the basis of equity in the global governance system.

"As we look at the work that lies ahead, let us not lose sight of our shared obligation to ensure a peaceful and secure world by resolving our differences, including national and international disputes, through constructive dialogue. We must respect and prioritize strengthening the existing mediation mechanisms provided in the Charter of the United Nations. I am convinced that the pace of global development and the achievement of peace and security will significantly accelerate if we appreciate the wisdom of redirecting resources from the current nuclear arms race to people-centred development. That will benefit humankind more than a continuation of the ruinous competition for superiority. It will also facilitate the attainment of our desired twin goals of sustainable peace and development.

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“As I graciously bow out as President of my beloved country, I will be leaving office with the sincere hope that the successful implementation of the priorities and programmes that I have laid out will enhance Sierra Leone’s attainment of the Sustainable Development Goals. I also hope that the international community will continue to stand by the great and resilient people of Sierra Leone in the pursuit of our collective aspiration to become a middle-income country. It is my fervent hope that the current momentum and development trajectory, which are defined by transformative strategies and catalytic actions, will be maintained through a sustained United Nations partnership with my successor. I therefore thank all of our development partners, both at the bilateral and multilateral levels, who have collaborated with us to support the strides that we have achieved during my tenure.”

**The Acting President:** Before giving the floor to speakers in exercise of the right of reply, may I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and 5 minutes for the second, and should be made by delegations from their seats.

**Ms. Ivanović** (Serbia): My delegation would like to exercise its right of reply in response to the statement delivered by the Prime Minister of the Republic of Albania (see A/72/PV.15).

At this seventy-second session of the General Assembly, as Member States work to address and find solutions to the numerous challenges that the international community faces, let me underline that the consolidation of international peace, security and stability continues to be a priority for the Republic of Serbia as well. To achieve those goals, my country has invested the greatest possible effort in strengthening regional cooperation, stabilization and reconciliation, for which it has been widely recognized and acclaimed. We therefor fully share the approach and vision of the Western Balkans working together.

During the general debate at this session, numerous dignitaries have underlined the importance of respecting the sovereignty and territorial integrity of all Member States. However, the Prime Minister of the Republic of Albania again used the Assembly to call on Member States to recognize the independence of the Serbian southern province, the so-called independent State of Kosovo, contrary to Security Council resolution 1244 (1999),

the Charter of the United Nations and the principles on which the Organization is based. Unfortunately, the Prime Minister of Albania also misled Member States through his contention that dialogue is being conducted between two States — Serbia and Kosovo — and not, as is the real situation, between Belgrade and Pristina, that is, the Provisional Institutions of Self-Government in the province.

Let me recall that all outstanding issues within the process of the normalization of relations between Belgrade and Pristina are being addressed within the dialogue conducted in Brussels, with the facilitation of the European Union. Any unilateral act during the course of the dialogue will only undermine the process. Needless to say, interventions like those made by the Prime Minister of Albania today may jeopardize positive results of the dialogue and set back its progress in the future.

In conclusion, let me point out that settling the status of Serbia’s southern province is among my Government’s top priorities. We have demonstrated, time and again, our readiness to make an active contribution in the efforts to reach solutions that would be acceptable to all, taking into account the legitimate interests of all communities in Kosovo and Metohija.

Kosovo is not an independent State and is not a Member of the United Nations. Let me be clear and stress once again that Serbia will continue to use all diplomatic means to preserve its sovereignty and territorial integrity.

**Mr. Al-Kuwari** (Qatar) (*spoke in Arabic*): My delegation rejects all the allegations and false claims about my country, the State of Qatar, that we heard earlier in the statement by the representative of the United Arab Emirates. Qatar is dealing with an illegal and unjust siege that violates its sovereignty and national decision-making ability.

What we heard today in the Emirates statement is a continuation of the false claims and allegations started by the countries that are party to the siege, including the United Arab Emirates, in an attempt to defame the State of Qatar and damage its foreign policy and its relations with friendly countries. The siege began with acts of air and sea piracy and has included electronic crimes such as the hacking of the Qatar news agency. Those allegations and false claims, which have been going on for three months, have been accompanied by a full-fledged siege that violates all the forms of cooperation

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on which this Organization was established. They violate the Charter of the United Nations, human rights and a people's right to self-determination. They violate good relations among States and humanitarian principles. They also violate the charter of the Gulf Cooperation Council.

Many countries have objected to the siege and called for it to be lifted. Many have spoken about its negative effects. We have been able to deal with those unjust measures through the unity of our people, our standing in the world and the solidarity that countries around the world have expressed so that we can confront the challenges together. We believe that these illegal measures impede United Nations efforts to enhance cooperation among countries in facing our common challenges.

Despite the many attempts to defame the State of Qatar, we know that the international community is aware of the aims of this campaign, and especially that the countries participating in the siege have failed to prove why they imposed it. They know that their claims are intended only to punish the State of Qatar because we are fighting for human rights, freedom of speech and the peaceful resolution of conflicts. They are trying to force the State of Qatar to change its position.

Qatar's record in combating terrorism is known to all in the United Nations and to our partners in this fight. It is better than the record of those who are stating anything to the contrary, and is illustrated by our participation in the international alliance against terrorism and in other regional and international efforts to that end. The State of Qatar is also working through bilateral mechanisms to enhance regional and international cooperation on fighting terrorism and cutting off its sources of funding. We have implemented our international obligations pursuant to the relevant Security Council resolutions with regard to countering terrorism and ending its funding, whether by freezing assets, preventing subjects from travelling, or implementing other measures adopted by the Security Council. The State of Qatar will always be firm when it comes to implementing Security Council resolutions against terrorism.

In conclusion, we want to state that we are all collectively responsible for respecting the purposes and principles of the Charter with regard to the sovereignty of countries, non-interference in countries' affairs and respecting human rights. We believe that the General

Assembly is the most representative forum in the world and the best for defending the Charter and human rights and international law. Instead of accusing Qatar, the Emirates should end all its violations of the Security Council's resolutions on Libya. It should stop creating chaos, launching conflicts and pretending to fight terrorism in order to serve its own interests, knowing that that is leading to more terrorism as a result of their failed policies. We call on the international community to condemn those measures.

**Mr. Idrizi** (Albania): My delegation is taking the floor in response to the statement just made by the representative of Serbia in reaction to the statement of the Prime Minister of Albania, His Excellency Mr. Edi Rama, this morning in the general debate (see A/72/PV.15). I wish I were not obliged to take the floor at this late hour, but I deem it important to say a few words to set the record straight.

The representative of Serbia questioned the call of the Prime Minister of Albania addressed to those United Nations Members that have not yet recognized Kosovo. Let me recall that Kosovo has been an independent State since 2008 and to date has been recognized by 114 Member States. In the course of almost a decade, Kosovo has established and strengthened its worldwide geopolitical identity and has proved itself to be a valuable contributor to peace, stability and cooperation in the region. Nowadays, Kosovo is a member and active participant in all regional initiatives in South-East Europe. It has signed a Stabilization and Association Agreement with the European Union and, like all other countries in the region, is working towards future European Union membership.

International recognition and the full participation of Kosovo in all regional bodies have brought clear benefits. They have improved the overall political atmosphere in the region, facilitated trade and economic relations and improved the mobility of people, and young people in particular. We remain convinced that, based on that record, the United Nations and other international organizations would only benefit by the presence and contribution of Kosovo. That is why we firmly believe, as Prime Minister Rama stated this morning, that

“recognizing Kosovo ... and helping Kosovo move forward ... [is] a direct contribution to bettering the lives of Kosovo's citizens and investing in the

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security and stability of the whole region and of all its countries, including Serbia” (A/72/PV.15, p. 20).

For several years, Kosovo and Serbia have been engaged in a dialogue, facilitated by the European Union and conducted at the highest levels. That has brought the two countries together in the quest for common solutions to a series of important issues for the good of their citizens. We support that dialogue and encourage both countries to continue to work towards full normalization of their relations as the best investment for them, one offering real prospects towards reconciliation. That is what both Kosovo and Serbia need. That is what the whole Western Balkans must achieve in order to build its present and design their future — a future in peace, a future in Europe.

**Mr. Al Musharakh** (United Arab Emirates) (*spoke in Arabic*): We regret the fact that the representative of the State of Qatar has once again sought to distract all of those gathered here from the international commitments that his country should be upholding. Four countries have taken entirely legitimate measures against the State of Qatar, which claims to be combating terrorism, but in point of fact those States’ decisions taken in their genuine efforts to fight terrorism are entirely acceptable under international law and duly take into account the serious violations committed by the Qatar, which finances terrorist organizations.

Our decision to break off relations with Qatar was not a difficult one. Our decision to sever diplomatic ties and relations was a direct response to Qatar’s own actions, which have destabilized the region. Qatar meddles in the internal affairs of other Arab States, supports radicalism and fosters extremism in many countries in the Middle East. In point of fact, the State of Qatar is regularly violates international law and the decisions and resolutions of the Security Council. We shall therefore continue, on the basis of the decisions that we have already taken, to enact the measures that we have put in place because we have found no other way to protect ourselves from Qatar’s hostile actions.

Qatar has a clear choice. It can either choose to remain a rogue State that does not respect international law or it can choose to be a State that abides by its obligations to the international community. It cannot wear both hats at the same time.

**Mr. Elshenawy** (Egypt) (*spoke in Arabic*): I would like to exercise our right of reply in response to the

statement made by the representative of the State of Qatar.

We do not find it odd that the delegation of the State of Qatar is making allegations in order to defend its position after Egypt, Saudi Arabia, the United Arab Emirates and Bahrain became fed up with the situation and decided to enact legal measures, such as those taken recently, to prevent the Qatari regime from supporting terrorism and interfering in the internal affairs of other countries.

As we all know, the Qatari regime supports terrorism in Syria, Iraq, Libya and elsewhere. It has recently financed terrorism in Iraq, for example, by paying ransom to terrorists. The regime is also providing terrorists with weapons, safe havens and even with Qatari nationality, and it declines to prosecute or extradite them as it is required to do under Council resolutions. It is also very openly instigating terrorist acts. Qatar’s support of terrorism, which it has maintained for years, has been specifically mentioned in reports of Security Council sanctions committees, and is known to all.

We all reject the regime’s insistence on supporting terrorism. Its continued refusal to get back on the right track is the reason that our four countries decided to take measures in accordance with international law. We remind everyone, particularly the terror-supporting Qatari regime, that fighting and countering terrorism is a commitment and an obligation for all countries, in line with the relevant Council resolutions. The Qatari regime rejects that notion because it supports terrorism.

