

No. 930

**IRAQ
and
TURKEY**

**Agreement on civil air transport (with annex). Signed at Ankara, on
30 June 1947**

Official texts: Turkish and Arabic.

Registered by the International Civil Aviation Organization on 5 October 1950.

**IRAK
et
TURQUIE**

**Accord relatif aux transports aériens civils (avec annexe). Signé à
Ankara, le 30 juin 1947**

Textes officiels turc et arabe.

Enregistré par l'Organisation de l'aviation civile internationale le 5 octobre 1950

TRANSLATION — TRADUCTION

No. 930. AGREEMENT¹ ON CIVIL AIR TRANSPORT BETWEEN THE ROYAL GOVERNMENT OF IRAQ AND THE GOVERNMENT OF THE TURKISH REPUBLIC. SIGNED AT ANKARA, ON 30 JUNE 1947

The Royal Government of Iraq and the Government of the Turkish Republic, being desirous of concluding an agreement for air services between Iraq and Turkey, have to this effect appointed plenipotentiaries who, being duly authorized, have agreed as follows:

Article 1

The Contracting Parties grant to each other the rights specified in the annex hereto with a view to establishing the international civil air routes and services therein described. Such services may begin immediately or at a later date at the option of the Contracting Party to whom the rights are granted.

Article 2

(a) Each of the air services for which establishment rights have been granted by one Contracting Party to the other Contracting Party may be put into operation as soon as the latter Party has designated an airline or airlines for the operation of such service. The Contracting Party granting the rights shall, subject to the provisions laid down in paragraph (b) of this article and in article 6 hereinafter, be bound to grant without delay the necessary operating permit to the airline or airlines concerned.

(b) The Contracting Party granting the above-mentioned rights may, before authorizing the airline or airlines thus designated to operate the services mentioned in this Agreement, require such airline or airlines to adduce evidence of their qualifications in accordance with the laws and regulations.

(c) The establishment of an international airline in certain areas which may be designated by the governments concerned shall be subject to the approval of the competent military authorities.

Article 3

(a) Each Contracting Party agrees that the charges imposed or authorized for the use of its airports or other facilities by the airlines of the other Contracting

¹ Came into force on 21 December 1949, by the exchange of the instruments of ratification at Ankara, in accordance with article 12.

Party shall not be higher than those paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of a Contracting Party by an airline designated by the other Contracting Party or on behalf of such an airline and intended solely for the use of the aircraft of such other Contracting Party shall be accorded national or most-favoured-nation treatment with respect to the imposition of customs duties, inspection fees or other charges and national dues.

(c) The fuel, lubricating oils, spare parts, the normal equipment and the supplies retained on board the civil aircraft of air transport services of one Contracting Party authorized to operate the routes and services set forth in the annex hereto shall be exempt, when entering and leaving the territory of the other Contracting Party, from customs duties, inspection fees and other similar duties, even though the said supplies are used by such aircraft during flights carried out above its territory.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still valid shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the annex.

Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another State.

Article 5

(a) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airline or airlines designated by the other Contracting Party.

(b) The passengers and crews of aircraft and consignors of goods by air shall comply, either in person or through the intermediary of a third person acting in their name and on their behalf, with the laws and regulations in force in the territory of each Contracting Party respecting the entry, stay and departure of passengers, crews or cargo, such as regulations relating to entry, departure, immigration, passports and quarantine.

Article 6

Each Contracting Party reserves the right to withhold an operating permit from an airline designated by the other Contracting Party or to revoke such a permit in any case where it is not convinced that the substantial ownership and

effective control of that airline are vested in nationals of the other Contracting Party, or whenever that airline fails to comply with the laws and regulations of the State in which it is operating as described in article 5 above, or fails to perform its obligations under this Agreement.

Article 7

This Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization.

Article 8

Should either of the Contracting Parties desire to modify any provision or provisions of the annex to this Agreement, it may request that a consultation should be held between the competent authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. All modifications agreed upon by the said authorities shall come into effect after confirmation by an exchange of diplomatic notes.

If a general multilateral air convention should come into force with respect to the two Contracting Parties, the said Parties shall consult with each other with a view to causing this Agreement and the annex thereto to conform with the provisions of the said convention.

Article 9

(a) The Contracting Parties agree to submit to arbitration any dispute relative to the interpretation or application of this Agreement or of the annex thereto which it has not been found possible to settle by direct negotiation.

