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**Published on the website on May 2024**

**Legislative Decree No.(1) of 1999 approving the Arab Satellite Communications Organisation’s Amended Agreement**

We, Isa bin Salman Al Khalifa, the Emir of the State of Bahrain,

Having reviewed Article (37) of the Constitution,

Emiri Order No. (4) of 1975;

And Legislative Decree No.(25) of 1976 regarding the approval of the Arab Satellite Communications Organisation Agreement;

And upon the submission of the Minister of Transportation;

And after the approval of the Council of Ministers;

**Hereby Decree the following:**

**Article One**

The Arab Satellite Communications Organisation Agreement amended on 19 Shawwal 1410 A.H. corresponding to 14 May 1990 accompanying this Decree, has been approved.

**Article Two**

The Minister of transportation shall implement this Law, and it shall come into force from the date of its publication in the Official Gazette.

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa.**

Issued at Riffa Palace:

on: 18 Ramadan 1419 A.H.

**Corresponding to:** 5 January 1999

**Agreement of the Arab Satellite Communications Organisation**

The representatives of the governments of the countries:

- The Hashemite Kingdom of Jordan

- The United Arab Emirates

- The State Of Bahrain

- The Republic of Tunisia

- The People's Democratic Republic of Algeria

- The Kingdom of Saudi Arabia

- The Republic of the Sudan

- The Syrian Arab Republic

- The Democratic Republic of Somalia

- The Republic of Iraq

- The Sultanate of Oman

- The State of Qatar

- The State of Kuwait

- The Republic of Lebanon

- The Great Socialist People's Libyan Arab Jamahiriya

- The Arab Republic of Egypt

- The Kingdom Of Morocco

- The Islamic republic of Mauritania

- The Yemen Arab of republic

- The People’s Democratic Republic Of Yemen

- The State of Palestine

- The Republic of Djibouti

They have already signed an agreement establishing the Arab Satellite Communications Organisation in Cairo On 14 Rabi al-Thani 1396 A.H. corresponding to 14 April 1976

Desiring to amend some of the provisions of this Agreement in a way that gives the Organisation sufficient administrative and financial flexibility to work in accordance with the economic and commercial rules for the management and development of the arab satellite network,

Have agreed on the following provisions:

**Article One: Definitions**

For the purposes of this Agreement, the terms shall have the meanings indicated opposite each of them:

A) Agreement**:**

The Arab Satellite Communications Organisation Agreement and the accompanying annexe.

B) The Organisation**:**

The Arab Satellite Communications Organisation.

C) Member:

The Arab State has ratified or acceded to the Organisation's Agreement.

D) General Assembly:

The General Assembly of the Organisation.

E) Board of Directors:

The Organisation’s Board of Directors.

F) The Director General:

Head of the executive body.

G) Arab satellite sector:

Means of communication, means of tracking, telemetry, control and monitoring, related installations and all equipment necessary to operate these means.

H) Telecommunications:

Any transmission, broadcast or reception of signs, instructions, writings, images, sounds or data of any kind by wire, wireless, optical or any other electromagnetic systems.

I) General Telecom Services:

Fixed or mobile services for wired and wireless communications that can be secured to the public by available means such as telephone, telegraphic and telex services, data transmission, image transmission, radio and television transmission services, all in accordance with the standards adopted by the Organisation in connection with the Satellite sector for transmission thereafter to the public. These services also include circuits leased to any advanced purposes.

J) Specialised services for communications:

Telecommunications services that can be provided by means other than those defined in Paragraph (I) of this Article, including radio and television navigational communications services, radio and television fluid services, meteorological services, terrestrial resource services and satellite research.

K) user:

The user of the Arabsat system or the beneficiary of its services other than the administrations of the member states of the Organisation.

L)                                               Ground stations:

Every fixed or mobile terrestrial facility established for the purpose of transmitting and receiving via the arab mean, other than the tracking, telemetry, control and monitoring stations.

**Article Two: The nature of the Organisation:**

The Organisation is specialised in the field of satellite communications, sciences and technologies.

The Organisation has an independent legal personality and has the right, within the scope of its objectives, to contract and conclude agreements, to own movable and immovable property and intangible rights, and to dispose of these funds and rights. It has the right to litigate and carry out all legal actions known to an independent legal person.