**Mr. Al-Kuwari** (Qatar) (*spoke in Arabic*): It is truly regrettable that the delegation of the United Arab Emirates has once again verbally attacked Qatar. That comes as no surprise in the light of the results of the investigation conducted by the Qatari authorities and international agencies into the hacking of the Qatari news agency a few months ago, revealing that the hacking was carried out by a nearby Gulf State. That crime was accompanied by a campaign of lies and defamation targeting Qatar. The lies included in the statement made by the representative of the United Arab Emirates represent a continuation of that campaign, which everyone knows is fabricated.

We affirm that any allegations of a link between Qatar and terrorism are false and baseless. Those who stand behind that campaign have tried to falsely accuse Qatar of terrorism because of the impact of the use

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of that term. Those abominable attempts have failed because the international community refuses to use the accusation of terrorism as a way to single out and berate countries and give them a bad name, thus excluding them from international efforts.

Qatar has made efforts that are supported and commended by many. It is therefore truly ironic that

the United Arab Emirates can speak about combating terrorism while some of its citizens have participated in some of the most heinous terrorist attacks in history, while its regime reaps huge financial benefits from terrorism and continues to defy international sanctions.

*The meeting rose at 9.40 p.m.*



## **Annex 80**

United Nations, Statement by H.E. Shaikh Khalid Bin Ahmed Bin Mohamed Al Khalifa, Minister of Foreign Affairs of the Kingdom of Bahrain, before the General Assembly, 72nd Session, 20th Plenary Meeting, document A/72/PV.20, 23 September 2017, Excerpt, pp. 1, 13-17

Website of the General Assembly of the United Nations, General Debate, available at [https://gadebate.un.org/sites/default/files/gastatements/72/bh\\_en.pdf](https://gadebate.un.org/sites/default/files/gastatements/72/bh_en.pdf)



United Nations  
**General Assembly**

Seventy-second session

**20<sup>th</sup>** plenary meeting  
 Saturday, 23 September 2017, noon  
 New York

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Official Records

*President:* Mr. Lajčák ..... (Slovakia)

*In the absence of the President, Mrs. Nusseibeh (United Arab Emirates), Vice-President, took the Chair.*

*The meeting was called to order at noon.*

**Agenda item 8 (continued)**

**General debate**

**The Acting President** (*spoke in Arabic*): I now call on His Excellency Mr. Adel Ahmed Al-Jubeir, Minister for Foreign Affairs of the Kingdom of Saudi Arabia.

**Mr. Al-Jubeir** (Saudi Arabia) (*spoke in Arabic*): At the outset, I would like to congratulate Mr. Miroslav Lajčák on his election to the presidency of the General Assembly at its seventy-second session and to wish him every success. I would also like to thank Mr. Peter Thomson, President of the Assembly at its seventy-first session, for his efforts throughout his tenure.

I am very pleased to be addressing the Assembly today as my country celebrates its national holiday. We look to the past with pride and are working ambitiously towards the future. Today, I am the messenger of a State that has made its people its top priority and resolutely set forth on a path to sustainable development through creating opportunities, thanks to its fruitful partnerships with friends around the world. Under the leadership of our King, we are helping to establish peace and security in the region and around the world.

The Israeli-Palestinian conflict is the most protracted dispute in the modern history of our region

and has led to innumerable tragedies and endless human suffering. Nothing can justify its continuation, especially when there is an international consensus on the importance of reaching a two-State solution, based on internationally recognized resolutions and the Arab Peace Initiative, with the goal of establishing an independent Palestinian State, with East Jerusalem as its capital, within the pre-1967 borders. More than ever we need concerted international determination to make that solution a reality.

We have been tackling the Houthi-Saleh insurgency in Yemen as a coalition in order to help the legitimate Government of Yemen save its people and restore its State in line with the purposes and principles of the Charter of the United Nations. That was not a choice for us in Yemen. We resorted to it only after sustained political efforts to maintain Yemen's safety and stability and preserve its territorial integrity and independence. We therefore affirm our full support for the political process in Yemen and will stand by the United Nations and its Special Envoy in their efforts to arrive at a political solution in line with Security Council resolution 2216 (2015) and the Gulf Cooperation Council initiative, and through national dialogue. We are aware of the extent of the humanitarian suffering of our brothers in Yemen since the coup d'état and have spared no effort to come to their aid. In fact, the assistance provided by the Kingdom of Saudi Arabia in recent years now amounts to more than \$8 billion for every area of humanitarian medical and development needs, funnelled through the King Salman Humanitarian Aid and Relief Centre.

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sovereign nation. We need an open global architecture based on a vision of an interdependent world in order to secure, sustainable prosperity for every single one of us. But most important, we need inclusive and fair economic growth to empower all our people to lead good and meaningful lives.

**The Acting President:** I now call on his Excellency Sheikh Khalid Bin Ahmed Al-Khalifa, Minister for Foreign Affairs of the Kingdom of Bahrain.

**Sheikh Al-Khalifa** (Bahrain) (*spoke in Arabic*): At the outset, I wish to wholeheartedly congratulate Mr. Lajčák and his friendly country, Slovakia, on his election as President of the General Assembly at its current session and to pledge our full cooperation in the discharge of the duties with which he is entrusted. We are fully confident that, thanks to his insight and clear vision, he will successfully conduct the business of this session. I also wish to praise his choice of theme for this session, “Focusing on people: Striving for peace and a decent life for all on a sustainable planet”. This important theme meets the expectations of all countries and peoples. I also take this opportunity to express my deep appreciation to his predecessor, His Excellency Mr. Peter Thomson, for his able and competent presidency of the previous session.

I renew my congratulations to Secretary-General António Guterres and applaud his tireless efforts, as reflected in his important report on the work of the Organization (A/72/1), in which he demonstrates his resolve to reform its structure and management, enhance its role in the consolidation of international peace and security, and support sustainable development in response to the challenges and changing circumstances confronting us. In that connection, I also applaud the efforts of His Excellency President Donald Trump of the United States of America to support the reform of the United Nations. The Kingdom of Bahrain was among the first countries to sign the political declaration he initiated in support of the Secretary-General’s reform plan for the United Nations.

I would be remiss if I did not express the Kingdom of Bahrain’s heartfelt condolences to the United States of America, Mexico and the Caribbean nations and their peoples on the natural disasters to which they have been subjected and which caused numerous fatalities and material damage. I reiterate our solidarity with them and pray that they will soon recover from their impact.

Under the leadership of His Majesty King Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain; His Royal Highness Prince Khalifa Bin Salman Al Khalifa, Prime Minister; and His Royal Highness Prince Salman bin Hamad Al Khalifa, Crown Prince, Deputy Supreme Commander and First Deputy Prime Minister, the Kingdom of Bahrain remains faithful to its consistent policy of enhancing partnerships with the United Nations and its various bodies in expression of its firm belief in the role that our Organization is playing to achieve a more stable and prosperous world.

Accordingly, this year has witnessed numerous initiatives for fruitful cooperation, notably the launching of the King Hamad Youth Empowerment Award to Achieve the Sustainable Development Goals, aimed at consolidating the efforts of governmental and private entities to enhance the contribution of young people to the sustainable development process.

In March, the Princess Sabeeka bint Ibrahim Al Khalifa Global Award for Women’s Empowerment was officially launched. That award, named after the wife of His Majesty the King and President of the Supreme Council for Women, is in full conformity with the objectives of the United Nations in enhancing the role of women in development. It also reflects the pioneering experience of Bahraini women, both nationally and internationally.

Similarly, the International Youth Conference to Achieve Sustainable Development was held under the patronage of His Highness Shaikh Nasser bin Hamad Al Khalifa, Representative of His Majesty the King for Charity Works and Youth Affairs, in collaboration with the United Nations Development Programme. It focused on raising awareness among young people of the Sustainable Development Goals (SDGs) and enhancing their role in achieving them.

In the context of Bahrain’s keen interest in pursuing its efforts to achieve the SDGs and to maintain its leading position among countries with very high indicators in the field of human development, according to international sources, Bahrain looks forward to the forthcoming signing of a strategic partnership framework with the United Nations for the period 2017-2020.

My country has also made strides towards the elimination of forced labour and human trafficking by ratifying the relevant international agreements and protocols. It further issued an act prohibiting all forms

of human trafficking, with severe sentences imposed on the perpetrators, while also implementing the national referral system for the victims of trafficking — the first of its kind in the region — which provides a mechanism to monitor and redress that illegal practice.

Recently, the Kingdom of Bahrain issued the Unified Family Law, a key legislative tool for the consolidation of the family's stability and the preservation of all its rights without exploitation or mistreatment. That is based on the noble teachings of Islam and the principles enshrined in the Bahraini Constitution that the family is the foundation of society. That law equally exemplifies Bahrain's commitment to international instruments related to the family and women, including, most importantly, those of the Committee on the Elimination of Discrimination against Women.

In support of the United Nations endeavours to address global warming and its implications in the area of climate change, the Kingdom of Bahrain deposited its instrument of ratification of the Paris Agreement on Climate Change in December 2016, thereby renewing its commitment to that historic agreement, which we hope will consolidate international efforts to address that perilous phenomenon.

The Kingdom of Bahrain firmly believes that the maintenance of stability and security in the Middle East and the entire world requires a strong and common political will, as well as serious collective efforts to guarantee respect for the basic principles underlying relations among States, such as good-neighbourliness, non-interference in the internal affairs of others and compliance with international conventions and instruments, so that we can address the greatest challenge facing us, namely, terrorism, and deter individuals and entities from supporting and financing it. That is especially important now that terrorism is no longer limited to terrorist organizations that we are able to confront and eliminate. Rather, it has become a tool in the hands of States determined to generate crises in other countries in the pursuit of their own agenda. They have consequently become fully complicit partners in the commission of terrorist acts and a factor in the destabilization of international peace and security.

Given the strategic importance of peace and security for our vital region, my country is seeking to establish strategic partnerships within its own region and with its allies. As partners, we can work together to preserve the security of the Gulf region, combat

terrorism and provide protection for international navigation and commerce routes, in particular through close cooperation between the Bahrain Defense Force and the American Fifth Fleet, based in the Kingdom of Bahrain.

The summit of the States of the Gulf Cooperation Council (GCC) and the United States of America was held in May this year in the Kingdom of Saudi Arabia and produced a memorandum of understanding to establish a centre responsible for combating the financing of terrorism. That and the Arab-Islamic-American summit are both important landmarks in combating terrorism in that they establish a strategic and effective partnership among the United States of America, the States of the GCC and the other Arab Islamic countries.

