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# ICAO

## International Civil Aviation Organization

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### COUNCIL

### EXTRAORDINARY SESSION

Montréal, 31 July 2017

### SUMMARY MINUTES



2017





**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 Frasquiere	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

**ALSO PRESENT (CONTINUED):**

Mr. E.A. Al-Malki (Obs.)	— Rep. of Qatar to ICAO
Mr. F.M. Kafood (Obs.)	— Qatar
Mr. A. Al-Subaey (Obs.)	— Qatar
Mr. A. Al-Shahwani (Obs.)	— Qatar
Mr. N. Al Suwaidi (Obs.)	— Qatar
Mr. A.M.A. Ishaq (Obs.)	— Qatar
Mr. E. Mandany (Obs.)	— Qatar
Mr. J. Al Haroon (Obs.)	— Qatar
Mr. F. Atti (Obs.)	— Qatar
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. S.A.R. Hashem (Rep.)	— Saudi Arabia
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Alhamdan (Alt.)	— Saudi Arabia
Mr. N.B. Alsudairy (Adv.)	— Saudi Arabia
Mr. W.M.A. Alidrissi (Adv.)	— Saudi Arabia
Mr. I.B. Al Jabri (Adv.)	— Saudi Arabia
Mr. Ö. 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)

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

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

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

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

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

4. The President noted that in accordance with Article 53 of the Convention and Rule 31 of the *Rules of Procedure for the Council* (Doc 7559), and following the Council’s approval (cf. President’s 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; **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.

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 MIDSJ, 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, MIDSJ, 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/14641 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.

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