**Article Three: The Organisation's goals and activities:**

The Organisation aims, in general, to secure general and specialised services in the field of satellite communications for all members and other users in accordance with appropriate technical and economic standards and methods.

In order to achieve its objectives, the Organisation may engage in all activities and works related to that, including, but not limited to, the following:

1- Operating and investing in an Arab satellite sector, whether on the basis of construction and ownership or on the basis of leasing as it deems appropriate.

2- Arranging the movement of telephone, telex and telegraphic communications, data transmission and image transmission among members via the Arab Satellite Network, and in coordination with the concerned communications departments.

3- Arranging television and radio transmissions between members via the Arab Satellite Network, in coordination with the concerned departments and bodies.

4- Setting rules for the use of television and radio channels in order to achieve the local and collective demands of the members.

5- Providing consulting services in the field of satellite communications for a fee.

6- Encouraging the establishment of Arab industries for Satellite equipment and ground equipment such as receiving and transmitting stations.

7- Investing its funds in a manner that does not conflict with its objectives.

8- Any other activities or works that serve its objectives.

**Article Four: Headquarters and control stations:**

1- The headquarters of the Organisation shall be in the city of Riyadh in the Kingdom of Saudi Arabia, and branches may be established in the member states.

2- The main control station shall be in the Kingdom of Saudi Arabia and the auxiliary control station in the Republic of Tunisia. The Organisation may establish other control stations if the technical and operational requirements so require.

**Article Five: Capital:**

The capital is determined at an amount of one hundred and sixty-three million, one hundred and forty-one thousand, two hundred and sixty-two US dollars (163.141.262 dollars) distributed among the members according to the accompanying annex.

The capital may be adjusted by increase or decrease based on the proposal of the Board of Directors and the approval of the General Assembly.

Upon approving the capital increase, the General Assembly may offer all or part of the increase for public subscription among people, companies and institutions in the Member States in accordance with the rules set by the General Assembly regulating this subscription.

**Article Six: Contribution to the company’s capital:**

1- The members' contribution to the Organisation's capital shall be in accordance with the percentages shown in the accompanying appendix.

2- A member may request an increase in his shareholding based on a request submitted to the Board of Directors to present it to the General Assembly, which takes a decision in his regard and the consequent capital increase. This decision does not have any legal effects unless the full amount of the increase is paid. The member is also entitled to reduce his contribution by assigning part of his shareholding percentage to one or more members, provided that this is accompanied by the approval of the General Assembly.

3- In all cases, the minimum contribution shall be one per thousand (0.001) of the capital for members.

4- The shareholding percentages shown in the accompanying annex shall be amended when a new member joins, the capital is modified, or when the shareholding of any member is increased or one of the members withdraws, by a decision of the General Assembly.

**Article Seven: Payment of the contribution value or increase in it:**

1- The joining member shall pay (5 percent) of the value of his contribution when joining the Agreement and pay the rest of the value of his contribution according to a timetable set by the Board of Directors and approved by the General Assembly.

2- The member shall pay the value of increasing his contribution in accordance with Article 6 of this Agreement within sixty days of the General Assembly’s approval of his request.

3- In the event of an increase in the capital in accordance with the provisions of Article Five of this Agreement the General Assembly shall determine its request.

4- Financial obligations shall be paid within sixty days from the due date. In the event of late payment, the member shall be obligated to pay compensation for the late payments at the rate of one percent for each full month of the delay period.

**Article Eight: Dividend Distribution:-**

The Organisation's profits are distributed according to the percentage of participation in the capital and in accordance with the implementing regulations.

**Article Nine: The Organisation’s instruments:-**

The Organisation's instruments consist of:

1- The General Assembly

**2- The Board of Directors**

**3- The Executive Bureau**

**Article Ten: The General Assembly:-**

1-The General Assembly consists of the ministers responsible for communications in the Arab member states or their authorised representatives in writing. A member may authorise another member in writing to represent him in the General Assembly. A member may not be authorised by more than one member.

2- The presidency of the General Assembly shall rotate among the member states in alphabetical order.

3- The General Assembly holds an ordinary session during the month of April or May of each year, upon the invitation of the Director General, at the headquarters of the Organisation.It may also hold its meetings at the headquarters of one of the branches or with one of the members upon his invitation, in which case the General Assembly shall be chaired by the host countries.