We reaffirm that the Global Center for Combating Extremist Ideology, which was inaugurated in Riyadh on the sidelines of the GCC-United States summit, will make a significant contribution to combating extremist ideologies and will promote the values of tolerance and coexistence throughout the world. In that context, I commend the General Assembly's adoption of resolution 71/291, which established the Office of Counter-Terrorism, an important step towards the consolidation of international efforts to address that scourge.

It is no longer acceptable that among us there are rogue countries that continue to occupy others' territories, thereby violating the sovereignty of States, threatening international peace and security, supporting extremism and terrorism, and spreading hate and anarchy. It is no longer tenable that we allow those countries to join our efforts to end struggles, resolve conflicts and halt complex humanitarian tragedies — situations that those countries were responsible for aggravating. We should refuse them the opportunity to be included among us and to misuse their voice to satisfy their ambitions and hostile goals. Confronting those countries is a duty and a responsibility that the entire international community must shoulder. They should either respect their commitments and keep pace with the collective international will to achieve peace, development and welfare, or be held clearly accountable and suffer isolation and the severe consequences of international resolutions and laws.

Against that backdrop, and to consolidate anti-terrorist and anti-extremist efforts, the Kingdom

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of Bahrain, the Kingdom of Saudi Arabia, the United Arab Emirates and the Arab Republic of Egypt, with the support of many other countries, availed themselves of their sovereign right under international law to sever relations with Qatar. That followed a long period of patience during which we exhausted all available means to halt Qatar's policies that violated all fraternal relations of good-neighbourliness and non-interference in the internal affairs of States.

Qatar provided financial support and safe haven to terrorists and fugitives and disseminated a narrative replete with hate and extremism through its media and the individuals and institutions supporting it — all of whom we have placed on a unified terrorist list and most of whom are also included on international terrorist lists. That was done to make the situation clear to the entire world following the fallout of that terrorism, which spread to many countries, including my own. Qatar has supported systematic terrorist acts whose consequences we have suffered in the Kingdom of Bahrain and which have cost us the lives of many innocent civilians and security personnel. It has done so with a view to undermining national security and societal peace and overthrowing the Government system with the support of their affiliates.

It is therefore our collective responsibility to protect our States and peoples from those who seek to harm them, and to confront them firmly. If Qatar is serious — by its actions and not only its words — about engaging in dialogue and reclaiming its place among us, it must respond positively and commit to our reasonable demands in full transparency, based on the principles enshrined in the joint statement issued following meeting of the four countries in Cairo on 5 July 2017, in full conformity with international covenants and instruments. In that connection, we highly appreciate the tireless efforts and the good offices of His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.

We stress the fact that all actions taken against Qatar are directed neither against our peoples nor the Qatari people, for whom we have nothing but respect and affection and with whom we are linked by religion, family relations and a common history. We will always support their security and stability, and to that end, our countries have taken a number of measures to address the humanitarian issues, including those concerning family relations and health conditions. That was clearly shown by the facilities recently provided to Qataris

by the Kingdom of Saudi Arabia, including for Hajj and Umrah. That confirms the solid ties and refutes assertions of blockades or violations of human rights.

I take this opportunity to express my country's congratulations to the Kingdom of Saudi Arabia for the great success of the Hajj season, which has been widely praised by all those participating in that major Islamic rite. It is a meaningful riposte to all those seeking to politicize the Hajj and turn it into an occasion for fomenting conflict and sedition. In attending to its highest priority, the Saudi Government thereby demonstrated its outstanding ability to protect the Two Holy Mosques and other sacred sites, as well as all the visitors performing the rites of Hajj or Umrah.

Regimes that constantly seek to spread anarchy and evil are instruments of destruction and will be the biggest losers as they drift away from the values of collective cooperation among nations. Such is the case of the Islamic Republic of Iran, where the people suffer from oppression, misery and poverty while gallows are erected in the streets. Living conditions are harsh and have taken that people — who are rich in history and civilization — backward dozens of years. Their resources are wasted to fuel violence and undermine the region's security for the sake of realizing Iran's hegemonic and expansionist ambitions through its Revolutionary Guard and its affiliates, such as the terrorist Hizbullah in Lebanon and Syria, the militias in Yemen and the terrorist cells and groups in the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the State of Kuwait and the Republic of Iraq, as well as other countries that have suffered because of those hostile actions for such a protracted period.

We believe that the statement by the American President before the General Assembly (see A/72/PV.3) presents an accurate interpretation that clearly denounces the dangerous nature of the Iranian rogue regime, which undermines peace in the region. The world must confront that regime, stop it from pursuing its policies and financing of terrorism and oblige it to respect its neighbours' sovereignty. Since we always aspire to peace, we affirm that establishing normal ties with Iran is subject to the latter relinquishing its hegemonic, sectarian and ideological policies. Iran must respect the national values of peoples and refrain from exporting its revolution, which is based on a theocratic system of government. It must abide by the principles of good neighbourliness and non-interference in the internal affairs of countries.

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We also call on Iran to end its occupation of the three Emirati islands — Greater Tunb, Lesser Tunb and Abu Musa — and to respond favourably to the peaceful initiative of the United Arab Emirates to recoup sovereignty over its territories, either through direct and serious negotiations, or by referral to the International Court of Justice.

On the other hand, the Republic of Iraq, which has suffered for so long and is still suffering from foreign interference, has recently achieved, with the means available to it, the liberation of the cities of Mosul and Tal Afar from the grip of Da'esh. That would not have been possible without the immense sacrifices by the Iraqi armed forces, the determination by the Government under Haider Al Abadi and the support provided by the Global Coalition against Da'esh, of which Bahrain is an active member. We reaffirm our constant support for all efforts aimed at restoring peace and security throughout Iraq and preserving its independence, sovereignty and territorial integrity.

With regard to the situation in the Republic of Yemen, we reiterate our firm position of support for the legitimate Government under the leadership of President Abdrabuh Mansour Hadi Mansour. We support that Government through our participation in the Arab coalition to support legitimacy in Yemen and through our support for the measures taken by the legitimate Government to extend its authority over all of Yemeni territory and to put an end to militias that attempt coups d'état with the support of foreign powers. We support the Government's steps to reach a comprehensive political solution on the basis of international mandates, notably the Gulf Cooperation Council Initiative and its Implementation Mechanism, the outcomes of the national dialogue and Security Council resolution 2216 (2015). That will terminate all forms of foreign intervention and put an end to the critical humanitarian situation of the Yemeni people.

We reaffirm that we do not side with any one Yemeni party against the other, but rather we oppose foreign intervention that seeks to harm this beloved country. We appreciate the efforts of Mr. Ismail Ould Cheikh Ahmed, Special Envoy of the Secretary-General for Yemen.

We in the Syrian Arab Republic urge the international community to exert greater efforts to protect civilians and save their lives, to compel all parties to abide by the ceasefire decision and the

establishment of the de-escalation zones, to guarantee access to besieged areas for the delivery of humanitarian assistance, and to intensify support to countries hosting large numbers of our Syrian brethren, most notably the Hashemite Kingdom of Jordan. That is in addition to pushing forward all efforts aimed at achieving a political solution that would preserve Syria's unity and territorial integrity while ending foreign intervention in its internal affairs. The solution should also see the abolition of all terrorist organizations and provide peace and security to all Syrians so they can actively participate in the determination of their own future, on the basis of the first Geneva communiqué (A/66/865, annex) and Security Council resolutions 2254 (2015) and 2268 (2016).

We reaffirm our support for the Astana talks and the action of the Special Envoy of the Secretary-General for Syria, Mr. Staffan de Mistura, in the hope that they will contribute to the resolution of this protracted crisis.

In Libya, we applaud the liberation of a number of major cities from the hands of terrorist groups. We reaffirm our full support for the efforts of all actors to achieve consensus among all Libyan parties and for the implementation of the political agreement signed in Skhirat. Those efforts include those by Libya's neighbouring countries and the meetings held in the United Arab Emirates and the French Republic between Mr. Faiez Serraj, President of the Presidency Council of the Government of National Accord of Libya, and Field Marshal Khalifa Haftar, Commander-in-Chief of the Libyan army. We hope that such efforts will continue with a view to preserving Libya's unity and territorial integrity, consistent with the aspirations of the people for development and progress. We also welcome the appointment of Mr. Ghassan Salamé as Special Representative of the Secretary-General in Libya and wish him every success.

With regard to the question of the Moroccan Sahara, the Kingdom of Bahrain reaffirms the need to support the negotiations aimed at achieving a consensual and final political solution to that problem, in the context of national sovereignty of the Kingdom of Morocco and on the basis of relevant Security Council resolutions that confirm the seriousness of Morocco's self-government initiative. We urge all parties to fully cooperate with the United Nations in that regard.

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We reiterate our total objection to the plight of Muslims in Myanmar as a result of excessive use of force. We call on the Myanmar Government to assume its responsibilities in protecting the Rohingya Muslims and to facilitate their access to all forms of relief and assistance so as to put an end to this human tragedy.

The Palestinian question is at the top of the foreign-policy priorities of the Kingdom of Bahrain, which has always stood with the Palestinian people in their legitimate aspirations to enjoy all their legitimate rights, including an independent State with East Jerusalem as its capital and within the borders of 4 June 1967, in conformity with the relevant international resolutions, the Arab Peace Initiative and the two-State solution.

We welcome the positive steps taken lately by Palestinian factions to end their divisions in favour of the vital Palestinian interests through political work and non-violence. We commend the pivotal role played by His Excellency President Abdel Fattah Al Sisi of the Arab Republic of Egypt in that respect. It confirms the central role of Egypt in the support of causes related to the Arab nation, of which it constitutes the strategic centre. It is the main pillar of peace and security in the region.

The Palestinian question is not a religious issue. Palestine is the cradle of religions where everyone lived in perfect harmony. Rather, it is a political issue par excellence, an issue of territorial occupation that must end. Its people must return to their homeland. Rights denied must be restored to their owners. That precisely is what Israel, notwithstanding all its security concerns, should understand, for it will achieve peace for its people and for itself only when it abandons all forms of violence against Palestinians. It should halt its settlement activities and stop violating the sanctity of religious sites, especially the repeated aggressions and provocative acts in the holy Al-Aqsa Mosque, which enrage Muslims all over the world and impede the resumption of the peace process and all regional and international initiatives in its support.

At this juncture, we wish to express our sincere appreciation for the commendable work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the substantial assistance it provides the Palestinians inside the territory and in the neighbouring countries.