(b) Such a dispute shall be referred to the Council of the International Civil Aviation Organization established by the Convention on International Civil Aviation signed at Chicago on 7 December 1944.¹

(c) The Contracting Parties may also agree to settle the dispute by reference either to an arbitration tribunal or to any other person or body designated by them.

(d) The Contracting Parties undertake to comply with the award.

Article 10

The term "territory" shall have the meaning assigned to it by article 2 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944.

This provision shall apply to this Agreement and its annex except where otherwise provided therein.

¹ United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402; Volume 33, page 352; Volume 44, page 346, and Volume 51, page 336.

Article 11

Either Contracting Party may notify the other of its desire to denounce this Agreement. Such denunciation shall take effect twelve months after the date on which the other Contracting Party received the notification, unless the notification is withdrawn by agreement before the expiry of this period.

Article 12

The instruments of ratification shall be exchanged at Ankara as soon as possible. The Agreement shall enter into force on the date of the exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Agreement and have affixed their seals thereto.

DONE at Ankara, in duplicate, in the Arabic and Turkish languages, this thirtieth day of June 1947.

For the Royal Government of Iraq:
(Signed) Akram MUSHTAQ
Director of Civil Aviation

For the Government of the
Turkish Republic:
(Signed) Fuad CARIM

ANNEX

1. Airlines of the Government of Iraq authorized under the present Agreement and the annex thereto are accorded rights of transit and non-traffic stop in Turkish territory, as well as the right to pick up and discharge international traffic in passengers, cargo and mail on the following routes:

Bagdad—Ankara—Instanbul and countries beyond, in both directions, directly or from intermediate points situated in Iraq or in other countries.

2. Airlines of the Government of the Turkish Republic authorized under the present Agreement and the annex thereto are accorded rights of transit and non-traffic stop in Iraqi territory, as well as the right to pick up and discharge international traffic in passengers, cargo and mail on the following routes:

Ankara—Bagdad—Basra and countries beyond, in both directions, directly or from intermediate points situated in Turkey or in the territory of other countries.

3. In the establishment and operation of the air services covered by this Agreement and its annex the following principles shall apply:

(a) It is desirable to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind by adopting the cheapest rates consistent with sound economic principles, and to stimulate international air travel as a means of promoting friendly understanding and good-will among peoples and ensuring

as well the many benefits of every kind of this new form of transportation to the common welfare of both countries.

(b) The air-transport capacity available to the travelling public should bear a close relationship to the requirements of the public for such transport.

(c) Equal facilities shall be given to the airlines of the two Governments for the establishment of the air services provided for by this Agreement and its annex on any of the air routes between the two countries.

(d) In the operation of the trunk services described in this annex, the airlines of each Contracting Party shall consider the interest of the airlines of the other Contracting Party, so as not to affect unfairly the services which the latter provides on all or part of the same routes.

(e) The Contracting Parties agree that the capacity of the services provided by the airlines designated in accordance with this annex shall correspond above all to the traffic demands between the country of which such airline is a national and the country of ultimate destination of the traffic.

(f) The Contracting Parties agree that rates shall be fixed at reasonable levels, due regard being paid to all relevant factors, such as economic operation, reasonable profit, the different characteristics of the services and aircraft with respect to speed and comfort, and the rates charged by any other airline operating on the same route.

4. The right granted to such services to embark or disembark in international traffic passengers, goods and mail destined for third countries or in third countries at a point or points on the routes covered by this Agreement and the annex thereto shall be applied in accordance with the general principles of orderly development to which both Contracting Parties subscribe and shall be subject to the general principle that capacity should be related to:

- (a) Traffic requirements between the country of origin and the country of destination;
- (b) The requirements of trunk airline operation, and

(c) The traffic requirements of the area through which the airline passes after taking account of local and regional services.

5. The Contracting Parties agree to the following provisions:

(a) No airline of one Party shall operate services for remuneration or hire between two points in the territory of the other Party.

(b) Their airlines shall not start to operate services for remuneration or hire between their territories on the specified air routes until the competent aeronautical authorities of the two States have reached an agreement on transport capacity and on an equitable distribution of traffic between the two countries.

(c) No part of the present Agreement or the annex thereto shall be considered or interpreted as granting exclusive rights to one Contracting Party or to airlines of that Contracting Party or as preventing the granting of similar rights to airlines of another State or as constituting discriminatory treatment.

6. It is agreed that before putting an airline into operation each Contracting Party shall notify the other Party of the place at which it proposes to enter and depart from the territory of that Contracting Party, which shall then indicate the points of entry and departure and the air route to be followed over its territory.