4- The General Assembly may hold an ordinary session upon the request of the Board of Directors or the request of one or more members submitted to the Director General and approved by one-third of the Member States. The request shall specify the purpose of the invitation, and the Director General shall make the necessary arrangements to hold the meeting within sixty days from the date of the request. The Board of Directors or the completion of the approval of one-third of the members, as the case may be.

5- The meeting of the General Assembly shall be valid in the presence of the absolute majority of the members, provided that the percentage of shareholding owned by them shall not be less than two-thirds of the capital, and voting shall be based on the percentage of shareholding in the capital.

6- The decisions of the General Assembly in substantive matters are promulgated by a two-thirds majority of the participation percentages. As for the procedural matters, the decisions are promulgated by the absolute majority of the participation percentages.

- The General Assembly takes its decisions on whether an issue is considered a procedural or substantive issue by an absolute majority of the percentage of participation, and in all cases the number of countries approving the decision must not be less than eight countries.

7- The Director General assumes the functions of the General Secretariat of the General Assembly.

**Article Eleven: Functions of the General Assembly:**

The General Assembly is the main instrument of the Organisation, and it undertakes the following functions:

1- Approve the Organisation's general policy and plans that achieve its objectives stipulated in the Agreement based on the proposal of the Board of Directors.

2- Approve the rules for determining remuneration for the use of the Satellite sector for all types of services on the basis of the Board of Directors' recommendations.

3- Examine the reports drawn up by the Board of Directors on the various activities of the Organisation and issue appropriate orientations

4- Establish the principles and foundations for the Organisation's relationship with international authorities and organisations in accordance with general international rules and at the suggestion of the Board of Directors.

5- Settle the disputes that may arise between the Organisation and one or more of its own members in accordance with article nineteen of this Agreement.

6- Examine the complaints and disputes arising from the use of the Arab Satellite network submitted to it through the Board of Directors.

7- Take decisions regarding a member's withdrawal.

8- Approve the rules for financial settlements when a new member joins or upon withdrawal of a member or upon recalculation of contribution ratios

9- Suspend the membership rights for those who are more than a year late in paying their financial obligations until those obligations are fulfilled.

10- Approve the estimated budget and the general budget in its final account.

11- Take decisions on the identification of members' contributions based on the recommendations of the Board of Directors.

12- Elect the members of the Board of Directors in accordance with article twelve of the Agreement.

13- Appoint the statutory auditors.

14- Approve the adjustment of the Organisation’s capital by increase or reduction, and approve the increase of the Organisation’s capital through public subscription.

15- Approve the proposals to amend the Organisation’s Agreement.

16- Establish committees from among its members to perform specific tasks.

17- Adopt the timetable proposed by the Board of Directors for payment of the members' contributions pursuant to article seven of the Agreement.

18- Issue financial and administrative regulations upon the suggestion of the Board of Directors

19- Issue the internal regulation of the General Assembly

The General Assembly may delegate some of its powers to the Board of Directors or the committees formed from among its members.

It may, in urgent and exceptional circumstances, issue decisions through passing by a two-thirds majority of the capital contribution percentages.

**Article Twelve: The Board of Directors:-**

1- The Board of Directors shall consist of nine members who shall be selected annually as follows:

A) The first five members in the percentage of participation in the capital of the Organisation, and in the event of an equal number of more than the specified number in the percentage of participation, the member who is the largest in the usage rate is chosen.

B) The two members with the highest usage rate, other than the five mentioned in the above paragraph, among the members who have paid their financial obligations.

C) Two other members who have paid their financial obligations shall be elected from those not mentioned above.

In calculating usage rates, what is relied upon is the sum of the value of regional and local traffic on December 31 prior to the meeting of the General Assembly in session to determine the members.

2- Member States of the Board of Directors shall appoint their delegates and representatives to attend the work of the Board. A member may authorise in writing another Board member to represent him or her at the meetings. A member may not be authorised by more than one member.

3- The Board of Directors shall annually elect from among its members a Chairman and a Vice-Chairman.

4 -The Board of Directors shall hold its meetings in accordance with the rules stipulated in the implementing regulation.