The Kingdom of Bahrain stresses the need to achieve universal adherence to the Comprehensive

Nuclear-Test-Ban Treaty, taking into account the right of all peoples to use nuclear power for peaceful purposes. Also, Israel should implement the resolution issued by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons pertaining to a nuclear-weapon-free Middle East. Equally, we stress the need for Iran to implement Security Council resolution 2231 (2015), on the Iranian nuclear agreement, including those parts concerning ballistic and other weapons. Iran will face severe sanctions if it violates the commitments outlined in that resolution or in the international safeguard system of the International Atomic Energy Agency. Further, we welcome Security Council resolution 2375 (2017), which pertains to new sanctions on North Korea, in view of its continued nuclear and ballistic missiles tests, which threaten its neighbours and international peace and security.

Since its inception as an Arab and Islamic entity in 1783, the Kingdom of Bahrain has firmly believed in the importance of collective action in the pursuit of security, development and prosperity. It orients all of its means toward the service of its people, its region and the world as a whole. Since time immemorial, Allah has blessed it with wise leadership that has inherited an acute sense of responsibility for the achievement of the ultimate objectives of ideal relations with its neighbours. It will steadfastly follow that path and will never go astray. It will remain an effective member of the international community and a trusted partner in its Arab and Islamic setting and will hold onto that approach as the solid foundation of its foreign relations. We will remain open to all cultures and peoples, in the spirit of tolerance and moderation, and will pursue the path to progress and development with determination and perseverance in order to safeguard our achievements, development and prosperity.

**The Acting President:** I now call on His Excellency Mr. Saleumxay Kommasith, Minister for Foreign Affairs of the Lao People's Democratic Republic.

**Mr. Kommasith** (Lao People's Democratic Republic): At the outset, on behalf of the delegation of the Lao People's Democratic Republic, I would like to extend my congratulations to His Excellency Mr. Miroslav Lajčák on his election to the presidency of the General Assembly at its seventy-second session. I am confident that with his extensive diplomatic experience, he will guide the session with great success. We stand ready to extend our full support and



## **Annex 81**

United Nations, Statement of H.E. Adel Ahmed Al-Jubeir,  
Minister of Foreign Affairs of the Kingdom of Saudi Arabia  
before the General Assembly, 72nd Session, 20th Plenary Meeting,  
document A/72/PV.20, 23 September 2017, Excerpt, pp.1-2

Website of the United Nations, available at <http://undocs.org/A/72/PV.20>





United Nations  
**General Assembly**

Seventy-second session

**20<sup>th</sup>** plenary meeting  
 Saturday, 23 September 2017, noon  
 New York

A/72/PV.20

Official Records

*President:* Mr. Lajčák ..... (Slovakia)

*In the absence of the President, Mrs. Nusseibeh (United Arab Emirates), Vice-President, took the Chair.*

*The meeting was called to order at noon.*

**Agenda item 8 (continued)**

**General debate**

**The Acting President** (*spoke in Arabic*): I now call on His Excellency Mr. Adel Ahmed Al-Jubeir, Minister for Foreign Affairs of the Kingdom of Saudi Arabia.

**Mr. Al-Jubeir** (Saudi Arabia) (*spoke in Arabic*): At the outset, I would like to congratulate Mr. Miroslav Lajčák on his election to the presidency of the General Assembly at its seventy-second session and to wish him every success. I would also like to thank Mr. Peter Thomson, President of the Assembly at its seventy-first session, for his efforts throughout his tenure.

I am very pleased to be addressing the Assembly today as my country celebrates its national holiday. We look to the past with pride and are working ambitiously towards the future. Today, I am the messenger of a State that has made its people its top priority and resolutely set forth on a path to sustainable development through creating opportunities, thanks to its fruitful partnerships with friends around the world. Under the leadership of our King, we are helping to establish peace and security in the region and around the world.

The Israeli-Palestinian conflict is the most protracted dispute in the modern history of our region

and has led to innumerable tragedies and endless human suffering. Nothing can justify its continuation, especially when there is an international consensus on the importance of reaching a two-State solution, based on internationally recognized resolutions and the Arab Peace Initiative, with the goal of establishing an independent Palestinian State, with East Jerusalem as its capital, within the pre-1967 borders. More than ever we need concerted international determination to make that solution a reality.

We have been tackling the Houthi-Saleh insurgency in Yemen as a coalition in order to help the legitimate Government of Yemen save its people and restore its State in line with the purposes and principles of the Charter of the United Nations. That was not a choice for us in Yemen. We resorted to it only after sustained political efforts to maintain Yemen's safety and stability and preserve its territorial integrity and independence. We therefore affirm our full support for the political process in Yemen and will stand by the United Nations and its Special Envoy in their efforts to arrive at a political solution in line with Security Council resolution 2216 (2015) and the Gulf Cooperation Council initiative, and through national dialogue. We are aware of the extent of the humanitarian suffering of our brothers in Yemen since the coup d'état and have spared no effort to come to their aid. In fact, the assistance provided by the Kingdom of Saudi Arabia in recent years now amounts to more than \$8 billion for every area of humanitarian medical and development needs, funnelled through the King Salman Humanitarian Aid and Relief Centre.

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My country firmly condemns and is gravely concerned about the Government of Myanmar's policy of repression and forced displacement of the Rohingya minority, which runs counter to all respect for humanitarian values and international law. It is a human tragedy that demands an urgent response and should end immediately, in line with the principles on which our Organization was founded. As we urge the Government of Myanmar to honour its obligations and protect its peoples from discrimination, we continue to provide humanitarian assistance to the Rohingya. King Salman has provided \$15 million to help the displaced, in addition to my country's provision of assistance by taking in more than half a million Rohingya refugees. His Majesty has also personally intervened with neighbouring States and has been working with the Government of Bangladesh to ensure safe passage for the refugees and decent living conditions for them in the various host countries.

Today our international community is facing one of the greatest ever challenges to its security and stability, the threat of terrorism, which is striking all over the world, in defiance of all human rights and values. My country will continue to work steadfastly to counter extremism and terrorism in all their manifestations. The Arab-Islamic-American summit was held in Riyadh in May with that purpose and affirmed unequivocally the importance of pursuing joint efforts to end extremism and terrorism by cutting off their sources of financing. As it happens, the crisis in Qatar is interfering with our policies designed to combat terrorism and extremism and cut off their financing.

Meanwhile, the Syrian crisis is entering its sixth year, and the conflict has already claimed hundreds of thousands of victims. From the beginning, my country has opened its doors to hundreds of thousands of Syrians. In general, the Middle East is going through a period of unprecedented tensions and continuing crises, in which Iran has played a part.

Turning to the crisis in Qatar, we have continued with a firm policy aimed at combating the fostering of extremism and terrorism through Doha's provision of financial support to terrorism, as well as helping it to disseminate violent hate speech. Qatar has also been providing a safe haven for those who have violated the law and must be brought to justice, thereby helping to spread chaos and foment dissension. Our group of four States has demanded firmly that Qatar adhere to the principles of international law where the fight

against terrorism is concerned, including by honouring its obligations under the 2013 Riyadh Agreement and its complementary agreement of 2014, which are all legitimate demands.

In its desire to affirm the principles of the Charter of the United Nations regarding the safeguarding of the peace and security of peoples around the world, my country was one of the first to call for establishing a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. We have also demonstrated the importance we attach to the Sustainable Development Goals and their three economic, social and environmental pillars through our Vision 2030, aimed at enabling our country to achieve sustainable, people-centred development in order to build a more robust economy. And we have always striven to provide support to developing countries by providing official development assistance totalling 0.7 per cent of our gross national income.

In conclusion, I would like to thank those who are helping people everywhere, wherever they are, and who are working for peace.

**The Acting President:** I now call on His Excellency Mr. Darren Allen Henfield, Minister for Foreign Affairs and Immigration of the Commonwealth of the Bahamas.

**Mr. Henfield (Bahamas):** On behalf of the people and the Government of the Commonwealth of the Bahamas, I would like to congratulate the President on his election to lead the General Assembly at its seventy-second session and to assure him of my country's full support and cooperation during his tenure. I would also like to sincerely congratulate his predecessor, Ambassador Peter Thomson, on his stewardship of the Assembly during the seventy-first session.

The Bahamas congratulates Mr. António Guterres on his recent appointment as Secretary-General, with the daunting task of continuing the implementation of the bold and ambitious 2030 Agenda for Sustainable Development. I commend him for the work he has done so far in steering the work of the Organization and assure him of the full support of the Bahamas.

Since 29 September 1729, when the first meeting of the Parliament of the Bahamas took place, democratic values have taken deep root throughout the archipelago. On 10 May this year, the Bahamas conducted its eleventh consecutive round of general



## **Annex 82**

United Nations, Statement of H.E. Adel Ahmed Al-Jubeir, Minister  
of Foreign Affairs of the Kingdom of Saudi Arabia before the  
General Assembly, 73rd Session, 28 September 2018

(Arabic original, English translation)

Website of the General Assembly of the United Nations, General Debate,  
available at [https://gadebate.un.org/sites/default/files/gastatements/73/sa\\_ar.pdf](https://gadebate.un.org/sites/default/files/gastatements/73/sa_ar.pdf)  
and <https://gadebate.un.org/en/73/saudi-arabia>



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بسم الله الرحمن الرحيم

أصحاب الجلالة والفخامة والسمو والمعالي

معالي رئيس الجمعية العامة للأمم المتحدة

معالي الأمين العام للأمم المتحدة

السيدات والسادة

السلام عليكم ورحمة الله وبركاته ،،،

يطيب لي في البداية أن أتقدم بخالص التهاني لمعالي السيدة (Maria Fernanda Espinosa)، لانتخابها رئيسًا للدورة الثالثة والسبعون للجمعية العامة للأمم المتحدة، متمنيًا لها النجاح في أداء مهامها.

كما أتقدم بالشكر الجزيل لسلفها السيد (Miroslav Lajcak)، رئيس الدورة السابقة على ما بذله من جهود، كما لا تفوتني الإشادة بالعمل الدؤوب الذي يقوم به معالي الأمين العام للأمم المتحدة السيد/ أنطونيو غوتيريس.

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**Ministry of Foreign Affairs Kingdom of Saudi Arabia** In the

Name of Allah the Most Merciful, the Most Gracious

Your Majesties and Excellencies

His Excellency the President of the General Assembly of the United

Nations

His Excellency the Secretary-General of the United Nations

Ladies and Gentlemen

May the peace of Allah be upon you

First of all, I would like to convey my sincere congratulations to Her Excellency Mrs. Maria Fernanda Espinosa, for being elected as President of the seventy-third session of the United Nations General Assembly, wishing her success in accomplishing her duties.

I would also like to thank her predecessor, Mr. Miroslav Lajcak, the President of the previous session for his efforts. I would also like to pay tribute to the hard work of the Secretary-General of the United Nations, Antonio Guterres.



