



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org Twitter Account: [@CIJ_ICJ](https://twitter.com/CIJ_ICJ) YouTube Channel: [CIJ ICJ](https://www.youtube.com/CIJ_ICJ)

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Press Release

Unofficial

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6 December 2019

Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v. Qatar)

Conclusion of the public hearings

The Court to begin its deliberation

THE HAGUE, 6 December 2019. The public hearings in the case concerning the Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v. Qatar) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Monday 2 December 2019 at the Peace Palace, the seat of the Court, the delegation of Bahrain was led by H.E. Sheikh Fawaz bin Mohammed Al Khalifa, Ambassador of the Kingdom of Bahrain to the United Kingdom, accredited to the Kingdom of the Netherlands, as Agent; the delegation of Egypt was led by H.E. Mr. Amgad Abdel Ghaffar, Ambassador of the Arab Republic of Egypt to the Kingdom of the Netherlands, as Agent; the delegation of the United Arab Emirates was led by H.E. Ms Hissa Abdullah Ahmed Al-Otaiba, Ambassador of the United Arab Emirates to the Kingdom of the Netherlands, as Agent; and the delegation of Qatar was led by Mr. Mohammed Abdulaziz Al-Khulaifi, Legal Adviser to H.E. the Deputy Prime Minister and Minister for Foreign Affairs of the State of Qatar, Dean of the College of Law, Qatar University, as Agent.

The Court's Judgment will be delivered at public sitting, the date of which will be announced in due course.

Submissions of the Parties

At the end of the hearings, the Agents of the Parties made the following submissions to the Court:

For the Applicants:

“In accordance with Article 60, paragraph 2, of the Rules of Court, and for the reasons set out during the written and oral phase of the pleadings, the Kingdom of Bahrain, the Arab Republic of Egypt and the United Arab Emirates hereby request the Court to uphold their Appeal against the Decision rendered by the Council of the International Civil Aviation Organization dated 29 June 2018, in proceedings commenced by Qatar’s Application (B) dated 30 October 2017 against the three States pursuant to Article II, Section 2 of the IASTA.

In particular, the Court is respectfully requested to adjudge and declare, rejecting all submissions to the contrary, that:

- (1) the Decision of the ICAO Council dated 29 June 2018 reflects a manifest failure to act judicially on the part of the ICAO Council, and a manifest lack of due process in the procedure adopted by the ICAO Council; and
- (2) the ICAO Council is not competent to adjudicate upon the disagreement between the State of Qatar and the Appellants submitted by Qatar to the ICAO Council by Qatar’s Application (B) dated 30 October 2017; and
- (3) the Decision of the ICAO Council dated 29 June 2018 in respect of Application (B) is null and void and without effect.”

For Qatar:

“In accordance with Article 60 of the Rules of Court, for the reasons explained during these hearings, Qatar respectfully requests the Court to reject Joint Appellants’ appeal and affirm the ICAO Council’s Decisions of 29 June 2018 dismissing Joint Appellants’ preliminary objection to the Council’s jurisdiction and competence to adjudicate Qatar’s claims before the Council.”

History of the proceedings

For a complete history of the proceedings, see paragraphs 246-255 of the Annual Report of the Court for 2018-2019, which is available on the Court’s website (www.icj-cij.org).

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents. The complete verbatim records of the hearings held from 2 to 6 December 2019 are published on the website of the Court (www.icj-cij.org).

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Ms Joanne Moore, Information Officer (+31 (0)70 302 2337)

Mr. Avo Sevag Garabet, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)