5- Meetings of the Board of Directors are held at the Organisation's headquarters or in one of its branches unless there is an invitation from a member.

6- The meeting of the Board shall be valid with the presence of at least seven of its members. In the event that the legal quorum for the meeting is not available, the Board shall meet two weeks after the specified date.

In the event that the quorum is not available again, the Chairman of the Board of Directors shall call for an Extraordinary session of the General Assembly after one month from the date specified for the meeting of the Board.

The General Assembly performs the functions of the Board of Directors at this meeting.

7- Each member shall have one vote.

8- The Board of Directors issues its decisions by the absolute majority of the members present and represented, and in case of a tie, the side to which the chairman belongs shall prevail.

9- The Director General shall attend the meetings of the Board of Directors and shall not be entitled to vote.

10- The Board of Directors has the right to invite whomever it deems appropriate to attend its meetings.

**Article Thirteen: Competences of the Board of Directors:-**

The Board of Directors works to provide, invest and maintain the satellite sector. It also undertakes the implementation of the policies approved by the General Assembly, and in particular:

1- Execute the general policy and plans approved by the General Assembly.

2- Approve the projects necessary to expand and develop the satellite sector and its requirements within the framework of the approved plans.

3- Develop policy, plans and programs related to the design, implementation, operation, development and maintenance of the satellite sector, and carry out any activities that the Organisation is authorised to practice under the Agreement

4- Periodic determination of the fees for using the Satellite sector for all types of services based on what the Executive Bureau proposes in accordance with the rules approved by the General Assembly.

5- Develop general standards and rules that must be available in ground stations to be suitable for communication with the Satellite sector.

6- Develop future plans and programs for the Organisation's activities and their estimated costs, and submit them to the General Assembly for approval.

7- Approve standards and procedures, in accordance with the general rules proposed by the Executive Bureau, regarding the technical adequacy of ground stations interacting with the satellite sector.

8- Approve the general rules governing the distribution of the satellite sector's capacity based on what the Executive Bureau proposes.

8- Determine the investment shares and present them to the General Assembly.

10- Present the annual report to the General Assembly on the Organisation's activity, as well as the estimated budget and the general budget with its final account.

11- Propose the amendment of the Organisation's capital.

12- Propose the appointment of the statutory auditors.

13- Appoint the Director General of the Organisation, determine his remuneration, and terminate his services.

14- Appoint assistants to the Director General based on the proposal of the Director General, appoint the internal auditor, and approve the appointment by the Director General of the departments’ managers in the Executive Bureau.

15- Approve of requests to use the satellite sector.

16- Prepare financial and administrative regulations to be presented to the General Assembly.

17- Form the necessary committees to carry out specific tasks to serve the purposes of the Organisation and within the limits of its powers.

In urgent and exceptional cases, the Board has the right to issue decisions by passing, and the decision shall be unanimous

**Article Fourteen: The Executive Bureau:**

1- The Executive Bureau consists of a number of administrative, financial and technical units determined by the Organisation's internal regulation.

2-The Director General shall head the Executive Bureau, and shall be assisted by a sufficient number of employees, all of whom shall report to the Director General according to the job hierarchy. Their selection shall ensure a high level of qualification, experience and competence as determined by the implementing regulation.

**Article Fifteen: The Director General**

1- The Director General of the Organisation shall be appointed according to a contract signed by the Chairman of the Board of Directors or his representative, after the Board has approved the wording of the contract.

2- The Director General is the head of the Organisation's Executive Bureau and its legal representative, and he is accountable to the Board of Directors.

3- The Director General shall exercise his duties within the limits of his powers stipulated in this Agreement and in the internal regulations of the Organisation.

4- In the event of a vacancy in the position of the Director General, one of his assistants shall be assigned by the Board of Directors to manage the business of the Organisation and exercise the competencies and powers of the Director General until the appointment of the new Director General.

**Article Sixteen Privileges and immunities:**

All provisions of the Convention on the Privileges and Immunities of the League of Arab States promulgated by the League Council Decision No. 575 dated 10/5/1953 shall apply to the Arab Satellite Communications Organisation as well as:

1- The Organisation's funds, including its shares, property, assets, and technical equipment, shall be exempt from all types of taxes (direct or indirect), customs duties, and all other fees. Laws and orders promulgated to prohibit or restrict import or export do not apply to the equipment, tools or special materials used to perform its mission that the Organisation imports or exports.