## السيد الرئيس:

تقف المملكة العربية السعودية على إرثٍ عظيم من المبادئ والثوابت التي تركز عليها سياستها الخارجية، وعلى رأسها الاتجاه الدائم نحو الحلول السلمية للنزاعات، ومنع تفاقمها، واعتماد جهود الوساطة التي تشاركها سمو الهدف وسلامة المقصد، ولعل في اتفاق السلام الذي أبرم في مدينة جدة مؤخراً برعاية كريمة من سيدي خادم الحرمين الشريفين الملك سلمان بن عبدالعزيز آل سعود (حفظه الله) بين دولتي إثيوبيا وإريتريا، والذي أنهى أطول نزاعٍ شهدته القارة الأفريقية. وكذلك رعايتها للاجتماع التاريخي بين قادة دولتي إريتريا وجيبوتي بعد قطيعة استمرت (١٠) سنوات، خيرٌ دليلٍ على الدور السياسي المسؤول الذي تجسده بلادي لتعزيز الأمن والسلم الدوليين.

## السيد الرئيس .. السيدات والسادة:

كانت القضية الفلسطينية ولا زالت هي القضية المحورية والجوهرية لبلادي وللعالم الإسلامي، مُنطلقةً في ذلك من إيمانها بالحق الفلسطيني في إقامة الدولة الفلسطينية المستقلة على حدود ١٩٦٧م وعاصمتها القدس الشرقية، استناداً على قرارات الشرعية الدولية ومبادرة السلام العربية،

Mr. President:

The Kingdom of Saudi Arabia has a great legacy of the fundamental principles on which its foreign policy is based, foremost among which is the permanent tendency towards peaceful solutions to conflicts, preventing their aggravation and the adoption of mediation efforts.

The “historic and essential” peace agreement between Ethiopia and Eritrea, facilitated by the Custodian of the Two Holy Mosques King Salman bin Abdulaziz Al Saud (may Allah protect him), as well as the sponsorship of the historic summit between the leaders of Eritrea and Djibouti after a 10-year boycott, reflect the crucial and political role played by my country to promote international peace and security.

Mr. President, Ladies and Gentlemen:

The Palestinian issue was and is still the central and fundamental issue of my country and the Islamic world, based on its belief in the Palestinian right to establish an independent Palestinian state on the 1967 borders with East Jerusalem as its capital, based on the resolutions of international legitimacy and the Arab peace initiative. We therefore

ومن هنا نجدد دعوتنا إلى تكثيف الجهود المخلصة لإنهاء أطول صراع تشهده المنطقة.

### السيد الرئيس:

تواصل ميليشيات الحوثي الإرهابية التابعة لإيران إطلاق الصواريخ الباليستية الإيرانية الصنع والمنشأ تجاه المدن السعودية، حيث بلغ عددها (١٩٩) صاروخاً، بالإضافة إلى أنشطتها المزعزعة لأمن وسلامة الملاحة البحرية في منطقة باب المندب والبحر الأحمر.

إن بلادي تجدد التزامها تجاه أهمية الحل السياسي للوضع في اليمن، على أساس المرجعيات الثلاث: (المبادرة الخليجية، ومخرجات الحوار الوطني اليمني، وقرار مجلس الأمن ٢٢١٦).

كما أننا مستمرون في تقديم وتسهيل كافة الأعمال الإنسانية لتخفيف المأساة التي يعيشها الشعب اليمني الشقيق، فضلاً عن حرصنا الكامل على دعم الاقتصاد اليمني، حيث كان آخرها وديعة بمقدار ملياري دولار، أمر بها سيدي خادم الحرمين الشريفين الملك سلمان بن عبدالعزيز آل سعود (حفظه الله) للبنك المركزي اليمني، ليصل إجمالي الدعم الإنساني



renew our call to intensify sincere efforts to end the longest conflict in the region.

Mr. President:

Iran's Al-Houthi terrorist Militias continue to launch Iranian-manufactured ballistic missiles against the cities of the Kingdom of Saudi Arabia (199 missiles), in addition to their destabilizing activities against the security and safety of maritime navigation of the Bab al-Mandab area and the Red Sea.

My country reaffirms its commitment to the importance of finding a political solution to the situation in Yemen, based on the three references: (the Gulf Initiative, the outputs of the Yemeni national dialogue and Security Council resolution 2216).

We also are keeping our efforts to facilitate all humanitarian activities to end the suffering of the Yemeni people. This is in addition to our keenness to support the Yemeni economy, including a recent deposit of two billion dollars, which the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz Al Saud (may Allah protect him), ordered to be deposited in the Central Bank of Yemen,

الذي قدمته المملكة خلال الأربع سنوات الماضية لليمن أكثر من (١٣) مليار دولار.

### السيد الرئيس .. السيدات والسادة:

الإرهاب والتطرف من أهم التحديات التي تواجه العالم بأسره، حيث لم تسلم منطقتنا من تفشي التنظيمات الإرهابية، ونجدد دعوتنا في هذا الإطار إلى تكثيف التعاون الدولي للقضاء على كافة أشكال الإرهاب وتجفيف منابع تمويله، ومعاقبة من يدعمه ويغذي أنشطته بأي طريقة كانت.

إن جهود المملكة في هذا الشأن واضحة للجميع، فقد أنشأت بلادي مؤسسات تُعنى بمحاربة التطرف والإرهاب، وهي:

- المركز العالمي لمكافحة الفكر المتطرف (إعتدال).
- والتحالف الإسلامي العسكري لمحاربة الإرهاب، الذي يشمل أكثر من (٤٠) دولة.
- ومركز الأمم المتحدة الدولي لمكافحة الإرهاب، الذي تبرعت بلادي له بمبلغ (١١٠) مليون دولار.

bringing the total humanitarian support provided by the Kingdom over the past four years to Yemen to be more than (13) billion dollars.

Mr. President, Ladies and Gentlemen:

Terrorism and extremism are major challenges faced by the entire world. Our region has never been spared from the spread of terrorist groups. That is why we here recall for intensifying international cooperation to eliminate all forms of terrorism, to drain its sources of financing and to punish those who support it and feed its activities in any way.

The Kingdom's efforts in this regard are clear to all. My country has set up institutions to combat extremism and terrorism:

- The Global Center for Combating Extremist Ideology (Etidal)
- The Islamic Military Counter Terrorism Coalition which includes more than 40 countries
- The United Nations Global Counter-Terrorism Center, to which my country has contributed 110 million dollars.



### السيد الرئيس:

تواصل إيران أنشطتها الإرهابية وسلوكها العدواني، وتعرب المملكة عن دعمها للاستراتيجية الأمريكية الجديدة للتعامل مع إيران، بما في ذلك الجدية في التعامل مع برنامجها النووي، وبرنامج الصواريخ الباليستية، ودعمها للإرهاب.

إن المملكة العربية السعودية تؤمن أن تحقيق السلام والاستقرار في الشرق الأوسط، يتطلب ردع إيران عن سياساتها التوسعية والتخريبية. لقد قامت إيران بتشكيل الميليشيات الإرهابية المسلحة، وتزويدها بالصواريخ الباليستية، واغتيال الدبلوماسيين، والاعتداء على البعثات الدبلوماسية، فضلاً عن إثارة الفتن الطائفية، وتدخّلها في شؤون دول المنطقة. إن هذا السلوك العدواني يشكل انتهاكاً صارخاً لكافة المواثيق والمعاهدات الدولية، وقرارات مجلس الأمن، الأمر الذي جعل إيران تحت طائلة العقوبات الدولية.

### السيد الرئيس .. السيدات والسادة:

في ظل جهودنا الحازمة والمستمرة لمكافحة الإرهاب، قامت بلادي ومعها دولة الإمارات العربية المتحدة ومملكة البحرين وجمهورية مصر العربية،

Mr. President:

Iran continues its terrorist activities and its aggressive behavior. Kingdom of Saudi Arabia supports the US recent strategy of dealing with Iran, including serious procedures against its nuclear program, the ballistic missile program, and its support for terrorism.

Saudi Arabia believes that achieving peace and stability in the Middle East requires deterrence of Iran's expansionist and destructive policies. Iran has formed armed terrorist militias, provided them with ballistic missiles, conducted assassinations against diplomats, attacked diplomatic missions, incited sectarian strife and intervened in the affairs of the countries of the region. This aggressive behavior constitutes a flagrant violation of all international conventions and treaties, and of Security Council resolutions, which has made Iran vulnerable to international sanctions.

Mr. President, Ladies and Gentlemen:

Saudi Arabia, along with the United Arab Emirates, the Kingdom of Bahrain and the Arab Republic of Egypt, have boycotted the State of Qatar. A state that



بمقاطعة دولة قطر قبل ١٥ شهراً، فلا يمكن لدولة تدعم الإرهاب وتحتضن المتطرفين، وتنشر خطاب الكراهية عبر إعلامها، ولم تلتزم بتعهداتها التي وقعت عليها في اتفاق الرياض عام ٢٠١٣م واتفاق الرياض التكميلي عام ٢٠١٤م، أن تستمر في نهجها. قطر تمادت في ممارساتها، وهو ما جعل من مقاطعتها خيار لا مفر منه.

### السيد الرئيس:

في العام الثامن للأزمة السورية، ننظر إلى واقع إنساني لا بد لنا أن نقف أمامه بمسؤولية، فبلادي حرصت منذ اليوم الأول لهذه الأزمة على الإنسان السوري، وتحقيق تطلعاته ليعيش آمناً في أرضه، ومن هذا المنطلق فإننا نؤكد على ضرورة الالتزام بقرار مجلس الأمن (٢٢٥٤)، والوصول إلى الحل السياسي وفق مبادئ إعلان (جنيف ١). ولقد عملت المملكة على توحيد صفوف المعارضة السورية، لیتسنى لها التفاوض مع النظام بما يضمن أمن واستقرار سوريا ووحدتها، ومنع التدخل الأجنبي أو أي محاولات للتقسيم.

supports terrorism, embraces extremists, disseminates hate speech through its media and did not abide by its commitments under the Riyadh Agreement in 2013 and Riyadh Supplementary Agreement in 2014, we cannot allow it to continue such approach. Qatar continued its practices, which made boycotting it an inevitable choice.

Mr. President:

In the eighth year of the Syrian crisis, we see a humanitarian reality for which we must act and not to stand still. Since the first day of this crisis, Saudi Arabia has taken care of the Syrian people to fulfill their aspirations to live safe in their land. Thus, we affirm the necessity of abiding by the Security Council resolution no. 2254 and to reach a political settlement in line with (Geneva 1) declaration principles. The Kingdom has worked to unite the Syrian opposition so that it can negotiate with the regime to ensure the security and stability of Syria and its unity, and to prevent foreign interference or any partition attempts.



### السيد الرئيس .. السيدات والسادة:

تقف المملكة العربية السعودية داعمة للشرعية في ليبيا، ولأهمية التمسك باتفاق الصخيرات، لحل الأزمة الليبية، وتدعو إلى الحفاظ على وحدة ليبيا وسلامة أراضيها. كما تؤكد على دعمنا لجهود الأمم المتحدة ومبعوثها السيد/ غسان سلامة.

### السيد الرئيس:

تعتبر بلادي من أكبر الدول المانحة على صعيد المساعدات الإنسانية والتنمية، حيث بلغت نسبة المساعدات المقدمة من المملكة (٣,٧%) من الناتج المحلي السعودي متجاوزة بذلك النسبة المقترحة من الأمم المتحدة والبالغة (٠,٧%) من الناتج المحلي.

### السيد الرئيس .. السيدات والسادة:

إن النظام الدولي قائم منذ قرون على مبدأ احترام السيادة الوطنية، وعدم التدخل في الشؤون الداخلية للدول. إن الالتزام بالأعراف والقوانين الدولية أمر بالغ الأهمية ولا يقبل جدال أو نقاش، فالسيادة خط أحمر لا مساس به، وترفض بلادي أي تدخل في شؤونها الداخلية أو فرض أي إملاعات عليها من أي دولة كانت.



Mr. President, Ladies and Gentlemen:

The Kingdom of Saudi Arabia is supporting the legitimacy in Libya and the importance of adhering to the Skhirat Agreement to resolve the Libyan crisis. It also calls for preserving Libya's unity and territorial integrity. We also reaffirm our support for the efforts of the United Nations and its envoy, Mr. Ghassan Salama.

Mr. President:

The Kingdom is one of the largest donor countries in the field of humanitarian and development assistance. The Kingdom's assistance amounted to 3.7% of the Saudi GDP, surpassing the United Nations proposed rate of 0.7% of GDP.

Mr. President, Ladies and Gentlemen:

For centuries, the international system has been based on the principle of respect for national sovereignty and non-interference in the internal affairs of States. Respecting the international norms and laws is very important; this is not up for discussion. Sovereignty is a red line that cannot be crossed. My country refuses any interference in its internal affairs by any country.



### السيد الرئيس:

إن حكومة بلادي وبمتابعة من سيدي خادم الحرمين الشريفين الملك سلمان بن عبدالعزيز، وسيدي ولي العهد صاحب السمو الملكي الأمير محمد بن سلمان بن عبدالعزيز (يحفظهما الله) جعلت الإنسان محور التنمية، ومن خلال رؤية المملكة (٢٠٣٠) فتحت المملكة أبواب المستقبل لمواطنيها، وعملت على تمكين الشباب والاستفادة من ابداعاتهم، وتوظيف تقنيات العصر لخدمة التنمية، وجعل بلادنا بيئة استثمارية رائدة.

وللمرأة في بلادي حضور مؤثر في كافة المجالات، وتمكينها هدف حكومي لتحظى بفرصتها الكاملة للمساهمة في التنمية.

### السيد الرئيس .. السيدات والسادة:

إن رسالة المملكة العربية السعودية تقوم على الشراكة الصادقة مع العالم ليكون الحاضر مزدهراً والمستقبل مشرقاً، ولتعيش الأجيال القادمة بأمن واستقرار وسلام، ونتمنى لمنظمتنا هذه مزيداً من النجاح في تحقيق أهدافها السامية.

والسلام عليكم ورحمة الله وبركاته ،،،

Mr. President:

The Kingdom's government, along with the follow-up of the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz, and His Highness the Crown Prince Mohammed bin Salman bin Abdul Aziz (may Allah protect them), have made man the core of development. Through the vision of the Kingdom (2030), it has opened the Future perspectives for its citizens, and has worked to empower young people and benefit from their creativity, employ modern technologies to serve development, and make our country a pioneering investment environment.

This is in addition to the influential presence of women in all fields in the Kingdom, and enabling them to have their full opportunity to contribute to the development process.

Mr. President, Ladies and Gentlemen:

Our vision In Kingdom of Saudi Arabia is based on the sincere partnership with the world to make a prosperous present and a bright future. Thus, the coming generations can live in security, stability and peace.

We wish for this Organization (United Nation) more success in achieving its lofty goals.

Peace, mercy and blessings of God be upon you!

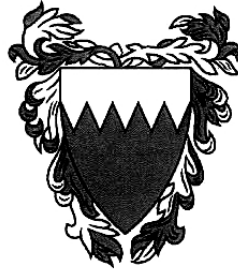


## **Annex 83**

United Nations, Statement by H.E. Shaikh Khalid Bin Ahmed  
Bin Mohamed Al Khalifa, Minister of Foreign Affairs of the  
Kingdom of Bahrain, before the 73rd Session of the United Nations  
General Assembly, 29 September 2018

Website of the General Assembly of the United Nations, General Debate,  
available at [://gadebate.un.org/sites/default/files/gastatements/73/bh\\_en.pdf](http://gadebate.un.org/sites/default/files/gastatements/73/bh_en.pdf)

*Permanent Mission of the Kingdom of Bahrain  
to the United Nations*



*Statement by*

*H.E. Shaikh Khalid Bin Ahmed Bin Mohamed Al Khalifa  
Minister of Foreign Affairs of the Kingdom of Bahrain*

*before the  
73<sup>rd</sup> Session of the  
United Nations General Assembly*

*29<sup>th</sup> September 2018  
UNHQ*

*Check against delivery*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Merciful and Compassionate

Madam President,

At the outset, may I sincerely congratulate you, and your friendly country the Republic of Ecuador, on your election to preside over this session. Holding this important position reflects your skill and merit. My sincere appreciation also goes to your predecessor, His Excellency Mr. Miroslav Lajčák, for his valued efforts in conducting the business of the previous session in a highly professional manner.

I also wish to express the great appreciation of the Kingdom of Bahrain for His Excellency Mr. António Guterres, the United Nations Secretary-General, and his relentless efforts, to reforming the Organization's structure and enhancing its role in the fields of sustainable development, dispute resolution, preservation of international peace and security, and many other human issues of interest to all states of the world. These are tangible efforts and enjoy our full support and backing.

May I also recall here, with great affection, the role of the late diplomat Kofi Annan, former Secretary-General of the United Nations, and his endeavours to reform the Organization and develop solutions to international crises. I offer my sincerest condolences to his family, and to the international community at large.

Madam President,

Under the leadership of His Majesty King Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain, and with the support of His Royal Highness Prince Khalifa bin Salman Al Khalifa, Prime Minister, and His Royal Highness Prince Salman bin Hamad Al Khalifa, Crown Prince, Deputy Supreme Commander and First Deputy Prime Minister, the Kingdom of Bahrain is keen to implement all programmes and plans to raise the standard of living and development of its citizens and residents, and to keep up with international efforts to achieve the Sustainable Development Goals, taking advanced steps in this regard, so that all shall enjoy a decent living and a secure life.

Indeed, the Kingdom of Bahrain has been classified for many years in the category of highly advanced countries in human development. It has succeeded in mitigating the impact of the economic challenges, thanks to its economic diversification efforts, fiscal and monetary policies and investment incentives. This has impacted positively on the Bahraini economy, which is now classified, according to the International Monetary Fund, as one of the fastest growing economies in the region. In addition, the discovery of the largest oil and natural gas reserves since the first discovery of oil in 1932 shall, God willing, constitutes a strong impetus to Bahrain's economy in the future.

As part of the Kingdom of Bahrain's cooperation with the United Nations, His Royal Highness the Prime Minister issued a decree establishing the Follow-up and Coordination Committee between the Government of the Kingdom of Bahrain and United Nations agencies as an outcome of the strategic partnership framework for the years 2018-2020. This was signed by

both parties to support the efforts of the Kingdom of Bahrain to achieve its development objectives and the Sustainable Development Goals in accordance with the Bahrain Economic Vision 2030.

Determined to highlight and document these efforts, a few weeks ago my Government presented, to the High-Level Political Forum on Sustainable Development here in New York, its first Voluntary National Review on the implementation of the 2030 Sustainable Development Goals.

The election of the Kingdom of Bahrain to the membership of the Committee on Non-Governmental Organizations for the period 2019-2022, reflected international appreciation for the policies pursued by His Majesty the King to consolidate rights and liberties and to advance our common efforts towards achieving the objectives and purposes of the United Nations.

Consistent with its international contributions and keen interest in cooperation with the various bodies of the United Nations, the Kingdom of Bahrain presented its candidature for the membership of the Human Rights Council for the third time for the period 2019-2021. This candidature reaffirms its policy of enhancing respect for human rights and the preservation of freedoms in line with international standards, building upon the progress already achieved in various fields.

Furthermore, last March, during the 62<sup>nd</sup> session of the Commission on the Status of Women, nominations were invited for Her Royal Highness Princess Sabeeka bint Ibrahim Al Khalifa Global Award for Women's Empowerment. This Award aims to highlight achievements in the field of equal opportunities between women and men in the world.

The Kingdom of Bahrain's ranking among Tier 1 countries in the 2018 US State Department Report on Trafficking in Persons, issued last June, makes it the first country in the Middle East and North Africa to attain this high status, confirming the great accomplishments of the Kingdom of Bahrain in this field. Tribute was paid by the US State Department to Mr. Ausamah Abdulla Al Absi, CEO of the Labour Market Regulatory Authority, Chairman of the National Committee to Combat Trafficking in Persons in the Kingdom of Bahrain, among ten international personalities, in appreciation of his extraordinary contribution to the fight against trafficking in persons.

Madam President,

The Kingdom of Bahrain is always looking to contribute to the construction of a more prosperous future for the peoples of the world. It is fully aware of the importance of alliances to preserve regional security to firmly address the challenges and threats to the stability of countries, their development, and the prosperity of its peoples, particularly in the Arab Gulf region, a central component of the Middle East and the world.

We are therefore convinced that achieving lasting peace and security, and sustainable development in the countries of the region is a collective responsibility that requires building a robust political, economic and military alliance between responsible countries of the region, that understand the threats of the moment and the requirements of the future. They have a genuine desire, serious will and wise policies that make such responsibility an indispensable element - in collaboration with allied countries - to safeguard the security and safety of their states and peoples and deter whoever is tempted to threaten the stability of this strategic region of the world, a region which is confronted



with many dangers, notably from the Iranian regime with its policy of destruction, overthrowing states and their institutions. While supporting terrorist and extremist groups and interfering in the internal affairs of other states, Iran falsely accuses neighbouring countries of instigating events that take place in Iran. It aspires to impose its hegemony on the region by packaging and exporting its miserable revolution under which the Iranian people suffer from tyranny, oppression and injustice. It disseminates an extremist ideology that has become a constant feature of its foreign policy and is threatening the aspirations and ambitions of peoples who have coexisted for many centuries - as we ourselves did with Iran, its friendly people and its ancient civilization, living side by side in an environment of shared heritage, culture, commerce and others.