2- The Organisation's funds and financial operations shall be exempt from the restrictions imposed on money and all other restrictions applicable in the State of the Organisation's headquarters or the headquarters of its branches or places of activity in the Member States.

3- Only the Director General and first category employees enjoy the diplomatic privileges and immunities stipulated in the Agreement on the Privileges and Immunities of the League of Arab States.

4- The purpose of granting privileges and immunities to the aforementioned employees of the Organisation is to take into account the interest of the Organisation and to enable it to carry out its tasks, and it should not be a justification for employees to abstain from performing their job duties or to deviate from laws and regulations.

5- The Board of Directors shall have the right to lift the immunity of any employee in cases where it deems that the immunity prevents the investigation of the truth and the application of the law, as long as lifting the immunity does not harm the interests of the Organisation.

**Article Seventeen: Withdrawal:**

1- Any member may withdraw from the Organisation based on an official letter submitted through diplomatic channels to the Secretary General of the League of Arab States, who notifies it to the members and the Organisation.

2- The withdrawal is not considered effective until one year has passed since the date of notification to the Secretary General, and the application may be withdrawn before the expiration of this period.

3 - The withdrawing member remains responsible for all the obligations that were contracted before the termination of its membership in accordance with the previous paragraph.

4- Upon the cessation of membership, the Organisation shall settle the accounts of the member in accordance with the implementing regulations of the Organisation.

5- At the end of the membership, the General Assembly shall amend the shareholding percentages shown in the Annex to the Agreement, taking into account the provisions of Article six thereof.

6- The withdrawing member may regain his membership at any time after the withdrawal becomes effective by submitting an official letter in accordance with the previous paragraph (1), and the application is presented to the first meeting of the General Assembly to decide on it.

**Article Eighteen: Amendments:**

1-The provisions of this Agreement may be amended based on a proposal by one or more members submitted to the Director General and approved by one-third of the members, or based on a proposal by the Board of Directors. The Director General notifies the proposal to all members.

2- The General Assembly shall study the proposed amendment in the first ordinary meeting held after the submission of the amendment proposal. It is also permissible to call for an extraordinary meeting to consider it in accordance with the provisions of Article ten of this Agreement provided that the amendment proposal has been distributed to the members ninety days prior to the date of the meeting.

3- The General Assembly issues its decisions approving the amendment by a majority of two-thirds of the shareholding percentages in the capital.

4- The amendment becomes effective after one-third of the Organisation's member states deposit their ratification documents on the amendment, provided that their share in the capital is not less than sixty percent.

**Article Nineteen: Settlement of disputes:**

The General Assembly of the Organisation examines the disputes arising between the Organisation and a member or more, or between the members themselves, and the decision of the General Assembly is final and enforceable within a period not exceeding ninety days from the date of its issuance.

**Article Twenty: Ratification:**

1- The Arab member states shall ratify this Agreement, each according to their constitutional systems, and the documents of ratification are deposited with the League of Arab States, which prepares a record of the deposit of each member’s document of ratification and communicates it to all other members.

2- Any Arab state signatory of the Agreement may join the Agreement and deposit its accession document in accordance with the procedures stipulated in paragraph (1) of this article.

**Article Twenty-One: Reservations**

Ratification or accession to this Agreement is considered a comprehensive commitment to all its provisions and no reservations may be made to it.

**Article Twenty-Two: Entry Into Force of the Agreement**

This Agreement shall enter into force for all members after sixty days from the date on which one-third of the members deposit their documents of ratification of the Agreement, provided that their share in the capital is not less than sixty percent. ( \* )

In witness whereof the plenipotentiaries whose names are hereinafter confirmed have signed this Agreement on behalf of and in the name of their respective States.

This Agreement was drawn up in the Arabic language in the city of Algiers on Monday the nineteenth of the month of Shawwal of the year 1410 A.H. corresponding to the fourteenth of the month of May of the year 1990, from an original kept in the General Secretariat of the League of Arab States, and copies identical to the original were delivered to each of the states associated with it.

(\*) This Agreement entered into force on 2 May 1992.