The situation in the Republic of Yemen is a case in point. The Iranian regime backs the militias behind the coup d'état in Yemen to be able to continue its criminal and hostile activities threatening neighbouring countries by means of ballistic missiles against civilian populated areas in the Kingdom of Saudi Arabia. This is confirmed by the major countries concerned with the security of the region as well as by the reports of the United Nations, including the fifth report of the UN Secretary-General on the implementation of Security Council resolution 2231(2015). The report clearly indicates that Iran is the origin of those missiles that constitute serious threats to peace and security in the region as well as to the major international shipping lanes, the Strait of Hormuz and Bab al-Mandeb.

At a time when it is imperative to establish common mechanisms for collective security in the Middle East, we are confronted with another source of impediment to these efforts that threaten the security and stability of the region, which is Qatar. It maintains its policies and practices that contradict the concept of collective security through a dangerous tendency to spread and feed terrorism with a view to toppling national governments, striving to destroy them, and drowning them in anarchy. My own country was thus a target of Qatari plans beyond even the events of 2011. Qatar provided financial, informational, and logistical support to acts of violence and terrorism. Far beyond that, Qatar throughout its history, repeatedly attacked its neighbours, including our own territory in 1937 and 1986, and on the borders of the Kingdom of Saudi Arabia in 1992. We reacted with wisdom and far-sight to prevent our two peoples any harm. We and the Qataris are one people, we were under a single leadership and we are united by origin, family ties, history, and a common objective and destiny. Our relations will remain close and impervious to all attempts to divide or alter this everlasting reality.

We still hope that Qatar will return to its senses, prove its good intentions and its desire to become a positive member of the region by responding to the conditions of the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the United Arab Emirates and the Arab Republic of Egypt. Those conditions are consistent with the solid basis of international law, good neighbourliness, mutual respect and the respect of the sovereignty and independence of states. They aim to put an end to the support and financing of terrorism, and to implement its commitments under the agreements it has signed, notably the Riyadh Agreement of 2013 and its Executive Mechanism and the Supplementary Riyadh Agreement of 2014.

Madam President,

The Kingdom of Bahrain endeavours to put into action the various frameworks of constructive cooperation with its partners and friends in the world. It effectively participates in many alliances including the Islamic Military Counter Terrorism Coalition, the International Coalition against ISIS, and the Arab Coalition to Restore Legitimacy in Yemen. We reiterate our support to all initiatives aimed at establishing peace and security in the world, and in our region in particular, beginning with the efforts of the United States of America, under the leadership of His Excellency President Donald Trump in this regard, most notably: cooperation with the countries of the region to establish the Middle East Strategic Alliance, the designation of some terrorist groups supported by the Iranian regime on the Government of the United States lists of terrorist organizations, the American strategy vis-à-vis the Iranian regime, and the withdrawal from the incomplete nuclear agreement with Iran. We express our commitment with our allies to support the security and stability of the region.

In this respect, we renew our demand for an end to the occupation by Iran of the three United Arab Emirates islands (Greater Tunb, Lesser Tunb and Abu Mussa) and for Iran to respond seriously to the efforts by the United Arab Emirates to restore its sovereignty on its territory and to resolve this issue through negotiations or referral to the International Court of Justice.

I would be remiss not to commend the significant role and constructive efforts of the Kingdom of Saudi Arabia at the regional and international levels, using its prominent status and strategic role to consolidate international peace and security. We were all witness to the sponsorship by the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz Al Saud, King of the Kingdom of Saudi Arabia, of the Jeddah Peace Agreement between the Republic of Eritrea and the Federal Democratic Republic of Ethiopia.

Madam President,

The preservation of the state and its institutions is the main guarantee of the stability of peoples and the revival of communities to prevent them from falling into the abyss of anarchy and terrorism. I want to recall here the words of His Excellency President Abdel Fattah Al-Sisi, President of the Arab Republic of Egypt, in his statement before the General Assembly a few days ago.

Quote:

“There can be no way forward towards achieving an effective international order, if its main constituent unit, the nation-state, which is premised on the notions of citizenship, democracy and equality is in danger of disintegration... The disintegration of nations as a result of civil strife or regression to sectarian loyalties is responsible for the most dangerous phenomena in our contemporary world.”

End quote

In line with our consistent position, we reaffirm the need for a peaceful solution to the Syrian crisis with effective participation and a strong Arab role to enable the state to exercise control and sovereignty over the totality of its territory, to eliminate terrorist groups of all kinds, particularly those supported by Iran such as Hezbollah and others. We also stress the need to prevent regional interferences that harm Syria's present and future, and to realize the aspirations of the Syrian people for a peaceful and stable life. We reaffirm our support for the efforts of Mr. Staffan De Mistura, the United Nations Special Envoy to Syria.

Regarding the Republic of Yemen, the Kingdom of Bahrain is committed to its participation as an active member of the Arab Coalition to Restore Legitimacy in Yemen, since its inception. The Coalition is committed to restoring peace and security to Yemen and to assisting the people of Yemen in all areas, most particularly the humanitarian aspects. The Coalition is moving forward in its mission to guarantee Yemen's unity, independence and territorial integrity, and to put an end to foreign interference in its internal affairs, notably by the Iranian regime until a political solution is reached with the participation of all, on the basis of the GCC Initiative and its Implementation Mechanisms, the Outcomes of the National Dialogue, and Security Council resolution 2216.

Madam President,

If we really wish to have peace and security throughout the Middle East, Jerusalem must remain, as it has always been, the historic symbol of coexistence and harmony among religions. The continuation of the conflict is not an unavoidable destiny and the achievement of peace is an attainable objective. For this we need to exert further efforts to reach a just and comprehensive peace that offers the Palestinian people, like all other peoples, the right to a decent life and to an independent and sovereign state, based on the 4 June 1967 borders with East Jerusalem as its capital, and guarantees the return of refugees on the basis of the two state solution and in accordance with the Arab Peace Initiative and relevant international resolutions. We stress here the importance of the commitment not to alter the legal status of East Jerusalem and the need for the international community to act in order to put an end to all Israeli measures concerning the inhabitants of Jerusalem, sacred sites, and their places of worship.

We also stress the need to offer all possible assistance to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), to preserve it and to enable it to discharge its noble duties to improve the situation of Palestinian refugees and alleviate their suffering.

Madam President,

The peace and stability of the Republic of Iraq, and the preservation of its sovereignty and the prosperity of its people is what we wish for this authentic Arab country. We are hopeful that Iraq will resume its leading role in its Arab, regional and international environment. We stress the necessity of stopping regional interference in its internal affairs, particularly by the Iranian regime and its diverse tools such as armed militias and terrorist groups, so that its people may enjoy security and prosperity.

Regarding Libya, we reiterate the Kingdom of Bahrain's consistent position in support of all efforts towards the reconstruction of the state and the unification of the military institution to enable it to

protect Libya and confront all forms of terrorism, to preserve its unity and territorial integrity, and to satisfy the aspirations of the Libyan people to achieve stability, development and progress.

The Kingdom of Bahrain stands by the Kingdom of Morocco against the flagrant Iranian plotting and interference in its internal affairs. Bahrain supports the serious and credible efforts by the Kingdom of Morocco to reach a political solution to the question of the Moroccan Sahara, on the basis of the Moroccan initiative of autonomy and relevant Security Council resolutions, and within the framework of the sovereignty, national unity and territorial integrity of the Kingdom of Morocco.

Madam President,

Your choice of the theme of this session, entitled “*Making the United Nations Relevant to All People, Global Leadership and Shared Responsibilities for Peaceful, Equitable and Sustainable Societies*” sends one message, namely that realizing these objectives means that we will fulfill the aims of the entirety of the United Nations Charter and achieve our desired goals.

The Kingdom of Bahrain, believes in this message and implements it as it continues its development path. It perseveres in its efforts to enhance the security and stability enjoyed by its people. It will never abandon its role in consolidating the spirit of tolerance, the values of coexistence and the principles of dialogue between states, peoples, cultures and religions. We have all witnessed here in New York the High-Level meeting convened by the King Hamad Global Centre for Peaceful Coexistence entitled: “*Towards Peaceful and Inclusive Communities*” in accordance with Sustainable Development Goal 16. I want to also mention the “*Bahrain Visions Forum: Shared Visions for a Successful Future - National, regional and global challenges and opportunities*”. These initiatives reflect the policy of the Kingdom of Bahrain and its faith in partnership and cooperation with the international community to overcome all challenges.

A state based on an open and diverse society, welcoming all those who walk on its land and live among its people, and which has offered, in the past as in the present, a successful model to be followed of what can be achieved under this rich diversity and positive openness, can only remain faithful to all international covenants and conventions. It is a model of a state that cares for its people’s interests and those of the region to which it belongs. This approach will continue to be built on the commitment of all, to the principles of good neighbourliness, mutual respect and restraint from inflicting harm on others or jeopardizing their security. Whoever goes astray and betrays their promise, whoever rejects those principles and frameworks, international law guarantees the redrawing of a peaceful path that ensures the security and stability of our states and the return of normality for the sake of a stable, prosperous environment with peaceful countries and secure peoples in a prosperous peacefully coexisting world.

Thank you Madam President

## **Annex 84**

United Arab Emirates Ministry of Foreign Affairs & International Cooperation, “UAE Calls for Comprehensive Approach to Address Different Dimensions of Regional Threats”, 30 September 2018

Website of the United Arab Emirates Ministry of Foreign Affairs & International Cooperation, available at <https://www.mofa.gov.ae/EN/MediaCenter/News/Pages/30-09-2018-UAE-New-York.aspx>



## NEWS

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## UAE calls for comprehensive approach to address different dimensions of regional threats.

9/30/2018



The United Arab Emirates has called for pursuing a comprehensive approach that addresses the different dimensions of the threats in the region.

This came in a statement by H.H. Sheikh Abdullah bin Zayed Al Nahyan, Minister of Foreign Affairs and International Cooperation, before the General Debate of the 73rd Session of the United Nations General Assembly in New York, 29 September 2018.

Sheikh Abdullah said that the region is facing four challenges: the first is foreign interference in the Arab world, particularly Iran, which has "reached an unprecedented level. We could not afford to remain mere spectators when these threats reached Yemen and the brotherly nation of the Kingdom of Saudi Arabia, which continues to be subjected to a barrage of Iranian ballistic missiles."

"The second challenge the region is facing is the spread of extremism and terrorism and the exploitation of modern technology by extremist and terrorist groups to disseminate their dangerous ideologies," he added.

The third challenge is the prolonged crises in the region, while the deterioration of economic, social, and humanitarian conditions is the fourth and main challenge that the region is facing, Sheikh Abdullah noted.

The Foreign Minister blamed the Houthi's failure to attend peace talks in Geneva for the worsening humanitarian situation in Yemen, despite the UAE aid efforts.

Condemning Iran's support to terrorist groups in the Arab world, Sheikh Abdullah said, "We cannot continue to rely on other states to solve issues in our country."

As well as obstructing humanitarian assistance, the Houthis are receiving arms from Iran, planting landmines and recruiting children to fight, Sheikh Abdullah said.

He reiterated the vital role of the United Nations in "supporting political processes, strengthening dialogue, and building confidence among governments to maintain international peace and security, especially in light of the worrying uncertainty that currently defines the international order."

Sheikh Abdullah reaffirmed the UAE demand for its legitimate right to sovereignty over its three islands: Greater Tunb, Lesser Tunb, and Abu Musa, which Iran has been occupying for 47 years in flagrant violation of international law and the UN Charter.

## MoFAIC || News || UAE calls for comprehensive approach to address different dimensions of regional threats

The UAE's Foreign Minister stressed the role the country is playing in counter-terrorism, humanitarian assistance and pioneering Artificial Intelligence and space technologies.

Following is Sheikh Abdullah's statement: "Madam President. At the outset I would like to congratulate you on the presidency of the General Assembly session this year and thank your predecessor for his effective leadership during the previous session. I would also like to express my country's appreciation of the considerable efforts made by the Secretary-General, Mr. Antonio Guterres.

This year, the United Arab Emirates is celebrating the centennial of the birth of the late Sheikh Zayed bin Sultan Al Nahyan, the founder of the Union and the leader whose enlightened vision and noble values transformed my country into a successful political, economic, and social model. As we celebrate the centennial of the birth of our founding leader, we realize that we are not isolated from our surroundings and that our success has increased our humanitarian and overall responsibilities as an Arab country towards a region that faces numerous challenges.

In the last few years, we have witnessed major changes in the international order – the consequences of which are becoming more apparent day after day, most notably the rise of armed terrorist groups that rely on extremist ideologies and aim to destabilize and control countries. What is even more dangerous is the support that rogue states provide to these groups.

Amid these dangerous challenges, which affect the security and stability of every state, especially in our region, it has become imperative for the UAE to be more active in maintaining regional security through strengthening partnerships to address current challenges.

We realise that we cannot continue to rely on other states to solve the crises in our region. No single country, regardless of its capabilities, can alone restore security and stability because the nature of the transnational challenges we face requires collective responsibility.

In our endeavor to achieve regional security and stability, we follow a comprehensive approach that addresses the different dimensions of the threats in our region, which are reflected in the following four principal challenges: The first challenge is foreign interference in the affairs of the Arab world, where certain regional countries, particularly Iran, seek to undermine the security of the region by spreading chaos, violence, and sectarianism. Iran's interference in Arab affairs has reached an unprecedented level. We could not afford to remain mere spectators when these threats reached Yemen and the brotherly nation of the Kingdom of Saudi Arabia, which continues to be subjected to a barrage of Iranian ballistic missiles. The security of countries in the region is interdependent, and our security is tied to the security of the Kingdom of Saudi Arabia. Therefore, we responded as part of the Coalition to Support Legitimacy in Yemen in order to put an end to the Houthis coup and to address Iran's nefarious interference.

In this context, it is critical to differentiate between the behavior of illegitimate armed groups that are committing serious violations and criminal and subversive acts in Yemen – as the Houthis are doing – and the legitimate measures taken by the Coalition that was formed at the request of the legitimate Yemeni government. The Coalition's goal is to reestablish stability by taking measured steps that consider humanitarian aspects and are in accordance with Security Council resolutions.

Madam President, Despite the Coalition's tireless efforts to restore stability in Yemen and alleviate the suffering of its people, the Houthis' intransigence regarding serious peace initiatives – as proved by their absence from the recent Geneva talks – has exacerbated the humanitarian situation in Yemen. In particular, the Houthis continue to obstruct humanitarian assistance and are receiving Iranian arms, planting landmines, and recruiting children. In light of these serious developments, the forces of the Coalition to Support Legitimacy launched their military operations to liberate Hodeida from the grip of the Houthis to achieve a strategic shift that would enhance the prospects of reaching a political solution. In conjunction with the operations of the Coalition in Hodeida and other areas in Yemen, the humanitarian aspects have always been considered. Hence, the Hodeida operation was planned and implemented bearing in mind the work of relief organizations and the humanitarian needs of the local population, in accordance with our obligations under international humanitarian law. We have also strengthened and expanded the UAE's humanitarian aid, emergency relief, and development assistance.

While we counter the Houthis in the north of Yemen, my country will continue its advances against "Al-Qaida in the Arabian Peninsula". This terrorist group was severely impacted after the Coalition to Support Legitimacy depleted its forces, cut off its sources of financing, and liberated the territories that were under its control.

The mistrust in Iran's intentions and the concerns over its nuclear ambitions are not only limited to our region. These concerns were also reflected in the decision taken by the United States to withdraw from the Iranian nuclear agreement and re-impose its sanctions. Iran has never ceased its aggressive behavior in the region, nor abandoned its intention to develop weapons of mass destruction, even when the international community granted Iran the opportunity to rectify its policies and behavior. In this regard, we reiterate the importance of a united international position against Iran that addresses its development of ballistic missiles, its support to terrorist groups, and its use of proxy wars to undermine regional and international security.

The second challenge the region is facing is the spread of extremism and terrorism and the exploitation of modern technology by extremist and terrorist groups to disseminate their dangerous ideologies. Though we have made some promising advances against these extremist and terrorist groups in Syria, Iraq, and Yemen, and some cities were liberated in Libya, our fight will continue until this scourge is eliminated.

The situation is becoming more dangerous as some States establish media outlets that incite hatred and constitute platforms for extremist and terrorist groups. Those who disseminate this kind of extremist and terrorist ideology are equally responsible for the acts of violence committed under the name of these ideologies. Therefore, the UAE has been at the forefront of states combating extremism and terrorism – in both the ideological and security realms – and we have provided support to international forces such as the G5 Sahel Joint Force as part of our efforts to eliminate extremism and terrorism wherever it exists. My country has also established specialized institutions to counter extremist narratives, promote tolerance, and disseminate, as a positive alternative, a culture of acceptance and an optimistic vision at national, regional, and international levels.

Convinced that lasting global peace can only be achieved by making peace between religions, the Forum for Promoting Peace in Muslim Societies launched an international initiative to build an alliance among the Abrahamic religions and world philosophies. This alliance is based on the principles that go beyond the paradigm of religious argument and conflict and look towards a paradigm of mutual recognition and cooperation, guided by international covenants and the spirit of our noble values and shared virtues.

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We stress here our unwavering and unequivocal rejection of both extremism and terrorism and emphasize that our policies to counter supporters of extremism, violence, or hatred make no distinction between a group and a state. To that end, the UAE along with its close allies – the Kingdom of Saudi Arabia, the Kingdom of Bahrain, and the Arab Republic of Egypt – have taken sovereign measures towards Qatar. These measures are vital and decisive in confronting extremism and terrorism and are considered imperative to achieving a secure region.

The third challenge is the prolonged crises in the region, which are merely "managed" in the absence of political solutions. In this regard, the United Arab Emirates will constantly strive to support the existing political initiatives, including working with UN envoys.

In this context, the Palestinian issue continues to wait for the international community to reach a comprehensive, just, and lasting solution to end the suffering of our brothers in Palestine. We must underscore that the continuation of this human tragedy is exploited by extremist groups and rogue states.

Lastly, we believe that the deterioration of economic, social, and humanitarian conditions is one of the main challenges that the region is facing. The UAE's successful model has led us to believe that wise leadership, determination to achieve prosperity, and a forward look to the future are key to building nations and protecting them from war. Therefore, my country's foreign policy has developmental, humanitarian, and cultural dimensions to support the needs of peoples and to achieve the Sustainable Development Goals.

At the core of the developmental dimension of our foreign policy is the strengthening of economic opportunities and the empowerment of women and youth in conflict-affected countries. We believe that rebuilding Iraq is a prime example of the importance of uniting international efforts to help countries recovering from conflicts. In this regard, the international community must support building peaceful and inclusive communities, including the protection of minorities and prevention of atrocities against them, as witnessed in the crimes committed against the Yazidis and Rohingyas. My country is also playing a vital role in providing humanitarian assistance to areas affected by conflicts and disasters around the world.

The UAE aspires to transform the region into a global center for technology, culture, and innovation after decades of crises. Thus, my country focuses on anticipating challenges and investing in frontier domains, especially artificial intelligence, space technology, and renewable energy. I would like to emphasize that empowering women and youth and investing in their unlimited skills contributes to building resilient and cohesive societies and, eventually, stable and safe countries.

Today our Arab region is in dire need of a comprehensive transformation in the region that brings it out of chaos into stability and from isolation and unilateralism into openness and planning for the future. We are cognizant that achieving this shift will not be easy and that our efforts in this direction will only succeed by intensifying collective action, and, most importantly, each state must fulfill its responsibilities to achieve this goal.

In this context, I would like to reiterate the vital role of the United Nations in supporting political processes, strengthening dialogue, and building confidence among governments to maintain international peace and security, especially in light of the worrying uncertainty that currently defines the international order. The UAE views the historic agreement reached between Ethiopia and Eritrea – under the auspices of the Kingdom of Saudi Arabia – as a powerful motivation for the international community to strengthen diplomatic efforts.

In addition, the international community must take a firm and consistent stance towards States that have hostile policies and violate international law and the Charter of this organization. Furthermore, the UAE reiterates its demand for its legitimate right to sovereignty over its three islands: Greater Tunb, Lesser Tunb, and Abu Musa, which Iran has been occupying for 47 years in flagrant violation of international law and the UN Charter. We reiterate from this podium our calls to Iran to respond to my country's sincere calls to return the occupied islands to their rightful owners, either voluntarily or through the peaceful means of resolving international disputes, particularly direct negotiations, or by referring the issue to the International Court of Justice or international arbitration.

Madam President, I would like to emphasize that the UAE's vision for the region is based on the values upon which it was founded, the real accomplishments achieved at the national level, and the actualities of our regional experiences side by side with our brotherly nations, particularly with the Kingdom of Saudi Arabia, with whom we share a vision that drives towards hope with an aim towards achieving a brighter future for the region and for all peoples. Thank you!"