**Annex attached to the Agreement**

Table of contribution to the capital of the Arab Satellite Communications Organisation, calculated on the basis of a capital of 163.141.262 dollars.

|  |  |  |  |
| --- | --- | --- | --- |
| Ranking:  | Country Name  | Paid Contribution (US Dollar)  | Percentage of Contribution  |
| 1  | The Kingdom of Saudi Arabia  | 59.800.000  | 36.6553  |
| 2  | The State of Kuwait  | 23.800.000  | 14.5885  |
| 3  | Great Socialist People's Libyan Arab Jamahiriya  | 18.400.000  | 11.2785  |
| 4  | The State of Qatar  | 16.000.000  | 9.8074  |
| 5  | The State of United Arab Emirates  | 7.600.000  | 4.6585  |
| 6  | Hashemite Kingdom of Jordan  | 6.000.000  | 4.0455  |
| 7  | The Lebanese Republic  | 6,255,305  | 3.8342  |
| 8  | The State of Bahrain  | 4,000,000  | 2.4518  |
| 9  | The Syrian Arab Republic  | 3,400,000  | 2.0840  |
| 10  | The Republic of Iraq  | 3,100,000  | 1.9001  |
| 11  | The People's Democratic Republic of Algeria  | 2,800,000  | 1.7163  |
| 12  | The Arab Republic of Egypt  | 2,600,000  | 1.5937  |
| 13  | The Yemen Arab Republic(\*)  | 2,500,000  | 1.5324  |
| 14  | The Sultanate of Oman  | 2,000,000  | 1.2259  |
| 15  | The Republic of Tunisia  | 1,200,000  | 0.7355  |
| 16  | The Kingdom of Morocco  | 1,000,000  | 0.6129  |
| 17  | The Islamic Republic of Mauritania  | 449.977  | 0.2758  |
| 18  | The Republic of the Sudan  | 436.960  | 0.2678  |
| 19  | The State of Palestine  | 400.000  | 0.2451  |
| 20  | The Democratic Republic of Somalia  | 399.000  | 0.2445  |
| 21  | The People's Democratic Republic of Yemen(\*)  | 200.000  | 0.1225  |
| 22  | The Republic of Djibouti  | 200.000  | 0.1225  |

(\*) After the unification of the two parts of Yemen, the contribution of The Republic of Yemen became 2.700.000 dollars, and the percentage of its contribution 1.6549

**On behalf of the governments of:**

- The Hashemite Kingdom of Jordan

His Excellency Mr. Ibrahim Ayoub

- The State of The United Arab Emirates

Engineer Mohamed Hassan Omran

- The State Of Bahrain

His Excellency Mr. Ibrahim Humaidan

- The Republic of Tunisia

His Excellency Mr. Sadiq Rabeh

- The People's Democratic Republic of Algeria

His Excellency Mr. Hamid Sidi Al-Saeed

- The Kingdom of Saudi Arabia

His Excellency Dr. Alawi Darwish Kayal

- The Republic of the Sudan

Engineer Awad Al-Karim Wadaa

- The Syrian Arab Republic

Engineer Makram Obeid

- The Democratic Republic of Somalia

Mr. Faiz Hassan Ali

- The Republic of Iraq

Mr. Ghassan Radwan

- The Sultanate of Oman

His Excellency Ahmed bin Suwaidan Al Balushi

- The State of Qatar

His Excellency Mr. Abdullah Saleh Al-Mana

- The State of Kuwait

His Excellency Eng. Abdullah Abdul Mohsen Al Sharhan

- The Republic of Lebanon

His Excellency Mr. Edmond Rizk

- The Great Socialist People's Libyan Arab Jamahiriya

Engineer Abdullah Al-Kreidli

- The Arab Republic of Egypt

Engineer Mohamed Wagdy Abdel Hamid

- The Kingdom of Morocco

His Excellency Mr. Mohand Laenser

- The Islamic Republic of Mauritania

Mr. Mohamed Ould Sidi Mohamed

- The Yemen Arab Republic

His Excellency Professor Muhammad Al-Khadem Al-Wajih

- The People's Democratic Republic of Yemen

Mr. Qassem Askar Jubran

- The State of Palestine

Mr. Zuhair Al-Lahham

- The Republic of Djibouti

His Excellency Mr. Khair Alali Hared